

AMERICAN UNIVERSITY
Journal of Gender,
Social Policy & the Law



The American University *Journal of Gender, Social Policy & the Law*, the National Institute for Workers' Rights, and the *American* present:

ENHANCING ANTI-DISCRIMINATION LAWS IN EDUCATION & EMPLOYMENT

PART OF THE JGSPL SYMPOSIUM SERIES

NOVEMBER 12, 2021
10 AM EST - 6 PM EST

IN HONOR OF



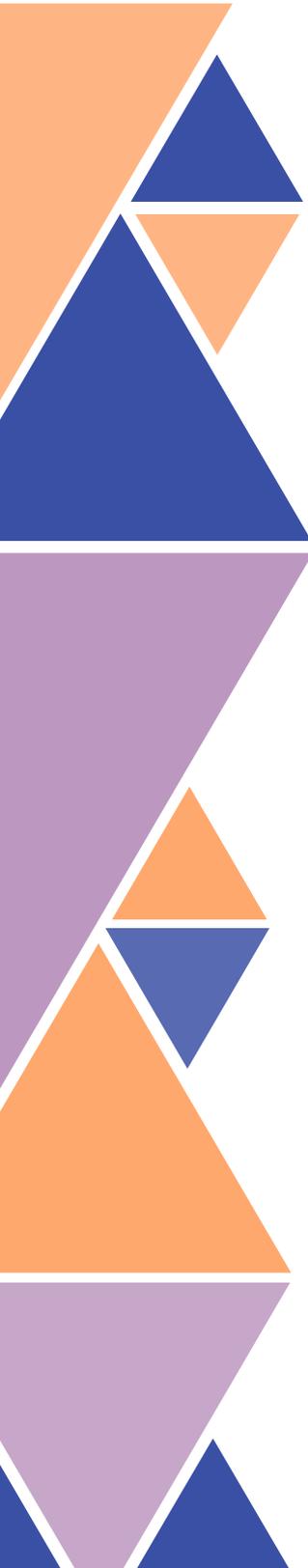
Paul H. Tobias
1930 - 2021



This Symposium is dedicated to the memory of Paul H. Tobias, founder of the National Employment Lawyers Association (NELA). Paul was a warm and charismatic visionary with tremendous compassion for working people.

Along with a few of his colleagues, Paul conceptualized a nationwide network to support attorneys who advocate for workers. Those early NELA founders believed that great things can be accomplished through a spirit of collaboration and community. Paul captured people's imagination about what the workers' rights community could accomplish together if we shared our knowledge and resources.

More than three decades later, NELA is the largest plaintiffs' employment bar in the country. Paul leaves a legacy that drives us all to work harder for equity and justice in the workplace. And with a generous gift from his estate to the National Institute for Workers' Rights, Paul made this Symposium a reality. He is missed and remembered fondly by his family, friends, and the entire NELA and Institute communities.



Schedule of Panels

- 10:00 am** Opening Remarks
- 10:05 am** Towards Effective Governmental Intervention: Ending Discrimination in the Workplace
- 11:45 am** Unreported: Shortcomings of Title IX
- 1:30 pm** Keynote Speaker Prof. Vicki Schultz, with Introduction by Prof. Susan Carle
- 2:45 pm** Severe or Pervasive: Towards Empowering Workers
- 4:30 pm** The Future of Employment Law
- 5:45 pm** Closing Remarks

Speaker Bios

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TOWARDS EFFECTIVE GOVERNMENTAL INTERVENTION: ENDING DISCRIMINATION IN THE WORKPLACE

MODERATOR:

Patrick Patterson (he/him)

Patrick Patterson is a civil rights lawyer who served as Senior Counsel to the Chair of the Equal Employment Opportunity Commission from 2010 to 2014, and as Deputy Director of the Department of Labor's Office of Federal Contract Compliance Programs from 2014 to 2017. He previously taught employment discrimination law, among other subjects, at the University of Wisconsin and UCLA Law Schools, and served as Assistant Counsel (New York) and Western Regional Counsel (Los Angeles) for the NAACP Legal Defense and Educational Fund, Inc. He has been an editor of the Lindemann & Grossman Employment Discrimination Law treatise and has authored articles on employment discrimination law.

