



AMERICANS FOR EQUAL OPPORTUNITY

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EEOC

Submitted Through Online Portal
<https://publicportal.eeoc.gov/Portal/Login.aspx>

Re: Title VII Liability of Sponsors for Educational Opportunity and 44 Partner Law Firms in the 2025 SEO Law Fellowship

Dear Acting Commissioner Lucas & Members of the EEOC:

Americans for Equal Opportunity (“AEO”) submits this Charge against Sponsors for Educational Opportunity (“SEO”) and its 44 partner law firms¹ (the “Sponsor Firms”) on behalf of AEO members who have experienced racial discrimination while applying for SEO’s 2025 Law Fellowship Program (the “Fellowship” or the “2025 Fellowship”).

The Fellowship is the largest racially discriminatory hiring pipeline program in the legal field.² SEO administers the Fellowship and operates as a joint employer and staffing agency on behalf of 44 law firms who contract with SEO for the purpose of hiring interns from preferred racial or ethnic backgrounds — *i.e.*, Black, Hispanic, and Native American. Each year, the Fellowship typically places nearly 200 incoming law students (the

¹ AEO names as Respondents the full list of SEO’s 2024 Sponsor Firms included as Exhibit A. Over the course of the 2025 application period, some Sponsor Firms have been removed from the SEO website and in some cases re-added. Each Sponsor Firm listed in Exhibit A was listed on the SEO website at the time AEO’s members applied to the Fellowship. See *Partners, SPONSORS FOR EDUC. OPPORTUNITY* (archived Nov. 16, 2024), <https://web.archive.org/web/20241126220338/https://www.seo-usa.org/law/partners/>.

² “SEO is the nation’s premier summer internship and training program targeting talented African American, Hispanic and Native college students. Each year, SEO Career recruits, interviews, selects and trains several hundred interns and fellows for partners in banking, law, alternative investment and corporate leadership...To date SEO has recruited over 8,900 interns for its U.S. Partners.” SEO Form 990 (Fiscal Year 2019), available at: <https://www.seo-usa.org/wp-content/uploads/2020/08/SEO-FY19-990.pdf>. In 2016, SEO held itself out to prospective Sponsor Firms as “the nation’s only summer internship program for pre-law students of color.” *Be a Partner, SPONSORS FOR EDUC. OPPORTUNITY* (archived Sept. 11, 2024), <https://web.archive.org/web/20160911041339/http://www.seocareer.org/for-partners/be-a-partner/>.

“Fellows”) into pre-law paid internships with Sponsor Firms the summer before law school (“0L”). Each Sponsor Firm hosts at least one SEO Fellow for a summer internship, providing supervision, work assignments, mentorship, and in many cases, an offer to return back to the Sponsor Firm the following summer. Consistent with the preferences of the Sponsor Firms, SEO rejects qualified candidates who are not from the preferred racial and ethnic backgrounds.

Sponsor Firms participate in the SEO Fellowship to satisfy their target quotas of Black, Hispanic, and Native American candidates in proportions that the Sponsor Firms apparently cannot achieve through traditional, merit-based hiring practices.

AEO, on behalf of its impacted members, asks the EEOC to investigate the discriminatory practices of SEO and its Sponsor Firms.

I. CHARGING PARTY

Americans for Equal Opportunity is a membership organization³ defending human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means. More specifically, AEO seeks to promote and protect the right of the public to be free from discrimination on the basis of race. AEO brings this charge on behalf of its members who were rejected from the 2025 Fellowship.

AEO’s Membership is made up of Americans who oppose legal discrimination in employment and who wish to advance policies and practices consistent with color-blind equal opportunity.

Among AEO’s membership are three White or White-presenting applicants rejected from the Fellowship on or after May 2, 2025 who submitted a set of complete application materials on or before the February 28, 2025 application deadline for the 2025 Fellowship. Therefore, the EEOC has jurisdiction to investigate this timely charge of discrimination.⁴

These members met the Fellowship’s stated requirements:

³ Americans for Equal Opportunity is currently in the process of seeking recognition as a 501(c)(3) organization and was formed in Washington D.C. on February 4, 2025.

⁴ 42 U.S.C. § 2000e-5(e)(1) (“A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred [.]”).

- 1) Have a minimum undergraduate GPA of 3.3,
- 2) Have a minimum LSAT score of 154 (or GRE/GMAT equivalent),
- 3) Have taken the LSAT, GRE, or GMAT at least once by February 2025,
- 4) Have graduated from a four-year college/university by May 2025,
- 5) Have U.S. work authorization for the duration of the Fellowship, and
- 6) Have applied to an ABA-accredited law school for Fall 2025 matriculation.

AEO's members have academic qualifications and work experience that match or exceed those of applicants from preferred racial or ethnic backgrounds who were selected for the Fellowship. Additionally, each AEO member who applied for the Fellowship submitted an application that described his or her successes in overcoming adversity and his or her underserved backgrounds. Therefore, AEO has standing to bring this charge.⁵

AEO's membership includes additional members who were rejected from the Fellowship in prior years because they were not part of the minority groups preferred by SEO and its Sponsor Firms.

II. RESPONDENTS

Sponsors for Educational Opportunity is a 501(c)(3) nonprofit organization headquartered in New York. SEO offers a range of educational and career programs intended primarily for Black, Hispanic, and Native-American students. Beginning in the 1980s, SEO launched several employment-related programs which served as headhunting and staffing agency services for private sector employers who sought to increase the number of Black (and later Hispanic) interns in their hiring pipeline programs. SEO has several programs today with similar or identical goals,⁶ including the SEO Law Fellowship program.

