



David Lopez

Of Counsel

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DAVID LOPEZ is Of Counsel at Outten & Golden, in the firm's Washington, DC office, after resigning as a Partner in July 2018 to become the Dean of Rutgers Law School - Newark. Mr. Lopez served as General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) from April 8, 2010 until December 9, 2016 - the longest serving General Counsel of the agency. Mr. Lopez was nominated twice by President Barack Obama and confirmed by the Senate in 2010 and 2014. Mr. Lopez is the first EEOC field trial attorney to be appointed as the agency's General Counsel. As General Counsel, Mr. Lopez was in charge of 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. He has served at the Commission in various capacities for the past 22 years, including as Supervisory Trial Attorney in the Phoenix District Office and Special Assistant to then-Chairman Gilbert F. Casellas. Mr. Lopez has been a Lecturer-in-Law at Harvard Law School and an Adjunct Professor at the Georgetown Law Center.

Under his leadership, the EEOC's trial program was extremely successful. Among the notable victories is the \$240 million jury verdict - the Commission's largest award ever - in *Henry's Turkey Service*, a case brought on behalf of over thirty intellectually disabled men; a \$17 million jury verdict for farmworker women victims of sexual harassment and retaliation in *Moreno Farms, Inc.*; and a \$1.5 million sexual harassment and retaliation verdict affirmed by the 6th Circuit Court of Appeals in *New Breed Logistics*.

In June 2015, the Supreme Court ruled 8-1 in favor of the Commission in *EEOC v. Abercrombie & Fitch Stores, Inc.*, holding that an employer may not refuse to hire an applicant if the employer was motivated by avoiding the need to accommodate a religious practice. In this case, Samantha Elauf was denied hire because she wore a headscarf or hijab and thus failed to conform to the company's "look policy."

Other significant appellate victories, during his tenure, include *EEOC v. Geo Group, Inc.* (class sexual harassment and retaliation lawsuit reinstated after finding EEOC met its pre-suit requirements); *EEOC v. Sterling Jewelers, Inc.* (nationwide sex discrimination case reinstated after appeals court held that sole question for judicial review is whether EEOC conducted an investigation not sufficient of investigation); Baltimore County (making older workers contribute more to pensions violates the Age Discrimination in Employment Act); *EEOC v. Boh Brothers* (plaintiffs can prove same-sex harassment under Title VII of the Civil Rights Act with "gender stereotyping" evidence); *EEOC v. Houston Funding* ("lactation" discrimination violates Title VII as amended by the Pregnancy Discrimination Act); and *Serrano & EEOC v. Cintas* (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 for 2013 to 2016, 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, and convened a work group focused on discrimination issues affecting the LGBT community. Notable cases involving immigrant and vulnerable workers include Vail Run Resort (over \$1 million for Latina workers subjected to egregious sexual harassment and retaliation); Mesa Systems, Inc. (\$450,000 for Hispanic workers subjected to derogatory slurs and discriminatory application of Speak-English Only policy); and ABM Industries, Inc. (\$5.8 million settlement for Latina janitorial workers subjected to rape, unwelcome groping and explicit sexual comments). Through his leadership on LGBT issues, EEOC filed and settled its first cases alleging sex discrimination on the basis of transgender and sexual orientation, and participate frequently as amicus curiae on these issues.

Mr. Lopez has been recognized by various organizations for his extensive civil rights work. In 2016, Mr. Lopez received the National Religious Freedom Award from the International Religious Liberty Association (IRLA), Liberty Magazine, and North American Religious Liberty Association (NARLA) for his advocacy of civil, religious, and employment rights throughout his government career. In 2014, the National Law Journal named Mr. Lopez one of "America's 50 Outstanding General Counsels," and the magazine, Diversity and the Bar, recognized Mr. Lopez as a "Latino Luminary" for his work as a civil rights attorney and as General Counsel. In 2012, he was awarded the Friend in Government Award from the American-Arab Anti-Discrimination. In 2011, Hispanic Business named Mr. Lopez to its list of 100 Influentials in the Hispanic community. Mr. Lopez has been selected to Best Lawyers for 2018.

Prior to joining the EEOC, Mr. Lopez was a Senior Trial Attorney with the Civil Rights Division, Employment Litigation Section, of the U.S. Department of Justice in Washington, DC. During his tenure as a Supervisory/Senior Trial Attorney, Mr. Lopez oversaw the litigation of a team of trial attorneys and successfully prosecuted several systemic and individual cases obtaining as first chair 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), and *AutoZone* (CV 06-926-PHX-SMM, a sexual harassment case), to name a few. Between 1988 and 1991, Mr. Lopez was an Associate with Spiegel and McDiarmid in Washington, DC.

