

PROFESSIONAL STATUS

Admitted to practice in Maryland, Pennsylvania, the District of Columbia, the United States Supreme Court, most United States Circuit Courts of Appeals and several District Courts.

PROFESSIONAL EXPERIENCE

The Pennsylvania State University School of Law – University Park, PA

Director, Civil Rights Appellate Clinic and Professor of Law

2008-Present

Conceptualized and directs the school's first appellate clinic focusing on civil rights issues before the United States Supreme Court and the federal appellate courts. Highlights of the Clinic work are attached in an Addendum.

- Involved in over 30 cases before the United States Supreme Court and the Federal Appellate Courts
- The Clinic's work continues to receive national attention and because of the Clinic's work I am sought out as an expert on civil rights, and civil rights cases before the Supreme Court by major media outlets including Bloomberg, BNA's Daily Labor Reporter, National Public Radio, Huffpost Politics, Lexis-Nexis Law 360 and others.

Associate Dean/Director of Clinics and Experiential Learning

2014-2019

- Appointed as the school's first Associate Dean for Clinics and Experiential Learning in 2017
- Appointed as the school's first Director of Experiential Learning in 2014
- Responsible for Supervising 19 attorneys and 4 support staff
- Fostered the creation of 4 new experiential learning opportunities – Veterans and Servicemembers Clinic, The Entrepreneur Assistance Clinic, The Intellectual Property Clinic, and the Criminal Indigent Defense Clinic
- Continue to be an expert on civil rights for major media outlets including New York Times, Bloomberg Law, BNA Daily Labor Reporter, The Washington Post, Huffpost Politics, The Alliance for Justice, casetext.com and others.
- Teaches advanced courses in employment discrimination and the employment relationship

Lawyers' Committee for Civil Rights Under Law – Washington, D.C.

2001-2008

Deputy Director of Legal Programs/Employment Discrimination Project Director

Supervised the national litigation work of the Lawyers' Committee and directed the Employment Discrimination Project

- Revitalized the litigation department through strategic hires and adoption of a “litigation team” approach
- Developed an active docket of high-profile cases, intensified the Committee’s disparate impact work, and enhanced the Committee’s existing *amicus* work serving as counsel of record for the Lawyers’ Committee in numerous Supreme Court cases
- Directed significant policy initiatives vital to the Committee’s mission, including the *amicus* efforts in *Ledbetter v. Goodyear Tire and Rubber Co., Inc.* and the Committee’s efforts in the passage of the Lilly Ledbetter Fair Pay Act
- Reinforced the prominence of the Lawyers’ Committee through professional presentations and articles
- Managed the recovery of significant fees and costs on an ongoing basis

Harvard Law School – Cambridge, MA

2006-2008

Clinical Supervisor

Through an innovative program, working in conjunction with law school faculty, supervised clinical students placed with the Lawyers' Committee for Civil Rights

United States Commission on Civil Rights – Washington, D.C.

2000-2001

Acting Deputy General Counsel

Worked directly with the General Counsel and Staff Director to supervise the legal department

- Lead Attorney for Commission’s Investigative report *Voting Irregularities in the 2000 Presidential Election*
- Project Director for Commission Report – *The ADA: Accommodating All?*
- Project Director for The Commission’s *Crossing Borders* Project
- Supervised all employment-related litigation

Southern Methodist University School of Law – Dallas, TX

1997-2000

Clinical Supervisor/Lawyering Instructor

In conjunction with other faculty, developed the civil clinic docket and assigned cases to student attorneys, while simultaneously serving as an instructor in the first-year lawyering skills course

- Supervised student attorneys in all aspects of case handling, including litigation.
- Developed course materials
- Addressed, in the clinic and classroom, issues of professional responsibility and institutional reform

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A. – Baltimore, MD

1992-2000

Partner/Of Counsel

Was made a partner and led the firm's employment law group, practicing exclusively on labor and employment issues including sexual harassment and Americans with Disabilities Act claims; employment torts and discrimination; non-competition issues; employee contracts and severance agreements; management training; and compensation

- Directed federal and state litigation for diverse clients, ranging from individuals to multinational corporations
- Served as, Special Counsel to the Baltimore County Public Schools to resolve issues surrounding relocation of long-tenured educators within the school system
- Designed and implemented sexual harassment prevention, drug testing, and ADA compliance programs for corporate clients
- Developed curriculum and presented regional educational programs on a wide range of labor and employment issues

