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SELECTED WORK EXPERIENCE

University Professor of Law and Professor Alfred Slocum Scholar at Rutgers Law School (7/2020 – Present)

- ▶ University Professor awarded by the Board of Governors upon recommendation by the president to a faculty member who has made exceptional contributions in academic or administrative service or who has earned academic distinction across disciplinary lines. In this capacity, teaches Critical Race, Employment Law, and a Social Movement seminar, including a first-of-its kind Spring break trip to the South to visit key historical sites from the Black Freedom Struggle, as well meet with civil rights veterans and current civil rights advocates. Also has advised a dozen student notes, as well as at least eight students from other schools whose papers were ultimately published (or soon to be published) in various law reviews. Service work has been significant, including Dean search, faculty compensation, and promotion and tenure. Remains a frequent speaker at bar events and is frequently quoted in the media for areas in his expertise.

Co-Dean Rutgers Law School, Newark Campus (8/2018 – 7/2021)

- ▶ As co-Dean, directed operational matters for the Newark campus, as part of a two campus merged structure. This included a steady increase in applications and admissions; strengthening campus's financial position; transitioning from in-person to remote learning during the global pandemic; addressing pay equity matters; recruiting and selecting key management positions, including Assistant Dean of Admissions and Assistant Dean for the Minority Student Program (MSP); managing promotion and tenure process; significant alumni relations; and fundraising, including several MSP public interest fellowships and cultivating one of the largest gifts in recent Rutgers- Newark history.
- ▶ During this period, also testified in front of Congressional Committees on issues including AI and Discrimination, Latino/s in the Entertainment Industry, and Equal Employment Opportunity Commission conciliation rule, participated in various bar and academic panels, and was frequently quoted in the media for areas within expertise.

**Co-Founded and Partner-in-Charge, Outten and Golden, Washington, D.C.
Office (10/2016 - 8/2018)**

- ▶ Opened and managed the firm's D.C. office, and managed complex class cases involving social media and human trafficking in private prisons.

General Counsel, Equal Employment Opportunity Commission (EEOC)(4/2010-9/2016)

General

- ▶ Twice nominated by President Barack Obama and confirmed by the U.S. Senate. In this capacity, has primary oversight responsibility for the EEOC's nationwide litigation program in U.S. District and Appellate courts. The core focus has been on developing the "National Law Enforcement Agency" model aimed at eliminating organizational silos, integrating and coordinating operations, streamlining bureaucracy, encouraging innovation, and building community nationwide.

Management

- ▶ Responsible for all operational aspects of the litigation program, including budget and personnel matters. Management of staff, including approximately 200 attorneys operating in Washington, D.C. and 15 district offices nationwide, as well as implementation of Commission policy initiatives.

Litigation

- ▶ Responsible for direction of the agency's nationwide litigation program. This includes oversight over hundreds of cases in federal district and appellate courts, as well as coordination with the Solicitor General of direct agency and amicus matters before the United States Supreme Court. This includes development of broad strategy and vision to ensure vigorous enforcement nationally and development of the law. Notable cases include *EEOC v. Abercrombie and Fitch*, 135 S. Ct. 2028 (2015)(employer's obligation to accommodate Muslim applicant's religious practices); *G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission, et al.*, 140 S. Ct. 1731(2020)(gender identity covered by Title VII - part of *Bostock* trilogy and litigated by EEOC through Sixth Circuit); *Mach Mining v. EEOC*, 135 S. Ct. 1645 (2015)(limited judicial review of EEOC

conciliation efforts); *EEOC v. Hill County Farms, Inc., d/b/a Henry's Turkey Service*, 3:11-cv-00041 (S.D. Iowa) (Order dated 9/18/12, Docket No. 36) (\$240 million verdict, second highest under federal anti-discrimination laws, in Americans with Disabilities Act (ADA) harassment case on behalf of class of intellectually disabled workers); *EEOC v. Boh Brothers*, 731 F.3d 444 (2013) (5th Cir. 2013)(*en banc*)(gender stereotyping theory applicable to same-sex harassment cases); *EEOC v. Houston Funding*, 717 F.3d 425 (2013) (5th Cir. 2013)(first appellate court to hold adverse action against a woman because she is lactating or expressing milk is unlawful sex discrimination under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 Pregnancy Discrimination Act); and *Serrano v. Cintas*, 699 F.3d 884 (6th Cir. 2012)(authority to use pattern-or-practice framework to prosecute cases under Section 706 of Title VII).

