

This Tenth Edition welcomes a new co-author, Stephanie Bornstein, who brings new energy and a heightened sensibility to the enterprise in addition to her deep expertise, especially in the rapidly developing area of gender discrimination. She is a worthy successor to Mike Zimmer, a driving force since the First Edition in 1982, and Rebecca White, an invaluable co-author since the Sixth Edition in 2003. Mike's name remains as an author to help perpetuate his memory; Rebecca, with her usual humility, chose not to continue to be listed. But it would be unforgivable not to acknowledge that both of their contributions (as well as those of prior co-authors Deborah Calloway and Dick Richards) pervade the current edition. They are much missed, personally and professionally. Mike was indescribable as a human and a scholar, and we are thankful that Rebecca poured so much intellect and energy into this project while guiding the University of Georgia Law School to even greater heights as Dean.

As for the subject matter of this book, it continues to evolve in the courts, albeit perhaps at a slower pace than in the past. But there are still eye-opening developments, such as the 6-3 decision in *Bostock v. Clayton County* in 2020, holding that discrimination on the basis of sexual orientation or transgender status is within Title VII's ban on sex discrimination. Less startling but still very significant was the Court's decision the same year in *Our Lady of Guadalupe v. Morrissey-Berru*, radically expanding the "ministerial exception" to the antidiscrimination statutes. Beyond the courts, the casebook, as has always been true, attempts to keep its adopters abreast of the literature, much of which brings important insights from a new crop of discrimination scholars.

A new edition is always an occasion for reflecting not just on what's happening in the area but how it should be taught. While veteran adopters will find the structure of this book largely the same, they will notice significant updating and some changes, many reflecting Stephanie's improvements. Despite the inclusion of new cases, it is also only marginally longer than the Ninth Edition.

As before, the casebook begins with the three chapters analyzing each of the three basic theories of discrimination—individual disparate treatment, systemic disparate treatment, and disparate impact (Chapters 1, 2, and 3), followed by a chapter on the interrelation of those theories (Chapter 4). It then moves to "special problems" of discrimination law (Chapter 5), treating coverage, sex discrimination, religion, national origin discrimination, and age. Chapter 6 then follows, dealing with retaliation. These chapters continue the prior editions' merger of the treatment of the Age Discrimination in Employment Act and the Reconstruction Civil Rights Acts, primarily 42 U.S.C.A. §1981, into the Title VII discussion. Pedagogically, the casebook reflects the statutory and common law unification of discrimination analysis under all three statutes, although the significant differences

among these laws are noted in the relevant chapters and collected in Chapter 5 on “special problems.”

Chapter 7, dealing with the Americans with Disabilities Act, has settled down a bit. There are numerous micro-modifications as the statute continues to mature, but no new principal cases. The remaining three chapters—Chapter 8, Procedures; Chapter 9, Remedies; and Chapter 10, Risk Management—try to concisely treat issues that, though critical for how employment discrimination is practiced “on the ground,” often seem to be afterthoughts in many courses. To help cope with the problem of length, these chapters remain shorter and more didactic.

Some professors who use this book have asked about coverage. In a three-credit course, it is easily possible to teach Chapters 1 through 7. The choice of the remaining material is a matter of individual instructor preference, but in an environment that seems to prefer more “practice ready” graduates, these three chapters are all candidates for inclusion, although teaching all three may exhaust both professor and students.

As prior users know, a website supports the teaching mission of the casebook. Within normal limits of scholarly procrastination, it is frequently updated to reflect recent developments. It does not attempt to track every judicial, legislative, or administrative change as there are services that do that far better; rather, the goal is to identify the more important developments and key them to the casebook. The webpage also suggests teaching ideas and provides links to a variety of other resources. Please visit it at <http://law.shu.edu/discrimination>. The site contains a “contact” button, but the authors can also be reached at:

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A final word about the editing of excerpted material: All omissions are indicated by ellipses or brackets, except that citations (including parentheticals), footnotes, and internal cross-references are deleted with no indication. Footnotes in extract retain their original numbers, while those added by the authors are indicated by asterisks and daggers.

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