



U.S. Department of Justice

Civil Rights Division

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Office of the Assistant Attorney General  
950 Pennsylvania Ave, NW  
Washington, DC 20530

October 1, 2026

***Via Electronic Mail***

Ms. Tania Faransso  
Wilmer Cutler Pickering Hale and Dorr LLP  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
Tania.Faransso@wilmerhale.com

**Re: University of California, Los Angeles, School of Law – Title VI Findings**

Dear Ms. Faransso:

We write to notify you of the findings of the U.S. Department of Justice (the Department) after its compliance review to determine whether the admissions practices of the University of California, Los Angeles, School of Law (“UCLA Law”) are in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (“Title VI”), as interpreted by the Supreme Court’s decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023) (“*SFFA*”). After reviewing UCLA Law’s documents and data, we have determined that UCLA Law intentionally discriminated on the basis of race in admitting its incoming classes of 2023, 2024, and 2025. Accordingly, **the Department finds that UCLA Law violated Title VI by discriminating against Asian and white applicants after the Supreme Court’s decision in *SFFA*.**

**Procedural Background**

The Department enforces federal civil rights laws that protect students from discrimination, including Title VI, which prohibits recipients of federal financial assistance from discrimination based on race. Title VI authorizes the Department to conduct periodic compliance reviews and investigations of the practices and policies of the recipients of federal funding. 28 C.F.R. § 42.107 (2026). Should the Department find that a recipient fails to comply with Title VI, it is authorized to pursue legal action to secure compliance. *See* 28 C.F.R. §§ 42.105, 108.

The Department currently provides direct federal financial assistance to UCLA and, by extension, UCLA Law.<sup>1</sup> Enforcement under Title VI requires funding agencies to advise recipients

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<sup>1</sup> UCLA participates in the Youth Justice Navigator Initiative, an Office of Juvenile Justice and Delinquency Prevention (OJJDP) program, with a period of performance from 10/1/2024 to 9/30/2027 (Off. of Juv. Just. & Delinq. Prevention, *FY 2024 Awards by State* 1 (2024), <https://perma.cc/DZ8Z-CXJK>), as well as the Office on Violence Against Women (OVW) Fiscal Year 2024 Research and Evaluation Initiative (*FY 2024 OVW Grant Awards by State*, U.S. Dep’t of Just., Off on Violence Against Women, <https://perma.cc/ABF9-QP2Z> (last visited Sept.

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of their failure to comply, and to determine that compliance cannot be obtained by voluntary means before initiating judicial proceedings to compel compliance. 42 U.S.C. § 2000d-1. If the Department determines that the noncompliance with Title VI cannot be corrected by voluntary means, the Department may seek to compel compliance through enforcement. *See* 28 C.F.R. § 42.108.

The Department's April 18, 2025, notice of investigation letter included a request for information. On February 12, 2026, and February 26, 2026, the Department sent a Supplemental Request for Information. UCLA Law responded to these requests with documents. The Department has carefully reviewed the documents UCLA Law produced and collected other information in its investigation of UCLA Law, which forms the basis of the Department's findings.

### **Intent to Discriminate**

*"We are proud of the fact that 58% of this year's incoming class are students of color . . ."* – UCLA Law Assistant Dean of Admissions, Robert Schwartz<sup>2</sup>

*"If information about your ethnic/racial background would be helpful for law schools to know to gain a better sense of who you are, include it."* – UCLA Law Assistant Director of Admissions, Tony Tolbert<sup>3</sup>

Internal communications and policy documents show that UCLA Law is strongly committed to achieving a "diverse" racial makeup of its student body. To that end, university officials stated that UCLA Law would not change their admissions policies in response to *SFFA*, both before and after the Supreme Court's decision.<sup>4 5</sup>

#### **A. The University of California system actively encourages the use of racial proxies**

High-ranking officials of the University of California system ("UC"), of which UCLA Law is a part, have proudly stated that they are committed to achieving racial "diversity" among the UC student body, despite the illegality of race-conscious admissions. On June 29, 2023, immediately after the Supreme Court's decision in *SFFA*, UC President Michael Drake stated that: "We are disappointed in the U.S. Supreme Court's decision to bar the use of race in college admissions,"

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25, 2026)), with a period of performance from 11/1/2024 to 10/31/2026. In total these active grants amount to **\$1,992,200.00**.

