



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General
Washington, D.C. 20530

August 6, 2026

VIA E-mail to: marc.berger@lw.com

Marc P. Berger
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020-1401

Re: United States' April 18, 2025 Title VI Inquiry Findings

Dear Mr. Berger:

We write to notify you of the findings of the U.S. Department of Justice (the Department) after its compliance review to determine whether the admissions practices of the Duke University School of Law ("Duke Law") are in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. ("Title VI"), as interpreted by the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023) ("*SFFA*"). Based on our review, we have found that Duke Law has violated this standard by discriminating on the basis of race in the incoming classes of 2023, 2024, and 2025. Based on its review of Duke Law's documents and data, **the Department finds that Duke Law continues to intentionally discriminate against applicants based on their race after the Supreme Court's decision in *SFFA*** by granting and denying admission on the basis of race.

Procedural Background

The Department enforces federal civil rights laws that protect students from discrimination, including Title VI, which prohibits recipients of federal financial assistance from discrimination based on race and ethnicity.

Title VI authorizes the Department to conduct periodic compliance reviews and investigations of the practices and policies of the recipients of federal funding. 28 C.F.R. § 42.107. Should the Department find that a recipient fails to comply with Title VI, it is authorized to pursue legal action to secure compliance. *See* 28 C.F.R. §§ 42.105 & 108.

The Department currently provides direct federal financial assistance to Duke Law.¹ Enforcement under Title VI requires funding agencies to advise recipients of their failure

¹ Duke University is a sub-awardee of Office of Justice Programs Award No. 15PNIJ-24-GG-01787-RESS (16.560 - National Institute of Justice Research, Evaluation, and Development

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

The Department's April 18th notice of investigation letter included a request for information. On December 23, 2025, the Department sent a Supplemental Request for Information. Duke Law responded to these requests with documents. The Department has carefully reviewed the documents Duke Law produced and collected other information in its investigation of Duke Law, which forms the basis of the Department's findings.

Intent to Discriminate

"I'd prefer not to say that we will have to work harder to enroll a diverse class. This is true, but I don't want folks to think we didn't work harder if/when the class is not as diverse as we would like." – Duke Law Associate Dean, Admissions and Student Affairs, William Hoyer²

Duke Law's internal communications and policy documents reflect a sustained, determinative emphasis on racial diversity in admissions and a deliberate effort to preserve racial outcomes before and after *SFFA*.

In a proposed 2021-2022 report, Duke Law identified as an accomplishment that the law school "[i]ncreased the diversity . . . of the incoming class" and that the incoming class "would be **43% students of color**," contrasted with the previous four-year average of 34%.³ The same report explained that the school would reassess admissions policies in anticipation of Supreme Court limitations on race-based review while "**continuing to meet the Law School's goals for a broadly diverse student body**."⁴

In 2023, memoranda to the Admissions Committee urged revisions to the law school's mission statement or other official documents so that diversity would be "taken into consideration in our admissions decisions."⁵ Faculty praised the memoranda, with one faculty member noting

Project Grants) awarded to the Research Triangle Institute on September 20, 2024, for a period of performance from January 1, 2025 to December 31, 2027.

² Email from William Hoyer, Associate Dean for Admissions and Student Affairs, to Andrew Park, Associate Dean for Communications, Marketing, and Events, dated November 20, 2023, DLS001236.

³ Email from Mark Hill, Assistant Dean for Admissions, to John Ahlers, Director of Financial Aid, dated July 20, 2022, DLS000239 (emphasis added).

⁴ *Id.* (emphasis added).

⁵ E.g. Memorandum re Review of the Law School's Mission Statement, dated May 1, 2023, DLS000389.