Maryland Commission on Human Relations – Baltimore, MD

1988-1992

General Counsel

As chief legal advisor to state agency, supervised 11-member legal department, prosecuting claims of unlawful discrimination and providing training to staff and public

- Significantly increased damages recovered by legal department on behalf of victims of discrimination
- Instituted actions to eliminate backlog of litigation cases, insuring aggressive prosecution of pending cases
- Orchestrated passage of five amendments significantly strengthening Maryland law prohibiting unlawful discrimination in employment, housing, and access to public accommodations
- Conducted frequent seminars on employment, housing, and public accommodations discrimination for business, legal, and legislative communities

Equal Employment Opportunity Commission –Washington, DC

1987-1988

Appellate Attorney

Litigated employment discrimination cases before most federal appellate courts and provided analysis regarding the EEOC's position on issues pending before the federal appeals courts and the United States Supreme Court

NAACP National Headquarters – Baltimore, MD

1986-1987

Assistant General Counsel

Litigated employment discrimination cases, coordinated the employment discrimination litigation efforts of NAACP's national office, and provided training through conferences and seminars to various NAACP branches in employment discrimination law

Pennsylvania Human Relations Commission – Pittsburgh, PA

1982-1986

Assistant General Counsel

Litigated employment discrimination cases before Pennsylvania Human Relations Commission, the state courts and in federal courts; managed regional legal department and provided training to staff and public

Allegheny County Bureau of Air Pollution Control – Pittsburgh, PA

1979-1982

Special Assistant County Solicitor

Developed enforcement strategies designed to bring violating companies in conformance with the requirements of County Air Pollution Control laws. Strategies implemented included consent order negotiation, participation in administrative hearings, and litigation before the state and federal courts.

EDUCATION

Duquesne University School of Law, Pittsburgh, PA; Juris Doctor Degree; Class Rank: 20/108

Shippensburg State College, Shippensburg, PA; Bachelor of Arts Degree; Cum Laude

HONORS/AFFILIATIONS

Penn State Law Recognition as a founding member of the school's Minority Mentor Program

Appellate Attorney of the Week Profile by The National Law Journal

Wasserstein Fellow, Harvard Law School

Lawyers Committee for Civil Rights Certificate of Special Recognition

Leadership Conference on Civil Rights' Dorothy I. Height Chairperson's Award of Special Merit

Jessie S. Heiges Distinguished Alumnus Award, Shippensburg State University

Most Valuable Employee's Award for the State of Maryland

Governor's Citation for Excellence and Outstanding Commitment to the Citizens of the State of Maryland

Carnegie Medal for Outstanding Heroism

SELECTED TESTIMONY/ARTICLES/PRESENTATIONS

TESTIMONY

February 25, 2021 testified before the Pennsylvania House Labor and Industry Committee at a hearing regarding House Bill 262 which would prohibit employers from taking adverse employment action against employees or prospective employees because they refuse to participate in an “invasive medical test” or vaccination, or if they inform others about the “right to refuse.”

September 17, 2014, testified before the U.S. House Education and the Workforce Committee, Subcommittee on Workforce Protections, at a hearing on three bills addressing employment discrimination: H.R. 4959, “EEOC Transparency and Accountability Act,” H.R. 5422, “Litigation Oversight Act of 2014,” and H.R. 5423, “Certainty in Enforcement Act of 2014.

June 24, 2014, at the request of Congress briefed capitol hill legislative staff on Protecting Older Workers Against Discrimination Act (S. 1391, HR 2852), a piece of bipartisan legislation aimed at restoring legal standards that had been in place before the Supreme Court decided *Gross v. FBL Financial Services* (2009) and *University of Texas Southwestern Medical Center v. Nassar* (2013).

June 7, 2011, testified before U.S. House Committee on Education and Labor at a hearing to examine H.R. 3721, the Protecting Older Workers Against Discrimination Act.

November 17, 2010, a witness before the United States Equal Employment Opportunity Commission addressing “How the Lower Courts Are Interpreting the Supreme Court’s *Gross* Decision and the Implications for Age Discrimination Claims.”

May 5, 2010, testified before U.S. House of Representatives Committee on Education and Labor Subcommittee on Health, Employment, Labor & Pensions on “HR 3721: Protecting Older Workers Against Discrimination Act.”

