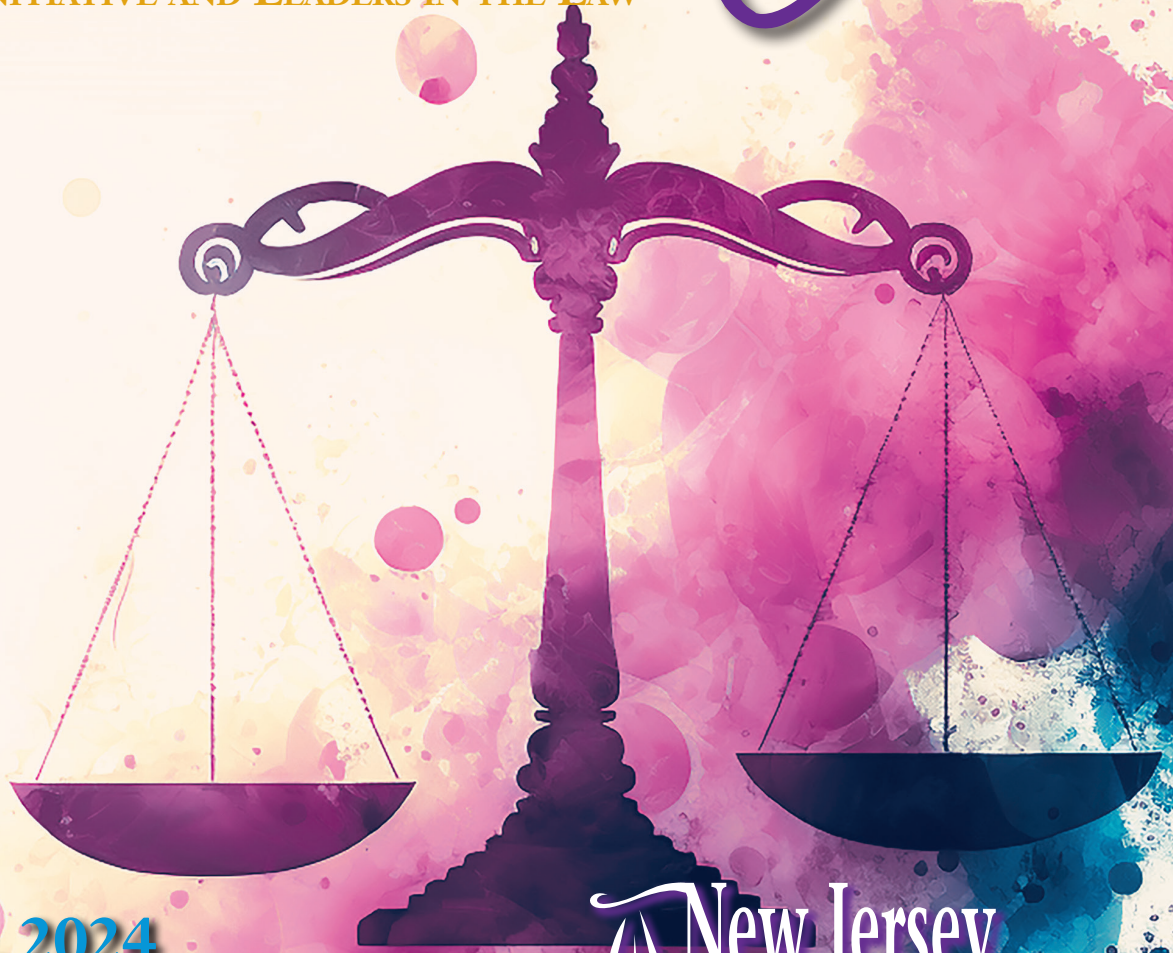


NEW JERSEY WOMEN LAWYERS ASSOCIATION
Honoring Leaders from the Judicial, Public, Corporate and Private Law Firm Sectors

16th WILL
Platinum Gala
WOMEN'S INITIATIVE AND LEADERS IN THE LAW



March 19, 2024

The Grove

New Jersey
Women Lawyers
ASSOCIATION

The New Jersey Women Lawyers Association (NJWLA) is an independent association of approximately 2,000 members whose mission is to advance and retain women of all backgrounds in the legal profession through education and activism, to promote qualified women to the highest levels of law firm, government, academic, community and corporate positions and to endorse qualified female attorneys for appointments to the state and federal judiciary. NJWLA works to foster leadership among its members by promoting professional activities, mentoring, educational programs and networking functions.

NJWLA is a critical voice on all issues of importance to women engaged in the practice of law in the State of New Jersey.

16th WILL Platinum Gala

WOMEN'S INITIATIVE AND LEADERS IN THE LAW

WELCOME REMARKS

**Grace Byrd
and Natalie Richer**
Platinum Gala Co-Chairs

WELCOME REMARKS

Sharmila Jaipersaud
*Hackensack Meridian Health
NJWLA President*

MISTRESS OF CEREMONIES

Honorable Jessica S. Allen
*United States Magistrate Judge
for the District of New Jersey*

SCHOLARSHIP AWARD WINNERS

Taylor Gospodarek
Rutgers School of Law – Newark

Shelleah M. Jackson
Rutgers School of Law – Camden

Najma Hassan
Seton Hall University Law School

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CLOSING REMARKS

Renée Rubino
*Gibbons P.C.
NJWLA President-Elect*

Honorees

JUDICIAL SECTOR – FEDERAL

Honorable Leda Dunn Wettre
*U.S. Magistrate Judge . U.S. District Court
District of New Jersey*

JUDICIAL SECTOR – STATE

Honorable Jamie D. Happas P.J.CV. (RET.)
Lombardi and Lombardi P.A.

PRIVATE SECTOR

Michelle A. Schaap
Member, Chiesa Shabinian & Giantomasi PC

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Sandra Leung
*Executive Vice President,
General Counsel at Bristol Myers Squibb Company*

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Congresswoman Mikie Sherrill
New Jersey's 11th Congressional District

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16th WILL Platinum Gala

WOMEN'S INITIATIVE AND LEADERS IN THE LAW

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CORY A. BOOKER
NEW JERSEY



UNITED STATES SENATE
WASHINGTON, D. C. 20510

March 19, 2024

New Jersey Women Lawyers Association
372 Franklin Avenue, Suit 713
Nutley, New Jersey 07110

Dear Friends,

I extend my warmest greetings as you gather for the New Jersey Women Lawyers Association's 16th Annual Women's Initiative and Leaders in the Law Platinum Gala. I am especially pleased to congratulate tonight's honorees, who have demonstrated an unwavering commitment to professional excellence and the advancement of women in law.

The New Jersey Women Lawyers Association (NJWLA) plays an integral role in elevating women in the legal profession, promoting education, activism, and mentorship. By expanding opportunities for its members, the NJWLA stands as a beacon for women looking to affect change in New Jersey and beyond. Your success is a testament to the importance of your mission and the commitment of your members. I am truly grateful for your efforts to benefit all women in law, whether they are students just beginning their careers or experienced attorneys at the height of the profession.

Once again, congratulations for another incredible year of supporting women in the New Jersey legal community. I wish you a successful event and look forward to celebrating future milestones.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. A. B.', with a long, sweeping underline.

Cory A. Booker
United States Senator



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

BILL PASCRELL, JR.
NINTH DISTRICT
NEW JERSEY

March 19, 2024

Ms. Sharmila Jaipersaud, President
New Jersey Women Lawyers Association
372 Franklin Avenue Suite 713
Nutley, New Jersey 07110

Dear Friends,

I am pleased to congratulate the New Jersey Women Lawyers Association (NJWLA) for hosting their 16th Annual Women's Initiative and Leaders in the Law Platinum Gala. It is my pleasure to present this Special Letter of Congressional Recognition.

