1. cordeilis: crenshaw

I would bring a systemic disparate treatment claim against the &
under Title VII (alleging discrimination in hiring). Statistics are enough to
support a Title VII Case (especially) however we have no anecdotal evidence that helps to make the
case harder to win (Smith) also not in evidence "here when anecdotal evidence would matter least-13% of
black females were hired. However, under the EEOC’s "principle of the figures for other colors if race and
sex outstand what would report at least 10%. The significance of these numbers may be weak
like small groups but should at least pass plf case low standard Apartheid represented their
Heavily data rather than core demographic data which is preferred (Ann, Pie l mean) so this
will help. Plaintiff probably has enough to meet plf case, although questionable w/o
Anecdotal Evid. Next, Defendant has the burden to challenge the facts on
which its claim is based on- challenging the stats or inference from them. They might
very well be able to show that some factors left in the statistical analysis can
account for difference,ala: education, experience, qualifications, etc. (Smith)
Should get an expert to counter. They might even be able to bring an expert to counter.
They have the burden to prove what Smith is interested in- the interest in hiring black females, as has been questioned in the jobs.

(They.) However, would need to examine the qualification set-the or
has set forth and in so doing may reveals we could even bring a D/E
claim also (although SDT may be better b/c punishments, etc. Their reality
has no other defense, while BFOQ defense available for sex - it is
not for race, and clearly this is not some kind of voluntary aff
action program (aka: Weber, police officers etc.). This could also contact
other women and bring a class action if client wished. Title VII follow
R35. FRCPC so should have to figure out if meet these requirements.
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2. Beavis avoided. In this case, arguably no one has a claim against the ER, although women have the best shot. First, the group of males. T.7 allows this type of sex harassment - others and hostile work environment. This would have the better job after terms and conditions of employment. For instance, a hostile or "provocative" environment (Menlo) and lack of action by (Sexual guidelines). The problem with men's case is that it has to be "hostile or sex." Men can have claim if women harass (Williams, Headache) or some sort of actionable (Oracle) but not "hostile or sex" (id). How not hostile or sex, he seems to harass everyone. Somewhat, say same sex will be of sex unless both homosexual (see: Williams v. Fini, County) and that it case here, because the homosexual male probably also doesn't have a claim due to the same reasoning. Homosexuality is not "hostile or sex" and not protected by T.7 or ADA (see: §85 and Desposit). May have a stake law claim or local Court, some (see: (a) Gay Law Students Association). The theories such as Assumption (see: (b) Gay Law Students Association) but no little access and since not stake other law's argument wasn't helping your theory wouldn't anyway. Also in Smith v. Libby-Mad House that "sexual minority" not protected - but this might be slightly in question here. (see: (c) Gay Law Students Association). Females on other hand, received the only discrimination based on "sex," and may be able to claim that while there adversely affected they received that kind of treatment. However, again arguably not "hostile or sex" as employees harassed. Also while surely unwelcome (see: (d) same sex) more offensive comments (Harass) may not be enough to rise to level of "hostile or sex." Most of what he said could be said on Prime Time TV (Bushokable). If could get on to buy house, other problem is see liability. This is a supervisor who makes a little better (see: (e) Justice of the Court) but the are never let the see know. The ER may need to have knowledge to be liable (see: (f) Intolerance especially if have a policy and procedure and you don't use it. (g) (h) Know here. But also to take an adequate response by firing when did find out (see: Kaufman) may be able to get the supervisor through personally on some state tort claim.

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1. Mayra Martinez may seek to bring a retaliation charge against her ER under 42 U.S.C. 2000e-3(a). Her first claim would be to try to fire her for "opposition" to the ER not... becoming the black cat. Problem is that there is no evidence that the ER did use language towards her of case she can't show that she was engaged in "protected expression.

Although she could show she suffered adverse employment decision and causally linked the ER's of conduct (Golinger) and proximate inhumane, of evidence, she may be "protected expression" if she was opposing unlawful practices in a jurisdiction where say that "it is belief that unlawful has to be reasonable (Plat) or in Good Faith (Plat).