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that “what [he] likes” is that the approach “**leaves lots of room for faculty to emphasize racial/ethnic diversity as well as diversity along other salient dimensions of difference, including nationality, religion, gender, gender identity, sexual orientation, and ideology.**”⁶ Law school administrators discussed a post-*SFFA* strategy to adopt admissions policies that “give preference for those applicants who demonstrate that commitment” to “advancing the rule of law and the protection of democratic institutions,” thereby “**possibly helping our diversity goals.**”⁷

In a document that serves as a guide for application reviewers, the Duke Law School Mission Statement is placed prominently at the top and underscores a commitment to diversity:

The mission of Duke Law School is to advance knowledge and the rule of law through open, rigorous, and collaborative education and scholarly inquiry and to help build and sustain a dynamic legal profession that embodies commitment to equal justice, ethical leadership, **diversity of perspective and experience**, public service, and the highest standards of client representation.⁸

Post-*SFFA* guidance states that Duke Law “may consider applicants’ discussion of how race affected their life, be it through discrimination, inspiration, or otherwise.”⁹ Reviewer templates instruct tagging short-answer content (including “Diversity/Services”) to assess how candidates may “further [Duke Law’s] mission,” and explicitly direct contextualization of weaker academic records using background factors such as first-generation status.¹⁰ Duke Law’s published policies assert that reviewers do not see racial demographic data and that the school “will not analyze or monitor the racial or ethnic composition” during decision-making; yet the structure of prompts and review tags elevates personal background variables commonly correlated with race (first-generation, Pell, etc.).¹¹ Duke Law states that it values “students with a wide range of experiences, backgrounds, and interests that may not be directly related to their legal ambitions” and encourages applicants to “highlight different elements” of themselves “so that we get a full

⁶ Email from Neil Siegel, Professor, to faculty members, dated May 1, 2023, DLS000384 (emphasis added).

⁷ Email from William Hoye, Associate Dean for Admissions and Student Affairs, to faculty members, dated April 23, 2023, DLS000365 (emphasis added); Email from Neil Siegel, Professor, to faculty members, dated April 17, 2023, DLS000366; Memorandum Re Notes from *Law School Faculty Retreat on Mission Statement*, dated May 17, 2023; DLS000979-80.

⁸ Duke University School of Law Application Review Guidance, DLS0000041 (emphasis added).

⁹ Duke Law School Policy on Admission to the JD and MLS Degrees, DLS0000047 (emphasis added).

¹⁰ *Id.*, DLS0000045.

¹¹ *Id.*, DLS0000047; Duke University School of Law Fall 2024 – Application; Duke University School of Law Fall 2025 – Application, DLS0000027.

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picture of who you are.”¹² The record shows those variables were used to advance racial diversity goals and thereby operated as material race-related proxies in admissions outcomes.

Internal communications in late 2023 reveal that Duke Law emphasized that “DEI” “is one of our most important values,” pledged to “work even harder” to admit and recruit “a racially diverse class,” and later refined public language to avoid implying diminished effort if racial diversity declined.¹³

In the May 2024 Annual Review Memorandum from the Associate Dean of Admissions and Student Affairs to Duke Law Dean, the admissions dean highlighted the composition and performance of the fall 2023 entering class, emphasizing the class’s “**broad diversity**,” specifying that it included “**27 Latin[o] students, 23 [b]lack students, and 67 Asian/Asian American students**.”¹⁴ Looking ahead, the admissions dean outlined an objective for the coming year: “Continue to focus on developing *effective* race-neutral admissions policies.”¹⁵

In the May 2025 Annual Review Memorandum, the Admissions Dean characterizes the Law School’s “race-neutral admissions policies” as successful. The Admissions Dean also suggests that casually assessing the student body during campus visits can help audit student body diversity without collecting formal statistics.¹⁶

Taken together, the 2021–2022 planning materials, the 2023 committee memoranda and reviewer templates, and the 2024–2025 annual reviews support the inference that Duke Law intended to influence admissions with race or closely related proxies despite formal disclaimers of race-based decision-making. While public policies state that racial composition is not monitored, internal reporting highlighted specific racial counts and evaluation practices that elevate background variables commonly correlated with race. In effect, the record shows that pre- and post-*SFFA* admissions strategies were structured to advance racial diversity objectives through ostensibly race-neutral tools.

¹² Duke Univ. Sch. of Law, *Application Information*, <https://perma.cc/FE9X-XZWE> (last visited July 20, 2026).

¹³ Email from Kerry Abrams, Duke Law Dean, to William Hoye, Associate Dean for Admissions and Student Affairs, dated September 5, 2023, DLS001159-60; Email from Kerry Abrams, Duke Law Dean, to William Hoye, Associate Dean for Admissions and Student Affairs, dated September 6, 2023, DLS001163-64; Email from William Hoye, Associate Dean for Admissions and Student Affairs, to Andrew Park, Associate Dean for Communications, Marketing, and Events, dated November 20, 2023, DLS001236.