The NJWLA has a rich history of excellence and commitment to justice. This evening's celebration marks an ongoing tradition that recognizes professional women and their invaluable contributions to our community. With education and activism at its core, the NJWLA reminds us of the women who fought for equality and the work we must do to preserve it. Your collective success shines as a beacon of hope and motivation for aspiring lawyers and law students who aim to follow in your footsteps. Tonight's esteemed jurists and honorees includes the Honorable Leda Dunn Wettre, Honorable Jamie D. Happas P.J.C.V, Michelle A. Schaap, Sandra Leung, Karl Corbin Walker and Congresswomen Mikie Sherrill. May they serve as an example to us all. I thank you for your dedicated efforts, NJWLA is a true friend of the Ninth Congressional District. Let us continue to recognize the professional accomplishments made by these pioneers in the legal world!

Again, I would like to congratulate NJWLA's for hosting another successful Women's Initiative and Leaders in the Law Platinum Gala. As your Representative and friend in Congress, please do not hesitate to contact me.



Sincerely,

A handwritten signature in black ink that reads "Bill Pascrell, Jr." in a cursive style.

Bill Pascrell, Jr.
Member of Congress

RANKING MEMBER
COMMITTEE ON
ENERGY AND COMMERCE

FRANK PALLONE, JR.
6TH DISTRICT, NEW JERSEY

Congress of the United States
House of Representatives
Washington, DC 20515

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NEW BRUNSWICK, NJ 08901
(732) 249-8892

<https://pallone.house.gov/>

February 23, 2024

New Jersey Women Lawyers Association
372 Franklin Avenue
Suite 713
Nutley, NJ 07110

Dear Friends:

It is with great pleasure that I write to you in celebration of the 16th Annual Women's Initiative and Leaders in the Law Platinum Gala (WILL Gala). I would like to join you in congratulating the evening's distinguished honorees, Honorable Leda Dunn Wettre, Honorable Jamie D. Happas P.J.CV. (RET.), Michelle A. Schaap, Sandra Leung, Karol Corbin Walker, and my colleague, Congresswoman Mikie Sherrill.

I commend the New Jersey Women Lawyers Association (NJWLA) for its continued efforts to advocate for and recognize women in the legal profession. Your support helps to ensure valuable and equal opportunities for women in the legal, governmental, academic, community, and corporate fields. As a fellow attorney, I truly appreciate the NJWLA's dedication to fostering growth for those already in the legal profession and educating and mentoring young women interested in the study of law.

Once again, please accept my congratulations to each of this year's honorees and my best wishes for an enjoyable event. I look forward to hearing of your future successes.

Sincerely,



FRANK PALLONE, JR.
Member of Congress



NEW JERSEY GENERAL ASSEMBLY

March 19, 2024

I must begin by extending my regrets for not being able to attend this year's New Jersey Women Lawyers Association WILL Gala. I would like to congratulate all the esteemed award recipients at this year's gala.

I am brand new to the New Jersey General Assembly and have thoroughly enjoyed my time serving thus far. I am a lawyer myself and have the utmost admiration for all that you do every day.

I have learned of the education and activism that the NJWLA does to achieve your mission in helping recruit and retain women of all backgrounds in the legal profession. I would like to share that I could not be happier to learn of your great organization and extend the opportunity to be a proud partner.

Please, allow tonight's event to serve as a reminder of the success of your organization and the importance of NJWLA.

Congratulations again to all the honorees and I wish you all the best in the upcoming year!

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hutchison", with a long horizontal flourish extending to the right.

Dan Hutchison
Assemblyman, Fourth Legislative District

129 Johnson Road, Suite 1
Turnersville, NJ 08012
p 856-232-6700
f 856-232-6844

1379 Chews Landing Road
Laurel Springs, NJ 08021
p 856-401-3073
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Lowenstein Sandler is proud to sponsor the

NEW JERSEY WOMEN LAWYERS ASSOCIATION'S 16TH ANNUAL WILL PLATINUM GALA

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- Named to *Seramount's Best Law Firms for Women & Diversity*
- Named to *NJBIZ's* list of 2023 **"Best Places to Work in New Jersey"**
- **Awarded Certification Plus** status for Mansfield Rule 2023 for commitment to underrepresented lawyers

With special congratulations to the honorees:

**HONORABLE LEDA
DUNN WETTRE**
U.S. Magistrate Judge.
U.S. District Court District
of New Jersey
Judicial Sector – Federal

**HONORABLE JAMIE D.
HAPPAS P.J.CV. (RET.)**
Lombardi and Lombardi P.A.
Judicial Sector – State

MICHELLE A. SCHAAP
Member, Chiesa Shahinian
& Giantomasi PC
Private Sector

SANDRA LEUNG
Executive Vice President,
General Counsel at Bristol
Myers Squibb Company
Corporate Sector/In House

**CONGRESSWOMAN
MIKIE SHERRILL**
New Jersey's 11th
Congressional District
Public Sector

KAROL CORBIN WALKER
Partner at Kaufman Dolowich
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Suzanne Cerra | Randi Kochman | Loren Pierce
Annmarie Simeone | Michelle Schaap | Linda G. Harvey

Hackensack Meridian *Health* is proud to support the
New Jersey Women Lawyers Association's
16th Annual WILL Platinum Gala.



Best wishes on a successful event!



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 COLE SCHOTZ P.C.

WE ARE PROUD TO SUPPORT THE *NJWLA*
AND WOULD LIKE TO CONGRATULATE ALL OF TONIGHT'S HONOREES FOR
THEIR EXCEPTIONAL ACCOMPLISHMENTS



LAWYERING IS OUR *ART.*

PRESIDENT

Sharmila Jaipersaud

Hackensack Meridian Health



Today, we celebrate the 16th Annual WILL Gala held by the New Jersey Women Lawyers Association. Shortly after Kirsten Branigan began her revitalization efforts of NJWLA, I joined as a member. I attended several events, meeting judges, equity partners, chairs of large legal departments, general counsels, and others along the way. I was in awe. I was a star struck young associate, surrounded by greatness. That greatness has helped shaped my career.

Maya Angelou is often quoted for saying, “People may not remember what you said, but they will remember how you made them feel.” This is something that resonates with me as I reflect on my journey with NJWLA. I do not remember all the interactions. I could not possibly do so. However, I do know that being a member of NJWLA has always made me feel empowered, supported, and loved. Becoming President of this organization is a surreal experience. I often wonder if the members really meant to pick me.

Kate Hodges, author, writer, editor, once said “Behind every great woman...is another great woman.” That belief is the ingredient that makes NJWLA such a motivational group to be a part of. We are a group of 2000 plus women in the state of New Jersey. As we continue to grow, we seek to uplift, inspire, and fulfill Justice Ruth Bader Ginsburg’s ideals, of having women in all rooms where decisions are made. We stand with one another, in times of sorrow, grief, and loss – whether that be in the court room, deal table or at home. We applaud one another when we attain achievements. When we reach higher levels, we look to give a helping hand to those that should be there with us but have not made it there yet.

I joined this organization as a young woman lawyer. I sought out mentors in the law. What I found was so much more than that. I found friends, supporters, and cheerleaders. NJWLA is that place for women to be heard in the profession of law, whatever path they may choose. As Sandra Day O’Connor is noted for saying, “As women achieve power, the barriers will fall.” NJWLA is here to help women achieve whatever successes they seek to attain in the profession, whether it be through networking, health and wellness, CLE courses, or this night – our amazing Gala.

Congratulations to each of the honorees, each of whom have been major contributors to our profession and paving the way for others to follow in their footsteps. Thank you to Kirsten Branigan for revitalizing this wonderful organization. Thank you to our Executive Director, Colleen Skinner, who makes everything seamless and made it possible for this in-house lawyer to serve successfully as President. Thank you to our star-studded Board, who tirelessly dedicate time and commitment to NJWLA. I am also grateful to Renée Rubino, with all her dedication this year, as President-Elect. I look forward to the year ahead, under her leadership. Thank you to Hackensack Meridian Health for being supportive as I joined the System at the beginning of my Presidency. Finally, thanks to my husband, Karan Virmani, who had many dinners alone for the last few years and to my beautiful children, Jordin and Raj, for their support and love.