<sup>2</sup> Robert Schwartz's Introduction at the 14<sup>th</sup> Annual Diversity Admissions Open House on November 8, 2023, UCLAL\_CRD\_00001088

<sup>3</sup> Tony Tolbert's Notes for the 14th Annual Diversity Admissions Open House, UCLAL\_CRD\_00001084.

<sup>4</sup> E-mail from Robert Schwartz, UCLA L. Assistant Dean of Admissions, to prospective applicant (June 22, 2023) (on file with author), UCLAL\_CRD\_00001115.

<sup>5</sup> *Supra* note 3.

calling it “a valuable practice . . . .”<sup>6</sup> President Drake went on to say that: “Student diversity remains a top priority for the University of California — **one that we will continue to pursue with every tool available to us.**”<sup>7</sup> That same day, UCLA Chancellor Gene Block called the Supreme Court’s *SFFA* decision “a painful blow” and expressed his “disappointment with the decision,” because it would “have a substantial impact on efforts to expand opportunity and diversity . . . .”<sup>8</sup> Chancellor Block compared the *SFFA* decision to California’s Proposition 209, saying that although Proposition 209 “barred consideration of race,” UCLA “sought to maintain our commitment to diversity . . . [through] **holistic admissions policies** . . . .,” admitting that holistic admissions policies function as race proxies.<sup>9</sup> Similarly, Interim Dean of UCLA Law Russell Korobkin sent an email to UCLA Law faculty and staff stating that “As a law school, **we will continue to value diversity** and insist on inclusion[.]”<sup>10</sup>

Less than two months after *SFFA*, the UC system issued an internal document titled “Guidance on Proposition 209 for Admissions and Outreach Staff.”<sup>11</sup> The document asserted that: “The recent Supreme Court decision on *SFFA v. Harvard* and *SFFA v. UNC* **has not changed** the legal landscape for UC’s admissions and outreach practices.”<sup>12</sup> The document pointed to UC’s “Diversity Statement (Regents Policy 4400)” stating that the University of California “**must** seek to achieve diversity among its student bodies . . . .”<sup>13</sup> The document admitted that “[f]or over two decades UC has steadfastly sought to use race-neutral means to increase diversity in admissions, such as . . . **comprehensive and holistic** application review . . . .”<sup>14</sup>

The 2023 guidance went on to outline various proxies used by the “holistic” admissions review to achieve the desired racial makeup of the student body:

The University may choose to advance its educational goals, **including diversity** and equal opportunity, by introducing or **placing additional weight** on a broad range of race-neutral selection criteria when making admissions decisions. For example, holistic review in admissions considers factors such as income level, first generation to attend college, neighborhood or community circumstances, disadvantages overcome, low-performing secondary school attended, and the

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<sup>6</sup> Michael V. Drake, *UC Statement on SCOTUS Decision Regarding the Use of Race in College Admissions*, UC Off. of the President, (June 29, 2023), <https://perma.cc/3TUT-VN4M>.

<sup>7</sup> *Id.* (emphasis added).

<sup>8</sup> Gene D. Block, *Supporting Access and Opportunity Across Higher Education*, UCLA Off. of the Chancellor (June 29, 2023), <https://perma.cc/8YS5-XWXM>.

<sup>9</sup> *Id.* (emphasis added).

<sup>10</sup> E-mail from Russell Korobkin, UCLA L. Interim Dean, to All Fac. & Staff, All Students (June 29, 2023), UCLAL\_CRD\_00001067, (emphasis added).

