

Call for Participation in a Discussion Group on

DEMOCRACY DEMANDS DIVERSITY

Abstracts due: September 11, 2023

Introduction

The following is a Call for Participation in a Discussion Group on *DEMOCRACY DEMANDS DIVERSITY* to be held during the in-person AALS Annual Meeting from January 3-6, 2024 in Washington, DC.

Discussion groups allow a small group of faculty to engage in a sustained conversation about a topic of interest. This discussion group's participants are expected to write and share a short abstract (3 pages, double-spaced) to begin their participation in the discussion. The rest of the session will feature a lively and engaging discussion among the small group of participants. The participants in this discussion group will be the individuals identified in the original proposal submitted to the Program Committee, plus additional individuals selected from this "call for participation". There will be limited audience seating for those not selected in advance to be discussion participants.

Description

The U.S. Supreme Court plays a crucial role in defending democracy in the United States. As the highest court in the land, it is responsible for interpreting the U.S. Constitution and ensuring that the government operates within its bounds. Central to this role is the Supreme Court's duty to render decisions with consistency and fairness and, implicitly, to promote justice. Nowhere is this charge more at issue than in the Court's affirmative action jurisprudence.

In the fall of 2022, the U.S. Supreme Court heard oral argument in two cases that challenge the lawfulness of affirmative action at Harvard University and the University of North Carolina. In June 2023, the Court effectively ended the consideration of race in admissions. This decision upends the admissions processes used by many law schools. Several states have already banned the use of affirmative action in public school admissions. In states that have already banned affirmative action, the immediate result after the ban was a decrease in law school diversity at public schools. Many fear that the same result will occur following the Court's decision.

This discussion group will start with a brief overview of admissions processes and how they intersect with the U.S. Supreme Court's 2023 decision. The discussion group will then discuss the negative impact prohibiting affirmative action may have on democracy, and the responsibility of law schools and the legal profession to continue to pursue diversity in the

bench and bar regardless of the ruling. Specifically, the group will examine what law schools can do to defend democracy and limit the negative effects of the Court's decision. The overall goal of the program is to brainstorm actions law schools can take to promote diversity within law schools and the legal profession after the Court's decision.

Call for Abstracts

- The Annual Meeting Program Committee invites faculty and administrators who would like to join this Discussion Group to submit a three-page abstract that addresses the impact prohibiting affirmative action and the affect it may have, in addition the responsibility of law schools and legal professions to continue to pursue diversity in the bench and bar regardless of ruling **by Monday, September 11, 2023.**

Current organizers and confirmed discussion participants include Lolita Buckner Inniss (Dean, University of Colorado Law School), Sean Scott (President and Dean, California Western School of Law), Sudha Setty (Dean, City University of New York School of Law), and Elizabeth Kronk Warner (Dean, S.J. Quinney College of Law at the University of Utah).

Space in this Discussion Group is limited; the Committee, along with the faculty organizer who proposed this discussion, will select the remaining discussion participants from the abstracts submitted. At the AALS Annual Meeting in January, selected participants will make a one-two minute presentation during the Discussion Group. The remaining time will be devoted to a moderated, roundtable group discussion.

Each submission for this Discussion Group should include:

- The title of the submitted presentation/paper;
- The name, school and email of the applying participant;
- A three-page, double-spaced abstract that addresses the impact prohibiting affirmative action and the affect it may have, in addition the responsibility of law schools and legal professions to continue to pursue diversity in the bench and bar regardless of ruling; and
- The curriculum vitae of the applying participant.

In reviewing the submitted abstracts, the discussion group organizer and selection committee will consider the following:

- The fit and overall quality of the abstract for the Discussion Group;

- The diversity that the applying participant may bring in terms of a variety of factors including viewpoint diversity, institutional affiliation and status (tenure-track, non-tenure track, tenured); and if applicable
- The applying participant's willingness to publish his or her paper along with other Discussion Group papers.

Abstracts are due by **Monday, September 11, 2023** and should be submitted using the online submission form <https://aalsweb.wufoo.com/forms/sja3po01qn0yl9/>