- ▶ Personally argued several appellate cases.
- ▶ During tenure, the EEOC litigation program has successfully resolved or prevailed in approximately 90% of its cases and has prevailed in approximately 70% percent of its trials. In addition, the program has developed innovative approaches to emerging issues including litigation involving the coverage of transgender workers; the disparate impact of arrest and conviction screens; and the sexual harassment of immigrant and vulnerable populations.

Policy

- ▶ Co-Chair of the Commission's Strategic Enforcement Plan (SEP) Executive Committee. The SEP established the Commission's enforcement priorities and structure for the years 2013-2016.
- ▶ Coordination of litigation and other enforcement activities with the White House, Department of Justice, including the Solicitor General's Office and the Civil Rights Division, the Department of Labor, the National Labor Relations Board, and other federal and state agencies.
- ▶ Chair of the Commission's Immigrant Worker Team, which is tasked with identifying ways to strengthen EEOC's enforcement and outreach on the

cross-cutting issues affecting workers of foreign national origin or perceived to be of foreign national origin, including issues of human trafficking.

- ▶ Established Office of General Counsel work groups and new programs pertaining to trial program, LGBT issues, pattern or practice litigation, and disability rights.
- ▶ Coordinate with Commission and Office of Legal Counsel on Commission policy documents, including Americans With Disabilities Amendments Act regulations and the Enforcement Guidance on the Consideration of Arrest and Conviction Screens Under Title VII of the Civil Rights Act of 1964.

External Relations and Public Outreach

- ▶ As “ambassador” for the Commission generally and the litigation program specifically, primarily responsible for engagement with the media on litigation matters, including participation in press conferences and dozens of interviews with national and local media around the country. In addition, speak, present, and *listen* to external stakeholders and constituencies, nationally and internationally, on civil rights issues. The topics include the EEOC priorities and litigation, background screens and re-entry, Civil Rights History of the United States, LGBT and employment, age discrimination, religious discrimination and harassment, immigrant and vulnerable workers, equal pay, pregnancy discrimination, English- only rules, and mandatory arbitration. This outreach encompasses the broad range of stakeholders:
- ▶ Outreach to bar associations includes more than 50 speeches and presentations before various sections of the American Bar Association. In addition, speak and present before state and local bar associations, including the Arizona Bar Association, the Defense Research Institute, the Florida Bar Association, the Georgia Bar Association, the Minnesota Bar Association, the Texas Bar Association, Cincinnati Bar Association, the New Mexico Bar Association, the National Employment Lawyers Association and various local chapters, State Bar of Michigan, San Antonio Federal Bar, Tennessee Human Rights Committee, New York Bar Association Senior Fellows, Florida Bar Senior Fellows, Houston Bar Association, Academy of Florida

Management Attorneys, National Bar Association, and Hispanic National Bar Association.

- ▶ Speak and present before various non-governmental organizations and advocacy groups, including the National Council of Tribes, Southern Poverty Law Center, National Disability Rights Network, Lavender Law, Legal Aid Society-Employment Law Center, National Immigration Law Center, National Bar Association, NAACP, Arab-American Anti-Discrimination Committee, National Employment Law Project, the National Association of Criminal Defense Attorneys, National Conference of American Indians, Impact Fund, Council for Tribal Employment Rights, and National Academy of Sciences.
- ▶ Speak and present before industry and labor groups including the American Affirmative Action Association, National Industry Liaison Group, American Law Firm Association, Orrick Financial Services Roundtable, International Association of Human Rights Organizations and Associations, Crain's and Michigan Chapter of Corporate Counsel, Southwest and Rocky Mountain Industry Liaison Group, AFL-CIO, Service Employees International Union, United States Chamber of Commerce, and the Philippine Nurses Association.
- ▶ Speak and present in academic settings, including American University, Arizona State University, Cornell ILR, Georgetown Law Center, Hastings Law School, University of Cincinnati Law School, Howard University Law School, Harvard Law School, Penn Law School, University of Southern California, University of California-Berkeley School of Law, Emory Law School, and St. Johns Law School.
- ▶ Speak at town halls/community meetings with cross-section of public and non-profit advocacy groups including events in Salt Lake City, Utah; Painesville, Ohio; New Orleans, Louisiana; Nashville, Tennessee; New Orleans, Louisiana; Oklahoma City, Oklahoma; Chicago, Illinois; Los Angeles, California; and Miami, Florida.

