

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

American Alliance for Equal Rights,)	
)	
Plaintiff,)	
)	Civil Action No. 25-cv-3980
v.)	
)	
American Bar Association,)	
)	
Defendant.)	
)	

JOINT STIPULATION OF DISMISSAL

Per Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the following:

1. Plaintiff American Alliance for Equal Rights (“AAER”) filed this lawsuit on April 12, 2025, against Defendant American Bar Association (“ABA”).

2. AAER alleged that the ABA’s Legal Opportunity Scholarship Fund (“LOSF”) violates 42 U.S.C. §1981 by discriminating based on race and ethnicity. The ABA denies those allegations.

3. When AAER filed suit and throughout the scholarship’s 2025 cycle, LOSF required that an “applicant must be a member of an underrepresented racial and/or ethnic minority (e.g., Black/African-American, Native American, Hispanic American, Asian/Pacific Islander).”

4. On April 3, 2025, nine days before AAER filed suit, the ABA Board of Governors adopted a resolution declaring that “ABA opportunities and programming related to Goal III [Eliminate Bias and Enhance Diversity] are open to participation by all persons who share the ABA’s commitment to that Goal” and that “ABA policies or programs that seek to

further Goal III shall not base eligibility for participation on particular group identities and, instead, shall base eligibility on a person's demonstrated commitment to Goal III."

5. The ABA also publicly posted notice of the Board's Resolution on the ABA's website on April 29, 2025.

6. In responding to the complaint, the ABA informed the court and AAER that the ABA was reviewing its programs to ensure their consistency with the Board's Resolution and that the ABA would announce changes to LOSF resulting from that review before LOSF's next application cycle.

7. In October 2025, the ABA updated LOSF's website to announce revised eligibility requirements for the scholarship, starting with the 2026 cycle. Those revisions removed any reference to membership in an underrepresented racial and/or ethnic minority group and, instead, required that an applicant "must have demonstrated a strong commitment to advancing diversity, equity, and inclusion (DEI)."

8. AAER disputes whether the ABA's changes to LOSF were made independently from, rather than because of, this lawsuit.

9. To make clear that, consistent with the ABA Board's Resolution, LOSF is open to all applicants who share the ABA's commitment to its Goal III, the ABA will:

- a. refrain from including any eligibility requirement for LOSF based on particular group identities, including race or ethnicity;
- b. apply the eligibility requirements for LOSF on a race/ethnicity-neutral basis; and
- c. include language in any portion of the LOSF application that requests demographic information to state expressly that any such information is

requested solely for data-tracking purposes and will not be considered as part of the eligibility for the scholarship; and ensure that reviewers of LOSF candidates do not receive that requested demographic information when evaluating candidates.

10. The ABA will continue to meet the commitments of Paragraph 9 unless applicable law develops that recognizes the legality of scholarship programs that are limited to underrepresented racial or ethnic groups.

11. To avoid the time, expense, inconvenience and uncertainties of litigation, AAER and the ABA have settled their dispute. Nothing in this Joint Stipulation of Dismissal is intended to be or should be construed to be an admission by either party regarding the strength or weakness of any allegation, claim, or defense.

12. The ABA will not provide AAER any nominal damages, relief, or other damages, and no AAER member will receive LOSF funds.

13. The case is hereby dismissed with prejudice, with the parties having resolved any issues regarding fees and costs in a separate confidential settlement.

Dated: April 27, 2026

AMERICAN ALLIANCE FOR EQUAL
RIGHTS

By: /s/ Cameron T. Norris
One of its attorneys

Thomas McCarthy
Cameron T. Norris
Julius Isaac Kairey
R. Gabriel Anderson
Consovoy McCarthy PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com
cam@consovoymccarthy.com
julius@consovoymccarthy.com
gabe@consovoymccarthy.com

Adam K. Mortara
Lawfair LLC
40 Burton Hills Blvd, Ste. 200
Nashville, TN 37215
773-750-7154
mortara@lawfairllc.com

Respectfully submitted,

AMERICAN BAR ASSOCIATION

By: /s/ Joseph J. Torres
One of its attorneys

Joseph J. Torres
Katherine M. Funderburg
Jenner & Block LLP
353 N. Clark St.
Chicago, IL 60654
(312) 222-9350
jtorres@jenner.com
kfunderburg@jenner.com

CERTIFICATE OF SERVICE

On April 27, 2026, I e-filed this this document with the Court, which automatically emailed everyone requiring service.

/s/ Cameron T. Norris
Counsel for Plaintiff