But there is no record that she ever thought such Defendant cast then respond if/legitimate reason (of proof) in this case easy b/c of the egregiousness of her conduct in treating a falsified letter up in McDonald's and physically days of NLRB carried over from the (Tsang) case. I think we should try to show pretext for the firing decision - should show "other as treated differently (Plat)," but treatment of herself, etc.

But here, Pretty clear (as) can find b'tween one. On the other hand, for the "Free Speech," claims she will probably win almost absolute protection for participating in.

NLRB claims etc., even if he or no evidence etc., etc. Some see say no substantial differences.

Moreover, this applies to things like giving bad references to Wolf Counsel - if it were truly in retaliation - but may not be because there they cleanly have a good reason to refer but "saying "hit a team player." Isn't really making clear what she loose done etc. - May depend on whether a "prefer or "prefer- plus (what) - will be part, even if not real reason we would have to be pretext for retaliation. Also this was disloyalty.

Moreover, they inherently violate 42 U.S.C. have to give a procedure upon be available all complaints except discrimination, but language seems to be enough to avoid.
4. Tonya Talley. Tonya clearly has a claim under the PDA provided that under PDA-PHA childbirth includes pregnancy; "men" also includes pregnancy. Materially, it does not have clearly if firing on this basis etc. and have the direct evid (P) of his comments meaning PRR. The only defenses the ER might have to this claim is that a BFOQ or was fired for another reason other than pregnancy. (Perhaps involvement here but doesn't seem likely). There is clearly no BFOQ for an admissions director to be not PG-i.e not like a girl's home (chamber's) etc. Moreover, this doesn't even require any for the level of a light duty request were might be able to say we never did it before why should we have (Wrigley, Frank). Moving disks was a routine, clearly nonessential part of the job. That is not "refuse of the business" (EEOC). Thus, this defense will not work. And ER may try to show not life pregnancy. But we can still show this Peter, especially if his non-do are not believed. (Hill, Tamika). 

Tonya might also try a sexual harassment claim under hostile work environment due to his comment about the pregnancy. Teaching...but not so much. It's not "serious or pernicious" (once time-he was now (merit) ... and a single act is not usually enough unless rape (Tamika). 

Also pregnancy is exempted from ADA so that will not work as a claim-unless could use PGR and claim by analogy that he let disabled people not lift their disks-they might have a claim. see Taulor, Elgins Teachers, or even a preferential T-ment argument under George and Hartby, Harmonia et. (Kentucky case I think).
Cortez v. Bridges. He might have a claim under the ADA, but would not succeed if he qualified.

I don't think the result would substantially impair his-major-life-activity-pursuance-behind-the-played-soccer-for-injury. No showing of discrimination which is the crux of Section 12101(b). He might have a "record of impairment." He claims to be "inveterate" and "lame." But the point is that he can show that he was treated as having impairment (Reg. 12101(b)).

This needs to be a very narrow reading of showing discrimination (Fortini v. Bowen, Stewart-Kelley). However, assuming he can show this - I think he can win - the point is that he can win anyway as "qualifying." Because, this is a job where the safety of the public at large is at issue. He needs to give the ER severe deference (Graham v. Board). Being able to rescue people without bleeding to death internally is key. Get a brake is important to the job. Not to mention that he will be moving around people who are injured or risk of communicable diseases to him and himself (Reg. 12101(a) and 12102(a)). A qualified person is also measured by "reasonable accommodation." Since he not know of any care or medication for his condition, (Regs 12101(a) and 12102(a)). I am not sure of how they could accommodate. I suggest that he go to buildings etc. It is by chance a rough job. They could have him be fully covered to avoid any claim disease risk. Being fireman change the fact that he could get internal injury which would make him unable to save people.