Thank you for the opportunity to be the President of the New Jersey Women Lawyers Association. I can only hope I gave back to this organization even a smidgen of what I was able to gain from being a member.



Congratulations

TO TONIGHT'S HONOREES

- **Honorable Leda Dunn Wettre**
U.S. Magistrate Judge, U.S. District Court – District of New Jersey
- **Honorable Jamie D. Happas P.J.CV. (RET.)**
Lombardi and Lombardi P.A.
- **Michelle A. Schaap**
Member, Chiesa Shahinian & Giantomasi PC
- **Sandra Leung**
Executive Vice President, General Counsel at Bristol Myers Squibb Company
- **Congresswoman Mikie Sherrill**
New Jersey's 11th Congressional District
- **Karol Corbin Walker**
Partner at Kaufman Dolowich & Voluck, LLP

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Lawyers Association

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PRESIDENT-ELECT

Renée Rubino

Gibbons P.C.



Welcome, and congratulations to this year's Honorees! Each year, it is difficult to select only a few honorees when there are so many women who have achieved excellence in their careers while making significant contributions to gender equity and other challenges facing women in the legal profession. We are honored to have you share this evening with us.

It is sometimes hard to comprehend how many lives this organization has impacted since its revitalization in 2006 under the stewardship of Kirstin Scheuer Branigan. I was fortunate enough to have met Kirstin in 2008 when we shared office space, leading me to join the NJWLA. It has been nothing short of amazing to have witnessed Kirstin's unyielding drive and enthusiasm set the NJWLA on a trajectory that I could not have imagined.

From a handful of members, the NJWLA has grown to a membership of over 2,000. In an effort to meet the needs of women in all sectors of our profession, over a dozen committees have since been formed, including young lawyers, in-house counsel, judicial outreach, diversity, public policy, women's leadership, and best practices, to name a few. The NJWLA has developed mentoring programs for less experienced attorneys and scholarships for students at Rutgers and Seton Hall law schools. It has also established grants for non-profit organizations with programs directed toward research, strategies, education and/or initiatives that share the NJWLA's mission of supporting women by educating the legal profession and general public about gender equity concerns; providing a voice for women in the state about issues important to women lawyers; promoting and fostering a diverse, equitable, and inclusive environment for all women in the legal profession; and/or mentoring female college or law students who are considering a career in law.

The programs and events offered by the NJLWA have also grown exponentially in furtherance of its mission to help promote women to the highest levels of law firm, government, academic, community, and corporate positions, or the judiciary. I am especially proud of the NJWLA's growing connections with other affinity bars. I had the privilege of attending several other galas recently, including the Asian Pacific American Lawyers Association of New Jersey (APALA-NJ), the New Jersey Muslim Lawyer's Association (NJMLA), and the Association of Black Women Lawyers (ABWL), which more than lived up to its theme, "Uplifting Each Other & Honoring Our Journeys." As I prepare to take the helm of the NJWLA next year, I look forward to working with all affinity bars and sections as we seek parity for all women in our profession. I also look forward to working with the next generation of bright and ambitious young women who will undoubtedly continue to take this thriving and vibrant organization to even greater heights.

Finally, in these challenging times, we will continue to be a strong voice for women. We will continue to speak out on issues and legislation that affect our members. Thank you to our board members and past presidents for your leadership, hard work, and dedication to the NJWLA.

Greenbaum proudly supports the
New Jersey Women Lawyers Association
and its dedication to the advancement
of women in the legal profession.

Congratulations to the Honorees!

**Honorable
Leda Dunn Wettre**
Judicial Sector - Federal

**Honorable Jamie D.
Happas P.J.CV. (RET.)**
Judicial Sector - State

Michelle A. Schaap
Private Sector

Sandra Leung
Corporate Sector/In House

**Congresswoman
Mikie Sherrill**
Public Sector

Karol Corbin Walker
Trailblazer

JUDICIAL SECTOR – FEDERAL

Honorable Leda Dunn Wettre

U.S. Magistrate Judge . U.S. District Court . District of New Jersey

Leda Dunn Wettre has served as a United States Magistrate Judge in the United States District Court for the District of New Jersey, Newark Vicinage since 2015. She co-chairs the Court's Rules Committee and is a judicial advisor to the Local Patent Rules Committee, Lawyer's Advisory Committee, Sedona Conference and District Court Historical Society. Judge Wettre is also a Director of Fordham Law School's Alumni Association.



Prior to joining the Bench, Judge Wettre was a partner in the Newark litigation firm Robinson, Wettre & Miller, LLC. At the firm, she litigated complex commercial cases in both federal and state courts, with emphasis on intellectual property, shareholder disputes, class actions, and employment law matters. She also participated actively in court organizations, including as President of the Historical Society and a member of the Lawyers Advisory Committee.

Before joining the Robinson firm in 1997, Judge Wettre was a federal law clerk to the Honorable John F. Keenan, U.S.D.J., in the U.S. District Court for the Southern District of New York and a litigation associate at Kramer Levin Naftalis & Frankel LLP. She was Managing Editor of the *Fordham Law Review* at Fordham Law School, where she received her J.D. in 1993. She is a 1990 *cum laude* graduate of the University of Pennsylvania.



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16th WILL Platinum Gala

Congratulations to this year's Honorees:

Honorable Leda Dunn Wettre

Honorable Jamie D. Happas P.J.CV. (RET.)

Michelle A. Schaap

Sandra Leung

Congresswoman Mikie Sherrill

Karol Corbin Walker

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JUDICIAL SECTOR – STATE

Honorable Jamie D. Happas P.J.CV. (RET.)

Lombardi and Lombardi P.A.

Judge Happas served as a Superior Court Judge for 20 years handling Family, Mass Tort and Civil matters. She was the Presiding Judge of the Civil Division for eleven years. Prior to her appointment to the bench she was a trial attorney handling all facets of civil litigation. During her judicial tenure she handled every case type filed in the Civil Division and settled thousands of cases.



Judge Happas has been a member of several Supreme Court Committees including the Civil Practice Committee, Evidence Committee, the Arbitration Advisory Committee, and the Information Technology Advisory Committee. Judge Happas was also the past Chair of the Conference of Civil Presiding Judges.

Judge Happas is a member of the New Jersey State and Middlesex County Bar Associations and the Middlesex County Trial Lawyers Association. She is a past Trustee of the Middlesex County Bar Association and a former President of the Middlesex County Trial Lawyers Association.

Both prior to and after her appointment to the Bench, the Judge taught numerous courses for the New Jersey Institute for Continuing Legal Education, the New Jersey Association of Justice and the Middlesex County and New Jersey State Bar Associations. She lectured on a variety of topics for the New Jersey Judicial College and was involved with developing and teaching the Comprehensive Judicial Orientation Program (CJOP) to Judges new to the Civil Division.

Judge Happas received her B.A. with Honors from Rutgers College (and is member of Phi Beta Kappa), M.A. from Rutgers University-Eagleton Institute of Politics and her J.D. from Seton Hall Law School



CSG Law is proud to support **The New Jersey Women Lawyers Association** and its efforts to support, encourage and retain women in the legal profession.

Congratulations Michelle A. Schaap, NJWLA Past President, on receiving the **Women's Initiative and Leaders in Law (WILL) Platinum Award**.

We applaud your commitment to the firm's clients and the community. Your focus on expanding opportunities and providing mentorship and guidance for women lawyers has helped to provide pathways to success for women both at our firm and throughout the profession. We are proud to be your colleagues and friends and join with you to celebrate this special accomplishment.

CSG law

NEW JERSEY | NEW YORK

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CHIESA SHAHINIAN & GIANTOMASI PC

PRIVATE SECTOR

Michelle A. Schaap

Member, Chiesa Shabinian & Giantomasi PC

Michelle Schaap practices cybersecurity and corporate law. Within corporate law, she primarily practices in construction, franchising and renewable energy.