The Sponsor Firms are 44 law firms who participate in the SEO Law Fellowship. A full list of Sponsor Firms is attached as Exhibit A.

⁵ 29 C.F.R. § 1601.7(a) ("A charge on behalf of a person claiming to be aggrieved may be made by any person, agency, or organization. The written charge need not identify by name the person on whose behalf it is made.").

⁶ For example, SEO is currently operating the "SEO Career Real Estate Track" program to "develop[] and plac[e] a pipeline of Black, Hispanic, and Native American interns and entry-level candidates at top real estate firms." *PREA Foundation Invests \$10.8 Million in SEO Career to Advance Diversity and Inclusion in Real Estate*, SPONSORS FOR EDUC. OPPORTUNITY (Mar. 23, 2023), <https://www.seo-usa.org/news/prea-foundation-invests-10-8-million-in-seo-career-to-advance-diversity-and-inclusion-in-real-estate/>.

The Sponsor Firms are among the largest law firms in the United States. Each Sponsor Firm typically relies on summer internship programs as part of its pipeline for hiring new attorneys. Large law firms like Sponsor Firms primarily hire interns for a “2L” summer internship beginning after their second year of law school. The “2L” summer internship is the largest source of junior associates for law firms, although some firms also hire a smaller number of “1L” interns who intern after their first year of law school. Notably, however, it is rare for large law firms like the Sponsor Firms to offer pre-law “0L” programs outside the context of the SEO Fellowship. Sponsor Firms have adopted the “0L” SEO hiring track to hire the Fellows because the Sponsor Firms are seeking to satisfy racial quotas to hire minority summer associates, associates, counsel, and partners.⁷ The Sponsor Firms pay SEO to recruit and place SEO Fellows in their summer internship programs for the purpose of satisfying their racial quotas.⁸

III. THE SEO LAW FELLOWSHIP

The Fellowship begins with a two-week training course which is conducted partially virtually and partially in-person in New York City.⁹ Upon completion of the training program, Fellows begin their paid summer internships at Sponsor Firms in major U.S. cities according to placements made by SEO. In most cases, Sponsor Firms do not know who they will receive as Fellows until the placement decision has already been made by SEO. Rather, SEO makes the placement decisions for Fellows based on a combination of its own selection criteria and the Fellows’ stated location preferences. The internship lasts a minimum of eight weeks, which is a requirement from SEO for Sponsor Firms participating in the Fellowship.

By its nature, the Fellowship recruits only future law students who have not yet attended a single law school class. It is therefore impossible for Fellows to complete assignments on par with law students who join summer programs with formal law school training. As a result, during the internship component of the Fellowship, Fellows can only receive nonsubstantive work assignments comparable to what would be given to a legal assistant or paralegal and participate in firm-organized social events.

⁷ See, e.g., Cooley LLP, *Diversity, Equity and Inclusion Action Plan*, previously available at [cooley.com/diversity/dei-action-plan](https://www.cooley.com/diversity/dei-action-plan), archived June 4, 2024 at <https://web.archive.org/web/20240604092355/https://www.cooley.com/diversity/dei-action-plan> (stating Cooley was “striving” to “[i]ncrease the percentage of ethnic, racial, and LGBTQ+ diversity among all lawyers to at least 32%”).

⁸ See Section VII(A), *infra*.

⁹ *Fast-Track Your Legal Career with the SEO Law Fellowship!*, SPONSORS FOR EDUC. OPPORTUNITY, <https://www.seo-usa.org/law/our-program/fellowship/> (last visited May 11, 2025).

Sponsor Firms pay Fellows for both the two-week training and the internship. All Fellows receive the minimum weekly compensation of \$1600 a week mandated by SEO, but SEO permits Sponsor Firms to determine whether they will offer compensation over the minimum requirement. Some Sponsor Firms pay Fellows commensurately with first-year associates, paying more than \$4,000 per week. Fellows receive this high pay despite the fact that they are unable to complete substantive legal work for Sponsor Firms or their clients.¹⁰

Historically, a majority of Fellows received “1L” return offers — *i.e.*, invitations to become summer associates at the Sponsor Firms following the Fellows’ first year of law school.¹¹ Fellows receive these return offers before receiving any grades, which are typically the primary screening tool utilized by Sponsor Firms in making hiring determinations. Upon information and belief, even when Sponsor Firms make these return offers contingent upon “1L” grades, the minimum required GPA for Fellows is lower than the required GPA for students from non-preferred races and ethnicities.

Such “1L” positions are highly coveted because they are a near-guarantee of a return offer after the second year of law school. At most Sponsor Firms, a “2L” position nearly guarantees the student will be offered a lucrative full-time position after graduation. SEO thus offers a shortcut to full-time employment at Sponsor Firms for candidates from preferred racial and ethnic backgrounds.

IV. SPONSOR FIRMS HAVE ADOPTED DISCRIMINATORY HIRING PRACTICES IN RESPONSE TO A PRESSURE CAMPAIGN FROM THEIR CORPORATE CLIENTS

Of course, many American employers have prioritized diversifying their workforces in recent decades. But law firms are not merely chasing good press by participating in racially discriminatory programs like SEO: Sponsor Firms are, at least in part, responding to a coordinated pressure campaign from their corporate clients.

¹⁰ Because Fellows lack formal legal training, they are “immersed in a great deal of clerical or paralegal-type work.” CHARLES RUTHEISER, *THE OPPORTUNITY MAKERS: THE FIRST HALF-CENTURY OF SPONSORS FOR EDUCATIONAL OPPORTUNITY* 89 (2016). One SEO Law alumna told Rutheiser: “Although I didn’t learn much about the law per se, by the end of the summer I understood the role of litigation in corporate law and developed a deeper appreciation for the role of specialization within the legal profession.”