¹⁴ Annual Review Memorandum from Associate Dean Hoye to Dean Abrams, dated May 6, 2024, DLS001365 (emphasis added).

¹⁵ *Id.*, DLS001366 (emphasis added).

¹⁶ Annual Review Memorandum from Associate Dean Hoye to Dean Abrams, dated May 23, 2025, DLS001638.

Statistical Evidence of Intentional Discrimination

Applicant-level data (2018–2019 through 2024–2025) also indicates substantial and persistent racial preferences in admission.¹⁷ In 2024, admitted median LSAT for black applicants was 164 (84.2nd percentile) and 170 for Hispanic applicants (95.1st), while the admitted median LSAT for Asian applicants was 173 (97.9th) and the admitted median LSAT for white applicants was 172 (97.1st).¹⁸ And in 2025, the admitted median for black and Hispanic applicants was 166 (88.7th) and 171 (96.2nd) respectively, while the admitted median for Asian students was 173 (97.9th) and the admitted median for white applicants was 173 (97.9th).¹⁹ Notably, median LSATs of *denied* Asian and white applicants (Asian: 168, 169; white: 167, 168) in 2024–2025 exceeded the median LSATs of *admitted* black applicants (164, 166).

The Department also found that when accounting for LSAT, Undergraduate GPA, and race, the admissions models strongly predict outcomes and show **highly statistically significant racial preferences** in 2025. **Based on our review of the 2025 applicant-level data, Duke Law’s use of race gave a black applicant a roughly 3.5x higher probability of admission than an equally strong Asian applicant with similar academic credentials.** Earlier cycles show even larger preferences, with preferences declining after *SFFA* but remaining practically and statistically significant. Even after Duke Law increased weight on additional background factors (*e.g.*, first-generation status), those preferences persisted and cannot not be explained by race-neutral considerations.

The applicant-level data produced by Duke Law indicate that a black or Hispanic student has a substantially higher likelihood of being offered admission than a white or Asian student with the same academic credentials. This consistent difference in the test scores between students of different racial groups is substantial and cannot be explained by a coincidence. The magnitude and durability of these preferences across multiple cycles (including post-*SFFA*) confirm intentional discrimination.

Findings

The Department finds that after *SFFA*, Duke Law discriminated against other applicants to benefit applicants of preferred race classes (black and Hispanic). This discrimination is apparent from the documents expressing an intent to discriminate, plus the significant disparity in objective academic metrics between black and Hispanic applicants compared with applicants from other racial categories. Duke Law’s internal documents, including policies, and communications confirm the Department’s findings that Duke Law intended to discriminate against all racial groups except black and Hispanic applicants, to accept more black and Hispanic applicants. As a result of

¹⁷ Individual-level application data for the incoming classes of 2023, 2024, and 2025, DLS000093-95.

¹⁸ Duke Law Descriptive Analysis from Frances Burden, Inside Expert, “DukeLaw_2019-2025_Analyses” (June 5, 2026) (“Duke Law Descriptive Analysis”).

¹⁹ *Id.*

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these practices, highly qualified white, Asian, and other students were denied admission on the basis of their race.

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

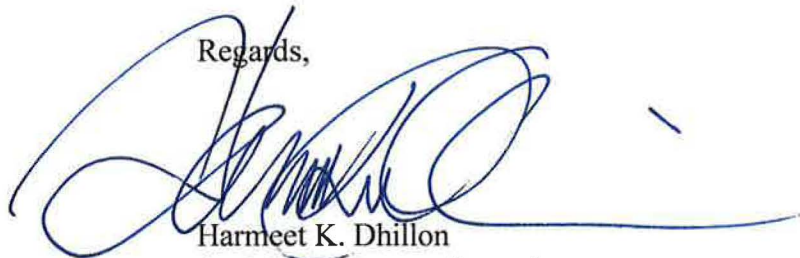
Resolution

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

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

Thank you in advance for your attention and cooperation.

Regards,



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