

SACHIN S. PANDYA
University of Connecticut
65 Elizabeth Street
Hartford, CT 06105 USA
 Envelope  LINKEDIN  Github

Work

2025- Roger Sherman Professor of Law, School of Law, University of Connecticut.
2025- Faculty Affiliate, School of Public Policy, University of Connecticut.
2013-25 Professor of Law, School of Law, University of Connecticut.
2008-13 Associate Professor of Law, University of Connecticut.
2006-08 Visiting Assistant Professor of Law, University of Connecticut.
2004-06 Associate-In-Law, Columbia Law School.
2000-04 Assistant Solicitor General, Office of the New York State Attorney General (Appeals & Civil Rights Bureaus), New York, NY.
1999-2000 Judicial Clerk, Judge Jon O. Newman, United States Court of Appeals, Second Circuit.

Education

1999 YALE LAW SCHOOL
Juris Doctorate
1995 COLUMBIA UNIVERSITY
Master of Arts in Sociology
1993 UNIVERSITY OF CALIFORNIA AT BERKELEY
Bachelor of Arts in Social Science

Research

[unpublished](#) "Overcoming *Batson* Data's Practical Obscurity in Federal Court" (with C. Cho).
[unpublished](#) "The Weak Agency Returns? The EEOC and Title VII Transgender Employment Discrimination Lawsuits, 2008-2020".
[under review](#) "Using Worker Surveys to Detect Labor Standards Non-Compliance" (with L. Godoy, C. Alexander, D. Schneider, K. Harknett).
[accepted](#) "Comstock Preemption Against State Law Abortion Protections: A Litigation-Strategy Case Study" (with M. McCormick), *Denver Law Review* vol. 103(2) (forthcoming February 2026).
[accepted](#) "Presuming Justice for Temp Workers" (with K. Griffith, A. Elmore), *William & Mary Law Review* vol. 67(2) (forthcoming November 2025). doi: 10.2139/ssrn.5237250

- 2025 "Regulating Algorithmic Management: A Multi-Stakeholder Study of Challenges in Aligning Software and the Law for Workplace Scheduling" (with J. Lynn, R. Kim, S. Gao, D. Schneider, M.K. Lee), *Proceedings of the 2025 ACM Conference on Fairness, Accountability, and Transparency* (FAccT '25). Association for Computing Machinery, New York, NY, USA, 547572. doi: 10.1145/3715275.3732037.
- 2024 "The Braidwood Exploit: On the RFRA Declaratory-Judgment Class-Action and Title VII Employer Liability" (with M. McCormick), *University of Richmond Law Review* 58 (2024): 411-455. doi: 10.31219/osf.io/m4znk
- 2024 "Bayesian Detection of Bias in Peremptory Challenges Using Historical Strike Data" (with X. Li, E. Barón, T.E. Moore), *The American Statistician* 78(2): 209-219 (2024). doi: 10.1080/00031305.2023.2249967.
- 2021 "What Taft-Hartley Did to Joint-Employer Doctrine," *Employee Rights and Employment Policy Journal* 25(2): 161-199 (2021). doi: 10.31219/osf.io/q9t7z.
- 2021 "Case-level Prediction of Motion Outcomes in Civil Litigation" (with Devin J. McConnell, James Zhu, Derek Cole Aguiar). In *Eighteenth International Conference for Artificial Intelligence and Law* (ICAIL'21), June 21-25, 2021, Sao Paulo, Brazil. ACM, New York, NY, USA. doi: 10.1145/3462757.3466101.
- 2021 Work Law Under COVID-19 (co-editor, contributor), worklawcovid19book.netlify.app(web book)
- 2020 "'Sex' and Religion After *Bostock*" (with M. McCormick), *American Constitution Society Supreme Court Review* 4 (2020): 45-67.
- 2020 "Employer Rights Against Worker Involuntary Servitude," *Berkeley Journal of Employment & Labor Law* 41(2) (2020): 383-408. doi: 10.15779/z38hx15r6t.
- 2020 "On Social Network Position in Employment Law: Conjectures for Charlie," *Seton Hall Law Review* 50(5) (2020): 1427-1444.
- 2019 "How We Regulate Wage Theft," *Jotwell* (May 2019) (article review).
- 2018 "Designing the Tax Treatment of Litigation-Related Costs" (with S. Utz), *Florida Tax Review* 21(2) (2018): 533-569. doi: 10.5744/ft.2018.0007.
- 2015 "Presuming Damages for Unemployment Distress," *Employee Rights and Employment Policy Journal* 19(1) (2015): 85-102.
- 2015 "The American Law of Product Liability, Safety, and Information: A Field Sketch," *Journal of Macro-Quality Research* 3(1) (2015): 72-80 (in Chinese).
- 2013 "Underclaiming and Overclaiming" (with P. Siegelman), *Law & Social Inquiry* 38(4) (2013): 836-862. doi: 10.1111/j.1747-4469.2012.01324.x
- 2013 Book Review of *From Industrial to Legal Standardization, 1871-1914: Transnational Insurance Law and the Great San Francisco Earthquake*, by Tilmann J. Röder, trans. Frederik Heinemann (Leiden: Martinus Nijhoff Publishers, 2012). *Law and History Review* 31(2) (2013): 486-488. doi: 10.1017/S0738248013000205.
- 2012 "Unpacking the Employee-Misconduct Defense," *University of Pennsylvania Journal of Business Law* 14(4) (2012): 867-925.
- 2012 "Tax Liability for Wage Theft," *Columbia Journal of Tax Law* 3(2) (2012): 113-143. doi: 10.7916/cjtl.v3i2.2810.

