

**Bios**

**David Lopez, General Counsel, EEOC on Litigation and Enforcement**

Friday, February 12, 2012

**David Lopez**

**David Lopez** was sworn in as General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) on April 8, 2010. He was nominated by President Barack Obama and was confirmed by the Senate on December 22, 2010. He was confirmed a second time by the Senate on December 3, 2014. Mr. Lopez is the first EEOC field trial attorney to be appointed as the agency's General Counsel. He has served at the Commission in various capacities for the past 20 years, including as Supervisory Trial Attorney in the Phoenix District Office and Special Assistant to then-Chairman Gilbert F. Casellas.

As General Counsel, Mr. Lopez runs the Commission's litigation program, overseeing the agency's 15 Regional Attorneys and a staff of more than 325 lawyers and legal professionals who conduct or support Commission litigation in district and appellate courts across the country. During his tenure, Mr. Lopez has cultivated "one national law enforcement agency," encouraging the EEOC's litigators nationwide to operate more collaboratively and cohesively with each other and other internal partners.

Under his leadership, the EEOC's trial program has been extremely successful. Since fiscal year 2013, the EEOC won 13 out of 17 jury trials, including significant verdicts involving race discrimination such as in the case against [AC Widenhouse](http://www.eeoc.gov/eeoc/newsroom/release/6-25-14.cfm), where the 4th Circuit upheld a $243,000 jury verdict for the EEOC. Also, among the notable victories is the $240 million jury verdict - the Commission's largest award ever - in [*Henry's Turkey Service*](http://www.eeoc.gov/eeoc/newsroom/release/5-1-13b.cfm), a case brought on behalf of over thirty intellectually disabled men. Significant appellate victories in EEOC enforcement actions include [*Mach Mining*](http://www.eeoc.gov/eeoc/newsroom/release/12-20-13b.cfm) (EEOC's conciliation efforts not judicially reviewable); *[Boh Brothers](http://www.eeoc.gov/eeoc/newsroom/release/9-30-13b.cfm)* (plaintiffs can prove same-sex harassment under Title VII of the Civil Rights Act with "gender stereotyping" evidence); [*Houston Funding*](http://www.eeoc.gov/eeoc/newsroom/release/5-31-13a.cfm) ("lactation" discrimination violates Title VII as amended by the Pregnancy Discrimination Act); [*United Airlines*](http://www.eeoc.gov/eeoc/newsroom/release/9-13-12.cfm)(employers may have to reassign disabled employees non-competitively as a reasonable accommodation under the ADA); [*Baltimore County*](http://www.eeoc.gov/eeoc/newsroom/release/4-3-14b.cfm) (making older workers contribute more to pensions violates the Age Discrimination in Employment Act); and [Serrano & EEOC v. Cintas](http://www.eeoc.gov/eeoc/newsroom/release/1-17-13.cfm) (Commission can bring "pattern or practice" suit under section 706 of Title VII).

Mr. Lopez has also served as Co-Chair of the committee that developed the Commission's [Strategic Enforcement Plan](http://www.eeoc.gov/eeoc/plan/sep.cfm) for 2013 to 2016. He is the Chair of the Commission's Immigrant Worker Team, a group tasked with strengthening and coordinating EEOC's enforcement and outreach on employment discrimination issues affecting immigrant and other vulnerable workers.

In 2014, the [*National Law Journal*](http://www.nationallawjournal.com/id%3D1202648667420/Americas-50-Outstanding-General-Counsel) named Mr. Lopez one of "America's 50 Outstanding General Counsels," and the magazine, [*Diversity and the Bar*](http://www.diversityandthebardigital.com/datb/september_october_2014?pg=45#pg45)*,* recognized Mr. Lopez as a "Latino Luminary" for his work as a civil rights attorney and as General Counsel. In 2011, *Hispanic Business* named Mr. Lopez to its list of 100 Influentials in the Hispanic community.

Before becoming General Counsel, during his 12 years in the EEOC's Phoenix District Office, Mr. Lopez successfully tried several novel and noteworthy cases. He won significant jury verdicts against [*Alamo Rent-a-Car*](http://www.eeoc.gov/eeoc/newsroom/release/5-30-06.cfm) (the first "post-9/11 backlash" religious accommodation case brought by the EEOC), and [*Go Daddy*](http://www.eeoc.gov/eeoc/newsroom/release/archive/9-14-09.html) (a national origin (Moroccan), religion (Islam), and retaliation case), to name a few.