¹¹ *Be a Partner, SEO CAREER* (archived Sept. 11, 2016), <https://web.archive.org/web/20160911041339/http://www.seocareer.org/for-partners/be-a-partner/> (“Virtually 100% of our law partners secure full-time associate hires annually via SEO[.]”).

In recent years, corporate clients have come to require extensive disclosure of demographic information, including the race and ethnicity of every lawyer staffed on the clients' matters, as a condition for retaining a law firm. Some clients have gone so far as to request detailed information about Sponsor Firms' compensation structures for counsel and partners — including their race and ethnicity — and have pressured firms to align compensation credit with the clients' demographic preferences.

Such practices were explicitly described by panelists on a panel for the Minority Corporate Counsel Association in October 2020, entitled *Show Me the Money: Origination Credit and Outside Counsel Engagement*, during which general counsels and high-ranking legal advisors boasted about how they pressure the law firms they have retained to structure their compensation to favor lawyers of the preferred races and ethnicities.¹² The panel, which was framed as a “how-to” for corporate counsel seeking to increase the proportion and income of racial minorities within the law firms they retain, included former general counsel of Gap, Inc. Michelle Banks, who advised that companies should instruct their law firms to take racial diversity into account when assigning the “relationship partner” (a designation that comes with status within the firm and increased compensation). Similar advice for manipulating law firm compensation systems was given by Sandra Leung, then-general counsel of Bristol Myers Squibb, Tom Robertson, Corporate Vice President and Deputy General Counsel of Microsoft Corporation, and Nokia's General Counsel for Customer Operations and Deputy Chief Legal Officer Nassib Abou-Khalil.

Corporate clients have also pushed firms to boost their numbers of attorneys from their preferred racial and ethnic backgrounds through other incentives. For example, Microsoft “[c]elebrat[ed]” several law firms in 2021¹³ and 2022¹⁴ for achieving racial staffing goals on Microsoft's matters, including Sponsor Firms Cooley, Morgan Lewis, White & Case, Cooley, and Latham & Watkins, who were recognized by Microsoft's “Law Firm Diversity Program.” Microsoft rewarded these Sponsor Firms with public recognition and financial bonuses for apparently racially discriminating in the staffing of Microsoft's matters.

¹² The Minority Corporate Counsel Association has since removed videos and other documents associated with its October 2020 “Creating Pathways to Diversity Conference” from its website and social media accounts.

¹³ Hossein Nowbar, *Recognizing Partner Law Firms for Furthering Diversity in the Legal Profession*, MICROSOFT ON THE ISSUES (Dec. 14, 2021), <https://blogs.microsoft.com/on-the-issues/2021/12/14/lfdp-law-firm-diversity-program-2021-results>.

¹⁴ Hossein Nowbar, *Microsoft's Law Firm Diversity Program: Celebrating Top Performers in 2022*, MICROSOFT ON THE ISSUES (Dec. 8, 2022), <https://blogs.microsoft.com/on-the-issues/2022/12/08/microsoft-law-firm-diversity-program-lfdp-2022/>.

This pressure from major clients has created demand for a staffing agency like SEO, which caters directly to the Sponsor Firms' demographic preferences by recruiting, screening, and placing incoming law students of the preferred races and ethnicities into the Sponsor Firms' hiring pipeline.

Of course, client demands do not supersede the Civil Rights Act. Indeed, the Civil Rights Act anticipated that discriminatory companies would seek to outsource their unlawful hiring practices to employment agencies. It therefore explicitly prohibits employment agencies like SEO from discriminating against job applicants on the basis of race.¹⁵ SEO is an "employment agency" within the definition of the Civil Rights Act,¹⁶ the Civil Rights Act prohibits SEO's discriminatory conduct,¹⁷ and the Sponsor Firms share culpability for SEO's actions.

V. SEO AND THE SPONSOR FIRMS ARE LIABLE FOR SEO'S DISCRIMINATORY PRACTICES

SEO serves Sponsor Firms as both a staffing agency and joint employer.

A. SEO Is A Staffing Agency Engaged In Intentional Racial Discrimination

SEO serves as a traditional employment agency: it recruits, vets, interviews, and refers prospective Fellows on behalf of Sponsor Firms. Sponsor Firms historically outsourced selection entirely to SEO, forgoing any interviewing or vetting of their own. SEO selects the Fellows and assembles a Fellowship class that is typically majority Black, with remaining slots given primarily to Hispanic applicants, along with a smaller set of Asian, Native American, and other races. Fellows also accept an offer of an internship from SEO without knowing the details of the Sponsor Firm at which they will be placed.

¹⁵ 42 U.S.C. § 2000e-2(b) ("It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.").

¹⁶ EEOC Policy Guidance: What Constitutes an Employment Agency under Title VII, How Should Charges Against Employment Agencies be Investigated, and What Remedies Can Be Obtained for Employment Agency Violations of the Act? (Sept. 20, 1991), *available at* <https://www.eeoc.gov/laws/guidance/policy-guidance-what-constitutes-employment-agency-under-title-vii-how-should-charges>.

¹⁷ 42 U.S.C. § 2000e-2(b) ("It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.").

Employment agencies violate the Civil Rights Act when they comply with a client's discriminatory staffing demands. SEO has not only engaged in direct discrimination, it has illegally facilitated Sponsor Firms' unlawful racial preferences.

B. SEO And Sponsor Firms Are Joint Employers

SEO operates as a joint employer with Sponsor Firms. For the first two weeks of the Fellowship, SEO is primarily in charge of the terms and conditions of employment of the Fellows. For example, SEO has determined that part of the Fellowship training program can be attended remotely, and part must be attended in person. SEO also manages the training curriculum, assigns work to the Fellows, sets the Fellows' hours, and sets the dress code.