Patterson is admitted to practice in California and Wisconsin as well as the U.S. Supreme Court and numerous other federal courts, has litigated many civil rights and consumer class actions, and currently has a private practice based in Wisconsin.





PANELISTS:

Hnin Khaing (she/her)

Hnin Khaing is the Interim Director of the D.C. Office of Human Rights (OHR). She is a seasoned civil rights attorney and recognized government leader who has devoted her services to advancing human rights in the District of Columbia.

Prior to her current role, Khaing was the General Counsel at OHR, where she oversaw legal sufficiency review of all agency decisions, directed rulemaking, and vigorously pursued the public interest by prosecuting probable cause cases before the Commission on Human Rights, which included securing relief for complainants as well as making significant changes to respondent's policies and practices.

In another capacity, as OHR's Deputy Director, Khaing created the District's first-ever EEO Counselor Training and Certification program. Under her leadership, the agency began issuing Enforcement Guidance documents to provide administrative guidance on local civil rights laws. Khaing also assisted with the drafting and implementation of the District's robust Sexual Harassment Policy and Procedure, and Model Policy on Prohibiting Gender Identity or Expression Discrimination. She has appeared at a number of events, speaking about topics such as age discrimination, gender identity and expression discrimination, hair discrimination, ban the box, fair housing laws, and workplace fairness. Educating the legal community, Khaing is a recurring faculty for D.C. Bar's CLE on Employment Laws in the District and a contributing author of the D.C. Bar Practice Manual on Human Rights.

When she is not fighting for human rights, Khaing enjoys walking her rescue dog, baking, running in local races, and learning new languages.



TOWARDS EFFECTIVE GOVERNMENTAL INTERVENTION: ENDING DISCRIMINATION IN THE WORKPLACE (cont.)

PANELISTS:

Victoria Lipnic (She/her)

Victoria A. Lipnic is a Partner at Resolution Economics. She leads the Company's Human Capital Strategy Group. The Human Capital Strategy Group combines the Company's expertise in data analytics and deep knowledge of regulatory requirements with an interdisciplinary approach to advise organizations on the full range of their human capital needs and reporting requirements including recruitment, selection, promotions, DE&I, pay equity, and overall talent allocation.

Lipnic joined Resolution Economics in 2021. She has broad experience in the full range of human capital, labor, and employment issues, especially from the regulatory enforcement perspective. Prior to joining, she served as Commissioner from 2010 to 2020 and Acting Chair from 2017 to 2019 of the U.S. Equal Employment Opportunity Commission (EEOC). She was appointed to the EEOC by President Barack Obama and unanimously confirmed by the U.S. Senate. At the EEOC she worked on policy, cases, and regulations under all of the statutes enforced by the Commission including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act (EPA), the Pregnancy Discrimination Act (PDA) and the Genetic Information Nondiscrimination Act (GINA). While at the EEOC she participated in numerous agency regulatory initiatives including the final GINA regulations, the ADA, as amended, regulations, and the revisions to the EEO-1 form to include pay data reporting. She organized the agency's first public meeting on Big Data in Employment, created its Chief Data Officer position, oversaw development of the Office of Enterprise Data and Analytics and published a significant report on age discrimination. She co-chaired the EEOC's Select Task Force on the Study of Harassment in the Workplace, and co-authored its seminal report, issued in 2016, before the #MeToo movement.

Prior to joining the EEOC, she practiced law with Seyfarth Shaw, LLP. She also served as the U.S. Assistant Secretary of Labor for Employment Standards from 2002 to January 2009, a position she was appointed to by President George W. Bush. At the Department of Labor she oversaw regulatory development and enforcement for the Wage and (cont.)