Combining her technology and corporate experience, Michelle regularly advises clients on cybersecurity preparedness, counsels clients when data security incidents arise and trains companies on best practices for security procedures addressing both their business operations and their customers' concerns. Michelle is a Certified Information Privacy Professional, awarded from the International Association of Privacy Professionals, with a concentration on U.S. private-sector law (CIPP/US) and is Co-Chair of the IAPP New Jersey KnowledgeNet Chapter. Ms. Schaap is also an adjunct professor at Fordham University, teaching Privacy & Cybersecurity. Michelle works closely with both technology developers and companies seeking to acquire technologies – whether by custom development, license, subscription or otherwise.

Michelle is a graduate of Cornell University and Rutgers University School of Law – Newark. She has furthered her education with Harvard in association with HarvardX (Certification on Cybersecurity: Managing Risk in the Information Age, 2020); International Association of Privacy Professionals (Certified Information Privacy Professional, 2019); Mitchell Hamline School of Law (Cybersecurity and Privacy Law Certificate, 2016); and New Jersey Institute of Technology (Certificate in Construction Management).

Michelle has also been involved in the following organizations: American Bar Association, Essex County Bar Association, International Association of Privacy Professionals, New Jersey KnowledgeNet Chapter (Co-Chair), New Jersey Business and Industry Association, Information Technology Committee (2016-2017), New Jersey State Bar Association, Women Presidents Organization, NJ LEEP, and NJWLA where Michelle has held many leadership roles and served as President in 2018-2019.



We proudly support the

New Jersey Women Lawyers Association

and congratulate the 16th Annual
WILL Platinum Award Honorees

We commend the dedication of our colleagues

Jaimee Katz Sussner

Co-Director | NJWLA Public Policy Committee

Grace Byrd

Co-Chair | NJWLA Gala Committee

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CORPORATE SECTOR/IN HOUSE

Sandra Leung

*Executive Vice President . General Counsel
Bristol Myers Squibb Company*



Sandy Leung is the Executive Vice President and General Counsel of Bristol Myers Squibb Company. She leads the worldwide Law Department and is responsible for a wide range of legal areas including intellectual property, commercial and regulatory law, litigation, corporate governance, securities and transactions including licensing, acquisitions and divestitures. She also has responsibility for Compliance & Ethics, Environment, Health & Safety, Corporate Security and Corporate Philanthropy.

Sandy joined Bristol-Myers Squibb in 1992 as a staff attorney in the litigation department. She was promoted to positions of increasing responsibility and was elected Corporate Secretary in 1999. In September 2006, she was appointed Interim General Counsel. In February 2007, she was named General Counsel.

Sandy began her legal career as Assistant District Attorney at the Manhattan District Attorney's Office in New York City where she was an original member of the Child Abuse Bureau. She ended her prosecutorial career, after trying more than 40 jury trials to verdict, as a member of the prestigious Homicide Investigations Unit where she conducted investigations of unsolved homicides linked with drug gang activity.

Sandy serves on the board of directors of the Asian-American Legal Defense and Education Fund and the board of directors of the Minority Corporate Counsel Association. She is Immediate Past President of the National Asian Pacific American Bar Association.

Sandy is a graduate of Tufts University and Boston College Law School.

ADDITIONAL AWARDS

- 2009 Recipient of the Justice in Action Award from the Asian American Legal Defense and Education Fund
- 2013 Recipient of the Excellence in Corporate Practice Award from the Association of Corporate Counsel
- Named one of America's 2014 and 2016 Top 50 General Counsel by the National Law Journal
- 2020 Recipient of the New York City Bar Association's 2020 Diversity & Inclusion Champion Award
- 2023 Recipient of the Intellectual Property Owners Education Foundation Executive of the Year award.

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Congresswoman Mikie Sherrill

New Jersey's 11th Congressional District



Congresswoman Mikie Sherrill proudly represents New Jersey's 11th Congressional District.

After graduating from the United States Naval Academy in 1994, Congresswoman Sherrill spent almost 10 years on active duty in the United States Navy. She flew missions throughout Europe and the Middle East as a Sea King helicopter pilot, worked on the Battle Watch Floor in the European Theater during the Iraq invasion, and served as a Flag Aide to the Deputy Commander in Chief of the U.S. Atlantic Fleet. Congresswoman Sherrill also served as a Russian policy officer and worked on the implementation of our nuclear treaty obligations and oversaw the relationship between the U.S. Navy and Russian Federation Navy.

Congresswoman Sherrill attended law school after leaving the Navy in 2003, earning a degree from Georgetown University. She worked as a lawyer and eventually joined the U.S. Attorney's Office in New Jersey. As an Outreach and Re-entry Coordinator, Congresswoman Sherrill developed programs to help prevent crime in the community. These programs developed trust between law enforcement and the communities they serve, and helped people leaving prison to gain employment, housing, and education in order to restart their lives. As an Assistant U.S. Attorney, Congresswoman Sherrill worked to keep our communities safe, prosecuting federal cases and advising law enforcement on investigations.

Congresswoman Sherrill holds a Bachelor's degree from the United States Naval Academy, a Master's degree in Global History from the London School of Economics and Political Science, and a Law degree from Georgetown University.

Congresswoman Sherrill sits on the House Armed Services Committee and the new House Select Committee on Strategic Competition Between the United States and the Chinese Communist Party (CCP).

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TRAILBLAZER

Karol Corbin Walker

Partner at Kaufman Dolowich

Karol Corbin Walker is a partner at Kaufman Dolowich's New Jersey office. She focuses her law practice on commercial litigation, business and transactional litigation, labor and employment, toxic tort, and product liability matters.

Her clients have included many Fortune 500 corporations, publicly and privately – held corporations, financial institutions, entertainers, and insurance companies. Ms. Walker has had numerous trials in state and federal courts and has argued many cases before the Appellate Division of the Superior Court of New Jersey, New Jersey Supreme Court, and U.S. Court of Appeals for the Third and Seventh Circuits. Additionally, she is a certified arbitrator and mediator for the U. S. District Court for the District of New Jersey.



With her dedication to the law, community, and volunteerism, Ms. Walker has conquered many barriers to equality during her career.

- In August 2020, she became the first person of color and first woman ever, to serve as Chair of New Jersey's delegation of the American Bar Association's Nominating Committee of its House of Delegates.
- In August 2015, Ms. Walker became the first New Jersey attorney appointed Chair of the American Bar Association's Standing Committee of the Federal Judiciary. That 15-member panel evaluates every Federal District and Circuit prospective judicial candidate during the pre-nomination phase, and every Supreme Court Justice, post-nomination.
- In June 2015, she was elected the first African American President of the Association of the Federal Bar of New Jersey.
- In 2012, Ms. Walker became the first African American female President of the National Conference of Bar Presidents.
- In 2003, she was the first African American President elected to the New Jersey State Bar Association (NJSBA) in its then 105-year history. Ms. Walker took her oath of office before a record-breaking, standing-room-only number of attendees.
- In 1998, Ms. Walker was the first African American person appointed to Chair the NJSBA's prestigious Judicial and Prosecutorial Appointments Committee.
- In 1995, she became the first African American woman to attain Partner status at any major New Jersey law firm.

Additionally, a former Governor previously appointed Ms. Walker to the New Jersey State Ethics Commission to help ensure that State employees adhered to ethics rules. The New Jersey Supreme Court also appointed her to several committees: Judicial Evaluation; Civil Practice; Character; and Committee of the Tax Court.



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NJWLA Scholarship

In 2009, as part of its mission to give back to the legal community, the NJWLA established a scholarship program to benefit women who are pursuing a law degree at Rutgers University School of Law - Newark or Camden and Seton Hall University School of Law. The response we received from women law students was overwhelming and empowering. In 2013, the scholarship amount was increased from \$3,000 per scholarship to \$5,000. In 2024, the NJWLA is once again pleased to award scholarships to three aspiring women attorneys who distinguished themselves from a diverse pool of qualified applicants.

