

protection of civil rights, as hereinafter more fully appears.

4. This is a proceeding for a declaratory judgment and injunction under Title 28, United States Code, Sections 2201 and 2202.

5. Venue is proper in this judicial district under Title 28, United States Code, Section 1391(b)(2), for the reason that the events giving rise to this claim occurred in this district.

6. All of the parties to this action (except the State of Texas) are citizens of the United States and the State of Texas, and are residents of and domiciled in the state.

7. Defendant State of Texas will be served pursuant to F.R.C.P. 4(d)(6) by delivering a summons and this complaint to Ann W. Richards, governor of the State of Texas. On the same day, Dan Morales, attorney general of the State of Texas, will be provided a copy of the summons and complaint.

8. The Board of Regents of The University of Texas System governs and controls The University of Texas System, which includes the University of Texas School of Law. The board has specific statutory authority to set admissions standards at its institutions and, if ordered to do so by the Court, has sufficient authority under state law to admit plaintiffs to the law school.

9. The University of Texas at Austin, which includes the law school, receives federal financial assistance.

10. Defendants regents of The University of Texas System are sued only in their official capacity as members of the board. Defendant Louis A. Beecherl, is chairman of the board. Defendant Mario E. Ramirez is vice-chairman of the board. Defendant Robert J.

Cruikshank is also vice-chairman of the board. Defendants Sam Barshop, Zan W. Holmes, Tom Loeffler, W. A. Moncrief, Jr., Bernard Rapoport, and Ellen C. Temple are members of the board. The regents will be served pursuant to F.R.C.P. 4(d)(1) by delivering a summons and this complaint to Arthur H. Dilly, secretary of the board, who has represented to the undersigned attorney that he is authorized by appointment of the board to receive service of process.

11. Plaintiffs Cheryl J. Hopwood and Stephanie C. Haynes are white females who applied for admission to the law school for the term beginning in September, 1992. Plaintiffs applications for admission were timely and complete in every respect. Although plaintiffs met all formal requirements and were academically qualified to study at the law school, they were denied admission.

12. The law school receives far more applications from students than the school can accommodate. As stated in the law school catalog, an applicant's Law School Admission Test and undergraduate grade point average are the two factors normally used in deciding whether to grant admission to the law school. The two are combined to form an applicant's Texas Index. Plaintiff Hopwood's two-digit Texas Index is 86 and plaintiff Haynes' three-digit Texas Index is 198.

13. The law school's 1992 application/bulletin contained the following statement in question and answer form:

Question: Is it true that race is considered in the admissions decision and that minority students are admitted while other students with stronger academic records and LSAT scores are denied?

Answer: As described above, many students are admitted primarily on the basis of their academic records and LSAT scores. Following the decision in the Bakke case, the Law School has developed a screening process for all applicants whose academic records and LSAT scores do not justify automatic admission. In

this screening process, attempts are made to develop a diverse student body. Our efforts are particularly directed at increasing the number of Mexican Americans and African Americans -- members of major population groups within Texas which historically have been under represented in the legal profession. This is done by considering factors (described on the application form) in addition to undergraduate GPA and LSAT score. Race may be one factor in determining which persons are admitted. To be admitted, however, every applicant must have demonstrated that he or she is academically qualified to succeed in law school.

14. Plaintiffs' applications were considered under the "screening process" described in the application/bulletin. Plaintiffs' Texas Indices are higher than the Texas Index of many of the Mexican Americans and African Americans who were admitted to the law school for the term beginning in September, 1992.

15. Plaintiffs would have been admitted to the law school for the term beginning in September, 1992, if the affirmative action admissions program did not exist.

16. In violation of the Fourteenth Amendment to the United States Constitution and Title 42, United States Code, Sections 1983 and 2000d, plaintiffs were intentionally discriminated against on the basis of race. Defendants have established and are maintaining, under color of the laws of the State of Texas, an affirmative action admissions program at the law school which classifies applicants on the basis of race and denies academically qualified white applicants the equal protection of the laws. The admissions program is "directed at increasing the number of Mexican Americans and African Americans -- members of major population groups within Texas which historically have been under represented in the legal profession." It is the functional equivalent of a racial quota system and is unlawful as "discrimination for its own sake."

17. The purpose of the affirmative action admissions program is not to remedy identified past or present discrimination by the law school.

18. The purpose of the affirmative action admissions program is not to obtain the educational benefits that flow from enrolling a diverse student body.

19. Defendant State of Texas is sued only under Title 28, United States Code, Section 2000d. Plaintiffs seek monetary relief only under Title 28, United States Code, Section 2000d. Plaintiffs seek attorney fees under Title 42, United States Code, Section 1988.

20. Plaintiffs are suffering irreparable injury and are threatened with irreparable injury in the future by reason of the acts described above. Plaintiffs have no plain, adequate, nor complete remedy to redress the wrongs and illegal acts herein complained of other than this suit for declaration of rights and an injunction.

21. The acts of defendants in denying plaintiffs admission to the law school have caused and will cause monetary loss and damage to plaintiffs. Plaintiffs will be delayed in completion of their legal education and in obtaining employment in the legal profession.

Wherefore, plaintiffs respectfully request that:

1. the Court adjudge, decree, and declare the rights and legal relations of the parties to the subject matter here in controversy, in order that such declaration will have the force and effect of a final judgment;

2. the Court enter a judgment declaring that, in violation of the Fourteenth Amendment to the United States Constitution and Title

42, United States Code, Sections 1983 and 2000d, plaintiffs were intentionally discriminated against on the basis of race;

3. the Court issue a permanent injunction forever restraining and enjoining defendants from establishing or maintaining an affirmative action admissions program at the law school;

4. the Court issue a permanent injunction restraining and enjoining defendants from not admitting plaintiffs to the law school for the term beginning in September, 1993;

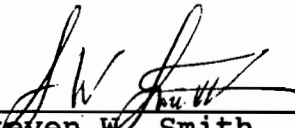
5. the Court award plaintiffs monetary relief for damages suffered by plaintiffs due to the unlawful acts of defendants;

6. the Court award plaintiffs the reasonable costs and expenses of this action, including attorney fees; and

7. the Court award plaintiffs such other and further relief as may be just.

Dated: September 29, 1992.

Respectfully submitted,



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