PANELISTS:

Victoria Lipnic (cont.) (she/her)

Hour Division, the Office of Federal Contract Compliance Programs (OFCCP), the Office of Labor Management Standards and four national workers' compensation programs. This included oversight and enforcement of the Fair Labor Standards Act, the Family and Medical Leave Act, Executive Order 11246 and the Labor Management Reporting Disclosure Act.

Prior to her service as Assistant Secretary, Lipnic served as Workforce Policy Counsel to the Committee on Education and the Workforce in the U.S. House of Representatives. She was also in-house counsel for labor and employment with the U.S. Postal Service.





PANELISTS:

Carol Miaskoff (she/her)

Carol R. Miaskoff is the Associate Legal Counsel of the Equal Employment Opportunity Commission (EEOC). As director of the Office of Legal Counsel, she provides legal advice to the Commission on a wide range of matters and oversees defense of the Chair and the Commission in litigation when stakeholders challenge Commission rules, guidance, and actions in court. She also is responsible for managing development of the Commission regulations and guidance under the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Equal Pay Act, and the Genetic Information Nondiscrimination Act.

Miaskoff graduated from Harvard University and the George Washington University Law School, with high honors. Miaskoff guest lectures at a Georgetown University undergraduate class on Women and the Law, and in 2020 served on the advisory board for a Georgetown University Law Center project on Algorithmic Fairness and People with Disabilities.



UNREPORTED: SHORTCOMINGS OF TITLE IX

MODERATOR:

Lisa Taylor (she/her)

Lisa Sonia Taylor started as the inaugural Assistant Dean for Diversity, Inclusion and Affinity Relations at Washington College of Law in August 2019. She has worked in Higher Education for over 17 years, including as an Instructor of Law and Director of Inclusion and Diversity Education at Saint Louis University School of Law and most recently as the Managing Director of the Thurgood Marshall Civil Rights Center at Howard University School of Law.

Taylor has also served as the Director of Development at Ohio Northern University College of Law and Assistant Dean for Admissions at Florida A&M University College of Law. She regularly speaks on matters of diversity, inclusion, equity, and justice to companies, bar associations, and educational institutions. Taylor focuses on practical strategies for creating inclusive environments where diverse members have an equal opportunity to succeed and thrive. In 2018, the Missouri Lawyer's Media honored Taylor as one of 20 lawyers who are "significantly advancing diversity, inclusion and the dignity of all people in Missouri's legal profession and in communities in which exceptional legal work impacts justice for all." She obtained her B.A. from the University of Toronto and her J.D. from Howard University School of Law.



UNREPORTED: SHORTCOMINGS OF TITLE IX (cont.)

PANELISTS:

Leslie Annexstein (she/her)

Leslie Annexstein joined American University (AU) as the inaugural Assistant Vice President for Equity and Title IX in September 2020. Annexstein's career has been focused on civil rights enforcement. She has a passion for creating values-based communities and working across institutions to build strong bonds that yield exceptional results. Annexstein comes to AU from Howard University, where she served as the Title IX Director. In this position, she managed the complaint process, supervised investigations, developed and implemented comprehensive education and training programs, and promoted effective cross-departmental coordination and collaborations. She previously served as the Deputy Director of the Office of Civil Rights & Sexual Misconduct at the University of Maryland and as a Senior Attorney Advisor to the General Counsel at the U.S. Equal Employment Opportunity Commission (EEOC).

Annexstein has also held positions at the Urban Justice Center, the American Association of University Women, the National Women's Law Center, and the U.S. Department of Justice. Leslie received her JD from the UC Berkeley School of Law and her BA in Sociology and Anthropology from Swarthmore College.