Each scholarship recipient was asked to prepare an essay addressing one of the following topics:

TOPIC 1. DIVERSITY, EQUALITY, AND INCLUSION IN COLLEGE ADMISSIONS

On June 23, 2023, the Supreme Court of the United States (SCOTUS) ruled in favor of the Petitioner in *Students For Fair Admissions, Inc. v. President and Fellows of Harvard College*,¹ and *Students For Fair Admission v. University of North Carolina*² (*SFFA*). Petitioner had challenged the race-based “plus” factors assigned by each admissions process to applicants who checked a box indicating their race to be other than white. The Supreme Court agreed with Petitioner in a 6 to 3 decision that consideration of race per se violated the Equal Protection Clause of the 14th Amendment.

At separate District Court bench trials below, each affirmative action admission program was found to satisfy the requirements of the strict scrutiny test applied pursuant to Title IV and the 14th Amendment’s Equal Protection Clause. The District Courts made fact findings on the basis of extensive evidence and found that the respective admission processes achieved diversity as a compelling state interest within the narrowly tailored parameters defined in decades of legal precedent since *Brown v. Board of Education*.³ The First Circuit Court of Appeals affirmed the District Court in *Harvard*; the Supreme Court granted certiorari before the Fifth Circuit reviewed the decision of the *North Carolina* District Court.

In its 6-3 decision, the Supreme Court reversed both lower federal courts without deference to their fact finding and invalidated both Harvard’s and North Carolina’s race-based affirmative action admissions programs as insufficient under both prongs of strict scrutiny, particularly focusing on the methodology of identifying race as a plus factor in a student’s application to be among other things arbitrary and stereotypical. Unlike the lower federal courts, the Supreme Court did not evaluate the admission programs under the guidelines of Title VI, holding that a federally funded institution that violates the Equal Protection Clause also violates Title VI.

In *SFFA*, SCOTUS adopted a literal, or a so called “colorblind” interpretation of the Equal Protection Clause, citing *Brown v Board of Education* outside of historical precedent to require that all students be admitted “on a racially nondiscriminatory basis.” The majority argued that any consideration of race as a positive factor stereotyped a race favored student to the inevitable detriment of other students, thus rendering such admissions processes racially discriminatory and therefore unequal. This literal reinterpretation of the Equal Protection Clause overruled decades of precedent which had recognized that narrow, race-based admission factors could be applied in favor of a discriminated class to assist in rendering overall admissions equal under the 14th Amendment (*Regents of University of California v Bakke*⁴, and *Grutter v. Bollinger*).⁵

SCOTUS went further and adopted a ‘sunset clause’ to all future consideration of race based affirmative action, citing a timeframe optimistically referenced in *Grutter*, id, as mandatory, thereby effectively nullifying not only Harvard’s and North Carolina’s affirmative action admission programs, but severely impacting those of all public and private universities and colleges from this point forward.

The Opinion of the Court was strongly disputed in the Dissenting Opinions of Justices Sotomayor and Jackson,⁶ each of which challenged the Majority in point by point historical reviews of the original and long

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accepted interpretation of the 14th Amendment as an anti-subjugation clause confined within the standards of strict scrutiny as enunciated in over 45 years of precedential decision. Each Dissent decried the Majority's re-interpretation of the Equal Protection Clause as the imposition of a literal "colorblindness for all by law," in complete disregard of the reality of segregation or the relevancy of race.⁷

In your essay,

1. Historically, the Equal Protection Clause of the 14th Amendment has provided a powerful constitutional tool used to access college admission for members of minorities whose educational opportunities are restricted by underperforming geographically based K-12 school districts. As applied to college admissions, will the Majority's literal "colorblindness" interpretation of the Equal Protection Clause provide constitutional relief against racial and other inequality in educational opportunity ?
2. The Majority and Concurring opinions failed to either defer to the fact finding of the lower federal courts and sidestepped the guidance of both Title VI and the Court's own precedent. Has the Majority Opinion disregarded the doctrine of *Stare Decisis* in its effort to redefine the Equal Protection Clause as a literal "colorblindness for all by law?" What effect, if any, does the Court's failure to address Title VI and precedent have on the perception of the Supreme Court as the ultimate interpreter of law?
3. Has the Court followed precedent in imposing *Grutter's* observation that a resolution of inequality in college admissions should be achieved in a temporal period i.e., "25 years" as a sunset provision? Has the Court merely employed dicta as an opportunity short-circuit constitutional review of inequality under the Equal Protection Clause?

~ 0r ~

TOPIC 2. "COLORBLINDNESS FOR ALL BY LAW" BEYOND COLLEGE ADMISSIONS

While the Majority Opinion was decided without analysis of Title VI of the Civil Rights Act of 1964, the Concurring Opinion of Justice Gorsuch is focused on it, and early on references the nearly identical language found in Title VII of the same Act.

"Just next door, in Title VII, Congress made it unlawful for an employer... to discriminate against any individual...because of such individual's race, color, religion sex or national origin."⁸

Following the issuance of the *SFFA* opinion, DEI employment initiatives and private sector contracts have come under attack where they implement affirmative action programs under Title VI's and Title VII's similar statutory prohibitions against discrimination based on race, color and ethnicity.⁹

1. How do you perceive the effect of *SFFA* on minority and gender-based employment opportunities going forward? Can affirmative action and diversity initiatives survive in view of the direction of the current Court's majority.

¹ 600 US 181 (USSC Docket No. 20-119, decided together with Docket No.21-707 *Students for Fair Admission, Inc. v. University of North Carolina et al*)

² Docket No.21-707 *Students for Fair Admission, Inc. v. University of North Carolina et al*

³ 349 US 294

⁴ 438 US 265

⁵ 539 US 306

⁶ Each Dissenter joined in the others Dissent and both were joined by Justice Kagan.

⁷ See, Sotomayor Dissent at 318; Jackson Dissent at 407

⁸ 600 US 181 at _____. (October Term, Slip Opinion at 290)

⁹ E.g., "Now What? Law firms are getting a wake-up call as division over diversity roils America's cultural debate", ABA Journal, Vol 109, No. 6, Dec/Jan2023-24.

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For their exceptional achievement and contributions to gender equity and issues unique to women in the legal profession. Barnes & Thornburg is proud to be part of the New Jersey community and to support the New Jersey Women Lawyers Association. We congratulate tonight's honorees.

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Diversity, Equality, and Inclusion in College Admissions

1. A “Colorblindness” Interpretation Undermines the Intended Goal of the Equal Protection Clause

The development of affirmative action in higher education was a key response to the effects of historical state-imposed racial segregation which violated the Equal Protection Clause under the 14th Amendment. It aimed to ensure equal opportunity and access for all individuals in various areas, including education, and placed an affirmative obligation on states who had formerly maintained segregated university systems to consider race in their admissions, recognizing that “the adoption and implementation of race-neutral admissions policies do not alone suffice to demonstrate that a state has completely abandoned its prior ‘dual’ university system – that is, a system which was racially segregated by law.”¹ Where there are still traces of a state’s prior de jure segregation system that continue to have discriminatory effects and foster segregation, a racially neutral policy is thus not sufficient for the goal of eliminating all remnants of the prior dual system. Therefore, the use of race as a factor in admissions decisions progressed minority access to higher education, a reality otherwise severely hampered by their earlier exclusion.



Employing a colorblind interpretation of the Equal Protection Clause will greatly undermine its intended goal in the realm of racial equality in educational opportunity. Affirmative action addresses the need for admissions policies to *respond* to deeply systemic, pervasive racial inequalities that have prevented minorities from gaining access to the same opportunities as others. Race-neutral or “colorblind” measures are simply not sufficient to promote true equal opportunity, as they fail to address the historical implications of racist policies and structures, and will instead only perpetuate the lack of minority involvement and representation in higher education. Regarding constitutional relief, some argue that a merit-based judgment using a colorblind approach will ensure an equal playing field for all. However, this completely ignores the disparities experienced by racial minorities. Operating under the guise of “neutrality,” this approach only has one outcome: continued barriers to higher education for minorities.

