

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

Katuria E. Smith,
Plaintiff,

v.

The University of Washington Law School,
Wallace D. Loh,
Robert Aronson,
Sandra Madrid,
Richard Kummert,
John Junker,
Jacqueline McMurtrie,
Eric Schnapper,
Janet Stearns, and
Michael Townsend,
Defendants.

C-97-335

COMPLAINT*

*Due to changes in font size and spacing, the pagination which follows is not identical to the pagination filed before the court.

Nature of the Action

1. This is an action brought for violations of plaintiff's rights to equal protection of the laws under the Fourteenth Amendment to the United States Constitution, and for racial discrimination in violation of 42 U.S.C. §§ 1981, 1983 and 2000d et seq. Plaintiff seeks declaratory relief and compensatory and punitive damages in an amount to be proven at trial.

Jurisdiction and Venue

2. This Court has jurisdiction of the action under 28 U.S.C. §§ 1331 and 1343. This action arises under the Fourteenth Amendment to the United States Constitution, and under federal laws, 42 U.S.C. §§ 1981, 1983, and 2000d et seq.

3. Venue in this Court is proper under 28 U.S.C. § 1391 and this court has personal jurisdiction over the defendants sued in their personal capacities in this matter because the events giving rise to this claim occurred in this district.

Plaintiff

4. Katuria E. Smith is, and at all times relevant to this litigation was, a resident of the State of Washington.

Defendants

5. The University of Washington Law School is a public educational institution in the State of Washington.
6. Dean Wallace D. Loh was Dean of the University of Washington Law School during the period in which plaintiff's application was under consideration. He was one of the administrators responsible for determining admissions procedures used by the law school.
7. Robert Aronson was, at all times relevant to this litigation, Associate Dean of the University of Washington Law School. He was one of the administrators responsible for determining admissions procedures used by the law school.
8. Sandra Madrid was, at all times relevant to this litigation, Assistant Dean of the University of Washington Law School. She was Decanal Liaison to the Admissions Committee during the period for selecting candidates for the 1994-95 academic year, and was one of the administrators responsible for determining admissions procedures used by the law school.
9. Richard Kummert was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. He was Chair of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.
10. John Junker was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. He was a member of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.
11. Jacqueline McMurtrie was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. She was a member of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.
12. Eric Schnapper was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. He was a member of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.
13. Janet Stearns was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. She was a member of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.
14. Michael Townsend was, at all times relevant to this litigation, a member of the University of Washington Law School Faculty. He was a member of the Admissions Committee during the period for selecting candidates for the 1994-95 academic year.

Facts

15. The University of Washington Law School is a State-run law school which also receives federal funds.
16. Prior to the January 15, 1994 deadline, plaintiff submitted a complete application for admission to the University of Washington Law School for the 1994-95 academic year.
17. In a letter dated March 11, 1994, Assistant Dean Sandra E. Madrid notified plaintiff that the University denied her application for admission.

18. The University of Washington Law School Admission Form asks each applicant to disclose his or her race.
19. Plaintiff identified her race by checking the box next to "white."
20. Defendants used the race information provided by plaintiff and other applicants to determine who would be admitted.
21. Defendants used different admissions standards based on each student's self-identified race. As a result, students from favored racial groups had a significantly greater chance of admission than students with similar academic credentials from disfavored racial groups.
22. Applicants from disfavored racial groups were not compared directly to applicants from favored racial groups.
23. Plaintiff, categorized as white, was not among the favored racial groups that benefitted from the less stringent admissions standards.
24. Defendants did not merely use race as a "plus" factor or as one of many factors to attain a diverse student body. Rather, race was one of the predominant factors (along with Law School Admission Test scores and undergraduate grade point average) used for determining admission.
25. Defendants had no compelling interest to justify their extensive use of race in the admissions process.
26. Assuming arguendo that defendants had a compelling interest for which they used race in their admissions criteria, defendants did not consider, and never employed, any race neutral alternative to achieve that interest.
27. As a result of defendants' racially discriminatory procedures and practices, plaintiff's application was rejected. Plaintiff suffered humiliation, emotional distress, and pain and suffering as a consequence of her application being rejected. Plaintiff also suffered humiliation, emotional distress, and pain and suffering upon learning that defendants had discriminated against her on the basis of her race.
28. As a result of defendants' discrimination, plaintiff was forced to attend a less prestigious and more expensive law school, resulting in higher educational costs and lower future earnings as an attorney.

FIRST CLAIM

29. Plaintiffs repeat and reallege the allegations and averments of paragraphs 1-28 as if fully set forth herein.
30. The individual defendants acted under color of law to deny plaintiff equal protection of the laws, and to discriminate on the basis of race, in violation of 42 U.S.C. §§ 1981 and 1983.
31. The individual defendants violated plaintiff's clear Constitutional right to receive the same consideration for admissions as applicants of other races.

SECOND CLAIM

32. Plaintiffs repeat and reallege the allegations and averments of paragraphs 1-31 as if fully set forth herein.

33. Defendant University of Washington Law School, as a recipient of federal funds, discriminated against plaintiff on the basis of her race, color, and/or ethnicity in violation of 42 U.S.C. § 2000d et seq.

RELIEF

WHEREFORE, plaintiff demands judgment:

- A. Awarding her compensatory and punitive damages in an amount to be proven at trial;
- B. Declaring that defendants violated her rights to nondiscriminatory treatment under the Fourteenth Amendment and 42 U.S.C. §§ 1981, 1983, and 2000d et seq.;
- C. Enjoining defendants from continuing to discriminate on the basis of race in violation of the Fourteenth Amendment;
- D. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable authority; and
- E. Any other relief deemed appropriate and just.