PANELISTS:

Natasha Martin (she/her)

Natasha Martin teaches Employment Discrimination, Advanced Topics in Employment Discrimination, and Professional Responsibility at the Seattle University School of Law. Martin's interdisciplinary research focuses on employment discrimination law, organizational culture and behavior, and critical race theory. The main thrust of her academic work centers on contemporary workplace realities and the impact of discrimination law on the inclusion of women, people of color and other marginalized workers. A frequent presenter at national conferences, Martin is dedicated to gender and racial equity, and broad notions of inclusivity more generally. She was named to Lawyers of Color's 50 Under 50 List of minority law professors making an impact in legal education in the 2014 Law School Diversity Issue.

Appointed by President Sundborg in July 2016, Martin is the inaugural Associate Vice President for Institutional Inclusion and Chief Diversity Officer. She served as Co-Chair of the university-wide Task Force on Diversity and Inclusive Excellence 2014-2016. Her leadership experience also includes three years of service as Associate Dean for Research and Faculty Development.

In addition to her teaching and scholarly engagement, Martin is an active contributor in many professional settings. She has served as Chair and Executive Committee Member of the AALS Executive Committee on Employment Discrimination Law. She is a Research Fellow for the Fred T. Korematsu Center for Law and Equality, and was appointed twice to the Washington State Gender and Justice Commission. Martin serves on the Advisory Board for the Lutie Lytle Black Female Law Professors Writing Workshop. In 2014, she was invited to join the American Bar Association Center for Professional Responsibility Publications Board. (cont.)



PANELISTS:

Natasha Martin (cont.) (she/her)

Before joining the legal academy, Martin spent several years as in-house employment legal counsel and in private law firm practice focusing on employment discrimination litigation. She also served as Federal Judicial Law Clerk in the United States District Court for the Northern District of Georgia. She is a proud graduate of Xavier University of Louisiana, the only historically Black, Catholic university in the nation and earned a law degree from the University of Notre Dame School of Law.



PANELISTS:

Elizabeth Kristen (she/her)

Elizabeth Kristen is the director of our Gender Equity & LGBT Rights Program, where she represents low-wage workers facing employment discrimination and harassment based on sex, sexual orientation, gender identity, pregnancy, military, or veteran status. As director of our Fair Play for Girls in Sports project, she engages in community education, negotiations, litigation, and policy work on behalf of female students who have not been afforded equal athletic opportunities under Title IX. She won a groundbreaking Ninth Circuit ruling, with her co-counsel, that enforces Title IX of the Education Amendments in a Southern California high school (*Ollier v. Sweetwater*).

Kristen graduated from Berkeley Law in 2001. She was selected for the Order of the Coif and served as an editor for the California Law Review. Prior to joining Legal Aid at Work in 2002 as a Skadden Fellow, she clerked for the Honorable James R. Browning on the Ninth U.S. Circuit Court of Appeals in San Francisco.

In 2015, California Lawyer selected Kristen as one of its California Lawyers of the Year in the field of Civil Rights. She is a Northern California Super Lawyer. Kristen was the recipient of Protect our Defenders' Justice Award. In 2012-2013, she served as a Harvard Law School Wasserstein Public Interest Fellow. She was a lecturer at Berkeley Law School from 2008-2013.



KEYNOTE SPEAKER

Vicki Schultz (she/her)

Vicki Schultz is the Ford Foundation Professor of Law and Social Sciences at Yale Law School, where she teaches courses on the family, state and market, family law, employment discrimination law, workplace theory and policy, work and gender, law and social science, feminist theory, and related subjects. Schultz has written and lectured widely on a variety of subjects related to antidiscrimination law, including sexual harassment, sex segregation on the job, work-family issues, working hours, and the meaning of work in people's lives. She has also lectured on family law and intimate life, including topics related to same-sex marriage and marriage generally.