Also cannot put him at risk, go to the street driving or have holding duty. But under 510(b) (Firefighter-giving-burns) is not essential part of the job "the position exists to perform the function." (Reg. 12101(b)). Even if he finds that it has shown one of those are reasonable accommodation - their policies should not violate 510(b) (b)(5)). (It would be an "unsafe condition") or to have to hire and pay for someone who is danger to himself and public. Might be able to go to any federal law on the subject such as (second bid case). Moreover, 510(b) (Department provision as choice). Would look at those factors (duration, severity, likelihood, improvements - not qualified).
Pete Wilson, a black male with a severe case of PFB (a condition which precludes him from shaving his beard) and an evangelical commitment to the Seventh-Day Adventist Church, worked for fifteen years as a mechanic for Eastern Airlines in its Atlanta, Georgia facility. When Eastern’s employees went on strike in early 1989, Wilson, at age 47, was being paid $18/hour plus generous fringe benefits.

Wilson submitted employment applications to several other major airlines, including Patriot Air, at various times during 1989 and 1990. These applications were brief, asking questions primarily related to education, experience, and physical capabilities.

On one occasion, in November, 1990, Wilson showed up at a Patriot Air training center a couple of hours from his home on a morning that Patriot Air was beginning an airline mechanic’s training class. The instructor commented that he was not sure Wilson matched Patriot’s ‘vigorous, clean-cut’ image and that the company ‘might be reluctant to hire a mechanic who couldn’t work on Saturdays.’

While unemployed, Wilson watched from the sidelines as his former employer did a terminal nose dive into bankruptcy liquidation. Moreover, as the months dragged by with no word from Patriot Air other than postcards acknowledging receipt of his applications, Wilson got more and more angry. As he told a friend at a baseball game in August, 1991: ‘Patriot is hiring green, inexperienced kids right out of college and they are ignoring me, despite my 15 years of experience and the fact that I know their main airplane, the Boeing 767, inside-out.’ His friend recommended that Wilson file a charge with the EEOC. The next day, Wilson proceeded to do this, writing on the EEOC form that ‘Patriot refused to hire me despite my excellent qualifications while hiring less qualified individuals for mechanic openings’ and checking the race and age ‘basis for discrimination’ boxes on the EEOC form.

The EEOC’s investigation had barely commenced when Wilson obtained a lawyer who requested and received a right-to-sue letter and promptly filed suit against Patriot Air on Wilson’s behalf. Discovery produced, inter alia, the following information: (1) nobody at headquarters, where applications were screened, even remembered Wilson’s application from the thousands of applications the company had on file for mechanic positions; (2) various company officials gave differing reasons why Wilson was probably not even
invited for an interview; (3) some of the reasons given were clearly untrue, for people with various characteristics which company officials said were bars to employing Wilson had been hired; (4) Wilson had lied on all his applications in order to conceal past psychiatric treatment for severe depression; and (5) all the decision makers who passed over Wilson's application agreed that mechanics having "high seniority with another major carrier" were undesirable applicants due to 'corporate culture differences and the shock of low pay, perks, and seniority' at Patriot compared to the other major carriers.

You are a law clerk for the district court judge who has received a comprehensive summary judgment motion from Patriot and an equally comprehensive opposition to that motion from Wilson. Because you told the judge that you had a first-rate employment discrimination course in law school, you have been asked to write a memo analyzing whether summary judgement should be granted or denied. Write that memo.

First as to Procedural Issues, Wilson's Charge seems sufficient to identify parties and describe the general nature of the complaint of violation. Very permissive Std. - lack of each not fatal can be remedied later. As for statute of limitations, see (102) 29C-110 days from when alleged practice occurred. Began in 1991. Filing applications on 11-24-1991. Next to look is when each unlawful practice occurred (Green, Bates). Here the problem is that even if close took place on first payday he applied, he did not necessarily know - stock (Bates, Gates, Tucker) - some courts say when notice others say when had enough facts to know. How though appears to be a timing violation if everything invoked in 706(g)1. Service because of 2 yr. limit on backcom, which is remedial should be would be subject to). Etc. be kept applying for the job, and although 91 act changed somewhat. 