- 2011 "The First Liability Insurance Cartel in America, 1896-1906," *Law and History Review* 29(2) (2011): 375-417. doi: 10.1017/s0738248011000022.
- 2010 "Detecting the Stealth Erosion of Precedent: Affirmative Action After *Ricci*," *Berkeley Journal of Employment & Labor Law* 31(2) (2010): 285-331. doi: 10.15779/Z38433S.
- 2009 Book Review of *The Liability Century: Insurance and Tort Law from the Progressive Era to 9/11*, by Kenneth S. Abraham (Cambridge: Harvard University Press 2008). EH.net, May 5, 2009.
- 1999 "Retrofitting Unemployment Insurance to Cover Temporary Workers," *Yale Law & Policy Review* 17(2) (1999): 907-947.

Presentations

- 2025 "On Aiding-Abetting Liability in U.S. Work Law", Colloquium on Current Scholarship in Employment and Labor Law, Seton Hall University School of Law, Newark, NJ, September 20, 2025.
- 2025 Keynote Speaker, "Illegal Strike Bias: Past, Present, and Future," Colorado State Public Defender Conference, Broomfield, CO, September 14, 2025.
- 2025 "Prosecuting Ordinary Hate Crimes in State Court" (with R. Wilson), Annual Meeting of the Law and Society Association, Chicago, IL, May 24, 2025.
- 2025 Chair and Co-Discussant, Panel on: "Mechanisms of Discrimination and Democracy", Annual Meeting of the Law and Society Association, Chicago, IL, May 24, 2025.
- 2025 "Legal Aspects of AI in Medicine and Medical Software," Noon Report, Internal Medicine Traditional Residency Program, Yale School of Medicine, New Haven, CT, May 13, 2025.
- 2024 "Data Collecting for Detecting Strike Bias," Panel on: "Building Trust & Advancing Equity in the Jury Selection Process," Fair and Just Prosecution - Convening, New Orleans, LA, December 13, 2024.
- 2024 "Responding to FOI Requests," Panel on: "Responding to Intimidation and Harassment in Teaching and Research," Center for the Defense of Academic Freedom, American Association of University Professors, webinar, December 4, 2024.
- 2024 "Regulating Algorithmic Management: A Multi-Stakeholder Study of Challenges in Aligning Software and the Law for Workplace Scheduling" (with M.K. Lee, S. Gao, D. Schneider, J. Lynn, and R. Kim), Poster presented at: NSF Designing Accountable Software Systems Workshop, Warrenton, VA, November 17-19, 2024.
- 2024 "Bayesian Detection of Bias in Peremptory Challenges Using Historical Strike Data," National Institute of Justice Research Conference, Pittsburgh, PA, September 17, 2024.
- 2024 "Deciding Workplace Religious Accommodation Disputes," Labor Law Group Annual Meeting, Chicago-Kent College of Law, Chicago, IL, June 20, 2024.
- 2024 "Workplace Religious Accommodations: Evidence from Connecticut Unemployment Insurance Appeals, 1992-2022," All About Accommodations Symposium, Martin Malin Institute for Law and the Workplace, Chicago-Kent College of Law, Chicago, IL, March 22, 2024.
- 2023 "The Weak Agency Returns: The EEOC and Title VII Transgender Employment Discrimination," Colloquium on Current Scholarship in Employment and Labor Law, University of Minnesota Law School, Minneapolis, MN, October 27, 2023.