Her published work includes "Feminism and Workplace Flexibility," 42 Connecticut Law Review 1203 (2010), "The Sanitized Workplace Revisited," in Martha Fineman, Jack Jackson and Adam Romero, eds., *FEMINIST AND QUEER LEGAL THEORY* (2009), "Sex and Work," 18 Yale Journal of Law and Feminism 223 (2006), "The Need for a Reduced Workweek in the United States," in Judith Fudge & Rosemary Owen, eds., *THEORY PRECARIOUS WORK, WOMEN, AND THE NEW ECONOMY: THE CHALLENGE TO LEGAL NORMS* (2006), "The Sanitized Workplace," 112 Yale Law Journal 2061 (2003), "Life's Work," 100 Columbia Law Review 1881 (2000), "Reconceptualizing Sexual Harassment," 107 Yale Law Journal 1683 (1998), and "Telling Stories About Women and Work: Judicial Interpretations of Sex Segregation on the Job in title VII Cases Raising the Lack of Interest Argument," 103 Harvard Law Review 1749 (1990).

Schultz is currently working on an intellectual history of antidiscrimination law, "Antidiscrimination as Disruption," that lays out the historical conceptual frameworks for understanding and addressing discrimination and then traces the emergence of a new framework that treats the formation of social identity as a fluid process in which institutional dynamics play a significant role. With co-author Michael Yarbrough, she is also writing an article, "Will Marriage Make Gay and Lesbian Couples Less Egalitarian? A Cautionary Tale," that analyzes the likely effects of legal marriage on the division of housework and childcare in gay and lesbian households. At the heart of this article are the questions: what is marriage and what work does it do?

Schultz's work has been influential in scholarly circles in both law and the social sciences; her work has also been cited widely in the courts and the national news media. She has been quoted in *The New York Times Magazine*, *The New Yorker*, *Ms. Magazine*, and many major newspapers; she has appeared on *The News Hour* with Jim Lehrer, *The CBS Evening News*, *ABC World News Tonight*, *Good Morning America*, and *National Public Radio*.

Schultz has held a number of significant professional posts, fellowships and visiting professorships. She is a past president of the Labor and Employment Section of the Association for American Law Schools and a past Trustee of the Law and Society Association. She has been the Evelyn Green Davis Fellow at the Radcliffe Institute for Advanced Study at Harvard (cont.)



Vicki Schultz (cont.) (she/her)

University, a fellow at the Center for the Advanced Study of the Behavioral Sciences at Stanford University, and a fellow at the Whitney Humanities Center at Yale University. She has been a visiting professor at Harvard Law School (her alma mater), and in 2010-2011, she was the MacDonald-Wright Visiting Professor of Law and Faculty Chair of the Williams Institute at the UCLA School of Law. A former trial attorney at the United States Department of Justice, Civil Rights Division, Schultz began her academic career at the University of Wisconsin Law School, where she became interested in law and sociology. At Yale Law School, she runs the Workplace Theory and Policy Workshop and has also headed the Work and Welfare group, an interdisciplinary group of scholars who study inequalities produced by different social welfare regimes, labor market institutions, and family formations. Schultz lives in Connecticut with her daughter, Natalie, and their cat, Jack.



SEVERE OR PERVASIVE: TOWARDS EMPOWERING WORKERS

MODERATOR:

Allegra Fishel (she/her)

Allegra Fishel has been a civil rights lawyer for over 25 years with a focus on advocating for the rights of women and the LGBTQ community. Before founding the Gender Equality Law Center (GELC), Fishel was a plaintiff-side employment lawyer for over 20 years. She was of Counsel for ten years at Outten & Golden LLP, and was a founding partner at Beranbaum Menken Ben-Asher & Fishel. Fishel has litigated numerous gender-discrimination cases in federal and state court and in a variety of other administrative bodies.