<sup>11</sup> Univ. of Cal., *Guidance on Proposition 209 for Admissions and Outreach Staff*, UCB\_CRD\_00000039 (Aug. 10, 2023).

<sup>12</sup> *Id.* at 1 (emphasis added).

<sup>13</sup> *Id.* at 2 (emphasis added).

<sup>14</sup> *Id.* at 1 (emphasis added).

impact of **an applicant's background** and experiences on academic achievement.<sup>15</sup>

UC officials have strong preferences regarding the racial makeup of the UC student body. These officials continue to pursue their racial goals despite legal obstacles such as Proposition 209 and *SFFA*. And UC's stated policy is to pursue racial "diversity" goals by "introducing or placing additional weight" on criteria that are supposedly race-neutral, but believed to closely correlate with race (such as "income level," . . . "disadvantages overcome," and "background and experiences").<sup>16</sup> In other words, UC policy is to use racial proxies as another means to choose applicants based on their race.

#### **B. UCLA Law claims that *SFFA* will not change its admissions policies**

One week before the *SFFA* decision, a prospective law school applicant emailed the UCLA Law admissions team with the question: "how is your office working to ensure that, regardless of the opinion released [in *SFFA*], future classes are diverse?"<sup>17</sup> UCLA Law's Assistant Dean of Admissions Robert Schwartz responded: "Actually, **any changes in the law announced by the Supreme Court will not change anything at UCLA Law.**"<sup>18</sup>

Dean Schwartz claimed that this was because UCLA Law was already in compliance with California's Proposition 209, which purportedly prohibited consideration of race in admissions decisions.<sup>19</sup> Nevertheless, Dean Schwartz then went on to say: "**We are very proud of the diversity of our student body. 58% of last fall's entering class were students of color.**"<sup>20</sup> These comments by the Assistant Dean demonstrate that UCLA Law's admissions goals are not neutral with regards to the racial makeup of the student body.

Months after the *SFFA* decision, university officials again stated that *SFFA* would have no effect on UCLA Law. During his presentation at UCLA Law's "14<sup>th</sup> Annual Diversity Open House" in November 2023, Assistant Director of Admissions Tony Tolbert said of *SFFA*: "**Impact on UCLA Law admissions practices – none.**"<sup>21</sup> Like Dean Schwartz, Director Tolbert justified his comments by pointing to UCLA Law's claimed compliance with Proposition 209.<sup>22</sup>

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<sup>15</sup> *Id.* at 2 (emphasis added).

<sup>16</sup> *Id.*

<sup>17</sup> *Supra* note 4, E-mail from prospective student to UCLA L. Admissions, (June 22, 2023).

<sup>18</sup> *Id.* (emphasis added).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* (emphasis added).

<sup>21</sup> *Supra* note 3.

<sup>22</sup> *Id.*

**C. UCLA Law Admissions collaborates with other UC officials to evade *SFFA***

On July 10, 2023, less than two weeks after the Supreme Court's ruling in *SFFA*, the Association of American Law Schools ("AALS") held a "Conference on Affirmative Action." The purpose of this conference was, in the words of conference host Erwin Chemerinsky (Dean of the UC Berkeley School of Law), "to help each other as we go forward to achieve diversity without affirmative action."<sup>23</sup> Dean Chemerinsky has repeatedly promoted his flawed legal theory that *SFFA* permits discriminating based on race using racial proxies.<sup>24 25</sup>

UCLA Law's Assistant Dean of Admissions Robert Schwartz was invited to attend and to participate in Chemerinsky's AALS conference as a presenter. Dean Schwartz suggested that "given [his] experience" "it would be more appropriate for [him] to be on panel 2" which discussed: "What has worked and has not worked for law schools in achieving diversity without affirmative action?"<sup>26</sup> Dean Schwartz ultimately agreed to participate on a different panel, and "on the condition that it would not be recorded."<sup>27</sup>

**D. UCLA Law Admissions encouraged the use of race proxies at its 14<sup>th</sup> Annual Diversity Admissions Open House—months after *SFFA***

On November 8, 2023, months after the *SFFA* decision, UCLA Law admissions staff hosted an event titled the "14<sup>th</sup> Annual Diversity Admissions Open House."<sup>28</sup> At least six student organizations participated, four of which were explicitly race-based organizations.<sup>29</sup> At that event, UCLA Law admissions staff expressed a preference for "diverse" applicants and instructed those applicants on how to make use of their race in the application process.