Fellows spend the next six weeks of the Fellowship in internship placements at Sponsor Firms. During this period, Sponsor Firms assume primary control of the Fellows' working conditions. Sponsor Firms have the option to pay Fellows more than \$1600/week and may keep Fellows on longer than the minimum 8 weeks of employment. During the internship weeks, Sponsor Firms are entirely in charge of assignments, scheduling and hours, dress code, work location, oversight and supervision, workplace policies, and whether to extend return offers to Fellows. Sponsor Firms also issue paychecks to Fellows for the duration of the Fellowship, including the two-week training program administered by SEO.

But SEO retains some control over the Fellows' terms of employment even after Fellows begin their internships at the Sponsor Firms. As described above, SEO sets the minimum pay and the minimum number of weeks for which Sponsor Firms may employ their placed Fellows. SEO staff also provide mentorship for Fellows throughout the Fellowship.

SEO and the Sponsor Firms are therefore joint employers, and all are liable for SEO's violations of the Civil Rights Act.

VI. SEO RACIALLY DISCRIMINATES AGAINST FELLOWSHIP APPLICANTS

A. Discrimination Is In SEO's DNA

In 1980, SEO founder Michael Osheowitz launched the “SEO Career” program to “increase workforce diversity on Wall Street.”¹⁸ SEO Career served as a staffing agency that provided “qualified minority professionals”¹⁹ to work as summer interns on Wall Street in exchange for financial contributions from host companies.²⁰ SEO recruited Black (and later Hispanic) students at elite universities and matched them with summer internships at various investment banking and financial service companies. In exchange, those companies made large donations to SEO and provided SEO's students with exclusive internship opportunities.

SEO Career's reputation grew as a quick fix for the demographic problems of Wall Street firms. Law firms, who “experienced the same diversity challenges as their Wall Street clients,” turned to SEO to “diversify” their own hiring pipeline programs.²¹ The program now known as the “SEO Law Fellowship” began in 1986 as a pilot at New York law firm Fried Frank.²² By 1989, SEO had twenty interns at five law firms in New York City. Today, SEO Law places approximately two hundred interns, known as “SEO Law Fellows,” at 44 participating Sponsor Firms.

B. SEO Deters Applicants From Disfavored Races And Ethnicities

For most of its history, SEO was explicit about its racial preferences. In the early days, the program was entirely Black, only admitting a Hispanic intern for the first time in 1983.²³ In 2020, it advertised the Fellowship to prospective applicants as “the nation's only summer internship program for pre-law students of color.”²⁴ In 2016, SEO advertised to

¹⁸ RUTHHEISER, *supra* note 10, at 73.

¹⁹ *Minority Students Intern On Wall St.*, N.Y. TIMES (Sept. 3, 1986), <https://www.nytimes.com/1986/09/03/garden/minority-students-intern-on-wall-st.html>.

²⁰ RUTHHEISER, *supra* note 10, at 73 (“Osheowitz saw the investment banks as a major and sustainable source of funding for SEO's either programs.”).

²¹ *Id.* at 88.

²² *Id.* at 76 (“[F]rom its earliest days, SEO Career sought to diversify Wall Street by both race and gender.”).

²³ *Id.* at 78.

²⁴ *The SEO Law Fellowship Program*, SPONSORS FOR EDUC. OPPORTUNITY, formerly available at <http://www.seo-usa.org/law/our-program/fellowship>, archived Nov. 12, 2020 at <https://web.archive.org/web/20201112030716/https://www.seo-usa.org/law/our-program/fellowship/>. By 2021, SEO edited this page to read that the Fellowship was “the only program of its kind to offer talented, underrepresented,

prospective Sponsor Firms that SEO was “the nation’s only summer internship program for pre-law students of color,” and offered “access to the most talented minority students attending the top law schools.”²⁵ As recently as 2020, its website stated that the SEO Law Fellowship “is the only program of its kind to offer talented incoming law school students of color the opportunity to work at a top law firm during the summer before law school.”²⁶ Even today, SEO Law’s official X.com account describes the program as for “incoming law students from underrepresented backgrounds,”²⁷ and the Director of SEO San Francisco describes the programs as “development programs tailored for underrepresented minorities” on his LinkedIn.²⁸

As part of SEO’s recruiting outreach efforts, SEO employees have also expressly discouraged applications from candidates of undesirable races and ethnicities. For example, in October 2016, an individual identified as a recruiter for SEO Law posted on the website Top-Law-Schools.com, a forum-based website for law school applicants, offering to answer questions from prospective SEO applicants.²⁹ A poster asked:

Just to clarify, though the program is targeted to Black, Hispanic, and Native American applicants, anyone can apply given that they will be attending law school immediately after? Is being a part of other minority groups (or being of mixed races) taken into consideration?

Despite SEO’s contemporaneous statements that the Fellowship was open to all applicants,³⁰ the recruiter responded:

You are correct. We do take other minority groups and mixed races into consideration, but most of our class is made up of Black, Hispanic and Native American students. Most years we do have a

incoming law students the opportunity to work at a top law firm during the summer before law school.” Oct. 17, 2021 website accessed via the Internet Archive at: <https://web.archive.org/web/20211017021704/https://www.seo-usa.org/law/our-program/fellowship/>.