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But note, subject to waiver stipulation - i.e., which really doesn't
cause here, Thus can be no summary judgment on a procedural
issue at least as I see it.

Due to the structure of burden of shifting set up in Civ. 60, and
face latitudes, I do not think that summary judgment is
appropriate on most of the other issues in this case. I will approach
each issue separately for your case of reading: 1. Religion clientele:}
Title 7/2 (3) does not discriminating based on religion include
"Hasurance and practice of religion"- which would include not going
to work on Saturday if labotation. Thus, Wilson has to show
his pt case in order to not be dismissed - a prerequisite requirement.

2. Adverse employment action - here clearly he was not hired by
patrol activities 2. Laying off top pyl or qualifications - Clearly of
his years of experience at the airline. 3. Race. Ind - the employee
made the comment at the Saturday training session about
work working Saturday so this would be enough. Pedro's
agitation attorney submitted memorandum by not doing this - so I
really shouldn't talk about it. I guess he could amend the file
claim to include this should be choose. See also Tidwell.

3. Age. Under the ADEA, people who are over 40 years old are
protected. Thus, Wilson is clearly covered by the act. Because we
have no statistic presented nor a formal policy, Pratada.
will assume that this must be an IDT case that he attempts
to bring for Age (see Biggs). Thus, plaintiff has burden
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Of persuasion throughout. 1st clearly, it has established a NFF case under the McDonnell Douglas, because age over 47, qualified and applied, rejected, and got shut out. Patterson says only have to be minimally qualified but not these two characteristics of experience. So if it met under ADR 49 has a burden of proof it shows that they had LAD. You have to clearly some factors first, Wilson lied on application (although most likely we will consider this with only remotely possible), but they also cite the fact that "high seniority" at the company is a problem to culture shocks, because ADR says "factor other than age." High seniority maybe an okay tool unless using as a proxy to discrimination on age, which one, let's say for example, here. Wilson can say so many applicants that didn't even really get a chance to look at his. After legitimate non-age reason is a low burden (Audine)-empirical has met it, can move on to pretext where employee again the argument available to keep this out of summary judgment. That's, they laid about some other reasons. By clearly other people with those same characteristics were working there. But if it is a pretext plus jurisdiction, like Hicks, has to show pretext for why - not just a mere pretext. (Ex. Woods.) Either way, the trial of fact is entitled to decide, it might not believe. So, etc. and Wilson represented enough evidence where could reasonably conclude. Sheightham also ends up amending to include ADA claim of severe depression found in investigation but (insert address since he doesn't do.)
yet. (c) Race: the legal claim will be a race claim. A disparity cannot really
exist in a drift system + more cases against state. Also there is very little
evidence to suggest one individual drift treatment case be merited. Reason to
think wasn't blind or of race, doesn't seem like application mentioned,
not was recalled for interview— the only argument would be they saw him the
time he went to training. Other way I can easily make all case — but
then if can show didn't even know and makes sense, be more one
remembered application can dismiss this on summary judgment.
A for disparate impact - have a case similar to afro. Is fire fighter case
because 52 disproportionately affected blacks. Case can have subjective
disparate impact (Blanton) how would have to be the subjective feeling
of "clean cut" people working there. Defendant's only way to counter is
really evidence necessary and job related. (Kruka) which in the context of
safety and firefighting may hold but clearly not here were a mechanic. Maybe
under a posts-Ward case - one has necessity requirement but Crater has
never taken to original. So it's not a readily clear case. Now
also for may attack what the man said that day and say we have
no such policy. He doesn't know what he's talking about. But
whether he even in terms of Grooming - Running out of Time
which is really quite permissible (Graft/long hair?) not going to be
able to do better. He may throw protect from any event that another
means would keep same "clean cut image" (Blanton) for example that
could just keep really short and neatly trimmed. In any event, summary
judgment in favor of Defendant is not appropriate on this claim.