- 2023 "Joint-Employer Presumptions: Theory and Evidence," Annual Meeting of the Law and Society Association, San Juan, PR, June 2, 2023.
- 2022 "Bayesian Detection of Bias in Peremptory Challenges Using Historical Strike Data," Research Seminar, European New School of Digital Studies, online, November 15, 2022.
- 2022 "Religious Freedom of For-Profit Business Employers to Discriminate: A Litigation Case Study" (with M. McCormick), Colloquium on Current Scholarship in Employment and Labor Law, Vanderbilt Law School, Nashville, TN, October 22, 2022.
- 2022 Paper Discussant, Workshop Series, Employment Discrimination Section - Association of American Law Schools, online, August 5, 2022.
- 2022 "Bayesian Detection of Bias in Peremptory Challenges Using Historical Strike Data," Global Meeting of the Law and Society Association, ISCTE University Institute of Lisbon, Lisbon, Portugal, July 15, 2022.
- 2022 "Faculty Harassment and FOIA at UConn," Faculty Workshop, University of Connecticut School of Law, Hartford, CT, March 23, 2022.
- 2021 "Measuring FLSA Manager Misclassification: Evidence from Retail" (with C. Alexander), Colloquium on Current Scholarship in Employment and Labor Law, online, Nashville, TN, October 15, 2021.
- 2021 "Batson App Prototype Demonstration," 2021 CPILJ symposium: Does an Impartial Jury Exist? An Analysis of Implicit Bias in Jury Selection, University of Connecticut School of Law, online, March 26, 2021.
- 2020 "Batson App Prototype Demonstration," Subcommittee on Data, Statutes & Rules, Connecticut Judicial Branch Jury Selection Task Force, online, August 31, 2020.
- 2020 Paper Discussant, Virtual Paper Workshop Series, Employment Discrimination Section - Association of American Law Schools, online, August 11, 2020
- 2020 Paper Discussant, New and Emerging Voices in Workplace Law, Association of American Law Schools 2020 Annual Meeting, Washington DC, January 4, 2020
- 2019 "On Evidence of Social Networks in Employment Litigation: Conjectures From Charlie Sullivan's Scholarship," Symposium in Honor of the Work of Charles A. Sullivan, Seton Hall University School of Law, Newark, NJ, November 1, 2019
- 2019 "What Taft-Hartley Did to Joint-Employer Doctrine," Colloquium on Current Scholarship in Employment and Labor Law, Las Vegas, NV, October 11, 2019
- 2018 "Joint Liability Without Joint Employer: Aiding-Abetting Liability in US Work Law," Association of American Law Schools 2018 Annual Meeting, San Diego CA, January 5, 2018
- 2017 "Joint Liability Without Joint Employer: Aiding-Abetting Liability in US Work Law," Colloquium on Current Scholarship in Employment and Labor Law, Fort Worth, TX, September 16, 2017
- 2017 "Joint Liability Without Joint Employer," Future of Labor and Employment Law: Power, Policies, and Politics Symposium, Washburn University School of Law, Topeka, KS, February 23, 2017.
- 2016 "Employer Rights Against Worker Involuntary Servitude," Colloquium on Current Scholarship in Employment and Labor Law, Seattle, WA, September 23, 2016.

