

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED AMICUS BRIEF

Pursuant to Federal Rule of Civil Procedure 7(b), *amici curiae* Professors of Economics hereby move for leave to file an amended *amicus* brief for the sole purpose of adding two additional *amici*: Professor Janet L. Yellen and Professor George A. Akerlof. Professor Yellen is a Distinguished Fellow in Residence with the Economic Studies Program at the Brookings Institution and is the former Chair of the Board of Governors of the Federal Reserve System. Professor Akerlof is a University Professor at the McCourt School of Public Policy at Georgetown University and the Daniel E. Koshland, Sr. Distinguished Professor Emeritus of Economics at the University of California, Berkeley. He is the recipient of the 2001 Nobel Prize in Economics (along with A. Michael Spence and Joseph E. Stiglitz). A copy of the proposed amended brief of Professors of Economics as *amici* in support of Defendant (the “Proposed Amended Brief”) is attached hereto as Exhibit A. *Amici* do not anticipate any further amendments to the brief.

With leave of this Court (Dkt. 432), sixteen (16) Professors of Economics* filed an *amicus* brief in support of Defendant in the above-captioned action on August 30, 2018. *See* Dkt. 499. The brief argues that Defendant's economics expert, Dr. David Card, is one of the most outstanding and respected scholars in the field of econometrics and applied economics, that his statistical analyses in this case were methodologically sound, and that the criticisms of his modeling approach in the Brief of Economists as *Amici Curiae* in Support of Plaintiff (Dkt. 450) are not based on sound statistical principles or practices.

Due to scheduling reasons, and the press of other matters, Professors Yellen and Akerlof were unable to review the brief and associated materials in time to join the brief before the date on which it was filed. However, they have indicated that they wish to join the brief at this time. Except for the addition of their names and corresponding changes to the Statement of Interest of *Amici Curiae* and to Appendix A, there are no other changes to the Proposed Amended Brief.

Leave to file the Proposed Amended Brief should be granted because it will not prejudice the parties, will not delay the proceeding, and will assist the Court's adjudication of this case. Professors Yellen and Akerlof are two of the most distinguished economists in the United States, and their support for Dr. Card's statistical analyses and methods will aid the Court in its evaluation of the competing experts' opinions and the parties' positions in this important case. By contrast, permitting Professors Yellen and Akerlof to join the brief just three business days after the deadline for *amicus* briefs will in no way prejudice Plaintiff.

* *Amici curiae* who filed the original brief on August 30, 2018 are Professor Susan Dynarski, Professor Harry Holzer, Professor Hilary Hoynes, Professor Guido W. Imbens, Professor Alan B. Krueger, Professor Helen F. Ladd, Professor David S. Lee, Professor Trevon D. Logan, Professor Alexandre Mas, Professor Michael McPherson, Professor Jesse Rothstein, Professor Cecilia Elena Rouse, Professor Robert M. Solow, Professor Lowell J. Taylor, Professor Sarah Turner, and Professor Douglas Webber. *See* Dkt. 499.

For the reasons stated above, *amici curiae* respectfully request that the Court grant the Motion for Leave To File Amended *Amicus* Brief.

Date: September 5, 2018

Respectfully submitted,

/s/ Derek T. Ho

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that counsel for *amici curiae* conferred with counsel for Defendant, President and Fellows of Harvard College, on September 4, 2018, and with counsel for Plaintiff, Students for Fair Admissions, Inc., on September 5, 2018. Both parties assent to the filing of the Proposed Amended Brief of Professors of Economics as *amici curiae*.

/s/ Derek T. Ho
Derek T. Ho

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that, on September 5, 2018, I caused the foregoing motion to be filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all registered ECF participants as identified on the Notice of Electronic Filing.

/s/ Derek T. Ho
Derek T. Ho

Counsel for Amici Curiae