Fishel's goal in forming GELC was to combine a unique blend of litigation and non-litigation advocacy to push for social and legal change. In this regard, she regularly incorporates prospective, remedial relief, including training, policy revisions, and procedural changes as part of all settlements obtained. Throughout her career, Fishel has continued her commitment to ensuring that legal representation is available to low and modest-income individuals – regardless of the size or value of their cases. She co-directed the Outten & Golden's Family@Work clinic which provided free legal services to low-wage earners who experienced caregiver and pregnancy discrimination in the workplace. She continues to join coalitions and taskforces seeking to address the underrepresentation of low and modest-income individuals in New York City.

Fishel is a frequent lecturer on gender-based discrimination issues both to the private bar and to legal advocates at a variety of nonprofits. She received a B.A. from the University of Pennsylvania and a J.D. from Boston University School of Law.





PANELISTS:

Joe Sellers (he/him)

Joseph M. Sellers is a Partner at Cohen Milstein, Chair of the firm's Executive Committee and Chair of the Civil Rights & Employment Practice Group, a practice he founded. In a career spanning nearly four decades, Sellers has represented victims of discrimination and other illegal employment practices individually and through class actions. He brings to his practice a deep commitment and broad background in fighting discrimination in all its forms. That experience includes decades of representing clients in litigation to enforce their civil rights, participating in drafting and efforts to pass landmark civil rights legislation, testifying before Congress on various civil rights issues, training government lawyers on the trial of civil rights cases, teaching civil rights law at various law schools and lecturing extensively on civil rights and employment matters.

Sellers has been practicing civil rights law for more than 35 years, during which time he has represented individuals and classes of people who have been victims of civil rights violations or denied other rights in the workplace. He has tried to judgment before courts and juries several civil rights class actions and a number of individual cases and has argued more than 30 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 75 civil rights and employment class actions.





PANELISTS:

Lisa Banks (she/her)

Consistently ranked a “Top Lawyer” by Washingtonian Magazine, Lisa Banks has successfully litigated employment discrimination and whistleblower protection cases at the trial court and appellate level for over 25 years. Banks is a founding partner of Katz, Marshall & Banks, LLP, where she concentrates her practice on claims related to employment discrimination, sexual harassment, Title IX, whistleblower retaliation, SEC and CFTC whistleblower tips, and contractual employment disputes. Banks is an experienced advocate who has consistently achieved outstanding results on behalf of her clients both in court and through negotiated settlements.

Banks has significant experience in federal and state courts, including courts in D.C., Maryland, Virginia, Georgia, Illinois, Colorado, and Tennessee, and has achieved success at all levels, including appeals in the Fourth, Sixth, Tenth, Eleventh, and D.C. Circuits. She has also represented numerous whistleblowers before the Department of Labor (DOL) in the transportation, nuclear, financial, and pharmaceutical industries. Currently, she represents Dr. Rick Bright, the former director of the Department of Health and Human Services' Biomedical Advanced Research and Development Authority (BARDA), who was removed from his position after raising concerns over the administration's inadequate preparation for the Coronavirus pandemic, and the subsequent interference into vaccine and treatment approval processes.



PANELISTS:

Bernice Yeung (she/her)

Bernice Yeung covers labor and employment for ProPublica. Previously, she was a reporter with Reveal from The Center for Investigative Reporting, where she was a member of the national Emmy-nominated Rape in the Fields reporting team, which investigated the sexual assault of immigrant farmworkers. The project won an Alfred I. duPont-Columbia University Award and a Robert F. Kennedy Journalism Award and was a finalist for the Goldsmith Prize for Investigative Reporting.

Yeung also was the lead reporter for the national Emmy-nominated Rape on the Night Shift team, which examined sexual violence against female janitors. That work won an Investigative Reporters and Editors Award, the Society of Professional Journalists Sigma Delta Chi Award for investigative journalism, and the Third Coast/Richard H. Driehaus Foundation Competition. Those projects led to her first book, *In a Day's Work: The Fight to End Sexual Violence Against America's Most Vulnerable Workers* (The New Press, 2018), which in 2019 was honored with the PEN America/John Galbraith Award for Nonfiction and was a finalist for the Pulitzer Prize.