- 2015 “Visual Analysis of Attorney Portfolio Diversity” (with Surendar Nambirajan and Ron Metoyer), Poster presented at: IEEE Visualization Conference; Chicago, IL, Oct. 25-30, 2015.
- 2015 “The Constitutional Accuracy of Legal Presumptions,” Faculty Colloquium Workshop, Seton Hall University School of Law, Newark, NJ, March 30, 2015
- 2015 “Presuming Damages for Unemployment Distress,” Association of American Law Schools 2015 Annual Meeting, Washington DC, January 5, 2015
- 2014 “The Constitutionality of Legal Presumptions,” Colloquium on Constitutional Law, Loyola University Chicago School of Law, Chicago, IL, November 7, 2014
- 2014 “Arguing Mixed Motives in Title VII Lawsuits: Evidence from National Samples,” Colloquium on Scholarship in Employment and Labor Law, Boulder, CO, September 13, 2014
- 2014 “American Product Liability and Safety Law: An Introduction,” University of International Business and Economics School of Law, Beijing, China, September 3, 2014
- 2014 “American Product Liability and Safety Law: An Introduction,” China Quality Conference, General Administration of Quality Supervision, Inspection, and Quarantine of the People’s Republic of China, Beijing, China, September 2, 2014
- 2012 “Arguing Mixed Motives in Title VII Lawsuits,” Colloquium on Current Scholarship in Labor and Employment Law, Chicago, IL, September 14, 2012
- 2012 “Unpacking the Employee-Misconduct Defense,” Twenty-Ninth Annual Carl A. Warns Jr. Labor & Employment Law Institute, Louis D. Brandeis School of Law, University of Louisville, Louisville, KY, June 21, 2012
- 2012 “What is Distinctive About American Tort Law? An Introduction,” Beijing Normal University Law School, Beijing, China, June 6, 2012, and University of International Business and Economics, Beijing, China, June 4, 2012
- 2011 “The Puzzle of the Employee-Misconduct Defense in American Work Law,” Employment & Labor Law Scholars’ Forum, Seton Hall University School of Law, Newark, NJ, October 29, 2011
- 2011 “Toward the Puzzle of the Employee-Misconduct Defense in American Work Law,” Colloquium on Current Scholarship in Labor and Employment Law, Los Angeles, CA, September 17, 2011
- 2010 “Affirmative Action After *Ricci*: Detecting the Stealth Erosion of Precedent,” Colloquium on Current Scholarship in Labor and Employment Law, St. Louis, MO, September 25, 2010.
- 2010 “Bringing the Law Back into the Dispute Pyramid,” Annual Meeting of the Law & Society Association, Chicago, IL, May 28, 2010
- 2009 “The First Liability Insurance Cartel in America, 1896-1906,” Annual Meeting of the American Society of Legal History, Dallas, TX, November 14, 2009
- 2009 “The Diffusion of State Acceptance of Liability Insurance for Personal Injury Accidents, 1886-1910,” Annual Meeting of the Law & Society Association, Denver CO, May 29, 2009

Teaching

- 2006– *Employment Law*, University of Connecticut (Fall 2006, Spring/Fall 2008, 2010-2011 (Spring), Spring/Fall 2013, 2015-2022 (Spring), Fall 2023, Spring/Fall 2025).

2007–	<i>Torts</i> , University of Connecticut (Spring/Fall 2007, 2008-2009 (Fall), Fall 2010 (2 sections), Fall 2011, Fall 2012 (2 sections), 2013-2014 (Fall), Summer 2015 (Seoul), Fall 2015, Summer 2016 (Seoul), 2017-2018 (Fall), Summer 2019 (Seoul), 2019-2023 (Fall), Fall 2024 (2 sections), Fall 2025).
2024	<i>Appellate Advocacy</i> , University of Connecticut (Spring 2024).
2022	<i>Problems in Employment Law</i> , University of Connecticut (Spring/Fall 2022).
2016-21	<i>Immigration and Workplace Rights</i> , University of Connecticut, (Spring 2016, Spring 2018, Spring 2021).
2017-18	<i>Problems in Torts</i> , University of Connecticut (Spring 2017, Fall 2018).
2014	<i>Remedies</i> , University of Connecticut (Spring 2014).
2009-10	<i>Institutional Design in the Law of Work</i> , University of Connecticut (Fall 2009-Spring 2010).
2009	<i>Advanced Topics in Torts and Insurance</i> , University of Connecticut (Spring 2009).
1995	<i>Social Problems</i> , Department of Sociology & Anthropology, Rutgers University (Summer 1995).
1994	<i>Classical Sociological Theory</i> , Department of Sociology & Anthropology, Rutgers University (Summer 1994).