2. The Supreme Court’s Abandonment of Stare Decisis and the Its Encroachment on Legislative Duties

Stare decisis, the doctrine that courts will adhere to precedent in reaching their decisions,² has not only been largely disregarded by the Supreme Court in Students For Fair Admissions, Inc. v. President and Fellows of Harvard College³ and Students For Fair Admission v. University of North Carolina⁴ (hereinafter referred to as SFFA), but has furthermore been replaced with the Supreme Court’s tiptoeing into the realm of duties not assigned to them – namely, the making of law. While the Supreme Court’s tasks involve interpretation, utilizing tools of precedent, current laws, or else congressional intent to reach a decision



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We salute the honorees and all participating in tonight's Gala, especially the current and future women leaders among you.

based on a particular set of facts, determinations like those reached in SFFA reveal a dangerous and unfettered discretion to essentially re-write the law. Now, in a situation of ambiguous terminology or lack of action by Congress, interpretation and involvement by the Supreme Court is certainly expected. However, here, where the Equal Protection Clause is being redefined into “colorblindness for all” and standing precedent is being ignored to fit the narrative of the Majority, the impacts are incredibly significant for both the future of equality in higher education, and the role and perception of the Supreme Court.

For over sixty years, race-conscious admissions policies have been upheld as constitutional and consistent with the Equal Protection Clause of the 14th Amendment.⁵ Recognizing that such policies respond to widespread racism still existing in educational systems, blocking racial and ethnic minorities from accessing the same resources as white students, these policies aimed to take powerful steps to end discrimination, prevent its recurrence, and create new opportunities that were previously denied.⁶ In SFFA, the Majority not only disregarded this long-standing precedent but also the fact that modern day America continues to perpetuate prejudice against minorities, especially in the realm of higher education. This decision thus enables a “superficial rule of colorblindness as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter.”⁷ Further, it directly contravenes Congress’s intent at the time the 14th Amendment was ratified: to remedy the harms slavery left on the lives of Black Americans.⁸ Race-conscious legislation was an intentional act of Congress during the period of the 14th Amendment and even a century later.⁹ As will be discussed in the next section, significant impacts of slavery live on in America, and are highly evident in our workforces, higher education student bodies, and communities living in poverty. The Majority’s decision in SFFA thus works counterproductive to not only the goal of legislation like Title VI, which intends to prevent the exclusion of individuals from opportunities based on race, yet which the Majority failed to acknowledge in their opinion, but also to addressing the reality of the America we live in today – one that opens the door for some, and unequivocally slams it for all others.

In addition to the Supreme Court’s specific actions in this case threatening advancement toward racial equality in higher education and the protections of the Equal Protection Clause, its shift from judicial review to the making of law also jeopardizes the integrity of the system and public trust in our democracy. Disregarding precedent and undermining well-established laws and doctrines has transformed the Supreme Court from ultimate interpreter, an already problematic role in itself, to ultimate creator, a duty never intended for the Supreme Court but also never wished for as it centralizes immense power in just nine individuals. The Supreme Court has historically been regarded as a highly respected, strongly adhered to institution. However, these decisions and others have threatened this reputation and, more importantly, the public trust in a body that is meant to safeguard the rights of all.

3. Using Grutter Fails to Acknowledge Modern Day America and the Positive Impact Affirmative Action has Created

In SFFA, the Supreme Court argued that its overturning of Grutter v. Bollinger, which held that the Equal Protection Clause did not prohibit the University of Michigan Law School’s narrowly tailored use of race in admissions decision to further a compelling interest in compelling educational benefits that flow from a diverse student body,¹⁰ was to eventually be expected as the Court in Grutter expressed its expectation that, in 25 years, the use of racial preferences will no longer be necessary to further the interest approved on that day.¹¹ To say that our higher education systems have reached the interest goal first identified in Grutter that would validate now adopting a “colorblind” approach would be a blatant lie. Minority groups

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continue to be underrepresented in higher education, and prior examples of states banning the use of racial preferences in admissions reveals how such action has further obstructed their access to education.¹² For example, after California implemented Proposition 209 in 1996, banning the use of racial preferences in admissions, the state experienced a stark decline in Black student enrollment at the University of California, Los Angeles.¹³ In 2006, only 96 students (less than 2%) self-identified as Black out of a freshman class of nearly 5,000 students.¹⁴ While enrollment rates have shown some improvement since that time, only 228 (3%) at the University of California, Berkeley identified themselves as Black out of nearly 7,000 freshman students in the fall of 2022, despite the fact that the 2021-2022 high school graduating class in California had approximately 8,700 Black students that met the University of California system admission requirements.¹⁵ Similarly, in 2006, after Michigan adopted Proposal 2, the Affirmative Action Initiative, and a voter referendum also led to a state constitutional ban on race-conscious admissions, enrollment rates for students of color experienced a decline resulting in only 4% of Black enrollment by 2021, even though the growth of college-age African Americans in Michigan rose from 16% to 19%.¹⁶ The reality of these facts cannot be ignored, yet the Majority does so, stating that it is “unclear how a court is supposed to determine if or when such [racial equality] goals would be adequately met”¹⁷ and, ultimately, “race-based admissions programs eventually had to end.”¹⁸ Race-conscious admissions programs should end when racial inequality does. Justice so demands it and “speculating about a day when consideration of race will become unnecessary is arbitrary at best and frivolous at worst.”¹⁹

1 *United States v. Fordice*, 505 U.S. 717, 729 (1992).

2 *stare decisis*, Cornell Law School Legal Information Institute, www.law.cornell.edu/wex/stare_decisis (last visited Feb. 6, 2024).

3 *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 143 S. Ct. 2141 (2023). Decided together with Docket No. 21-707 *Students for Fair Admission v. University of North Carolina*.

4 *Id.*

5 Dorothy F. Garrison-Wade and Dr. Chance W. Lewis, *History and Analysis*, THE J. OF COLL. ADMISSION (Summer 2004), <https://files.eric.ed.gov/fulltext/EJ682488.pdf>.

6 *What Is Affirmative Action?*, The American Association for Access, Equity and Diversity, www.aaed.org/aaed/About_Affirmative_Action__Diversity_and_Inclusion.asp (last visited Feb 6., 2024).

7 143 S. Ct. at 2263.

8 Dennis Parker, *The 14th Amendment Was Intended to Achieve Racial Justice — And We Must Keep It That Way*, ACLU (July 9, 2018),

www.aclu.org/news/racial-justice/14th-amendment-was-intended-achieve-racial-justice.

9 *Id.*

10 *Grutter v. Bollinger*, 539 U.S. 306 (2003).

11 143 S. Ct. at 2165, 2166.

12 Jon Marcus, *The college-going gap between Black and white Americans was always bad. It's getting worse*, USA TODAY (May 15, 2023),

www.usatoday.com/story/news/education/2023/05/15/college-student-gap-between-black-white-americans-worse/70195689007/.

13 Adewale A. Maye, *The Supreme Court's ban on affirmative action means colleges will struggle to meet goals of diversity and equal opportunity*, ECONOMIC POLICY INSTITUTE (June 29, 2023),

www.epi.org/blog/the-supreme-courts-ban-on-affirmative-action-means-colleges-will-struggle-to-meet-goals-of-diversity-and-equal-opportunity/.

14 *Id.*

15 *Id.*

16 *Id.*

17 143 S. Ct. at 2166.

18 143 S. Ct. at 2173.

19 143 S. Ct. at 2255.