OTHER EXPERIENCE

- ▶ **Visiting Professor Yale Law School (1/2024 to Present)**
- ▶ **Visiting Distinguished Professor, Sandra Day O'Connor College of Law – Arizona State University (08/2023-12/2023)**

- ▶ **Visiting Professor, Harvard Law School (1/2022- 6/2022; 1/2023-6/2023)**
- ▶ **Adjunct Professor, NYU Law School (08/2021-12/2021)**
- ▶ **Lecturer, Harvard Law School (01/2018-06/2018)**
- ▶ **Adjunct Professor, Georgetown Law Center (08/2016 – 12/2016)**
- ▶ Served in the Commission in various capacities for the past 20 years. Before appointment as General Counsel, served as a Supervisory Trial Attorney in the Phoenix District Office overseeing the litigation of a team of trial attorneys; successfully prosecuted several systemic and individual cases, serving as first chair in obtaining several. significant jury verdicts in the United States District Court for Arizona against Alamo Rent-a-Car (CV 02-1908- PHX-ROS, the first post-9/11 backlash religious accommodation case brought by the EEOC), Go Daddy (CV 04-2062- PHX-DGC, a national origin, religion, and retaliation case), to name a few.
- ▶ In 1996, served as Special Assistant to then-Chairman Gilbert F. Casellas in Washington, D.C. Oversaw the development and coordinated the implementation of the Commission's National Enforcement Plan, which was recently replaced by the Strategic Enforcement Plan.
- ▶ Immediately prior to joining the Commission, served as a Senior Trial Attorney with the Civil Rights Division, Employment Litigation Division, of the U.S. Department of Justice in Washington, D.C. between 1991 and 1994. Between 1988 and 1991, served as an Associate with Spiegel and McDiarmid in Washington, D.C., practicing anti-trust and administrative litigation. Also served as an Adjunct Professor, Legal Writing and Research at George Washington University.

**SELECTED TESTIMONY, SPEECHES, AND PROFESSIONAL
RECOGNITION**

The National Law Journal (2014), 50 Outstanding General Counsels in the United States.

Federal Rules Advisory Committee, Phoenix, Arizona (01/14) - Testified on the impact of proposed amendments to Federal Rules of Civil Procedure to EEOC enforcement efforts.

Presidential White House Task Force on Human Trafficking, Washington, D.C. (04/13) - Represented the EEOC at White House Cabinet-level meeting.

Organization for Security and Cooperation in Europe (OSCE), 12th Alliance Against Trafficking Persons Conference, Vienna, Austria (10/12) - As part of U.S. delegation, discussed agency's efforts to use civil law to combat discrimination against victims of human trafficking.

Hon. Mario G. Olmos Law and Cultural Diversity Lecture, Berkeley Law School Thelton E. Henderson Center for Social Justice, Berkeley, California (10/13) - Speaker, "The Civil Rights Act of 1964: A Historical Journey."

Wayne State University Center for Latino/a and Latin American Studies, Detroit, Michigan (10/13) - Keynote Speaker

National H.I.R.E. Network's Sixth Annual New York State Re-entry Policy Conference, Fordham Law School, New York City, New York (11/11) - Keynote Speaker

Latino Business Magazine (2012), 100 Hispanic Influentials

2012 Arab Anti-Discrimination Committee Friend in Government Award

EDUCATION

Harvard Law School, J.D., June 1988

Arizona State University, B.S., Political Science, *magna cum laude*, May 1985.

PUBLICATIONS

- ▶ “*Foreword: The Great Pandemic and the Great Reckoning: Law and Society in an Emerging World*,” 72 Rutgers L. Rev. 1265 (2020)
- ▶ Jerome D. Williams, David Lopez, Patrick Shafto. & Kyungwon Lee, “*Technological Workforce And Its Impact on Algorithmic Justice in Politics*,” 6 Customer Needs & Solutions 84 (2019)
- ▶ “*The Civil Rights Act of 1964: A Magna Carta of Human Rights*” in Title VII of the Civil Rights Act After 50 Years: Proceedings of the New York University 67th Annual Conference on Labor (LexisNexis, 2015)
- ▶ “*Employment Discrimination Law: A Model for Enforcing the Civil Rights of Trafficking Victims*,” a chapter in Human Trafficking Reconsidered: Rethinking the Problems and Re-envisioning New Solutions, by Kimberly Kay Hoang and Rhacel Salazar Parreñas (Mar 15, 2014).
- ▶ Co-authored second edition of “*Unfair Immigration-Related Employment Practices: A Practical Manual*” with Washington Lawyers Committee for Civil Rights and Hogan and Hartson (1990).