

Defending UT Austin's admission standards?

Pricey.

Updated 05:53 p.m., Sunday, April 22, 2012

AUSTIN, Texas (AP) — The University of Texas at Austin will pay a Los Angeles-based law firm with experience before the nation's highest court nearly \$1 million to defend its admission standards, which consider race and ethnicity.

A contract the university recently entered into with Latham & Watkins LLP states that the law firm will be paid a flat \$977,000 fee with an additional \$10,000 maximum for expenses.

The firm — with more than 2,000 lawyers and 31 offices in 14 countries — will represent UT in a college admission racial preference case the U.S. Supreme Court will hear.

Last Tuesday, the high court agreed to review affirmative action in higher education, starting with a look at a 2008 challenge from a white student denied undergraduate admission to UT's flagship campus.

Abigail Fisher contends the university's race-conscious admissions policy violated her civil and constitutional rights.

About two-thirds of UT freshmen are admitted based on high school class rank, as required by state law. But race and ethnicity are among numerous other factors the university weighs in deciding who else enrolls.

A federal appeals court upheld the Texas program, saying it was allowed under the high court's decision in *Grutter v. Bollinger* in 2003 that allowed racial considerations in university admissions at the University of Michigan Law School.

Among the three lead counselors in the firm UT hired, two were on the University of Michigan's successful legal team: Maureen Mahoney and Scott Ballenger. The third, a former U.S. solicitor general, has argued at least 30 cases before the Supreme Court. All three attorneys are based in the law firm's Washington office.

UT President Bill Powers told the Austin American-Statesman (<http://bit.ly/IdNOno>) that the Latham & Watkins lawyers are "perfectly positioned to make a very effective case" because of their experience in the University of Michigan case.

The American-Statesman obtained a copy of UT's contract with the law firm from the state attorney general's office, which approved the agreement, according to the newspaper.

The law firm will be paid from "non-appropriated funds," the contract states. That includes donations, revenue from intellectual property and trademark licenses and income from the Longhorn Network.

No legislative appropriations or tuition dollars will be used, said Patti Ohlendorf, UT's vice president for

legal affairs said.

In Hopwood v. Texas, an earlier challenge to affirmative action at UT's Law school, Vinson & Elkins LLP, a Houston-based law firm defended UT for free.

Vinson & Elkins said if it had not done so pro-bono, the bill for their work would have cost UT more than \$2 million.

The Project on Fair Representation, which opposes the use of race in public policy, has helped pay Fisher's legal bills.

A broad ruling in the Fisher case, one in favor of the student, could threaten affirmative action programs at many of the nation's public and private universities, some legal scholars have said.

Information from: Austin American-Statesman, <http://www.statesman.com>

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