

WILMER, CUTLER & PICKERING

2445 M STREET, N.W.
WASHINGTON, DC 20037-1420

TELEPHONE (202) 663-6000
FACSIMILE (202) 663-6363
WWW.WILMER.COM

WASHINGTON
NEW YORK
BALTIMORE
NORTHERN VIRGINIA
LONDON
BRUSSELS
BERLIN

**Contact: John Payton, 202-663-6325 or
Juanita A. Crowley, 202-663-6207**

FOR IMMEDIATE RELEASE

UNIVERSITY OF MICHIGAN VICTORIOUS IN LANDMARK SUPREME COURT CASE

Washington, June 25, 2003 – In a resounding victory for the University of Michigan and for all of higher education, the Supreme Court on Monday upheld the consideration of race as a factor in admissions to selective colleges, universities and graduate schools.

Wilmer, Cutler & Pickering has represented the University of Michigan in these cases, *Grutter v. Bollinger* and *Gratz v. Bollinger*, since the lawsuits were filed in district court in 1997. The Detroit firm Butzel Long served as local counsel. Latham and Watkins served as co-counsel in the Supreme Court.

Wilmer, Cutler & Pickering's effort in these cases was led by John Pickering, one of the firm's founding partners, and John Payton, a partner in the firm's litigation group. Pickering, already a recipient of the ABA Gold Medal for distinguished service to the legal profession, described the victory as among the most significant in a career that spans seven decades. "In the more than 40 years since the founding of this firm, we have had the good fortune to assist clients facing some of the most challenging and interesting legal problems of our time. We have won many victories. But none is of greater significance than this one."

Payton, a noted civil rights lawyer who served as lead counsel at trial, and who argued both before the en banc Sixth Circuit and the Supreme Court, said the Supreme Court's decision represented the vindication of a strategy, devised and implemented over more than six years, to build a case to support the educational benefits of diversity. "This is a case that we were told six years ago could not be won. But along with our clients and co-counsel, we established a factual record showing that what Justice Powell said in *Bakke* was right: that our Nation's future really does depend on educating our nation's leaders in settings as rich and diverse as this Nation of many peoples."

Wilmer, Cutler & Pickering assembled an expert case that included over a dozen leading educators, historians, sociologists, psychologists and statisticians to prove the importance of the benefits of diversity. The Supreme Court ultimately embraced these conclusions, expressly relying on these "expert studies and reports entered into evidence at trial" in support of its holding that permits the use of race as a factor in admissions. The Court said that the "benefits are not theoretical but real," because "classroom discussion is livelier, more spirited, and simply more enlightening and interesting" when it includes a racially diverse group of students.

Payton described the opportunity to serve as counsel in these cases as a "once in a generation" opportunity, and called the Supreme Court's strong acceptance of the diversity rationale as "one of the most significant judicial decisions of our day." He added that "diversity and affirmative action had been read their last rites at the time we were asked to represent the University of Michigan in these cases," and that he was "unspeakably proud of what our litigation team accomplished here." Payton and Pickering were joined by fellow litigation partners Brigida Benitez, Stuart Delery, and Craig Goldblatt, and a team of associates.

Wilmer, Cutler & Pickering is an international law firm with offices in Washington, D.C., New York, Baltimore, Northern Virginia, London, Brussels, and Berlin. The firm has more than 500 lawyers engaged in the full range of corporate matters, regulatory work, complex civil and criminal litigation, cross-border transactions, and international arbitration.

###