²⁵ *Be a Partner, SEO CAREER* (archived Sept. 11, 2016), <https://web.archive.org/web/20160911041339/http://www.seocareer.org/for-partners/be-a-partner/>

²⁶ *The SEO Law Fellowship program*, SPONSORS FOR EDUC. OPPORTUNITY, formerly available at <http://www.seo-usa.org/law/our-program/fellowship>. Nov. 12, 2020 website accessed via the Internet Archive at: <https://web.archive.org/web/20201112030716/https://www.seo-usa.org/law/our-program/fellowship/>

²⁷ SEO Law Program (@SEOLawProgram), X, <https://x.com/SEOLawProgram> (last visited May 10, 2025).

²⁸ Omar Wandera, LINKEDIN, <https://www.linkedin.com/in/omar-wandera-b310ba7/> (last visited May 9, 2025).

²⁹ *SEO Law Recruiter: Answering Questions Forum*, TOPLAWSCHOOLS (Nov. 21, 2016), <https://www.top-law-schools.com/forums/viewtopic.php?f=14&t=271256>.

³⁰ *SEO Career, SEO CAREER* (archived Sept. 6, 2016), <https://web.archive.org/web/20160906131134/http://www.seocareer.org/for-applicants/faqs/#> (“While all are welcome to apply, we target U.S. Black, Hispanic, and Native American candidates.”).

few Asian and South Asian students as well. ... Hispanic students of all races and background [sic] are eligible.

One poster, a “mixed race (half Hispanic and White)” applicant with a self-described “white” last name, asked whether they were “at a significant disadvantage [with regards to] getting into the program.” The recruiter responded:

No. You self-identify on our application. If you are concerned, I would recommend attaching your diversity statement rather than your personal statement to your application.

SEO’s racial preferences are also clearly signaled to outside stakeholders. The American Bar Association has advertised that the SEO Law Fellowship Program “identifies, trains, and develops talented black, Hispanic, and Native American law students for summer internships at the nation’s premier law firms in order to increase the recruiting pipeline of attorneys entering such firms.”³¹ Columbia University’s Center for Career Education, which offers job posting and other services to employers seeking to recruit Columbia students, describes the Fellowship on a page directed at employers as “an academic and professional development program targeting high-achieving and ambitious Black, Hispanic, and Native-American incoming law students.”³²

Over the years, SEO became coy in its public external communications about its discriminatory intent. SEO has changed the language on its website to conceal its discriminatory practices, replacing the term “diverse” with “underserved,” and describing programs as open to “all.”

Despite introducing language on its website that allegedly invites applicants of all backgrounds to apply, SEO has done *nothing* to change applicants’ understanding that its Fellowship is truly intended for Black, Hispanic, and Native American students. As a threshold matter, SEO has not corrected marketing that the program is only for minority students. Rather, that marketing continues, albeit more subtly. SEO’s webpages overwhelmingly show Black, Hispanic, and Native American individuals. Occasionally, an Asian student is featured, and White students are not featured. As described above, SEO’s leadership describes SEO’s programs as “tailored to minority students.”

³¹ Van Ann Dang Bui & Grace Pajonk, *How SEO Law Provides A Path for Underrepresented Students Into Corporate Law*, AM. BAR ASSOC. LITIG. SECTION (Aug. 22, 2017), <https://www.americanbar.org/groups/litigation/resources/newsletters/diversity-inclusion/how-seo-law-provides-a-path-for-underrepresented-students-into-corporate-law/>.

³² *SEO Law*, COLUMBIA UNIV., <https://www.careereducation.columbia.edu/employers/seolaw> (last visited May 10, 2025).

In summary: SEO's discriminatory practices and marketing have created a public understanding that SEO favors Black, Hispanic, and Native American applicants. This deters applicants from disfavored racial and ethnic groups from applying. Additionally, SEO's repeated statements that SEO Law is "targeted" to Black, Hispanic, and Native American applicants violate the Civil Rights Act's prohibition on indicating racial preferences in employment advertising in the absence of a bona fide occupational qualification.³³

C. The Fellowship's Application Process Screens Out Applicants From Disfavored Races And Ethnicities

SEO states that it will consider applications from incoming law students who meet the following criteria:

- 1) Have a minimum undergraduate GPA of 3.3,
- 2) Have a minimum LSAT score of 154 (or GRE/GMAT equivalent),
- 3) Have taken the LSAT, GRE, or GMAT at least once by February 2025,
- 4) Have graduated from a four-year college/university by May 2025,
- 5) Have U.S. work authorization for the duration of the Fellowship, and
- 6) Have applied to an ABA-accredited law school for Fall 2025 matriculation.

Aspiring SEO Fellows complete a multi-step application. In the application for the 2025 Fellowship, applicants were first asked to answer a demographic questionnaire including required disclosures of race, sexual orientation, and gender identity. On information and belief, SEO does not have a legitimate, non-discriminatory need for such information, and does not heed the EEOC's caution to "guard against discriminatory selection" by segregating this information from the rest of an applicant's materials.³⁴ The Fellowship application also required an essay which invited discussion of applicants' demographic backgrounds. In one essay prompt, SEO states that "[o]ne of the goals of [its] admissions process is to . . . diversify the identities of people in the legal profession." The same prompt then asked applicants to write how their "experiences and perspectives contribute to [SEO]'s admissions goals." Applicants must complete the required demographic and essay questions before advancing in the application process.

³³ See 42 U.S.C. § 2000e-3(b).

³⁴ *Pre-Employment Inquiries and Race*, EEOC, <https://www.eeoc.gov/pre-employment-inquiries-and-race> (last visited May 10, 2025).

The second step of SEO Law’s application involves an asynchronous video interview. In the 2025 Fellowship application, applicants were asked 7-10 video questions, were given five minutes to prepare a response, and responded to each question with a 90-second video recording. SEO asked questions about applicants’ backgrounds, specifically why they think they qualify for the Fellowship. This type of asynchronous video interview allows SEO to easily confirm the racial appearance of the candidates.

