

# 2009

## American University Washington College of Law

# *Ricci v. DeStefano*: The Future of Title VII Disparate Impact Litigation After The New Haven Fire Department Case

Sponsored by the Program on Law and Government

October 28, 2009

12:00 pm – 2:00 pm

American University Washington College of Law, Room 603  
4801 Massachusetts Avenue, NW

The American University Washington College of Law will host a panel discussion on the effect of the Supreme Court's recent decision in *Ricci v DeStefano*, which curtailed the ability of employers to take voluntary steps to comply with the disparate impact standard of Title VII of the Civil Rights Act of 1964. Disparate impact litigation has been the principal vehicle for opening opportunity for minorities and women in our police and fire departments over the past 40 years. By broadening the talent pool, ensuring that selection methods pick the best people for the jobs, and producing departments that look more like the communities they serve, disparate impact litigation has contributed enormously to the public safety and fairness of our society. *Ricci* may have stymied that process in an opinion with potentially broad implications for racial and gender fairness. The Court held that an employer cannot take voluntary steps to avoid a disparate racial impact absent a "strong basis in evidence" that a selection procedure is not job-related and required by business necessity. The new standard imposes new challenges on employers in making employment decisions. Likewise, *Ricci* may affect the ability of incumbent employees and applicants for employment to challenge discriminatory selection procedures. This panel will explore the impact of *Ricci* on employers and employees, as well as its broader implications for race-conscious decision making.

*Stuart Ishimaru*, the Acting Chair of the Equal Employment Opportunity Commission, will introduce the panel discussion. The panel will consist of leading employment discrimination attorneys who represent plaintiffs and defendants, and experts in selection procedures. The distinguished members of this panel are: *Jocelyn Samuels*, Civil Rights Division, U.S. Department of Justice; *Joseph Sellers*, Cohen and Milstein; *Grace Speights*, Morgan Lewis; *Keith Pyburn*, Fischer and Phillips; and *Irv Goldstein*, Ph.D., Industrial Organization Psychologist, University of Maryland.

General registration is free, but required. Please register by clicking on  
[www.wcl.american.edu/secle/registration](http://www.wcl.american.edu/secle/registration)

For further information, please contact:

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