October 7, 2009, testified before U.S. Senate Judiciary Committee at a hearing on “Workplace Fairness; Has The Supreme Court Been Misinterpreting Laws designed to protect American Workers From Discrimination?”

November 20, 2008, a witness before the United States Equal Employment Opportunity Commission on the use of criminal histories as an employment screening device.

February 12, 2008 testified before the House Subcommittee on Health, Employment, Labor, and Pensions Committee regarding mandatory arbitration of employment disputes.

April 19, 2006, a witness before the United States Equal Employment Opportunity Commission on race and color discrimination in employment.

SELECTED PRESENTATIONS

March 26, 2022 - Featured Presenter Before Maryland State Bar Association discussing **Religious Freedom in the Workplace in the Time of Covid.**

October 19, 2021 - Co-panelist with John Malcolm from the Federalist Society in a program **A Supreme Court Review of the Supreme Court 2021-22 Term** discussing the Supreme Court's ending term and previewing the upcoming term.

October 9, 2021 - Featured Co-panelist with The Honorable Judge Bernice Donald, United States Court of Appeals: Sixth Circuit at the Alabama State Bar Labor and Employment Conference discussing the topic of **Implicit Bias, Motivation and Causation.**

June 16, 2020 - Co-panelist with Professor Sandra Sperino in an ABA sponsored webinar on **Comcast, Babb and Causation Confusion.**

June 6, 2020 - Co-panelist with The Honorable Judge Brooks Smith, Chief Judge United States Court of Appeals: Third Circuit on a program sponsored by Pennsylvanians For Modern Courts on **The Appellate Process.**

March 5, 2020 - Co-Panelist and Moderator of the Program **A Take on the Term with Erin Murphy and Sarah Harrington** discussing the Supreme Court's ending term and previewing the upcoming term.

November 9, 2018 - Co-Panelist and Moderator of the Program **A Take on the Term with Paul Clement** discussing the Supreme Court's ending term and previewing the upcoming term.

March 28, 2018 - Co-Panelist in the Penn State Law Program **#Me-Too - In the Workplace: Where Should Arbitration End and Litigation Begin?**

December 14, 2018 - A featured presenter along with presidential historian Doris Kearns Goodwin at the celebration of the signing of the Age Discrimination in Employment Act **The Age Discrimination in Employment Act at 50: The Overlooked Chapter of LBJ's Civil Rights Legacy.**

The program was sponsored by AARP and the Lyndon B. Johnson School of Public Affairs.

June 24, 2016 - **There's No Smoking Gun: Proving Discrimination and Retaliation By Pretext**, a featured presenter at 2016 Annual Convention of the National Employment Lawyers Association.

October 13, 2016 - **Summary Judgment: The Bad, The Ugly ... And The Good**, a featured before the National Employment Lawyers Association.

February 2015 - **If You Can't Beat Them On The Field, Change The Rules Of The Game**, a featured presenter at the Impact Fund regarding the EEOC and its enforcement activities.

October 16, 2014 - *SCOTUS Employment and Labor Docket*, a panelist on a Bloomberg Review of Supreme Court cases impacting employment and labor.

June 28, 2014 - *Retaliating Against Third Parties After Thompson v. North American Stainless Under Title VII & The ADAAA*, featured presenter at the National Employment Lawyers Association's Annual Convention on the topic of Retaliating Against Third Parties After *Thompson v. North American Stainless* Under Title VII & The ADAAA.

July 18, 2013 - *Fisher and Future Affirmative Action*, featured presenter for an ALI-ABA program where the Supreme Court's *Fisher* and *Michigan* cases were discussed.

June 22, 2012 - *Navigating The Supreme Court's Shifting Standards of Causation In Employment Discrimination Cases*, a featured presenter at the National Employment Lawyers Association's 23rd Annual Convention.

September 17, 2011 - *Case Analyses: Law School's Civil Rights Appellate Clinic takes on FMLA and Veterans' Rights before SCOTUS*, a featured presenter at Penn State Law's Alumni Weekend.

July 19, 2011 - *Supreme Court Employment Law Update 2011*, a panelist on an ALI-ABA Worldwide Teleseminar.

October 8, 2010 - *In The Big House and on the Bubble: A Discussion on Mixed Motive, Retaliation, Arbitration, and Issues the Supreme Court May be Reviewing Next!*, The Featured Presenter at the New Mexico Bar Foundation's 2010 Employment and Labor Law Institute.