Selected Public Writing and Talks

2025	Panelist, “Combating Hate Crimes in Connecticut,” 2025 Connecticut Legal Conference, Connecticut Bar Association, Hartford, CT, June 13, 2025.
2024	“Responding to Freedom of Information (FOI) Requests at Public Universities” (with Isaac Kamola), <i>Center for the Defense of Academic Freedom, American Association of University Professors</i> , July 8, 2024 (LINK).
2022	“Rebooting Joint-Employer with Presumptions — A Modest Proposal” (with Andrew Elmore and Kate Griffith), <i>OnLabor</i> , July 7, 2022 (LINK).
2022	“Two Hospitals, Seven Workers, and the Short-Lived Injunction,” <i>Workplace Prof Blog</i> , January 27, 2022 (LINK).
2022	“How Not to Read the OSH Act,” <i>OnLabor</i> , January 19, 2022 (LINK).
2020	“Structural Racism in Employment,” Constance Baker Motley Speaker Series on Racial Inequality, Connecticut Bar Association & Connecticut Bar Foundation, online, December 16, 2020 (moderator, co-panelist).
2020	“COVID-19 Unemployment Assistance for Independent Contractors,” <i>Workplace Prof Blog</i> , March 26, 2020 (LINK).
2020	“On Unemployment Insurance and COVID-19,” <i>Workplace Prof Blog</i> , March 19, 2020 (LINK).
2019	Panelist, “The Path to the Academy,” Admitted Students Program 2019, Yale Law School, New Haven, CT, April 9, 2019.
2017	Panelist and Moderator, “A Book Celebration with The Honorable Jon O. Newman,” University of Connecticut School of Law, Hartford, CT, October 10, 2017.
2015	“Tipping as Employment Discrimination?,” <i>OnLabor</i> , November 23, 2015 (LINK).

- 2015 “Are Ride-Sharing Companies Exempt from FLSA Overtime Because They Operate a Taxicab Business?,” *Workplace Prof Blog*, July 1, 2015 (LINK).
- 2015 “Equal Education and Discrimination: A Discussion on Affirmative Action,” University of Connecticut School of Law, Hartford, CT, March 24, 2015 (panelist)
- 2014 “Hot Goods and Economic Duress: Part I,” *Workplace Prof Blog*, October 21, 2014 (LINK); and “Hot Goods and Economic Duress: Part II,” *Workplace Prof Blog*, October 23, 2014 (LINK).
- 2014 “On *Salas v. Sierra Chemical*: Immigration Status and After-Acquired-Evidence in California,” *Workplace Prof Blog*, July 2, 2014 (LINK); and “After *Salas* (Part II),” *Workplace Prof Blog*, July 7, 2014 (LINK).
- 2011 “The Life Raft Debate,” University of Connecticut, Storrs, CT, November 8, 2011 (speaker)
- 2009 “Discrimination Claims After *Ricci v. DeStefano*,” Connecticut Bar Association, Quinnipiac University School of Law, Hamden, CT, August 18, 2009 (speaker and moderator).

Awards and Honors

- 2023 Nomination, Perry Zirkel '76 Distinguished Teaching Award, School of Law, University of Connecticut.
- 2015 Scholarship Facilitation Fund Grant, “The Civil Rights Injunction at Vandy’s BBQ,” Office of the Vice President for Research, University of Connecticut
- 2013 Faculty Small Grant, “Arguing Mixed-Motives in Title VII Lawsuits,” Office of the Vice President for Research, University of Connecticut
- 2004 Best Supreme Court Brief Award, National Association of Attorneys General
- 2002 Lewis K. Lefkowitz Memorial Award, Office of the New York Attorney General