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“Colorblindness for All” is a Tale That’s Tall

I. Introduction

In June 2023, the Supreme Court ruled in Students For Fair Admissions, Inc. v. President and Fellows of Harvard College v. University of North Carolina¹ (hereinafter, “*SFFA*”) that higher education institutions can no longer consider race as a factor in admissions, finding that such a practice violated the Equal Protection Clause of the 14th Amendment. While the majority opinion specifically addressed the admission practices of colleges and universities, opponents of affirmative action almost immediately united to threaten legal action against companies with active diversity, equity, and inclusion (“DEI”) programs. Such threats included the Attorney Generals of 13 states who sent letters to CEOs of Fortune 500 companies cautioning them against their use of DEI-centered hiring and promotion practices in July 2023.² Another came from Senator Tom Cotton of Arkansas who, also in July 2023, sent letters to 51 major law firms in the country with a blanket advisory that participation in any DEI hiring programs violated federal law prohibiting racial discrimination in the private sector.³

While *SFFA* only addressed affirmative action as applied to college admissions, it resulted in intensified scrutiny and criticism of DEI efforts in the employment sector to ensure compliance with the authority “next door,”⁴ Title VII. Therefore, companies are having to reinspect their DEI practices to ensure compliance with anti-discrimination laws. Post-*SFFA*, diversity initiatives are in danger because some companies are abandoning them altogether, either out of an abundance of caution or a lack of sincere dedication in the first place. The most concerning result of *SFFA* will be the significant decrease in diversity of the future workforce, making DEI efforts more important than ever, but easy to opt out of.

II. *SFFA* Should Not Impact Employment Opportunities... But it Will

After the murder of George Floyd in 2020, public outcry demanded that the country take active steps to rectify discrimination, racism, and inequity against Black people.⁵ This pressure resulted in many companies reaffirming (or establishing for the first time) their commitment to workplace diversity. Nearly four years later, some of these pledges of allyship were evidently empty or weak at best. Before *SFFA* was even decided, companies such as Nike, Amazon, Walmart, American Airlines, and other large companies eliminated DEI-related departments as the flames of the post-George Floyd outrage began to dim.⁶

This is the first detrimental impact of the *SFFA* decision—DEI professionals are being laid off at alarming rates as companies eliminate these positions. Staff, leaders, and even former c-suite executives whose jobs were centered around diversity are increasingly being laid off due to companies pulling back on these commitments. The widespread elimination of these jobs is devastating, not only because employees with



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this expertise are being laid-off, but because it is now increasingly difficult to find another job in the same field. “By mid-2023, DEI-related job postings had declined 44% from the same time a year prior, according to data provided by job site Indeed... That’s a sharp contrast with the period from 2020 to 2021, when those postings expanded nearly 30%.”⁷

As if these company-specific actions were not upsetting enough, conservative state governors are using legislation to ensure suppression of DEI-related initiatives and jobs. For example, Texas Governor Greg Abbott signed a bill in 2023 that outright banned diversity offices in higher education institutions funded by the state.⁸ Barriers such as these create added hurdles to an already-criticized field in conservative states.

The Equal Employment Opportunity Commission published a statement clarifying that the *SFFA* decision did not impact employers’ implementation of DEI initiatives, and that continuing to foster diversity within the workplace was lawful.⁹ While it would seem that confirmation from *the* employment law enforcement agency would quell concerns regarding DEI efforts, many employers still opted to abandon consideration of race—or even gender—in their hiring practices out of the fear of potential litigation. This fear developed because there had already been an uptick in reverse discrimination claims over the past few years, and employers found themselves bracing for a surge in such cases post-*SFFA*.¹⁰ Hypothetically, a larger company legally attacked for its commitment to DEI could likely afford to defend against reverse discrimination claims, and may choose to fully litigate such claims to validate and defend its decision to support DEI programs. Smaller companies, however, may not consider DEI efforts worth the risk of a lawsuit, as defending a discrimination lawsuit could cost anywhere from \$75,00-\$250,000.¹¹ Such employers are likely to play it “safe,” inevitably resulting in less diverse workplaces.

Diversity initiatives were born from a concern that White men were dominating certain industries. It took intentional efforts, initiatives, planning and programs to attempt to subvert this reality. The more companies that abandon these efforts entirely, the more likely the workplace could return to the status quo, and diverse candidates could find it increasingly difficult to find employment, especially in traditionally White male-dominated industries.

III. Impact of SFFA on Diversity of Future Workforce

Critics of affirmative action have historically reasoned that, if minorities truly wanted to be considered equal, they should not be given special opportunities and should instead demonstrate their merit like everyone else. The crux of this argument is the proverbial “bootstrap” theory that, with affirmative action, “[i]t is often not possible to tell whether a given student genuinely deserved admission to Stanford, or whether he is there by virtue of fitting into some sort of diversity matrix.”¹² This philosophy is flawed because it ignores reality: women and minorities have faced systemic challenges that still impact the likelihood of admission into higher education institutions when compared to affluent and non-diverse students. For example, a study conducted by a Harvard-based research organization made a major finding in 2023 that, when compared to students with similar academic profiles who were not admitted, 9% of students admitted to ivy league universities 1) had parents in the top 1% of wealth distribution and 2) had an alumni parent.¹³

This data is per se harmful to all non-affluent students despite their race or gender; however, the history of ivy league admissions paints a picture of persistent discrimination of women and minorities. For example, Harvard’s first Black undergraduate student graduated in 1870, but the university admitted less than 12 Black students each year until the 1970s.¹⁴ In the 1940s, women could finally take classes at Harvard, but

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until 1963, women could not earn degrees from Harvard.¹⁵ Other ivy leagues have a similar history of resistant admissions for women and minorities, leading to a smaller population of diverse alumni. Further, the demographics of the top 1% population includes only 4% Black and 2% Latino individuals.¹⁶

It is widely understood that Black and Latino households experience higher rates of poverty in the US. This means that these students are more likely to attend lower performing schools with less access to extracurricular activities or advanced placement (“AP”) courses. Even if these students performed at the top percentile of their high schools, it would be difficult for their resumes to compete with affluent students who attended schools laden with sports, speech and debate, community service partnerships, a variety of AP courses, and other resume-boosting opportunities. Without affirmative action, such students will likely get less consideration in college admissions just by virtue of their circumstances.

Due to these realities, one college has predicted that a race-neutral admissions process will cut their Black and Latino population in half.¹⁷ In careful consideration of Chief Justice Roberts’ warning in *SFFA*’s majority opinion that, “[w]hat cannot be done directly cannot be done indirectly[,]”¹⁸ some higher education institutions are boosting consideration for low-income students. Others are increasing recruitment in diverse areas or increasing admission rates for transfer students from community colleges.¹⁹ These steps are likely to be at least somewhat successful in adjusting to post-*SFFA* requirements—but only for institutions that are willing to go this extra mile. Despite the long-understood benefits of diversity in higher education, there is no requirement that colleges and universities admit, or attempt to admit, diverse students.

It remains to be seen what impact the *SFFA* decision will have on college admissions, though it is not impossible to predict a substantial decrease in the diversity of student bodies. While *SFFA* may not directly impact the availability of employment opportunities to qualified diverse candidates, with a decreased diverse workforce, the population of such candidates may suffer significantly.

IV. Conclusion

The United States has a long, unfortunate history plagued by discrimination of women and minorities. Such history precipitated a need for programs that attempt to balance the scales that have been imbalanced for entirely too long. While the current Supreme Court’s majority is potentially concerning for supporters of diversity initiatives, there is evidence that some companies and higher education institutions are doing the work and doubling-down on their dedication to diversity. “Colorblindness” is a myth; luckily, there are individuals in power who remember our history and are working hard to never forget it.

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I. “Colorblindness” as a Sword in Educational Opportunity

The decision of the Supreme Court in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (“*SFFA*”) left minority students across the United States heartbroken for the uncertain direction our legal system is heading towards.¹ In my own personal experience, I was admitted into Seton Hall Law’s Legal Education Opportunity (LEO) program, which historically has been meant to assist students from minority or economically disadvantaged backgrounds to enter into law school with additional assistance, both financially and academically. After the decision in *SFFA*, I was left wondering, “What will happen to programs like LEO?”. The LEO program was meant to bridge the gap that is prevalent in the legal community today. It is meant to help equalize the inequality of legacy admissions and to assist others, that may not otherwise be in the legal field, in their professional development.