PANELISTS:

Ann McGinley (she/her)

Ann C. McGinley is the William S. Boyd Professor of Law at the Boyd School of Law of the University of Nevada, Las Vegas, where she has taught Employment Law, Employment Discrimination, Torts, Disability Law, and seminars on employment and gender since 1999. McGinley is the Co-Director of the Workplace Law Program and a member of the Health Law Program at Boyd School of Law. McGinley is an internationally recognized scholar in the areas of employment, disability, and torts law and a leader in Multidimensional Masculinities Theory, an emerging discipline that applies masculinities theory from social sciences to legal interpretation.

She has published more than sixty law review articles and book chapters. She is the author of *Masculinity at Work: Employment Discrimination Through a Different Lens* (NYU Press 2016). This book uses masculinities theory to analyze Title VII employment discrimination cases and to propose new applications of the law. McGinley is the editor of *Masculinities and the Law: A Multidimensional Approach* (NYU Press 2012) (with Frank Rudy Cooper) and the author of *Disability Law: Cases, Materials, Problems, Sixth Edition* (Carolina Academic Press 2017) and *Disability Law: Statutory Appendix: Federal Statutes and Regulations, Fifth Edition* (LexisNexis) (with Laura Rothstein).



THE FUTURE OF EMPLOYMENT LAW

MODERATOR:

Karla Gilbride (she/her)

In October of 2014, Karla Gilbride took on the role of staff attorney at Public Justice, where she works on high-impact cases that implicate the rights of individual consumers and employees to join together in class actions. Her work also focuses on ensuring open courtrooms and protecting consumers from one-sided, unfair, or deceptive corporate practices.

Previously Gilbride spent over three years as an associate at Mehri & Skalet PLLC in Washington, D.C., where her work focused on the civil rights, wage and hour, and fair housing aspects of the firm's practice. Before coming to Mehri & Skalet, Gilbride served as a law clerk to Judge Ronald Gould on the U.S. Court of Appeals for the Ninth Circuit in Seattle. She then worked for three years at Disability Rights Advocates in Berkeley, California, where she brought class actions and other high-impact cases on behalf of people with disabilities on such issues as access to technology, emergency preparedness, and accommodations on professional licensing exams.

Gilbride graduated with honors from Georgetown Law School in 2007. While at Georgetown she served on the Georgetown Journal of Poverty Law and Policy, participated in the Federal Legislation Clinic, and won regional and national victories in the Frederick Douglass Moot Court Competition.

Gilbride is licensed to practice in Washington, D.C., New York, and California as well as before several federal district courts and the U.S. Court of Appeals for the Ninth Circuit.



THE FUTURE OF EMPLOYMENT LAW (cont.)

PANELISTS:

Michael Selmi (he/him)

Michael Selmi joined the faculty at Arizona State University Sandra Day O'Connor College of Law as a Foundation Professor of Law in 2020. He was previously the Samuel Tyler Research Professor at George Washington University Law School where he taught for more than twenty years, and has also taught at The University of North Carolina, Boston University and Harvard Law School. He teaches and writes in the areas of employment discrimination, employment law and civil rights. He is the coauthor of three casebooks and has published more than 50 articles, including in the Cornell Law Review, Georgetown Law Journal, Stanford Law Review, UCLA Law Review, Wisconsin Law Review among others. His scholarship has been widely cited, and he is also a frequent commentator for media outlets such as the New York Times, Washington Post, Wall Street Journal, Law360, NPR and Bloomberg Radio. He has also worked on a number of Supreme Court cases.

Prior to entering academia, Selmi served as a law clerk to Judge James R. Browning who was then the Chief Judge of the Ninth Circuit Court of Appeals and litigated employment discrimination cases at the Lawyers' Committee for Civil Rights in Washington D.C. and in the Civil Rights Division of the United States Department of Justice. He is a graduate of Harvard Law School and Stanford University.