July 14, 2010 - *Supreme Court Employment Law Update 2010*, a panelist on an ALI-ABA Worldwide Teleseminar.

June 24, 2010 - *The Wake of Gross v. FBL Financial Services Inc.*, a panelist at the National Employment Lawyers Association's 21st Annual Convention.

March 13, 2010 - *Other Considerations for Succeeding on Appeal.*, a panelist at the National Employment Lawyers Association program on effective appellate advocacy in employment Cases.

February 19, 2010 - *Diversity and Inclusion*, a panelist at the University of Memphis Law Review Symposium on Labor and Employment Law Today: Evolution or Revolution.

July 15, 2009 - *Supreme Court Employment Law Update 2009*, a panelist on an ALI-ABA Worldwide Teleseminar.

Retaliation Redux, June 24, 2009, a panelist at the National Employment Lawyers Association's 20th Annual Convention.

March 4, 2009 - *The Supreme Court's Employment Docket*, a panelist at the Southern Methodist

University Higher Education Employment Symposium.

August 20, 2008 - *Employee Selection Procedures in the New Millennium*, a panelist on an ABA Worldwide Teleseminar.

July 9, 2008 - *U.S. Supreme Court Update: Employment Law*, a panelist on the ALI-ABA National Teleseminar.

April 21, 2008 - *The Business Case for and Implementation of Diversity Programs*, a panelist at the American Association of Affirmative Action annual conference.

April 5, 2007 - *The Supreme Court on Employer Liability for Discrimination: Coca-Cola Bottling v EEOC*, a panelist at the National Press Club in a program sponsored by The American Constitutional Society for Law and Policy.

PUBLICATIONS

Babb v. Wilkie, Continues to Muddy the Waters, The ABA Civil Rights Social Justice Section, Member O-ed, July 23, 2021.

Barbara Lindemann & Paul Grossman, *Employment Discrimination Law* (Fourth Edition), Chapter Monitor for *2010 Cumulative Supplement to Employment Discrimination Law*.

Gross v. FBL Financial Services – Oh So Gross!, University of Memphis Law Review, Volume 40, Book 4, p. 681 (Summer 2010).

Michigan Proposal 2006-02's Effect on Public Institutions' Ability to Strive for Racial Diversity, submitted to the State of Michigan February 7, 2007.

Tennessee v. Lane: Winning the Battle, Losing the War, University of Tennessee College of Law's Journal of Law & Policy, Volume 1, No. 4, p. 551 (Summer 2005).

The Continuing Relevance of Race-Conscious Remedies and Programs in Integrating the Nation's Workforce, Hofstra Labor & Employment Law Journal, Volume 22, No. 1, p.81 (Fall 2004).

Hire the Rainbow, Legal Times, Vol. XXVII, No. 16, week of April 19, 2004.

Voting Irregularities in Florida During the 2000 Presidential Election, Chapter 1 "Voting System Controls and Failures," Chapter 2 "Responsibility Without Accountability," United States Commission on Civil Rights, June 2001.

Sharing the Dream: Is the ADA Accommodating All?, Chapter 3 "Judicial Trends in ADA Enforcement," The United States Commission on Civil Rights, October 2000.

**Michael L. Foreman
Resume Addendum
Significant Appellate Case Activity**

UNITED STATES SUPREME COURT

Merits Briefs and Petitions:

Harwood v. American Airlines, S. Ct Docket No. 22-245 37 F. 4th 954 (4th Cir. 2022) – The issue presented is the employer’s responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA) to place a service member in their rightful employment position following their service to this Country.

Kitlinski v Department of Justice, S.Ct. Docket No. 21-827, 994 F.3d 224 (4th Cir. 2021) – The issue presented involved the appropriate causation standard for retaliation under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The Clinic prepared a Motion to Proceed without Costs which was granted, and a Petition for Certiorari which was denied.

- Petition for Writ of Certiorari
- Motion to Proceed without Costs

Fry v. Rand Construction Corporation, S. Ct. Docket No. 20-861, 964 F.3d 239 (4th Cir. 2020) – The underlying case arose when Ms. Fry alleged she was fired in retaliation for taking leave under the Family and Medical Leave Act. The Petition asked the Court to resolve the confusion across the circuits regarding the appropriate causation standard. The Petition was denied.

- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

Natofsky v. The City of New York, S. Ct. Docket 19-732, 921 F.3d 337 (2d Cir. 2019) – The petition asked the Court to resolve the appropriate causation standard under the Rehabilitation Act of 1973 and the Americans with Disabilities Act. The Petition was denied.

- Motion for Extension
- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

United States, ex rel. Muge Cody v. Mantech International Corporation, S. Ct. Docket No. 18-1009, 746 Fed.Appx. 166 (4th Cir. 2018) – The underlying case involved a whistleblower action where Ms. Cody alleged she was demoted and subsequently fired in retaliation for voicing concerns about a potentially fraudulent government contract executed by ManTech. In the petition, the clinic argued the Fourth Circuit panel erred by ignoring Supreme Court precedent when it

reversed the jury finding in favor of Cody and improperly made its own credibility determinations improperly assuming the role of a second jury. The petition was denied.

- Motion for Extension
- Petition for Writ of Certiorari

Boente v. Baptiste, S.Ct. Docket 16-978, 841 F.3d 601 (3d. Cir. 2016) – The Clinic successfully opposed the Attorney General’s Petition for Certiorari challenging the Third Circuit’s decision striking down part of the Immigration and Nationality’s Act as being unconstitutional. The Clinic was appointed by the Third Circuit Court of Appeals in a complicated immigration removal case representing an elderly gentleman who was subject to removal from this country after having legally lived here for over 50 years. Based upon this litigation the client was finally released after spending over 4 years in “custodial custody.”

- Opposition to Petition for Writ of Certiorari

Vaughan v. Anderson Regional Medical Center, S.Ct. Docket 16-1386, 849 F.3d 588 (5th Cir. 2017) – Co-counseled with the Jackson Mississippi civil rights firm, Watson & Norris on a petition for certiorari. Despite amicus support from the civil rights groups and being noted as a petition to watch by SCOTUS Blog certiorari was denied.

- Motion for Extension
- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

Coleman v. Court of Appeals of Maryland, 566 U.S. 30 (2012) – In a plurality decision, the Supreme Court affirmed the Fourth Circuit’s decision which had dismissed the petitioner’s FMLA claim. While acknowledging that workplace gender discrimination has been, and continues to be a major problem in our country, the plurality concluded that the legislative record failed to contain sufficient evidence demonstrating that the states were engaging in gender discrimination in the granting of self-care leave. Therefore, according to the plurality, Congress did not validly abrogate the states’ sovereign immunity when it enacted the self-care provision of the FMLA. Justice Ginsburg read her dissenting opinion from the bench.

- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari
- Merits Brief
- Reply Brief
- Oral Argument

Smith v. City of Beloit, S. Ct. Docket No. 12-1491, 705 F.3d 674 (7th Cir. 2013). – The petition challenged the causation standard applied by the 7th Circuit court of Appeals in a “mixed motive” case under 42 U.S.C. § 1981 and Title VI of the Civil Rights Act of 1964. The petition was denied.

- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

Carder v. Continental Airlines, Inc., No. 10-1546, 636 F.3d 172 (5th Cir. 2011) – The Clinic was co-counsel for Petitioner. The petition was denied, but the clinic’s advocacy led the Department of Labor to recommend that Congress amend USERRA. Congress quickly did so, in a bipartisan action that now protects reservists and National Guard members from facing a hostile work environment for fulfilling their military obligation.

- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

Gregory v. Dillard’s Inc., No. 09-322, 565 F.3d 464 (8th Cir. 2009) – The Clinic served as co-counsel on a petition requesting the Supreme Court to resolve a split in the circuits regarding the standard for establishing a race discrimination claim under 42 USC § 1981 in a shopping while black case. The Petition was denied.