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

Videos:

- 2017 - [David Lopez, partner in the Washington, DC office of Outten & Golden LLP, speaks about the discrimination in the workplace.](#)
- 2017 - [Outten & Golden attorneys David Lopez, Peter Romer-Friedman, and Sally Abrahamson introduce our new Washington DC office.](#)
- 2016 - [David Lopez | Title VII: A Magna Carta of Human Rights](#)
- 2012 - [David Lopez - EEOC, UC Hastings, Center for Worklife Law](#)

Media interviews:

- Podcast: [Part 1 of 2: My Sit-Down Interview With Former EEOC General Counsel David Lopez](#), Employment Law Now (Online)
- [Google Memo Raises Questions About Limits Of Free Speech In The Workplace](#), NPR — Yuki Noguchi, August 8, 2017
- [Justice Department Argues Sexual Orientation Not Protected By Civil Rights Laws](#), NPR — Yuki Noguchi, July 28, 2017

Bar Admissions & Professional Activities

- Mr. Lopez is admitted to practice law only in the District of Columbia.
- Mr. Lopez is admitted to the following federal courts: The Supreme Court of the United States; and the United States Court of Appeals for the Fourth Circuit and the Ninth Circuit.
- Co-Dean of Rutgers Law School (2018-present)
- Lecturer in Law, Harvard Law School
- Adjunct Professor, Georgetown Law Center

- Board Member, ACLU-DC
- Board Member, Impact Fund
- Board Member, Toward Justice
- Fellow, College of Labor and Employment Lawyers
- Member, National Employment Lawyers Association
- Member, American Bar Association

Speaking Engagements

Mr. Lopez has presented CLE and spoken before various sections of the American Bar Association. In addition, has presented CLE and spoken before state and local bar associations, including the American Bar Association, Arizona Bar Association, the Defense Research Institute, the Florida Bar, North and South Carolina 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.

- Mr. Lopez has spoken and presented 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.
- Mr. Lopez has spoken and presented before various 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.

- Mr. Lopez has been a featured speaker or presented in various academic settings including American University, Harvard Law School, University of West Virginia Law School, Washington University School of Law, University of Arkansas School of Law, Arizona State University, Cornell ILR, Georgetown Law Center, Hastings Law School, University of Cincinnati Law School, Howard University Law School, Penn Law School, University of Southern California, University of California-Berkeley School of Law, Emory Law School, and St. Johns Law School.
- Mr. Lopez has presented and spoken at a wide range of town halls and community events with cross-section of public and non-profit advocacy groups including events in Salt Lake City, Utah; Miami, Florida; Painesville, Ohio; New Orleans, Louisiana; Nashville, Tennessee; New Orleans, Louisiana; Oklahoma City, Oklahoma; Chicago, Illinois; Los Angeles, California; and Miami, Florida.

2017

- Speaker: "Title VII: A Magna Carta of Human Rights in the Age of Trump," Vanderbilt Law School, George Barrett Social Justice Program, Nashville, TN
- Panelist: "The Infrastructure of Inequality—Protecting the Tools Needed to Ensure Vigorous Civil Rights Enforcement," Center for American Progress, Washington, DC
- Speaker: "Employment Law Post Trump- What Can We Expect," ABA Section of Labor & Employment, Employment Rights and Responsibilities Committee, Midwinter Meeting, Puerto Vallarta, Mexico
- Panelist: "With Trump Towering in the US, How will Labor and Employment Laws and Standards Change at Home," ABA Mid-Year International, 2017 Midyear Meeting of the International Labor and Employment Law Committee, Dublin, Ireland
- Panelist: "When Federal Sector Employment Law Drives the Development of Private-Sector Doctrine," ABA, Section of Labor & Employment, Annual Labor and Employment Law Conference, Washington, DC
- Speaker: "Unresolved Issues Pending in Federal Court and the Trump Effect," Arizona Employment Lawyers Association, Convention, Casa Grande, AZ
- Keynote Speaker: "Equal Pay Act," Equal Pay Today, A Convening of Policy, Legal, and Grassroots Advocates Fighting for Equal Pay Today, Washington, DC
- Panelist: "When Federal Sector Employment Law Drives the Development of Private-Sector Doctrine," ABA Section of Labor & Employment, Annual Labor and Employment Law Conference, Washington, DC
- Presenter: "Si Se Puede!: Civil Rights and the Latino Community," Conexion, Conexion Latina @ GSK, Research Triangle Park, NC
- Panelist: "The Future is Bright...," Employment and Labor Law Section of the State Bar of Arizona, CLE by the Sea 2017, Coronado, CA
- Speaker: "Was it Something I said, or Just Who I am: Hiring Discrimination Issues Under Title VII, The ADEA & ADA," National Employment Lawyers Association, NELA Annual Convention, San Antonio, TX
- Panelist: "How Did We Get Here? The Past, Present & Future State of the American Workplace," Employment and Labor Law Section of the State Bar of Arizona, CLE by the Sea 2017, Coronado, CA