PANELISTS:

Marcia McCormick (she/her)

Professor Marcia L. McCormick joined the Saint Louis University School of Law faculty as an associate professor in 2009. Her scholarship has explored the areas of employment and labor law, federal courts, as well as gender and the law. A prolific blogger, McCormick is a co-editor and contributor to the *Workplace Prof Blog*, which provides daily information on developments in the law of the workplace and scholarship about it.

McCormick earned her B.A. from Grinnell College and is an honors graduate of the University of Iowa School of Law. During law school, she was the managing editor of the *Iowa Law Review* and was named the Outstanding Woman Law Graduate. McCormick began her legal career as a staff attorney with the International Human Rights Law Institute, where she directed analysis and research of allegations of sexual violence committed during the war in what was formerly known as Yugoslavia.





PANELISTS:

Geraldine Sumter (she/her)

Geraldine Sumter joined Ferguson, Chambers & Sumter, P.A. on December 31, 1982. Sumter has concentrated on employment work primarily. Her other areas of practice include workers' compensation, small business, non-profit, and other civil rights work including voting rights and school desegregation.

Sumter received a B.A. from Howard University in 1978 with a major in Political Science and Economics. She graduated Phi Beta Kappa, Summa Cum Laude, and was inducted into the Political Science Honor Society (Phi Sigma Alpha). She received her J.D. from Duke University in 1981 where she served on the 1980 National Winning Team of Frederick Douglass Moot Court Competition and the Duke University School of Law Moot Court Board.

Sumter clerked for The Honorable Charles L. Becton of the North Carolina Court of Appeals from August 1981 through July 1982. She thereafter joined the Palmetto Legal Services as a Staff Attorney in its Lexington, South Carolina office and worked there for six months where she did consumer, landlord, and domestic work.

Sumter is a member of the North Carolina and South Carolina State Bars. For a number of years, she has been voted by her peers as a Super Lawyer in employment litigation, as well as a member of the "Legal Elite" by Business North Carolina.



PANELISTS:

Stephen Rich (he/him)

Stephen Rich is a Professor of Law at the USC's Gould School of Law ("USC Gould"), where he teaches courses in employment discrimination law, constitutional equality law, and civil procedure.

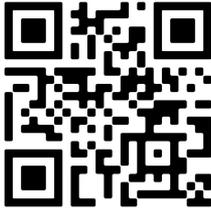
Rich is an expert in the field of antidiscrimination law. His work blends statutory and constitutional analysis with contemporary research in sociology and social psychology to analyze problems concerning social injustice, affirmative action, and the practical limitations of antidiscrimination law's enforcement from new perspectives. His representative articles in this field include *Inferred Classifications*, 99 *Virginia Law Review* 1525 (2013), in which he warns that the Supreme Court's practice of inferring racial classifications from the form and practical effect of governmental action threatens race-neutral affirmative action programs designed to promote racial equality regardless whether the government acted with a discriminatory purpose, and *Against Prejudice*, 80 *George Washington Law Review* 1 (2011), in which he argues that social psychology's concept of a "new" prejudice offers insufficient guidance when antidiscrimination law confronts forms of discrimination that masquerade as legal compliance.

In recent publications, Rich addressed fundamental issues of statutory interpretation. He has criticized the Supreme Court's use of textualist methods to disrupt continuity between its past and present decisions in the field of employment discrimination law, and he has argued against the convergence of constitutional and statutory legal standards in order to permit the government to explore different approaches to addressing the persistent problem of racial inequality.

Additionally, forthcoming in *Southern California Law Review*, Rich argues that the law's current understanding of diversity in education and employment underserves the goal of equal opportunity, and he proposes a new vision of diversity that would apply beyond the limited context of traditional affirmative action programs.



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