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EMPLOYMENT DISCRIMINATION LAW: CASES AND MATERIALS

Seventh Edition

Arthur B. Smith, Jr.
Shareholder
Ogletree, Deakins, Nash, Smoak & Stewart
Chicago, Illinois

Charles B. Craver
Freda H. Alverson Professor of Law
George Washington University

Ronald Turner
Alumnae Law Center Professor of Law
University of Houston Law Center
DEDICATION

To Artie, Sarah, and Thomas -- ABS

To Katey -- CBC

To Kadi and Ron -- RT
Changes in Employment Discrimination Law since publication of the Sixth Edition have refined many of the substantive doctrines and continued to clarify procedural issues. We have included court cases that were issued through May of 2011.

We have retained the organizational structure of the Sixth Edition, since Casebook users have indicated that this arrangement provides a logical sequence for pedagogical purposes. Chapter 1 considers the economic, social, and psychological ramifications of employment discrimination. Chapter 2 covers the discriminatory treatment and disparate impact proof constructs, to explicate the basic evidentiary doctrines that are applicable to the substantive chapters that follow. Chapter 3 covers Title VII protections, with the cases arranged by Race/Color, Religion, Gender (including Sexual Orientation, Gender Identity, and the Lilly Ledbetter Fair Pay Act amendments), National Origin, and Retaliation. Chapter 4 considers Non-Title VII antidiscrimination protections afforded by the Constitution, the Nineteenth Century Civil Rights Acts, Labor Relations Statutes, the Equal Pay Act, E.O. 11,246, Federal Civil Service Laws, the Age Discrimination in Employment Act, the Rehabilitation Act, the Americans with Disabilities Act, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, the Immigration Reform and Control Act, and other relevant enactments. Chapter 5 explores State Fair Employment Legislation. Chapter 6 discusses the procedural rules applicable to employment discrimination cases. Chapter 7 examines the scope and legality of affirmative action programs required of federal contractors. And Chapter 8 explores the remedies available to victims of unlawful employment discrimination.

This Casebook contains more material than would normally be covered in a two- or three-hour course. We believe that each teacher should have the opportunity for personal selection. One professor may decide to focus more on substantive principles, while another may wish to concentrate more on procedural and remedial considerations. Both should find ample material to satisfy their pedagogical objectives.

We must express our appreciation to the individuals who have served as research or editorial assistants during the preparation of this Seventh Edition: Malene Prince. We would finally like to thank the many teachers who have used our Employment Discrimination Law Casebook over the years and whose organizational suggestions have enabled us to refine the order of coverage we have included, especially Arthur Leonard.

We wish to acknowledge the work of Leroy Clark on the previous editions, and welcome Ronald Turner as our new coauthor.

Arthur B. Smith, Jr.  Chicago, Illinois
Charles B. Craver  Washington, D.C.
Ronald Turner  Houston, Texas
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