Hopwood v. Texas Litigation Documents

Part 2:
Attorneys' Fees in District Court and First Appeal to the Fifth Circuit and U.S. Supreme Court (1994–1996)

Compiled by
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Preface

Though all of the ramifications of the 10-year litigation known as *Hopwood v. State of Texas* remain to be seen, the great significance of this case was evident from the beginning. In a broad sense, *Hopwood* is significant in that it provided a forum to litigate the divisive issue of the extent that institutions of higher learning may use racial preferences in admission decisions. In a more local sense, *Hopwood* has significance because The University of Texas and the School of Law were named parties to this suit. For both reasons, the Jamail Center for Legal Research saw as its duty the archiving of all documents relating to the *Hopwood* case. These documents, carefully gathered from courts and participants, make up a complete record of this litigation and provide the primary material for anyone interested in researching this far-reaching decision. In an effort to make the record widely accessible, I decided that the Jamail Center would publish a selection of the most significant documents. The result is this multi-volume work.

To provide a comprehensive portrait of the case, this collection has all significant court filings and the most illuminating of the unfiled discovery documents. This compilation is intended as a learning tool as well as a historical record. The documents illustrate the procedural strategies of complex litigation and demonstrate various styles of writing. These documents are organized topically to allow readers to follow each of the motions and appeals, many of which occurred simultaneously. Professor Douglas Laycock's introduction to this work provides a chronological and historical sense of the litigation. For those who would like to delve further into the issues at the heart of the Hopwood litigation, Kumar Percy and Victoria Newnham Matthews have included a Bibiliography of Affirmative Action in Higher Education. Legal scholars, law students, and policymakers will likely find this compilation to be an invaluable resource.

In 1999 Kumar Percy, Head of Media and Reserve Services for the Jamail Center, set out to amass and organize all of the documents related to *Hopwood*. As so often happens, the project would be more formidable than any of us imagined at the start. The case took place in three different courts in three different cities. Mr. Percy coordinated and directed the work of a number of others in acquiring docket sheets from each phase of the litigation and then compiling the court records. Mr. Percy's efforts on behalf of this project made this publication possible and I would like to publicly acknowledge his commitment and perseverance.