

# PUBLICATION

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## Diversity Matters: Note from the Editor

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**Happy Holidays! I have had the opportunity to speak at and attend several events in the last couple of months about diversity, equity, and inclusion (DEI). During these events, I've encountered many questions about the current state of DEI and whether and if so, to what extent, companies should move forward with their DEI programs given the United States Supreme Court ruling on affirmative action, the current political climate about DEI, and recent litigation.**

In the *UNC* and *Harvard* cases, the Supreme Court held it was unlawful to consider race in college admission decisions, but the impact of this decision in corporate settings is a concern for many. I recently read an article about a letter the American Alliance for Equal Rights sent to three law firms threatening to sue them over their diversity programs. This same group had previously sued two law firms over their fellowship programs that sought to provide opportunities for minorities. Both firms revised the wording of their fellowships to remove reference to, for example, underrepresented groups. After the two firms made these changes, the lawsuits against them were dismissed.

Ironically, the very laws that were created in response to the injustice many faced because of their protected traits are now being used against efforts to advance equity for those same protected groups. Title VII, for example, was created to address the employment discrimination people faced because of their race, color, national origin, sex, and religion. Through DEI programs, employers strive to level the playing field by giving employees access to opportunities they may not otherwise receive. To be sure, it has always been the law that a company cannot make any employment decision based on a person's race, sex, disability, or other protected trait. But does this also mean an organization cannot create a scholarship program for women? Does it mean an employer cannot create a fellowship opportunity for gay law school students? I invite all readers to think about the big picture. The demographic shift in the workforce is undeniable. Generation Z is increasingly more diverse. They will be the leaders of the future, and their voice is already showing an expectation for diversity, equity, and inclusion.

In this edition of *Diversity Matters*, we focus on change. While the ways we advance more diverse, equitable, and inclusive environments may change, the underlying mission remains. As we reflect during this holiday season and in our daily lives, let's be the change we want to see by treating others, regardless of our differences, with dignity and respect and reaching back to help others advance.