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2024 SCHOLARSHIP PROGRAM

NJWLA has established a scholarship program to benefit students who are pursuing juris doctorate degrees. In 2024, NJWLA intends to award grants of \$5,000 each, to one student from each of New Jersey's law schools: Rutgers University Law School – Camden, Rutgers University Law School – Newark, and Seton Hall University Law School. **

In order to qualify, each applicant must be a matriculating law school student who:

- Has completed at least twelve (12) credits at the time of application;
- Is carrying a minimum of six (6) credits per term; and
- Has been recommended by (1) a professor, an instructor, an adjunct faculty member, a clinical instructor, a Dean, a Director of their law school *or* (2) a lawyer or a judge with whom the applicant has worked as a clerk or intern during the past two (2) years.

SELECTION PROCESS AND CRITERIA

In addition to these requirements, applicants will be judged according to their commitment and dedication to their law school, dedication to the mission of NJWLA, and the practice of law as well as their essay.

Scholarship awards may be used for tuition, fees, books, and personal expenses, and are given directly to the students.

Applicants who work for companies that offer tuition reimbursement are eligible to apply.

Scholarship application forms are available from the Deans of each New Jersey law school and are also available on our website at www.njwla.org.

PREVIOUS WINNERS ARE NOT ELIGIBLE.

All applications must be **received** by February 12, 2024 at 5:00 pm. **NO EXCEPTIONS.**

- Incomplete applications and/or applications received after the deadline WILL NOT BE CONSIDERED.

** Please note that for purposes of this scholarship process NJWLA treats Rutgers – Newark and Rutgers – Camden as separate schools.

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Nominations Director



APPLICATION SUBMISSION CHECKLIST

Multiple reviewers will evaluate each application. For an application to be considered complete and eligible for consideration, we must receive from you by the deadline your:

- Application
- Essay
- Letter of recommendation
- Law school transcript (first year students should submit undergraduate transcript)
- Resume

Means of Submission:

The application and essay can be submitted by mail (see below) or by email (pdf format) to cskinner@njwla.org and nanlottin@gmail.com.

Mailing address: NJWLA
372 Franklin Avenue
Suite 713
Nutley, New Jersey 07110.

Letters of Recommendation and transcripts must be in original, hard copy, and the recommendations, if sent by the applicant (and not the party providing the recommendation directly) must be in a sealed envelope from the party providing the recommendation.

TIMELINE

February 12, 2024 5:00 pm – Deadline for submission of *all materials* to **ARRIVE** at NJWLA Mailbox and/or email addresses provided above. **MATERIALS POSTMARKED FEBRUARY 12, 2024, BUT RECEIVED THEREAFTER ARE NOT TIMELY SUBMISSIONS AND WILL NOT BE CONSIDERED.**

By end of February 2024 – All candidates and Deans will be notified of the outcome of the application review.

The scholarships will be publicly recognized on March 19, 2024 at The Grove in Cedar Grove, NJ. Winners are expected to attend. This is a truly inspirational evening not to be missed.



SCHOLARSHIP APPLICATION FORM

DEADLINE FEBRUARY 12, 2024 5pm

I. Student Information (Please type or print neatly)

Name: _____
(Last) (First) (M)

Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Employer ____ Current or ____ Previous

Date of Employment: _____ Position: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Number of hours worked per week during the 2022/2023 academic year _____

Anticipated hours to be worked per week during the 2023/2024 academic year _____

How did you hear about the NJWLA Scholarship award? _____



II. ACADEMIC INFORMATION

High School Graduation (Year): _____

Undergraduate Degree: _____ Year: _____ Major: _____

College or University: _____

Law School Information:

Name of Law School: _____

Date of Matriculation: _____ Number of credits completed: _____

Expected date of completion: _____ Total credits required for law degree: _____

Student Status: Full Time: _____ Part Time: _____

Number of Credits to be taken during the academic year: _____

(Minimum is six (6) per term, but you do not need to be enrolled all terms.)

(Approximate dates: Fall: Sept. – Dec. Winter: Jan. – May Summer: June – Aug.)

Fall 2023 _____ Winter 2024 _____ Summer 2024 _____

Total Credits for the Academic Year 2023-2024: _____

By submitting this application, applicant hereby grants to NJWLA the right to use, publish, exhibit and/or reproduce the applicant's name, law school information and scholarship essay in any and all media now known or later developed, and for any and all purposes, without the payment of any royalty or compensation of any kind. Further, if applicant is selected as one of the grant recipients, then applicant further agrees that NJWLA may use images, including photographs and videos, of applicant from the NJWLA Gala in any and all media now known or later developed, and for any and all purposes, without the payment of any royalty or compensation of any kind. The applicant herein releases NJWLA, its officers, directors, employees and agents and any affiliated or related persons or entities from any and all claims and causes of action based upon NJWLA's use of the essay. By signing this application, applicant warrants that he/she is the sole owner of the rights granted and that the essay submitted does not infringe upon the copyright or rights of anyone.

Applicant Signature: _____

Date: _____



- III. Your Essay is to respond to one of the following:
Please use separate pages for your essay (do not print it here).
Please only answer one of the questions with an essay not to exceed 1500 words.
Please note that if you use or refer to cited work, citations should be in Blue Book format.
We reserve the right to edit all essays for publication.

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

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



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 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 Discuss the following:

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?

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



Topic II: “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.

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.