- Keynote Speaker: "Keynote Address," La Raza Lawyers Association, Central Valley Chapter, The Mario G. Olmos Memorial Scholarship Banquet, Fresno, CA
- Panelist: "Was It Something I Said, or Just Who I Am? Hiring Discrimination Issues Under Title VII, The ADEA & ADA," NELA, NELA Convention, San Antonio, TX

2016

- Panelist: "Workplace Integration of Refugee and Migrant Workers," American Bar Association Section of Labor & Employment Law, International Labor Law Committee Midyear Meeting, Hong Kong, People's Republic of China
- Speaker: "My Year in the Supreme Court: Young v. UPS Mach Mining v. EEOC and Abercrombie v. EEOC," Texas A & M, EEOC's Year at the Supreme Court, Fort Worth, TX
- Keynote Speaker: "The EEOC's Top Ten Litigation Developments," EEOC Training Seminar, Hot Springs, AK
- Speaker: "Reining in Retaliation & Winning Whistleblower Cases," NELA, 2016 NELA Spring Seminar Reining in Retaliation & Winning Whistleblower Cases, Boston, MA
- Speaker: "The EEOC's Top Ten Litigation Developments," Ward and Smith, P.A., Employment Law Symposium, Asheville, NC
- Speaker: "Overview of Employment Law Cases Involving Diversity Issues," New Mexico State Bar, New Mexico State Bar Diversity Conference, Albuquerque, NM
- Speaker: "EEOC GC, on Litigation and Enforcement (LEL 903)," ILR School Cornell University, New York, NY
- Speaker: "The EEOC's Top Ten Litigation Developments," EEOC TAPS (Technical Assistance Program Seminar), Employment Law Excel Conference, New Orleans, LA
- Panelist: "The EEOC's Impact on LGBT Worker's Rights During the Obama Administration," Lavender Law Conference, Washington, DC
- Speaker: "Title VII: A Magna Carta of Human Rights and an American Conversation about Equal Opportunity," Harvard Law School, Cambridge, MA
- Speaker: "EEOC Update," University of Louisville, 33rd Annual Carl A. Warns, Jr. and Edwin R. Render Labor and Employment Law Institute, The Brandeis Legacy and the Evolving American Workplace, Louisville, KY
- Panelist: "Government Plenary," American Bar Association, Section of Labor & Employment, Austin, TX
- Speaker: "Title VII: An American Conversation on Workplace Equality," Washington University, 2016-2017 Public Interest Law & Policy Speakers "Access to Justice," St. Louis, MO
- Speaker: "The State of Civil Rights" plenary," Massachusetts Commission Against Discrimination 10th Fair Housing & Civil Rights Conference, Springfield, MA
- Panelist: "Meet the Agency Enforcers," National Employment Lawyers Association(NELA), Spring Seminar Reining in Retaliation & Winning Whistleblower Cases, Boston, MA
- Panelist: "An American Conversation," New York University School of Law, 19th Annual Workshop on Employment Law for Federal judges; An American Conversation, New York, NY

- Panelist: "After Uber & Taskrabbit, Who Is Still An Employee?," State Bar of California, Labor and Employment Section & the Asian American Bar Association of the Greater Bay Area, UC Hastings Law School, On the Precipice: Workers in the New Technology, San Francisco, CA