Service

- 2008- Committee Service, University of Connecticut School of Law: Educational Policy, 2008-10, 2022, 2025-26; Faculty Appointments, 2010-11, 2013-15 (Chair, 2014-2015); Curriculum Review, 2011-14; ABA Standard 315 Committee, 2018; Journals Committee, 2018-19; Learning Assessment, 2019-24 (Chair, 2019-21); Faculty Workshop Co-Organizer, Fall 2022; Diversity Equity Belonging, 2023-24 (Chair, 2023-24); Personnel Advisory Committee Working Subcommittee, 2024-26 (Chair, 2025-26).
- 2025 Member, Safe Environment Ad Hoc Committee, University Senate, University of Connecticut.
- 2010- Manuscript Reviewer: *Law and History Review* (2010); *Law & Social Inquiry* (2012, 2018); *Connecticut Insurance Law Journal* (2013); Aspen / Wolters Kluwer (2014) (textbook); *California Law Review* (2015); *Law & Society Review* (2015); *Yale Law Journal* (2018); *Columbia Law Review* (2022); *University of Chicago Law Review* (2022); Cambridge University Press (2024) (book proposal).
- 2024- Co-editor, *Jotwell* Worklaw Section.
- 2024- Elected Member, The Labor Law Group (Executive Committee, 2025-).
- 2025 "Request to Conform Practice Book Rule 38-18 to CGS 54-53a," Letter to the Rules Committee of the Connecticut Superior Court, April 29, 2025.

- 2024-25 Technical/Legal Assistance to State-Wide Hate Crimes Advisory Council on legislative proposal to consolidate and amend Connecticut's hate crime statutes and to amend Freedom of Information statute as applied to online portal for reporting bias incidents.
- 2025 Presentation before Connecticut Bar Association House of Delegates on behalf of the State-Wide Hate Crimes Advisory Council on various legislative proposals, Meriden, CT, March 24, 2025.
- 2025 Testimony in Support of House Bill No. 6872 ("An Act Revising and Consolidating the Hate Crime Statutes") (written and live), Joint Committee on Judiciary, Connecticut General Assembly, March 10, 2025.
- 2025 Testimony in Support of Senate Bill No. 1226 (written and live), Government Administration and Elections Committee, Connecticut General Assembly, February 7, 2025.
- 2024 "Hate Crimes Consoliation Act Proposal," Presentation (with R. Wilson) to the Connecticut Sentencing Commission, online, Nov. 14, 2024.
- 2024 Testimony in Support of Senate Bill No. 394 (written and live), Government Administration and Elections Committee, Connecticut General Assembly, March 13, 2024.
- 2023 "Sentencing Database" Presentation (with V. Crichlow) to the Connecticut Sentencing Commission, Hartford CT, Sept. 28, 2023.
- 2023 Technical/Legal Assistance to [redacted] on Senate Bill No. 1153 to exempt non-financial records arising from faculty research and teaching from Connecticut Freedom of Information Act, March - June 2023.
- 2023 Testimony in Support of Senate Bill No. 1153 (written and live), Government Administration and Elections Committee, Connecticut General Assembly, March 6, 2023.
- 2022 Comment on Notice of Proposed Rulemaking, *The Standard for Determining Joint-Employer Status*, 87 Fed. Reg. 54641 (National Labor Relations Board, Sept. 7, 2022) (with A. Elmore and K. Griffith), filed Dec. 6, 2022. Discussed by NLRB in 88 Fed. Reg. 73946 (Oct. 27, 2023)(final rule).
- 2021-22 Member, Artificial Intelligence Technical Advisory Committee, *Report on EEO and DEI&A Considerations in the use of Artificial Intelligence in Employment Decision Making* (The Institute for Workplace Equality, published December 2022).
- 2021 Technical/Legal Assistance to [redacted] on amendments to statute creating Office of Inspector General, April 2021.
- 2020 Technical/Legal Assistance to [redacted] on Police Accountability legislation (House Bill No. 6004), July 2020.
- 2020 Member, Steering Committee, Constance Baker Motley Speaker Series on Racial Inequality, Connecticut Bar Association.
- 2015-2018 Liason for UConn Law Faculty to Connecticut State Legislature.
- 2015 Member, Executive Committee, Section on Labor Relations and Employment Law, Association of American Law Schools.
- 2015 Co-chair, Review Panel, Research Excellence Program (university-wide large grant competition), University of Connecticut.
- 2014-24 Co-Editor/Contributor, Workplace Law Prof Blog.