Assistant Dean of Admissions Robert Schwartz opened the event by announcing that: "We developed this program more than a decade ago **to help students from diverse backgrounds navigate the admissions process.**"<sup>30</sup> He then stated that UCLA Law would follow up with a fee

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<sup>23</sup> Ass'n of Am. L. Schs., *AALS Conference on Affirmative Action, Welcome & Panel 1*, YouTube, at 8:34 (Aug 2, 2023), <https://tinyurl.com/5ffx586w>.

<sup>24</sup> See Jay Caspian Kang, *The Sad Death of Affirmative Action*, The New Yorker (Nov. 4, 2022), <https://tinyurl.com/yc7mrnyc> (quoting Dean Chemerinsky's pre-*SFFA* claim that schools will be legally permitted to use proxies for race in admissions).

<sup>25</sup> Chemerinsky, *supra* note 23, at 1:24:38.

<sup>26</sup> E-mail from Robert Schwartz, UCLA L. Assistant Dean of Admissions, to Tracie Thomas, AALS (June 27, 2023), UCLAL\_CRD\_00000474.

<sup>27</sup> *Id.*

<sup>28</sup> UCLA Sch. of L., *Diversity Admissions Open House Program* (Nov. 8, 2023), UCLAL\_CRD\_00001023.

<sup>29</sup> E-mail from Tony Tolbert, UCLA L. Admissions, to Oscar Sanchez, (Oct. 19, 2023) UCLAL\_CRD\_00001265.

<sup>30</sup> Schwartz, *supra* note 2, UCLAL\_CRD\_00001088 (emphasis added).

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waiver for all of those in attendance at the diversity event.<sup>31</sup> After mentioning *SFFA*, Dean Schwartz then pointed to UCLA Law's "holistic" review process as the key means by which UCLA Law admits applicants of a sufficiently "diverse" racial makeup:

Despite these limitations [i.e., Proposition 209], **we are proud of our holistic review process which enables us to enroll a diverse class.** As I mentioned earlier, **58% of this year's first year class are students of color and 63% are women.**<sup>32</sup>

Dean Schwartz then implied that UCLA Law's application questionnaire enables admissions personnel to determine applicant race without asking directly.<sup>33</sup>

After Dean Schwartz's introduction, Assistant Director of Admissions Tony Tolbert presented to the group. The purpose of this presentation was to encourage potential applicants to reveal their race on their application using several application prompts he highlighted to the group.<sup>34</sup> For example, he noted that applicants could reveal their race in answers to certain essay questions or by submitting a diversity statement.<sup>35</sup>

From these comments made by university admissions officials at an event expressly intended for "diverse" applicants, it is evident that UCLA Law encourages applicants to reveal their racial background in their personal essays so that admissions staff can consider race.

### **Statistical Evidence of Intentional Discrimination**

The Department examined seven years of applicant level data from 2019–2025 and uncovered the large effects race frequently had on an applicant's odds of admission. These race effects persisted after 2023, which indicates that **UCLA Law did not meaningfully change its admissions practices in response to the *SFFA* decision.**

According to our analysis of UCLA Law's admissions data, an applicant's race has a large effect on how he or she is treated by the UCLA Law admissions committee. For the 2025 incoming class, black applicants had approximately **seven times** the odds of admission to UCLA Law compared to otherwise equivalent white applicants. Hispanic applicants that year had approximately **two times** the odds of admission compared to otherwise equivalent white applicants. These disparities are statistically significant.

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.* (emphasis added).