From 1991 to 1994, Mr. Lopez was a Senior Trial Attorney with the Civil Rights Division, Employment Litigation Section, of the U.S. Department of Justice in Washington, D.C. Between 1988 and 1991, Mr. Lopez was an Associate with Spiegel and McDiarmid in Washington, D.C.

Mr. Lopez graduated from Harvard Law School in 1988 and graduated magna cum laude from Arizona State University in 1985, with a B.S. in Political Science.

**Barry A. Hartstein**

**Barry Hartstein**, Co-Chair, EEO & Diversity Practice Group Shareholder at Littler, has earned a national reputation for a career that includes more than 30 years of counseling and representing employers in a broad range of labor and employment matters. He is a frequent writer, commentator and lecturer on workplace issues. He also has extensive experience as a litigator and has defended employers nationwide in individual and class action claims and wage and hour collective actions. He has particular expertise dealing with the Equal Employment Opportunity Commission (EEOC) on both a local and national level, which included an invitation by the EEOC chair to address the Commission at a recent meeting in Washington D.C. on the legal standards governing employers’ consideration of criminal arrest and conviction records. His clients include employers in: retail, hospitality, fitness, health care, financial services, and manufacturing operations.

Barry serves in numerous leadership roles for Cornell University's ILR School. Founded as the School of Industrial and Labor Relations, the ILR School today is the world's leading college focused on work, employment and labor issues. In addition to his position on the Dean's Advisory Council and as a board member of the Scheinman Institute, which is the first institute exclusively focused on the study and practice of workplace dispute resolution, he recently completed his term as president of ILR's Alumni Association. Barry has served for many years in a national leadership role for the American Bar Association in its section devoted to labor and employment law focusing on EEO issues, including serving as a management co-chair of the Equal Employment Opportunity Committee. In this role, he has worked closely with various chairs and other members of the EEOC, in addition to serving as a liaison between the Chicago Bar and the EEOC’s Chicago District Office to facilitate communication between the Bar and the EEOC on both a local and national level. Prior to joining Littler, Barry was the managing partner of the Chicago office of a major AM Law 100 Firm, where he also served as the Chicago practice leader for the firm's labor and employment practice.

Professional and Community Affiliations:

* Member, Labor and Employment Law Section, American Bar Association
* Co-Chair, Finance Committee, American Bar Association, 2010-present
* Management Co-Chair, EEO Committee, American Bar Association, 2002-2004
* Co-Chair, EEOC Liaison Committee, Chicago District Office, American Bar Association, 1995-present
* Member, Executive Committee, Cornell ILR Alumni Association, 1995-present
* Former President, Cornell ILR Alumni Association, 2007-2009
* Dean’s Advisory Council, Cornell ILR School, 2007-present
* Member, Board of Directors, Scheinman Institute on Conflict Resolution, Cornell ILR School, 2008-present
* Member, Trustee Nominating Committee, Cornell University, 2008-present
* Program Chair, American Employment Law Council, 2010-2012
* Member, American Employment Law Council, 1995-present

Recognition:

* Named, The Best Lawyers in America©, 2007-2016
* Named, Leading Lawyer 500, InterContinental Finance Magazine, 2013
* Named, Who's Who in American Law, 2014
* Named, International Who's Who of Management Labour and Employment Lawyers, Who's Who Legal, 2012-2015
* Recipient, Judge William B. Groat Alumni Award, Cornell ILR School, 2011
* Named, Nations' Most Powerful Employment Attorneys - Top 100, Human Resource Executive / Lawdragon Inc., 2010-2015
* Named, America's Leading Lawyers for Business, Chambers USA, 2003-2015
* Named, Management Labour and Employment, Who's Who Legal, 2007-2013
* Named, World's Leading Lawyers, Labor and Employment - Expert Guides: The Legal Media Group Guides, 2009- present
* Fellow, College of Labor and Employment Lawyers
* Awarded, AV® Peer Review Rating, Martindale-Hubbell

Education: J.D., Northwestern University School of Law, 1976 B.S., Cornell University, 1973.