- 2013-15 Member, Research Advisory Council, University of Connecticut
- 2012-14 Member, Board of Directors, American Civil Liberties Union of Connecticut.
- 2009-12 Consultant, National Policy & Legal Analysis Network to Prevent Childhood Obesity.

Bar Admissions

- 2015- Supreme Court of the United States, Bar No. 295598
- 2016- United States Court of Appeals for the Fifth Circuit
- 2001- New York, Attorney Registration No. 3943388
- 2000 United States Court of Appeals for the Second Circuit, Bar No. 2000-678 (inactive).
- 2000- Connecticut, Juris No. 418810

Selected Litigation Experience

Labor and Employment

- 2024 *Starbucks Corp. v. McKinney*, No. 23-367 (U.S. Supreme Court, amicus brief, filed March 29, 2024) (standard for granting temporary injunctions under § 10(j) of the National Labor Relations Act).
- 2023 *Bissonette v. LePage Bakeries Park St., LLC*, No. 23-51 (U.S. Supreme Court, amicus brief, filed November 20, 2023) (whether workers exemption to Federal Arbitration Act covers delivery drivers for bakery).
- 2022 *Raines v. U.S. Healthworks Medical Group*, No. S273630 (California Supreme Court, amicus brief, filed October 12, 2022) (whether California's Fair Employment and Housing Act permits a business entity acting as an agent of an employer to be held directly liable for employment discrimination). Referenced in *Raines v. U.S. Healthworks Med. Grp.*, 15 Cal. 5th 268, 280-81 (2023).
- 2022 *Southwest Airlines Co. v. Saxon*, No. 21-309 (U.S. Supreme Court, amicus brief, filed March 2, 2022) (whether "workers" exemption to Federal Arbitration Act covers airline ramp supervisor) (counsel of record).
- 2021 *Melvin v. Federal Express Corp.*, No. 21-1107 (U.S. Supreme Court, cert. petition, filed Feb. 8, 2021) (whether special standards of proof apply to decide, on summary judgment, whether plaintiffs in ADEA lawsuits have enough evidence of discriminatory intent).
- 2019 *Bostock v. Clayton County*, No. 17-1618; *Altitude Express v. Zarda*, No. 17-1623; *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission*, No. 18-107 (U.S. Supreme Court, amicus brief, filed July 3, 2019) (whether Title VII of the Civil Rights Act covers employer discrimination against gay or transgender individuals)
- 2018 *New Prime, Inc. v. Oliveira*, No. 17-340 (U.S. Supreme Court, amicus brief, filed July 25, 2018) (whether scope of "workers" exemption to Federal Arbitration Act turns on status as common-law employee) (counsel of record)
- 2017 *Griffin v. Sirva*, No. CTQ-2016-00002 (N.Y. Court of Appeals, amicus brief, filed Feb. 16, 2017) (State statutory ban on denying employment based on prior criminal conviction)

- 2016 *State of Nevada v. US Department of Labor*, No. 16-41606 (5th Cir., amicus brief, filed 2016) (Fair Labor Standards Act salary-level rule for exemption for bona fide executive, administrative, or professional employees) (counsel of record).
- 2015 *Tyson Foods v. Bouaphakeo*, No. 14-1146 (U.S. Supreme Court, amicus brief, filed Sept. 29, 2015) (Rule 23 class action and Fair Labor Standards Act collective action) (counsel of record).