By this point in the application process, SEO has eliminated most applicants who are not of the Sponsor Firms’ preferred races or ethnicities. Applicants who advance in the application process may be invited to complete a critical thinking assessment or a group interview. SEO Law staff choose Fellows from applicants who advance to this stage. SEO then solicits headshots from selected applicants, which it provides to Sponsor Firms after SEO has matched an applicant to an available internship.³⁵

At no point in the process do Sponsor Firms typically interview the candidates themselves. Instead, most Sponsor Firms rely entirely on SEO to screen candidates to identify applicants who are overwhelmingly from the preferred racial and ethnic backgrounds along with some evaluation of the Fellows’ academic and professional credentials. Sponsor Firms also almost entirely outsource candidate vetting to SEO. This is evident by some failures by SEO in the 2025 Fellowship class to identify candidates who would not survive traditional law firm vetting. For example, one SEO Fellow (“Fellow A”) runs an online store where she sells stickers endorsing the murder of corporate executives (reading “DENY DEFEND DEPOSE IT’S OPEN SEASON ON CEOS”).³⁶ Another SEO Fellow (“Fellow B”) publicly reposted a post on her X.com account comparing sex with White women to bestiality (“if you can fck a white girl you can fck a dog”).³⁷

In the 2025 cycle, some Sponsor Firms have introduced an additional interview step with the Fellows that were placed with the respective Sponsor Firm. It appears, however, that these new interviews are entirely pretextual — designed to hide the fact that the Sponsor Firms outsource substantially all vetting and placement of Fellows to SEO.

³⁵ According to EEOC Commissioner and Acting Chair Andrea Lucas, “[e]ven giving applicants the ‘option’ to provide a headshot could serve as evidence of an employer’s intent to discriminate based on race, color, sex, or other protected characteristics.” Aaron Sibarium, *Top Law Firm Collects Photographs of Potential Applicants, Raising Discrimination Concerns*, WASH. FREE BEACON, (Nov. 27, 2023), <https://freebeacon.com/campus/top-law-firm-collects-photographs-of-potential-applicants-raising-discrimination-concerns/>. In prior years, SEO required applicants to submit a picture with their application.

³⁶ Image of sticker sold by Fellow A, Exhibit B.

³⁷ Image of reposted post, Exhibit C.

First, these new interviews, scheduled with already-selected Fellows who had been promised a Sponsor Firm placement, were first announced on May 3, 2025, for the Fellowship program scheduled to begin May 11, 2025. Second, Sponsor Firms who added this round of interviewing warned Fellows not to disclose to anyone that this brand-new step was being implemented. Finally, Fellow C, who has been in frequent communication with SEO staff, disclosed on an internet messaging community for Fellowship hopefuls that Sponsor Firms “are going through the extra step of interviewing for the firm because of this anti-DEI stuff going on” and that “[t]he interview is so that [Sponsor Firms] can argue (if needed) that [selection] was merit based too.”

In summary, Sponsor Firms responded to this Commission’s investigation of their illegal hiring practices by adding a round of interviews in order to obscure their unlawful discriminatory conduct.

VII. SPONSOR FIRMS PARTNER WITH SEO TO HIRE LAW STUDENTS FROM PREFERRED RACIAL AND ETHNIC BACKGROUNDS

A. Sponsor Firms Employ Illegal Racial Quotas

Upon information and belief, Sponsor Firms seek to fulfill racial quotas by prioritizing the hiring of candidates from preferred races or ethnicities. To escape legal liability, Sponsor Firms describe their attempts to fulfill quotas as merely implementing diversity “targets.” But in reality these diversity “targets” are actually quotas, and Sponsor Firms are engaging in illegal discrimination through programs like SEO to fulfill them. Evidence of Sponsor Firm quotas is found in annual certification processes, reports to stakeholders, and the practice of tying compensation to race recruitment.

First, 35 out of 44 Sponsor Firms participate in the Mansfield Rule Certification, which sets requirements for law firm demographics. The Mansfield Rule Certification requires, among other things, that at least 30% of attorneys of color and LGBTQ+ lawyers are considered for formal client pitch opportunities.³⁸ In practice, Sponsor Firms must hire a critical mass of attorneys belonging to favored races or ethnicities in each practice group to ensure that all pitches are compliant with the Mansfield Rule. Sponsor Firms must also ensure a steady pipeline of attorneys from the preferred racial and ethnic backgrounds

³⁸ *Mansfield Certification*, DIVERSITY LAB, <https://www.diversitylab.com/what-we-do/mansfield-certification/> (last visited May 10, 2025).

through programs like SEO to achieve annual Mansfield Rule recertification.³⁹ Sponsor Firms consistently reapply for the Mansfield Rule Certification because Sponsor Firms benefit from the free publicity that such a Certification offers, and because Sponsor Firms benefit from a clear signal to clients that they employ sufficient numbers of attorneys from the clients' preferred races and ethnicities.

Second, several Sponsor Firms actively report their progress to stakeholders. For example, Sponsor Firm Allen & Overy has “targets for race, ethnicity and LGBTQ+ inclusion in the US have been under active consideration by US stakeholders[.]”⁴⁰ Allen & Overy “establish[es] metrics for recruitment, retention, and promotion of historically underrepresented groups[.]” Clifford Chance implements “ethnicity inclusion targets” and issues an annual report with a color showing whether they have met the quota for the year. Cooley requires that “the percentage of ethnic, racial, and LGBTQ+ among all lawyers to [be] 32%,” and demonstrates whether they have met their quota using a bar graph.⁴¹ Covington and Burling measures its quotas “against both NALP and Diversity Lab” race and ethnicity requirements “to ensure [it is] keeping pace with the industry.”⁴²

Sponsor Firms expend considerable resources collecting, analyzing and reporting data on the races and ethnicities of their attorneys to meet the demands of corporate clients. When prospective clients ask for the racial demographics of their firms, Sponsor Firms must show that they have achieved their desired race and ethnicity quotas or are implementing measures to achieve them.

