

Joseph A. Seiner

University of South Carolina School of Law
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Teaching Experience

University of South Carolina School of Law, Columbia, S.C.
Assistant Professor, June 2007 – present

- Teaching courses in the labor and employment law area, with a special emphasis on comparative employment discrimination

Georgetown University Law Center, Washington, D.C.
Adjunct Professor, Fall 2004, Fall 2005, Spring 2007

- Developed and co-taught seminar for LL.M. and J.D. students titled, *Employment Discrimination: Domestic and International Perspectives*, which covered employment law, labor law, administrative law, civil procedure, and human rights

Education

Washington and Lee University School of Law, Lexington, VA
Juris Doctor, May 1998

Academic Achievements:

Magna cum Laude

Order of the Coif

Graduated in the top ten percent of class

Negotiations Competition, Finalist

Washington and Lee Law Review:

Lead Articles Editor, 1997-1998

Staff Member, 1996-1997

Community Involvement:

Volunteer, Stonewall Jackson Hospital, Extended Care

University of Michigan, Ann Arbor, MI
Bachelor of Business Administration, April 1995

Academic Achievements:

Graduated with High Distinction

Graduated in the top ten percent of class

Branstrom Freshman Prize (top five percent of freshman class)

Angell Scholar (three consecutive semesters with all A's)

Community Involvement:

Volunteer, University of Michigan Children's Hospital

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Federal Appellate Clerkship

United States Court of Appeals for the Second Circuit, Rochester, NY

Law Clerk to the late Honorable Ellsworth Van Graafeiland, August 1998-August 1999

Litigation Experience

U.S. Equal Employment Opportunity Commission, Washington, D.C.

Appellate Attorney, Office of General Counsel, September 2001-June 2007

- Presented oral argument as lead counsel in the United States Courts of Appeals
- Prepared appellate and *amicus curiae* briefs on employment discrimination issues
- Represented Commission as lead counsel in the following illustrative cases:
EEOC v. E.I. Du Pont de Nemours & Co., 480 F.3d 724 (5th Cir. 2007); *EEOC v. Heartway Corp.*, 466 F.3d 1156 (10th Cir. 2006); *EEOC v. Pipefitters Ass'n Local Union 597*, 334 F.3d 656 (7th Cir. 2003); *Palasota v. Haggard Clothing Co.*, 342 F.3d 569 (5th Cir. 2003); *Shaver v. Indep. Stave Co.*, 350 F.3d 716 (8th Cir. 2003); *EEOC v. W.H. Braum*, 347 F.3d 1192 (10th Cir. 2003)

Jenner and Block, LLP, Chicago, IL

Associate, Labor and Employment Law Group, September 1999-September 2001

- Represented clients in federal and state courts
- Advised clients on employment and labor law issues
- Prepared and interviewed witnesses, conducted investigations, argued motions, drafted pleadings, assisted in reductions-in-force, drafted position statements, responded to discovery requests, and researched labor and employment law issues

Publications

The Trouble with Twombly: A Proposed Pleading Standard for Employment Discrimination Cases, 2009 U. Ill. L. Rev. __ (forthcoming) (lead article for issue)

The Failure of Punitive Damages in Employment Discrimination Cases: A Call for Change, 50 Wm. & Mary L. Rev. __ (2008) (forthcoming) (lead article for issue)

Disentangling Disparate Impact and Disparate Treatment: Adapting the Canadian Approach, 25 Yale L. & Pol'y Rev. 1053 (2006), reprinted in 23 Civil Rights Litigation and Attorney Fees Annual Handbook 16-1 (Steven Saltzman ed., 2007)

Understanding the Unrest of France's Younger Workers: The Price of American Ambivalence, 38 Ariz. State L.J. 95 (2006)

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Research Interests

Comparative employment discrimination law, including analysis of employment laws in Europe, Japan, Canada, and South Africa, and how those laws differ from similar statutes in the U.S. This research often results in proposals for reforming the employment laws in the U.S.

U.S. employment discrimination law, including analysis of how contract principles, civil procedure, the rules of evidence and administrative law impact employment rights

U.S. and international labor law, including the intersection of Title VII of the Civil Rights Act of 1964 with traditional labor law and the duty of fair representation

U.S. and international constitutional law, including analysis of how the constitutions of foreign countries impact employment rights

Presentations

Presenter, Southeastern Association of Law Schools annual meeting, *The Failure of Punitive Damages in Employment Discrimination Cases* (August, 2008)

Presenter, Law and Society annual meeting, *The Failure of Punitive Damages in Employment Discrimination Cases* (May, 2008)

Presenter, University of South Carolina, *The Roberts Court and Issues of Gender Equality* (Co-sponsored by Women in Law) (with Professor Josie Brown) (October, 2007)

Presenter, Medical University of South Carolina Trustees Leadership Academy, *Avoiding Employment Discrimination as an Administrator: Identifying Legal Issues and Addressing Employee Concerns* (September 2007)

Panel Participant, Labor and Employment Relations Association annual meeting, *What Private Employers Should Know About the EEO Process* (January, 2007)

Moot Court Judge, George Washington University School of Law (Fall, 2003, Fall, 2004)

Moot Court Judge, American University School of Law (2002)

Instructor, *Street Law* program; presented overview of employment laws to disadvantaged high school students (Spring, 2002)

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Bar Admissions

Member, Illinois State Bar (May 1999); Admitted to the U.S. District Court for the Northern District of Illinois, U.S. Court of Appeals for the Fifth, Seventh, and Tenth Circuits, and the U.S. Supreme Court