

## PREFACE

As the Editor-in-Chief of this Fourth Edition of *Employment Discrimination Law*, I have been privileged over the last four years to coordinate the volunteer efforts of many talented members of the labor and employment law community. Through the combined work of attorneys from the three wings of the Committee on Equal Employment Opportunity Law of the American Bar Association's Labor and Employment Law Section, representing the plaintiff/public, union/employee, and defense employment bars, we have assembled this two-volume treatise covering virtually all of the federal laws governing claims of discrimination arising out of the employment relationship. These attorneys, each of whom is identified individually in the Board of Editors listing, have generously donated their time, efforts, and professional talents to serve as contributors, chapter chairs, and editors of this Fourth Edition. They are due our sincere thanks because they have helped to create a treatise that provides a balanced and comprehensive treatment of the law in this extraordinarily broad field.

Some individuals deserve an even higher level of recognition for their immense contributions. Foremost among these are the three Executive Editors, each of whom has expended many hundreds of hours on this project. **Paul Mollica** and **Linda Dardarian**, representing the plaintiff/public perspective, divided the book and together performed a detailed second edit of each chapter, often adding numerous updated case citations (complete with descriptive parenthetical information) to flesh out substantive areas that had not been addressed adequately in the initial drafts of the chapter. **Marilyn Teitelbaum** performed the comparable task from the union/employee perspective, and also served as the group's "grammatical conscience." In addition, Paul, Linda, and Marilyn together provided the invaluable service of vigilantly identifying instances where the draft chapter, even after multiple initial edits, did not reflect the balance we sought between the different perspectives of the EEO Committee's three constituencies. Later, when the page proofs arrived, Paul, Linda, and Marilyn reviewed each chapter again, providing

further edits and additional updated cases. I have an abiding respect for these outstanding professionals, and am very thankful for the support that their respective firms provided while they volunteered so much of their time to this project. Together, I believe that we have created a treatise that minimizes advocacy and, as much as possible, sets forth a balanced and neutral exposition of the law. Thus, what you read here does not represent the individual views of any particular contributor, chapter chair, or editor but rather constitutes what we believe to be an informed description of the present state of the substantive law.

In addition to these outstanding efforts by Paul, Linda, and Marilyn, the Fourth Edition could not have been completed without the extraordinary contributions of my law firm, Paul, Hastings, Janofsky & Walker LLP. Those contributions have been on many levels. First and foremost, Paul Hastings has supported and encouraged me in devoting more than two thousand hours of my own time to this major undertaking. The firm also has absorbed the very substantial word processing and out-of-pocket expenses involved. In addition, my colleagues in the firm's employment law department have provided a wide range of assistance. Many of our employment lawyers, in offices throughout the nation, served as chapter chairs or contributors, or as final proof editors, for which they are recognized individually in the Board of Editors listing. Several others, however, have been critically important members of my separate editorial team in Atlanta, performing one or more of the following key tasks: (a) a detailed preliminary edit of each chapter manuscript; (b) voluminous follow-up research to augment footnotes associated with the numerous textual propositions in some chapters that lacked recent statutory and/or case-law support; (c) further supplemental research where necessary after Paul, Linda, Marilyn and I had identified "queries" during our respective edits; (d) a comprehensive update of each chapter to make it current through the specified cutoff dates,<sup>1</sup> and (e) a careful and thorough

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<sup>1</sup>As noted in Chapter 1, the cutoff date for appellate and district court cases was June 30, 2005. Moreover, we included coverage of all pertinent decisions by the U.S. Supreme Court handed down on or before June 30, 2006. In addition, on an ad hoc basis we incorporated references to significant Supreme Court and appellate decisions through the date of our final edit of each chapter; the final edit dates for the various chapters ranged from January to April 2007.

cite-check of each chapter. We've identified this hard-working team as a group under the heading "Paul, Hastings, Janofsky & Walker LLP—Atlanta Fourth Edition Editorial Team" in the Board of Editors listing, but we owe several of these superb attorneys special recognition. Associate Editor **Cory Barker** took responsibility for leading the entire update process, freeing me up to continue the multiple substantive edits on the 43 chapters. Assistant Editors **Melissa Garrett** and **Eric Magnus** not only assisted Cory in the update process, but also made outstanding contributions by performing the preliminary edits of multiple chapters, running down answers to editorial queries, and/or rescuing chapters that were "in distress." Of particular note, even while serving as the primary "query go-pher," Melissa took on the responsibility of creating out of whole cloth the new Title VII portion of Chapter 18 (Compensation). Eric, then fresh out of law school, dove in and took over the drafting of a large portion of Chapter 12 (Age), after three prior chapter co-chairs—who are not named in the Board of Editors listing—had failed to deliver. Cory, in addition to the update work, took responsibility for drafting a large portion of Chapter 37 ("Reverse" Discrimination and Affirmative Action) after a default by one of the assigned chapter co-chairs. In addition, our legal researcher extraordinaire, **Scott Snipes**, cite-checked each of the 43 chapters without so much as a grumble.

Further, one of the most important contributors to the Fourth Edition has been **Michelle Woodward**, who was throughout most of the editorial period a secretarial assistant at Paul Hastings. Despite having worked with me on the Third Cumulative Supplement to the Third Edition—and therefore knowing what she was getting herself into—Michelle undertook primary responsibility for the massive word processing tasks involved in (a) converting the chapter chairs' initial drafts of each chapter into a consolidated draft that met our editorial guidelines, and then (b) incorporating into each chapter as many as six rounds of extensive line-by-line editorial changes. Most importantly, Michelle performed these tasks with a level of precision that eliminated any need for me to proof her work. Michelle also assisted me in the mammoth organizational task of tracking the status of each chapter, maintaining custody of the numerous iterations of the 43 chapters, and communicating with the large team of lawyers from around the country who contributed to the Fourth Edition.

We did not, of course, begin in a vacuum. **Barbara Lindemann (Schlei)** and **Paul Grossman** created the First Edition of this book in 1976, with far less assistance than we have had. They refined that work with their Second Edition in 1983, after which the EEO Committee undertook the task of producing periodic cumulative supplements. After the cumulative supplement to the Second Edition became a lengthy book itself, BNA Books and the EEO Committee commissioned a new Third Edition, which was published in 1996. We are all deeply indebted to Editor-in-Chief **Paul W. Cane, Jr.** and Associate Editors **Barry Goldstein** and **Patrick O. Patterson** for their outstanding work on the Third Edition. Following the release of the Third Edition, the EEO Committee continued to publish periodic cumulative supplements, for which **Carl Jordan**, **Phil Pfeiffer** and I served as the respective Editors-in-Chief. This Fourth Edition builds on the work of all of these outstanding attorneys, and that of the many other contributors identified individually in each such predecessor volume.

Finally, I must thank my remarkably patient wife, Kelly, and our three teenage daughters, Nicole, Chelsea, and Kristy, who supported me in seeing this project through to completion. Kelly nearly had me committed when I agreed to take on this project after just completing the 2002 cumulative supplement; I can only wonder now whether I would have been better off if she had done so. After years of seeing me parked most evenings in front of one paper manuscript or electronic file after another, I hope that they will be able to recognize me without a chapter in hand. I appreciate their incredible indulgence.

Paul, Linda, Marilyn and I hope that those who use this treatise will find that the time and efforts of our diligent team of authors and editors have been well spent, and that the Fourth Edition of *Employment Discrimination Law* makes a contribution to the field of EEO law comparable to that of its predecessor volumes.

GEOFF WEIRICH

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