Third, some Sponsor Firms have internal financial incentives for partners who satisfy racial quotas. For example, Goodwin requires hiring an associate class “consistent with or greater than the diversity of graduating law student classes.” Goodwin partners must “report annually to management on their individual diversity contributions as part of [the firm’s]

³⁹ 14 sponsor Firms have been certified for 7-8 years, 9 Sponsor Firms have been certified for 5-6 years, 11 Sponsor Firms have been certified for 2-3 years, and Cadwalader received its first Mansfield Rule Certification in 2024. Alyssa Jarvis, *More than 360 Law Firms Achieve Mansfield Certification for 2023–24, Marking a Double-Digit Increase in the Push for Leadership Diversity*, DIVERSITY LAB (October 2, 2024), <https://www.diversitylab.com/wp-content/uploads/2024/10/US-Canada-2023-24-Mansfield-Certified-Firms-Press-Release-October-2024.pdf>.

⁴⁰ Allen & Overy LLP, 2022 Vault Law Firm Diversity Survey at 7, <https://media2.vault.com/14347681/allen-and-overy-dei-ready-for-web.pdf>.

⁴¹ Cooley LLP, *Diversity, Equity and Inclusion Action Plan*, previously available at [cooley.com/diversity/dei-action-plan](https://www.cooley.com/diversity/dei-action-plan); accessed via the Internet Archive at <https://web.archive.org/web/20240604092355/https://www.cooley.com/diversity/dei-action-plan> (stating Cooley was “striving” to increase the percentage of ethnic, racial, and LGBTQ+ diversity among all lawyers to at least 32%).

⁴² Covington & Burling LLP, 2024 Vault Law Firm Diversity Survey at 8, <https://media2.vault.com/14351541/covington.pdf>.

allocations process.”⁴³ As a result, Goodwin partners receive a greater share of the profits when they meet race and ethnicity quotas.

B. A Partnership With SEO To Hire Law Students From Preferred Racial And Ethnic Backgrounds Helps Sponsor Firms Achieve Their Racial Quotas

Sponsor Firms knowingly contract with SEO to identify, recruit, and retain Black, Hispanic, and Native-American law students to fulfill their racial quotas. Several Sponsor Firms identified SEO as a source of “minority students” or “students of color” in their responses to the annual Vault Law Firm Diversity Survey. These include, but are not limited to:

<i>Law Firm Name</i>	<i>Survey Year</i>	<i>Language</i>
Akin Gump	2024	Since 2008, we have partnered with the SEO program, which provides summer internships to rising 1L students of color [.] ⁴⁴
Allen & Overy (now A&O Shearman)	2023	We partner with SEO, an organization that provides fellowships to Black, Hispanic, and Native American pre-law students ...an opportunity to join a law firm prior to their 1L year. ⁴⁵
Cravath	2024	[F]or more than two decades, we have participated in the SEO Corporate Law Program. During the summer, we provide pre-law students of color with internships [.] ⁴⁶
Davis Polk	2022	Provid[es] mentorship and summer internships to minority students entering law school through the Sponsors for Educational Opportunity (SEO) program[.] ⁴⁷

⁴³ Goodwin Procter LLP, 2021 Vault Law Firm Diversity Survey at 8, <https://media2.vault.com/14346569/goodwin-procter-llp-diversity-report-edit.pdf>.

⁴⁴ Akin Gump Strauss Hauer & Feld LLP, 2024 Vault Law Firm Diversity Survey at 11, <https://media2.vault.com/14351536/akin.pdf>.

⁴⁵ Allen & Overy LLP, 2023 Vault Law Firm Diversity Survey at 14 <https://media2.vault.com/14349318/allen-and-overy-with-ad.pdf>.

⁴⁶ Cravath, Swaine & Moore LLP, 2024 Vault Law Firm Diversity Survey at 14, <https://media2.vault.com/14351529/cravath.pdf>.

⁴⁷ Davis Polk & Wardwell LLP, 2022 Vault Law Firm Diversity Survey at 40, <https://media2.vault.com/14347684/davis-polk-dei-ready-for-web.pdf>.

Gibson Dunn	2020	The firm supports several pipeline programs to expose minority high school, college, and law students to the practice of law and encourage them to continue their education through affiliations with [diversity organizations like] SEO[.] ⁴⁸
Kirkland & Ellis	2024	For several years, [Kirkland has] had a successful partnership with SEO. This continued support has allowed SEO to provide much needed resources and support to diverse students , so that they may ... gain access to critical career development and internship opportunities in the legal profession. ⁴⁹
Morgan Lewis	2022	We are a proud partner to SEO Law - the nation's only summer internship program for incoming Black, Hispanic, and Native American law students. The program offers students the opportunity to work at a law firm in the summer before law school. ⁵⁰
Shearman and Sterling (now A&O Shearman)	2022	As part of our recruiting efforts, we also participate in the Sponsors for Educational Opportunity (SEO) Career Law Summer Program, hiring SEO summer interns in our New York and Washington, D.C. offices. This career law program provides talented incoming law school students of color with intensive academic prep and a hands-on look at the practice of law through summer internships at top law firms. Shearman & Sterling has collaborated with SEO for more than 20 years. ⁵¹

⁴⁸ Gibson, Dunn & Crutcher LLP, 2020 Vault Law Firm Diversity Survey at 19, <https://media2.vault.com/9452220/392.pdf>.

