

ABA Suspends DEI Mandate for Law School Accreditation

In a statement, the association said it is in the process of reviewing and amending Standard 206 to ensure compatibility with federal law.

The American Bar Association has stopped enforcement of a rule addressing race- and gender-based criteria in law schools after recent actions by President Donald Trump's administration targeting diversity, equity and inclusion programs.

Late Feb. 21, the ABA issued a statement saying its Council of the Section of Legal Education and Admissions to the Bar is in the process of reviewing and revamping Standard 206, which had required schools to commit to diversity and inclusion. In the meantime, the statement said, the association is suspending the rule.

"These decisions by the council help to ensure that the revision of Standard 206 continues moving forward, while allowing the council to integrate legal developments and forthcoming guidance from the Department of Education," the ABA said in the statement. "The council's commitment to ensuring access to legal education to all people, including those who have been historically excluded from the legal profession, has not changed. However, the council intends to ensure that the schools can comply with this standard consistent with applicable law."

According to the statement, during its Feb. 21 meeting, the council reviewed the latest draft of the rule to make sure it complies with recent executive orders, as well as the Department of Education's ["Dear Colleague"](#) letter that was issued earlier this month. The council plans to revise and submit the draft to the ABA House of Delegates in August. But, the statement said, the rule will be suspended in the interim.

The Department of Education's ["Dear Colleague"](#) letter was issued to schools Feb. 14, outlining the department's interpretation of existing federal law regarding discrimination in education. The letter, written by acting Assistant Secretary for Civil Rights Craig Trainor, said the department will "no longer tolerate the overt and covert racial discrimination that has become widespread in this nation's educational institutions."

"The law is clear: treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent," Trainor wrote.

ABA [programs](#) such as the Member DEI Plan and DEI Continuing Legal Education Plan were designed to increase participation of "disadvantaged" groups in the legal profession. [Both plans were passed](#) by the ABA Board of Governors in August 2021 and April 2022, respectively.

DEI mandates have previously been required for law schools to receive accreditation, but in light of the laws cited by Trainor, as well as the the Supreme Court's 2023 decision in *Students for Fair Admissions v. Harvard*, they could now face losing federal funding as a result of their DEI-related programming.

Students for Fair Admission established that the use of racial biases to inform decisions on college admissions was unlawful. Some law schools, including Cornell Law School, Vanderbilt Law School, and the University of Virginia School of Law, have already removed mentions of "diversity" from their community-based websites, according to Bloomberg.

On Feb. 10, a conservative coalition requested the Equal Employment Opportunity Commission to investigate the ABA's alleged targeting of applicants for its diversity clerkship program based on race, gender, and sexual orientation.

Trump has also issued executive orders calling for state and local bar associations to be subjected to civil compliance investigations for practicing DEI in their institutions.

The Department of Education ordered schools to comply with the new federal enforcement by Feb. 28 or potentially lose funding.