

**P. David Lopez**

219 N. 5<sup>th</sup> Street  
Harrison, New Jersey 07029  
[David.Lopez@Law.Rutgers.Edu](mailto:David.Lopez@Law.Rutgers.Edu)  
(P) 862 301-8898

**SELECTED WORK EXPERIENCE**

**Professor of Law and Professor Alfred Slocum Scholar at Rutgers Law School, Newark Campus,**

*Newark, New Jersey, Current*

**Co-Dean Rutgers Law School, Newark Campus**

*Newark, New Jersey, June 2018 - July 2021*

- Managed all operational aspects of Rutgers Law-Newark campus, including personnel, budget, enrollment, fundraising, and crises management. During tenure, increased annually law school admissions which, along with other initiatives, significantly improved the law school's financial position even during the COVID-19 pandemic; transitioned over a short period, law school curriculum from in-person to remote during COVID-19 pandemic; developed online program; advanced the school's groundbreaking publicly engaged scholarship on everything from child advocacy and corporate governance to desegregating schools, expanding the rights of immigrants, advocating for equitable growth, and achieving algorithmic justice; improved alumni engagement and fundraising, including setting groundwork for one of the largest gifts in the law school's history, and supported scholarship with an increase in funding for research established collegial partnering with other deans and colleagues across the Rutgers community; and navigated complex issues related to law school merger.
- Prioritized racial justice through the law school faculty's adoption of strongest in nation resolution to develop anti-racist curricular reforms, responding forthrightly to America's rising consciousness of the need to transform our institutions; repositioned landmark Minority Student Program to engage with Newark community and New Jersey/New York legal communities; and built deep engagement with the school's Minority Student Program alumni base, also resulting in meaningful scholarship contributions; and recruited diverse faculty and administrators, including high-profile visiting faculty.
- During tenure, 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; and provided frequent interviews to press on labor and employment issues.

**Partner and Partner-in-Charge**

**Outten and Golden, Washington, D.C. Office and  
Co-Chair of Firm's Discrimination and Retaliation  
Practice Group**

*Washington, D.C., November 2016 – July 2018*

- Responsible for opening, and managing all operational aspects of national plaintiff-side labor and employment firm's Washington, D.C. office since January 2017.
- Additional responsibilities include managing a full litigation docket comprised mostly of

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cutting-edge civil rights cases. Recent highlights include a Trafficking Victims Protection Act challenge involving a private prison's alleged use of coerced immigrant labor; a nationwide gender class suit challenging gender and pay discrimination of female STEM employees; an Administrative Procedure Act and Constitutional challenge to the rescission of the Deferred Action of Childhood Arrivals (DACA) program; and an individual harassment and retaliation suit on behalf of a transgender employee of a public employer.

### **General Counsel, Equal Employment Opportunity Commission (EEOC)**

*Washington, D.C., April 2010 – November 2016*

Nominated by President Barack Obama and confirmed by the Senate on December 22, 2010; confirmed a second time by the Senate on December 3, 2014. Longest running General Counsel in agency history. In this capacity, had primary oversight responsibility for the EEOC's nationwide litigation program. 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 250 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); *Mach Mining v. EEOC*, 135 S. Ct. 1645 (2015)(limited judicial review of EEOC reconciliation 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) (5<sup>th</sup> Cir. 2013)(*en banc*)(gender stereotyping theory applicable to same-sex harassment cases); *EEOC v. Houston Funding*, 717 F.3d 425 (2013) (5<sup>th</sup> Cir. 2013)(first appellate court to hold adverse action against a woman because she is lactating or expressing milk).
- In addition, the litigation program through cases such as *EEOC v. R.G. and G.R. Harris Funeral Homes, Inc.*, 884 F.3d 560 (6<sup>th</sup> Cir 2018) and as amicus in *Hively v. Ivy Tech*, 852 F.3d 339 (7<sup>th</sup> Cir. 2017)(*en banc*), were central in the development of strategy and litigation in cases ultimately resulting in landmark Supreme Court decision that sexual orientation and gender identity are covered by the prohibition against sex discrimination under Title VII of the

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Civil Rights Act of 1964.

- 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 Council 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, such as Congress, advocacy groups, bar groups, and business groups.
- 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

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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.

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

- Fellow of College of Labor and Employment Attorneys
- The National Law Journal (2014), 50 Outstanding General Counsels in the United States.
- Federal Rules Advisory Committee, Phoenix, Arizona (01/2014) - 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. (04/2013) - 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 (10/2012) - 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 (10/2013) - 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 (11/2011) - Keynote Speaker

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- Latino Business Magazine (2012), 100 Hispanic Influentials
- 2012 Arab Anti-Discrimination Committee Friend in Government Award

### **OTHER EXPERIENCE**

- Visiting Professor, Harvard Law School, Cambridge, Massachusetts, Spring 2022
- Lecturer in Law, Harvard Law School, Cambridge, Massachusetts, Spring 2018
- Adjunct Professor Georgetown Law School, Washington, D.C., Spring 2017
- Adjunct Professor, Legal Writing and Research at George Washington University, Washington, D.C., 1997-1998
- Served with the Equal Employment Opportunity 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 obtaining significant jury verdicts 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- EEOC Chair 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.

### **BOARD MEMBERSHIPS**

- National Women's Law Center, Washington, D.C.
- Impact Fund, Berkeley, California
- Towards Justice, Denver, Colorado
- American Civil Liberties Union – Washington, D.C. (former)
- Stanford Medical School Commission and Justice and Equity, Palo Alto, California (former)

### **EDUCATION**

- Harvard Law School, J.D., June 1988
- Arizona State University, B.S., Political Science, magna cum laude, May 1985

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**PUBLICATIONS**

- David Lopez, "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).
- David Lopez and Andrea Amaya "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)
- David Lopez, "Employment Discrimination Law. 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 Parrecas (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).