<sup>33</sup> *Id.* (stating "[y]ou will notice that our application is quite long but that is so we can get to know you better" as an explanation for how they "enroll a diverse class" using "holistic review.")

<sup>34</sup> Tolbert, *supra* note 3, UCLAL\_CRD\_00001084.

<sup>35</sup> *Id.*

The median LSAT scores of admitted applicants tell a similar story. Between 2019 and 2024, the median LSAT scores of black applicants who were admitted ranged from 5 to 7 points lower than the median LSAT score of white applicants who were admitted. In 2025, the median LSAT score of admitted white applicants was 172 (i.e., in the 97<sup>th</sup> percentile), while the median LSAT score of admitted black applicants was 168 (i.e., in the 91<sup>st</sup> percentile). In 2024 and 2025 (combined), **half of the admitted black applicants had LSAT scores that were at or below 90% of the admitted white applicants.**

#### Median LSAT Scores by Race and Year:

| Race          | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|---------------|------|------|------|------|------|------|------|
| Asian         | 168  | 170  | 171  | 171  | 171  | 171  | 172  |
| Black         | 163  | 164  | 166  | 165  | 165  | 165  | 168  |
| Hispanic      | 166  | 167  | 170  | 170  | 170  | 170  | 171  |
| White         | 169  | 169  | 171  | 172  | 171  | 172  | 172  |
| Unknown/Other | 169  | 170  | 170  | 173  | 171  | 172  | 172  |

To put these numbers in perspective, 168 was the median LSAT score for those white and Asian applicants who were **denied** admission to UCLA Law. **In other words, white and Asian applicants are being turned away from UCLA Law who would likely have been admitted if they were of the “right” race.**<sup>36</sup>

#### Findings

The Department finds that after *SFFA*, UCLA Law discriminated against Asian and white applicants in order to benefit applicants of preferred racial backgrounds (i.e., black and Hispanic). This discrimination is apparent from the documents expressing an intent to discriminate, plus the significant disparity in objective academic metrics between black and Hispanic applicants who were admitted compared with Asian and white applicants who were admitted. UCLA Law carried out this program using racial proxies, essay prompts, and other tactics that violate *SFFA* and other established law.

For these reasons, the Department concludes that UCLA Law discriminated on the basis of race for the incoming classes of 2023 through 2025, in violation of Title VI as interpreted by *SFFA*. Based on its review of UCLA Law’s documents and data, this discrimination is ongoing.

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<sup>36</sup> See *SFFA*, 600 U.S. at 229 (criticizing the dissent for wanting to allow “state actors” to discriminate “when they have picked the right races to benefit”).

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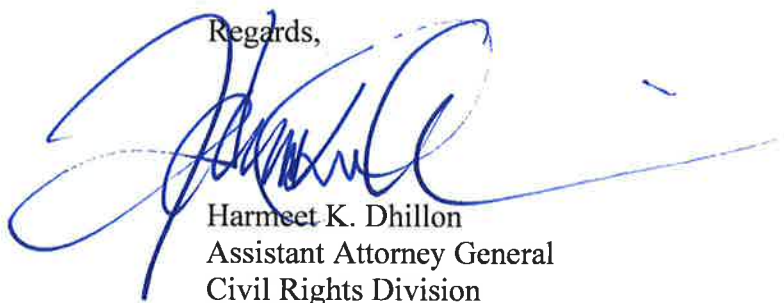
### **Resolution**

Having determined that UCLA Law deliberately discriminated on the basis of race in its decisions to admit and deny applicants, the Department seeks to enter into a voluntary resolution agreement with the University to ensure that admissions practices are brought into legal compliance.

If you have any questions about this letter, please contact Deputy Assistant Attorney General Jeffrey Morrison at [jeffrey.morrison@usdoj.gov](mailto:jeffrey.morrison@usdoj.gov) or (202) 353-1845.

Thank you in advance for your attention and cooperation.

Regards,



Harmeet K. Dhillon  
Assistant Attorney General  
Civil Rights Division  
United States Department of Justice