⁴⁹ Kirkland & Ellis LLP, 2024 Vault Law Firm Diversity Survey at 11, <https://media2.vault.com/14351716/kirkland-and-ellis.pdf>.

⁵⁰ Morgan, Lewis & Bockius LLP, 2022 Vault Law Firm Diversity Survey at 11, <https://media2.vault.com/14347673/morgan-lewis-dei-ready-for-web.pdf>.

⁵¹ Shearman & Sterling, 2022 Vault Law Firm Diversity Survey at 13, <https://media2.vault.com/14347715/shearman-and-sterling-dei-ready-for-web.pdf>.

Skadden Arps	2024	Skadden also partners with the SEO Corporate Law Program (SEO), a paid summer internship program that provides work experience and mentoring in a law firm or legal department to high-achieving college graduates of color who are about to begin their first year of law school. Our participation in SEO provides a pipeline of diverse talent into our summer and incoming associate classes throughout the firm. ⁵²
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The Vault surveys leave no room for doubt that Sponsor Firms were on notice of SEO’s race-based practices. In 2020, the Vault survey sent to Sponsor Firms included the question: “Does your firm actively engage in initiatives to feed the diversity pipeline by encouraging minority students to consider law as a career and/or assisting them in pursuing such opportunities?”⁵³ The question was accompanied by a series of checkboxes, including: “Participate in established pipeline programs, such as SEO[.]” It is abundantly clear that SEO was broadly understood across Sponsor Firms as a “diversity pipeline” program to promote preferences for “minority students” in hiring.

Some Sponsor Firms have followed SEO’s lead in backpedaling on the language describing the racial preferences for program participants. For example, in 2023, Morgan Lewis described SEO as “the nation’s only summer internship program for aspiring, historically underrepresented law students.”⁵⁴ In 2024, the firm pivoted, calling SEO “the nation’s only summer internship program for incoming law students from underrepresented communities.”⁵⁵ Similarly, Gibson Dunn removed references to SEO from its survey responses beginning in 2021.⁵⁶ But of course, in the case of SEO and its Sponsor Firms, any such changes are merely cosmetic. There has been no effort to meaningfully change recruitment or programming to end racial discrimination in the Fellowship, and Sponsor Firms still contract with SEO to employ law students from favored races.

⁵² Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, 2024 Vault Law Firm Diversity Survey at 37, <https://media2.vault.com/14351775/skadden.pdf>.

⁵³ See, e.g., Gibson Dunn Diversity Survey, *supra* note 48, at 8.

⁵⁴ Morgan, Lewis & Bockius LLP, 2023 Vault Law Firm Diversity Survey, <https://media2.vault.com/14349290/morgan-lewis.pdf>.

⁵⁵ Morgan, Lewis & Bockius LLP, 2024 Vault Law Firm Diversity Survey, <https://media2.vault.com/14351532/morgan-lewis.pdf>.

⁵⁶ Gibson, Dunn & Crutcher LLP, 2021 Vault Law Firm Diversity Survey, <https://media2.vault.com/14346568/gibson-dunn--crutcher-diversity-report-edit.pdf>.

VIII. CONCLUSION

For the foregoing reasons, AEO has demonstrated that SEO and its Sponsor Firms have discriminated against AEO's members who were rejected from the program on or after May 2, 2025. AEO respectfully requests that the EEOC initiate an investigation regarding the recruiting and hiring practices of SEO and its Sponsor Firms.

Respectfully Submitted,

/s/ Tim Rosenberger

Tim Rosenberger
Counsel for Americans for Equal Opportunity

EXHIBIT A

SPONSOR FIRMS

- Allen Overy Shearman Sterling LLP
- Akin, Gump, Strauss, Hauer & Feld LLP
- Alston & Bird
- Cadwalader, Wickersham & Taft LLP
- Clifford Chance LLP
- Cleary Gottlieb Steen & Hamilton LLP
- Cooley LLP
- Covington & Burling LLP
- Cravath, Swaine & Moore LLP
- Davis Polk & Wardwell LLP
- Debevoise & Plimpton LLP
- Foley Hoag LLP
- Freshfields Bruckhaus Deringer LLP
- Fried, Frank, Harris, Shriver & Jacobson LLP
- Gibson, Dunn & Crutcher LLP
- Goodwin Procter LLP
- Hogan Lovells US LLP
- Jenner & Block LLP
- Jones Day LLP
- Katten Muchin Rosenman
- Kirkland & Ellis LLP
- Kramer Levin Naftalis & Frankel LLP
- Latham & Watkins LLP
- Mayer Brown LLP
- McDermott Will & Emery LLP
- Milbank LLP
- Morgan, Lewis & Bockius LLP
- Morrison & Foerster LLP
- Orrick, Herrington & Sutcliffe LLP
- Patterson Belknap Webb & Tyler LLP
- Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Proskauer Rose LLP
- Quinn Emanuel Urquhart & Sullivan, LLP
- Ropes & Gray LLP
- Sidley Austin LLP
- Simpson Thacher & Bartlett LLP

- Skadden, Arps, Slate, Meagher & Flom LLP
- Sullivan & Cromwell LLP
- Vinson & Elkins LLP
- Wachtell, Lipton, Rosen & Katz
- Weil, Gotshal & Manges LLP
- White & Case LLP
- Williams & Connolly LLP
- Wilmer Cutler Pickering Hale and Dorr LLP

EXHIBIT B



EXHIBIT C