Civil and Constitutional Rights

- 2023 *Toro-Ospina v. People*, No. 23SC587 (Colorado Supreme Court, filed Nov. 10, 2023) (amicus brief in support of cert. petition) (whether trial court abused its discretion by refusing to add question to juror questionnaire asking prospective jurors to report their race/ethnicity)
- 2019 *Comcast Corp. v. National Association of African American-Owned Media*, No. 18-1171 (U.S., amicus brief, filed September 30, 2019) (whether a plaintiff alleging race discrimination under the Civil Rights Act of 1866, codified as amended at 42 U.S.C. §1981, must prove but-for causation)
- *Gratz v. Bollinger* (U.S. 2003) (amicus brief) (use of race in higher education admissions to achieve student body diversity).
 - *Langan v. St. Vincent's Hospital of New York* (N.Y. App. Div. 2d Dep't 2005) (amicus brief) (whether party to Vermont civil union qualifies as "spouse" of decedent for purposes of New York's wrongful death statute).
 - *People v. Namu, Inc.* (N.Y. Sup. Ct., New York County 2003) (settlement of action against night-club/restaurant for public accommodations discrimination) (lead attorney).
 - *In re K.L. (Anonymous)*, 1 N.Y.3d 362 (N.Y. 2004) (federal and state constitutional challenges to Kendra's Law, a mental health statute governing assisted outpatient treatment) (lead attorney).
 - *Friedman v. Clarkstown Central School District* (2d Cir. 2003) (constitutional challenge to regulation governing religious exemption to child immunization requirement) (lead attorney).
 - *Pugh v. Goord* (2d Cir. 2003) (Free Exercise Clause challenge to prison provision of congregate worship services) (lead attorney).
 - *Commack Self-Service Kosher Meats v. Weiss* (2d Cir. 2002) (Establishment Clause challenge to kosher fraud statute) cert. denied (U.S. 2003). (appellate briefs, rehearing petition, cert. petition).
 - *Catholic Charities v. Serio* (N.Y. Sup. Ct. Albany County 2003) (constitutional challenge to statutory requirement that employers providing employee health insurance coverage of prescription drugs also cover prescription contraceptives).
 - *Seltzer v. New York State Democratic Committee* (N.Y. App. Div. 2d Dep't 2002) (Free Speech Clause challenge to state campaign finance statute) (lead attorney).
 - *Courtroom Television Network LLC v. State of New York*, 8 A.D.3d 164 (N.Y. App. Div. 1st Dep't 2004) (constitutional challenge to statutory prohibition on televising proceedings that may contain compelled witness testimony) (lead attorney); and *Courtroom Television Network LLC v. State of New York*, 1 Misc. 3d 328 (N.Y. Supreme Court, New York County 2003).

Torts

- *People ex rel. Spitzer v. Sturm Ruger & Co.* (N.Y. App. Div. 1st Dep't 2003) (public nuisance action by State of New York against gun manufacturers and wholesalers), leave denied (N.Y. 2003).
- *Hamilton v. Beretta U.S.A. Corp.* (N.Y. 2001) (private negligence action against gun manufacturers) (amicus brief).
- *Garcia v. State University of New York at Albany* (2d Cir. 2003) (negligence action against university officials for application of sexual harassment policy) (lead attorney).

Federal Habeas/Prisoner Litigation

- *Bond v. Walker* (2d Cir. 2000) (federal habeas: in-court identification of defendant as witness) (lead attorney).
- *Norde v. Keane* (2d Cir. 2002) (federal habeas: removal of defendant prior to jury voir dire) (lead attorney).
- *Jones v. Senkowski* (2d Cir. 2002) (application of 28 U.S.C. §2254(b)(2)) (petitions for rehearing, letter briefs).
- *Davis v. Keane* (2d Cir. 2002) (federal habeas: failure to hold sua sponte incompetency hearing) (lead attorney).
- *Goord v. Lawrence* (U.S. 2002) (cert. petition) (Prison Litigation Reform Act (PLRA) exhaustion requirement)
- *Porter v. Nussle* (U.S. 2002) (amicus brief) (PLRA exhaustion)
- *Hemphill v. State of New York* (2d Cir. 2004) (PLRA exhaustion) (lead attorney).

Other Litigation

- *Orens v. Novello* (N.Y. 2002) (statutory construction of scope of compositional requirement for State medical disciplinary committee) (lead attorney).
- *State of New York v. Phillip Morris* (N.Y. App. Div. 1st Dep't 2003) (challenge to sua sponte vacatur of arbitral fee award under Tobacco Master Settlement Agreement and to sua sponte appointment of private counsel in place of Attorney General) (lead attorney). Discussed in "Top Cases of 2002," *New York Law Journal*, Feb. 24, 2003, p. 14.

Media

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