2015

- Speaker: "The EEOC's Year At the Supreme Court," University of Arkansas, 2015 Fall Semester Symposium at University of Arkansas School of Law, Fayetteville, AR
- Keynote Speaker: "The EEOC—A View From the General Counsel: The EEOC's Top Ten Litigation Developments," Corporate Labor and Employment Counsel, Phoenix, AZ
- Speaker: "Blurring the Line: Workers in the New Tech Economy," San Jose Hi-Tech Listening Session, UC Hasting Panel on New Economy Workers, San Jose, CA
- Speaker: "EEOC's Top Ten Litigation Developments," FordHarrison, Fifth Annual Complimentary Year-End Labor and Employment Law Workshop, Summit, NJ
- Speaker: "Litigation Enforcement Trends," National Industry Liaison Group, Washington, DC
- Keynote Speaker: "EEOC's TopTen Litigation Developments," Southern California Pacific Region ILG Compliance Summit, Greater Los Angeles Industry Liaison Group; Southern California Pacific Region Industry Liaison Group, Orange, CA
- Speaker: "Top Ten Enforcement Priorities," Texas Bar Association, 24th Annual Course Advanced Employment Law, Dallas, TX
- Speaker: "Title VII of the Civil Rights Act After 50 Years: A Historical Journey," DRI Chicago: Title VII of the Civil Rights Act After 50 Years: A Historical Journey, DRI, The Voice of the Defense Bar, Chicago, IL
- Speaker: "EEOC's Enforcement Priorities and Recent Cases," ABA Section of Labor & Employment Law, 2015 ABA Mid-Winter Meeting Federal Labor Standards Legislation Committee, Puerto Vallarta, Mexico
- Speaker: "The EEOC's Year At the Supreme Court," William and Mary Law School - Latino law Student and the Black Law Students Association, Wilder Speaking Series, Williamsburg, VA
- Speaker: "The EEOC's Top Ten Litigation Developments," Indiana State Bar Association Employment, Labor & Benefits Law Section Distinguished Speaker Series, Indianapolis, IN
- Speaker: "The EEOC's Year At the Supreme Court," University of West Virginia College of Law, College of Law with EEOC General Counsel Lopez, Morgantown, WV
- Interview: "Mach Mining v. Equal Employment Opportunity Commission, Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc. and Young v. United Parcel Service," Arkansas Law Notes: NPR Station KUAF, University of Arkansas School of Law Symposium: 50 years of Advancing Equal Opportunity: Reflecting on the Past and Contemplating the Future, Fayetteville, AK

2014

- Speaker: "Title VII at the Crossroads: The Effects of Expanding EEOC's Authority, Grutter v. Bollinger, and Greater Reliance on Disparate Impact Lawsuits," ABA Section of Labor & Employment Law, ABA National Conference on Equal Employment Opportunity Law, Rancho Mirage, CA
- Moderator: "Civil Rights in America 2014: Progress Retrenchment and Changing Legal Strategies," Hispanic Bar Association DC Chapter, HBA-DC Equal Justice Awards Luncheon Featured in HNBA Annual Convention, Washington DC
- Speaker: "50th Anniversary of the Civil Rights Act: Our Responsibilities as Lawyers—A Time to Celebrate, Reflect, and Recommit," DRI, San Francisco, CA
- Speaker: "Civil Rights Act of 1964: A Historical Journey," University of Pennsylvania Law School, EEOC General Counsel Discusses the Battle against Workplace Discrimination and the History of the Civil Rights Act, Philadelphia, PA
- Speaker: "EEOC Top Ten Litigations Development," Connecticut Bar Association, Connecticut Bar Association 2014 Annual Meeting, Hartford, CT
- Panelist: "50th Anniversary of the Civil Rights Act: Our Responsibilities as lawyers - A Time to Celebrate, Reflect and Recommit," DRI for Life, DRI San Francisco: 50th Anniversary of the Civil Rights Act: A time to Celebrate, Reflect and Recommit, San Francisco, CA
- Speaker: "EEOC's Top Ten Litigation Developments," US EEOC, EEOC Atlanta Seminar, Atlanta, GA
- Speaker: "50 Years of the Civil Rights Act of 1964: Fulfilling the Promise," EEOC, Kovens Conference Center at Florida International University's North Miami Campus, Miami, FL

Awards & Recognition

- 2019 Legal 500 United States Recommended Labor and Employment Lawyer
- 2018-2019 Lawdragon 500 Leading Plaintiff Employment Lawyers
- 2018-2020 Selected to Best Lawyers
- 2017 College of Labor and Employment Fellow
- 2016 National Religious Freedom Award from the International Religious Liberty Association (IRLA), Liberty Magazine, and North American Religious Liberty Association (NARLA)
- 2014 National Law Journal "America's 50 Outstanding General Counsels"
- 2014 Names "Latino Luminary" - Diversity and the Bar magazine

- 2012 Awarded the Friend in Government Award from the American-Arab Anti-Discrimination Committee (ADC)
- 2011 Hispanic Business named Mr. Lopez to its list of 100 Influentials in the Hispanic community