Historically, the Equal Protection Clause has been used as a sword for members of minority groups who have had unequal access to education. In regard to college admissions, the Majority opinion in *SFFA*’s literal “colorblindness” interpretation of the Equal Protection Clause will not provide constitutional relief against inequality in educational opportunity; it will likely do the opposite. The success that *Brown v. Board of Education* brought in raising the number of racially and ethnically diverse candidates in higher education was astronomical.

The Majority’s “colorblindness” opinion fails to consider the difference between equality and equity. Equality is the right of different groups of people to have a similar social position and receive the same treatment.² Equity is when there is justice according to natural law or right.³ Historically, the number of people of color in higher education has been stunted because of systematic racial and class issues that have been perpetuated by the legal system. The unfortunate reality is that the law isn’t as colorblind as the Supreme Court would like to believe. There are barriers put in place that have stunted the progression of people of color. As a result, the ruling in *SFFA* will disproportionately affect minorities and people of color. Athletic and legacy admissions, an overlooked type of preferential admission, will continue, and perpetuate the cycle even further.⁴ Even though a large amount of these admissions perpetuates a racial hierarchy, they will not be seen as an issue of “colorblindness” in the education system.⁵

II. The Court as the Ultimate Interpreter of the Law

Title VI, which was enacted as part of the landmark Civil Rights Act of 1964, was created to prohibit discrimination on the basis of race, color, and national origin.⁶ The Majority Court’s argument is that they properly deferred to the findings of the Court’s own precedent, given that the Majority in *Grutter* stated that they would revisit affirmative action in twenty-five years.⁷ Although the court points to *Grutter*’s twenty-five year timeline, the guidance of Title VI cannot be disregarded. The Court’s failure to address



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Title VI and precedent has a negative effect on the Supreme Court’s identity as the supreme interpreter of the law, causing a nationwide shift in the perception of the American Legal System.⁸ The once ultimate interpreter of the law, this decision will now shake the country, and also “impair the military’s ability to maintain diverse leadership, and thereby seriously undermine its institutional legitimacy and operational effectiveness.”⁹

III. The Court’s Disregarding Precedent

The Court does not specifically discuss overturning precedent of past cases, but merely implies that this is the natural progression of events post *Grutter v. Bollinger*.¹⁰ The reality is that the Court has not followed precedent in imposing *Grutter’s* temporal period observation. Justice Ginsberg makes an important clarification at the end of *Grutter*, reminding the Court that regardless of the hopeful and optimistic attitude the Court holds at the ultimate termination of *Grutter*, that is not the current reality today,

“However strong the public’s desire for improved education systems may be, it remains the current reality that many minority students encounter markedly inadequate and unequal educational opportunities... From today’s vantage point, one may hope, but not firmly forecast, that over the next generation’s span, progress toward nondiscrimination and genuinely equal opportunity will make it safe to sunset affirmative action.”¹¹

Justice Ginsburg addresses the actual reality of the statement and how there are inadequate educational opportunities. The word “safe” implies that there will be a better time, a time when there are equal opportunities for all, regardless of race. Unfortunately, we have not reached that time yet.¹² The action of the Court currently short-circuits traditional constitutional review of inequality and disregards the true essence of the Equal Protection Clause, which was meant to protect people of color from the effects of discrimination.¹³

Growing up as an Afghan-American, I was often confused about what legally I would be classified as. In the U.S. Census, I was told to check off that I am part of the Asian, White, and Middle-Eastern categories. I am much more than my race and ethnicity, that much is evident. But it is also evident that the category that I check off is imperative, and the mistake of checking off the wrong category erases years of my ancestor’s histories and traditions. Regardless of policies in higher education, I do truly believe that a person’s identity can be directly tied to their race and ethnicity. The Supreme Court’s actions in *SFFA* disregard the true essence of an individuals’ identity. To honor Justice Ginsberg’s views about racial understanding, we must first acknowledge that identity is complex and is the amalgamation of many factors, including race and ethnicity.

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NJWLA is proud to continue its Grants Program for nonprofit, federally tax-exempt 501(c)(3) organizations (nonprofit organizations, educational institutions, and government agencies are eligible to apply) for programs specific to the mission and purpose of NJWLA, i.e., programs that research, develop, and/or implement solutions strategies and initiatives to: 1) support and promote women lawyers to the highest levels of law firm, government, academic, community and corporate positions and the judiciary; 2) engage in statewide and/or nationwide efforts designed to retain women in the legal profession, including through providing education; 3) remove barriers to women's entry and advancement in the legal profession; 4) develop and promote women leaders, role models and mentors in the legal profession; 5) educate the legal profession and general public about gender equity concerns and issues related to the legal profession; 6) provide a voice for women, including in shaping legislation of importance to women; and 7) encourage women to attend law school.

NJWLA is proud to have supported the following 2023 Grant Recipients:



NJ LEEP, Inc.;
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NJ LEEP has been granted funding to use for the following programs: NJLEEP's "Legal Diversity Young Women's Pipeline Program" which includes: (1) a Summer Law Institute for rising 9th graders, (2) Law-Related Education & Mentoring Programs for 11th and 10th Graders and 6-8th graders, and (3) NJLEEP's College Student Success Program for students currently enrolled in college.

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Partners

Partners has been granted funding to use for the following programs: Partners' Mission Freedom: A Project to Provide Freedom from Intimate Partner and Sexual Violence in Cis-Gendered and LGBTQ+ Relationships. Partners provided continuing education for pro bono counsel educating pro bono volunteers on holistically representing LGBTQ+ survivors, leading to greater case placement and representation for victims.



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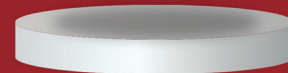


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YEAR IN REVIEW

FIRESIDE CHAT . MARCH 16, 2023





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YEAR IN REVIEW

NUTS & BOLTS . JUNE 1, 2023



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on her
accomplishments and service.

Congratulations to
**Congresswoman
Mikie Sherrill**
on tonight's award.

**Dr. Barbara S. Starr
and Sidney Shaievitz, Esq.**
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YEAR IN REVIEW

FORE WOMEN ONLY GOLF OUTING . JUNE 5, 2023



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PROFESSIONALISM AWARDS LUNCHEON . JULY 12, 2023

YEAR IN REVIEW

NJWLA INSTALLATION DINNER . JULY 13, 2023



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KICKOFF COCKTAIL PARTY . OCTOBER 4, 2023

YEAR IN REVIEW

NAVIGATING YOUR CAREER . OCTOBER 16, 2023





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*Congratulations to all of
this year's honorees and award recipients!*



Please save these dates!

APALA-NJ Annual Golf Outing on May 2, 2024
at Maplewood Country Club

**APALA-NJ 25th Annual Gala on September 12,
2024** at Stone House at Stirling Ridge



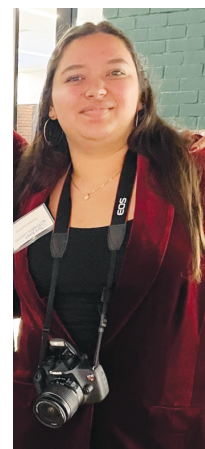
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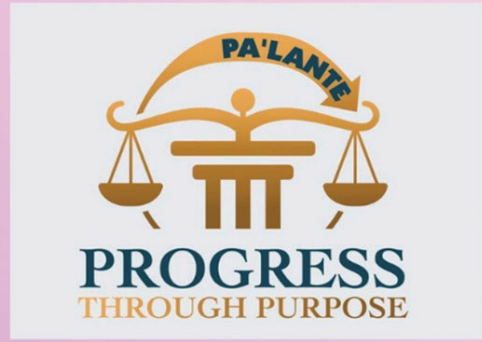
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YEAR IN REVIEW

HOLIDAY PARTY . DECEMBER 18, 2023





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NEW YEAR NEW SKILLS . JANUARY 11, 2024

YEAR IN REVIEW

**TALES FROM THE BENCH
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**NJWLA is grateful to
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for her talents, expertise and patience in helping us produce this Gala Journal every year. We know we could not accomplish this project without her guidance.