- Petition for Writ of Certiorari
- Reply to Opposition to Petition for Writ of Certiorari

Supreme Court Amicus Briefs: Counsel for various national organizations, including but not limited to The Leadership Conference on Civil and Human Rights, National Urban League, National Association for the Advancement of Colored People, AARP, National Partnership for Women and Families, National Women’s Law Center, National Employment Lawyers Association, Impact Fund, The Lawyers Committee for Civil Rights Under Law, Asian American Advancing Justice , Equal Rights Advocates, and others on the merits:

- *Groff v Dejoy*, Scotus Docket 22-174
- *Saxon v Southwest Airlines Company*, 142 S. Ct. 1783 (2022)
- *Our Lady of Guadalupe School v. Morrissey-Beru*, 140 S. Ct. 2049 (2020)
- *Comcast Corporation v. National Association of African American -Owned Media et al.*, 140 S. Ct. 1009 (2019)
- *Fort Bend County v. Davis*, 139 S. Ct. 1843 (2019)
- *Encino Motorcars LLC v. Navarro et al.*, 138 S. Ct. 1134 (2018)
- *Perry v. Merits Services Protection Board*, 137 S. Ct. 1975 (2017)
- *Maryland v. King*, 569 U.S. 435 (2013)
- *Vance v. Ball State*, 570 U.S. 421 (2013)
- *University of Texas Southwestern Medical Center v Nassar*, 570 U.S. 338 (2013)
- *Township of Mount Holly v. Mt. Holly Gardens Citizens*, 11-1507 (settled)
- *Staub v. Proctor Hospital*, 562 U.S. 411 (2011)
- *Wal-Mart v. Dukes*, 664 U.S. 338 (2011)
- *Thompson v. North American Stainless, LP.*, 562 U.S. 170 (2011)
- *Rent-A-Center, West, Inc. v. Jackson*, 561 U.S. 63 (2010)
- *Ricci v. DeStefano*, 557 U.S. 557 (2009)
- *Crawford v. Metropolitan Government of Nashville*, 555 U.S. 271 (2009)
- *14 Penn Plaza LLC v. Pyett*, 556 U.S. 247 (2009)
- *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009)
- *CBOCS West Inc. v. Humphries*, 553 U.S. 442 (2008)
- *Domino’s Pizza, LLC v. McDonald*, 546 U.S. 470 (2006)
- *Burlington Northern v. White*, 548 U.S. 53 (2006)

- *BCI Coca-Cola Bottling v. EEOC*, 06-341 (settled)

UNITED STATES COURT OF APPEALS

Merits:

Mondelli v. Berkeley Heights Nursing Home & Rehabilitation Center, 1 F.4th 145 (3rd Cir. 2021) – Court Appointed by the Third Circuit to represent the interests of Mr. Mondelli where he alleged the nursing home’s denial of his right to visit his mother violated the Americans with Disabilities Act and raised other common law claims. His claims were dismissed for failure to pursue discovery. The Clinic argued that the district court erred in not holding a competency hearing. The Third Circuit agreed in a published opinion.

- Merit Brief
- Reply
- Student Oral Argument

Doe v. Law School Admissions Council, 791 Fed.Appx. 316 (2019) – Court Appointed by the Third Circuit to represent the interests of Ms. Doe where she alleges the LSAC failed to accommodate her mental disability. The case was dismissed based upon mootness. The Clinic successfully challenged this on appeal and the case was remanded and ultimately settled.

- Merit Brief
- Reply
- Student Oral Argument

Baptiste v. Attorney General of the United States, Third Circuit Docket 17-1916 – Challenged the Board of Immigration Appeals ruling that it lacks jurisdiction to hold bond hearing absent a habeas corpus action requiring one. The appeal was dismissed as not challenging a final order of removal, but without prejudice to seek other relief.

- Merits Brief
- Reply

Baptiste v. Attorney General of the United States, 841 F.3d 601 (3d. Cir. 2016) – Challenged the laws under which the client was being held in custody as unconstitutionally vague. The Third Circuit struck down the laws in a precedential opinion which ultimately lead to Mr. Baptiste’s release from over four years of “custodial custody.”

- Merits Brief
- Reply
- Student Oral Argument

Ellis V. Ethicon, 529 Fed.Appx. 310 (3d Cir.2013) – In September 2012 the Clinic successfully represented the interests of the plaintiff-appellee in a suit under the ADA. After Ms. Ellis won a substantial jury verdict, Defendant appealed to the Third Circuit. Ms. Ellis was unrepresented after the jury verdict, leading to the Clinic being appointed to represent her interest.

- Stage Two Brief on Cross Appeal
- Stage Four Reply Brief
- Oral Argument

Ford v. Mansfield, 407 Fed. Appx. 661 4th Cir. 2011) – Co-Counsel for Appellant Michael Ford arguing that the district court incorrectly dismissed his lawsuit without permitting a jury to determine whether Mr. Ford was fired because of his race. The Fourth Circuit ultimately affirmed the district court.

