

EMPLOYMENT **DISCRIMINATION**

EMPLOYMENT DISCRIMINATION

*A Practical Skills Guide and
Learning Lab Manual*

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*For Violet, Wyatt, and Heath,
I love you.*

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DISCLAIMER

Writing this book required me to develop exercises involving fictional people, places, and events. The factual scenarios, names, characters, law firms, businesses, places, events, locales, and incidents are the product of my imagination. In some instances, names are inspired by beloved friends, family, and cherished childhood locales, but they are all used in a purely fictitious manner. Any resemblance to real people—living or dead—places, and/or actual events is purely coincidental and unintentional. One exception is that some hypotheticals loosely derive from historically significant employment discrimination cases that are part of the public record. The purpose for this was to provide readers with an opportunity to hone their analogical reasoning and research skills.

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FOREWORD

“Knowledge is of no value unless you put it into practice.”

Anton Chekhov

Experiential teaching does not simply impart a richer understanding of legal doctrine. It also enables attorneys-in-progress to apply doctrinal concepts in practical ways. Doing so solidifies knowledge, promotes growth, and fosters deeper understanding.

Experiential learning also better prepares attorneys-in-progress for a legal workplace in which they will constantly be required to bridge the intellectual gap between substance and skill. A capable attorney must not only grasp the relevant black letter law but also be able to apply it in practical ways and communicate it effectively to diverse audiences. Experiential learning prepares law students to excel in these areas.

This lab manual can be used alone, as a supplemental text in an employment discrimination or advanced legal writing course, or in conjunction with the manual’s sister text—*Exploring Discrimination: Sex, Disability, and Genetic Information*.¹ By reading the latter, you will learn about the intersection of diversity, discrimination, and U.S. law. But do not stop there. Instead, turn doctrine into doing and use your newfound knowledge to complete the practical exercises contained in this guide. The multi-part exercises in this lab manual, which are drawn from my

1. At the outset of each chapter in this book, the author has suggested companion chapters from its sister text. Like that book, the exercises herein will primarily focus on employment discrimination based on sex, disability, and/or genetic information.

real-world experience as a practitioner, law clerk, and professor, will help you close the gap between knowing and doing. Practitioners engage in these same mental exercises every day, putting their knowledge into action. Doing so is critical to effective lawyering, so let's get started!