- Appellant’s Brief
- Appellant’s Reply Brief

Court of Appeals Amicus Briefs: Counsel for various national organizations

- *Fitzgerald v. Roncalli High School, Inc. and Roman Catholic Archdiocese of Indianapolis, Inc.*, Seventh Circuit Docket 22-2954.
- *Barbosa et al. v. US Department of Homeland Security and FEMA*, 916 F.3d 1068 (D.C.Cir. 2019).
- *Jones et al. v. The City of Boston*, 845 F.3d 28 (1st. Cir. 2017).
- *Lopez et al. v. The City of Lawrence*, 823 F.3d 102 (1st. Cir. 2016).
- *DeMasters v. Carilion Clinic*, 769 F.3d 409 (4th Cir. 2015).

OTHER SIGNIFICANT REPORTED CASES/JURY VERDICTS

Lawson v. Dallas County et. al., 112 F. Supp. 2d 616 (USDC, N.D. Texas, 2000) (Bench award of \$250,000).

Hill-Shields v. Simon Asemine et. al., No. 97-04991 (192nd Dist. Ct., Dallas County, Texas. June 3, 1999) (Jury verdict of \$222,344).

Shirkey v. East Wind Community Dev. Corp. et al., USDC, Md., Civil Action No. B-93-2791 (Jury verdict of \$180,000; May 7, 1997).

Shirkey v. East Wind Community Dev. Corp. et. al., 941 F. Supp. 576 (D. Md. 1996), modified 993 F.Supp. 370 (D. Md. 1998).

Champ v. Baltimore County, Md., 91 F.3d 129 (4th Cir. 1996).

Champ v. Baltimore County, 3 AD Cases (BNA) 707 (D. Ct. Md., Judge Hargrove, June 14, 1994).

University of Md. at Baltimore v. Boyd, 93 Md. App. 303, 612 A.2d 305 (1992).

U.S. Health, Inc. v. State, 87 Md. App. 116, 589 A.2d 485 (1991).

Maryland Comm’n On Human Relations v. Mayor & City Council of Baltimore, 86 Md. App. 167, 586 A.2d 37 (1991).

Maryland Comm’n On Human Relations v. Mass Transit Admin., 81 Md. App. 275, 571 A.2d 840 (1990).

McCrorry Corp. v. Fowler, 319 Md. 12, 570 A.2d 834 (1990).

Rios, et al. v. Enter. Assn. Steamfitters Local 638, 860 F.2d 1168 (2nd Cir. 1988).

EEOC v. FLC & Brothers Rebel, Inc., 846 F.2d 70 (4th Cir. 1988).

Cox v. Conrail, 47 FEP Cases (BNA) 685 (D.D.C. 1987).

Winn v. Trans World Airlines, 506 Pa. 138, 484 A.2d 392 (1984), re-argument granted, and heard by Pennsylvania Supreme Court, appeal dismissed (October, 1986).

Pennsylvania Human Relations Comm'n. v. USAir, Inc., 615 F. Supp 75 (D.Pa. 1985).

Farrell Area Day Care Cntr. and Farrell Area School Dist. v. Deiger, 88 Pa. CmwltH Ct. 431, 490 A.2d 474 (1985).

Wilcox et al. v. County of Allegheny and Allegheny County Circuit Court of Common Pleas, 76 Pa. CmwltH Ct. 584, 456 A.2d 47; appeal dismissed, 507 Pa. 66, 488 A.2d 277 (1985).

Allegheny Housing Rehabilitation Corp. v. Hodge, 88 Pa. CmwltH Ct. 443, 489 A.2d 1001 (1985); vacated remanded 516 Pg. 124, 532 A.2d 315 (1987).

Burney v. Housing Auth. of the County of Beaver and Penn. Human Relations Comm'n., 735 F2d 113 (3rd Cir. 1984).

Harmony Volunteer Fire Company v. Penn. Human Relations Comm'n., 73 Pa. CmwltH Ct. 596, 459 A.2d 439 (1983), Petition for Allowance of Appeal denied by Pa. Supreme Court at No. 144 W.D. Allocatur Docket 1983, (September 2, 1983).

Mercy Hospital v. Penn. Human Relations Comm'n., 499 Pa. 132, 451 A.2d 1357 (1982).