

MEDIA STATEMENT 08.16.17 FOR IMMEDIATE RELEASE

Civil Rights Groups File Amicus Brief As SCOTUS Scrutinizes Workers' Rights

Washington, D.C., 08.16.17 - To protect the rights of workers, the Impact Fund has teamed up with leading civil rights law firms, the NAACP Legal Defense and Educational Fund, Inc. ("LDF") and Cohen Milstein, to file an amicus brief on behalf of more than thirty civil rights organizations from across the country in a trio of cases pending in the U.S. Supreme Court.

"What's at stake is the right of workers to bond together to hold employers accountable for systemic discrimination," said Impact Fund executive director, Jocelyn Larkin, adding: **"There has been a disturbing trend in recent years for employers to evade their responsibilities by requiring those that work for them to waive their legal right to join together with co-workers to challenge discrimination."**

The cases address the question of whether employment agreements that prevent workers from taking "concerted" action to challenge workplace violations conflict with protections in federal labor law. Such agreements undermine the fight for civil rights.

"Workers have to be able to come together to bring disparate impact and pattern or practice claims," said Raymond Audain, Senior Counsel at LDF and counsel of record on the brief, adding: **"In most individual cases, employees are denied access to the information necessary to show widespread discrimination."**

"Had the arbitration clauses at issue before the Supreme Court been in effect before, more than 120 important civil rights cases, listed in this brief, would have never been brought," said Joseph Sellers, chair of the civil rights and employment practice group at Cohen Milstein. Joining the brief are more than thirty non-profits from around the country who use litigation to fight discrimination against racial minorities, women, seniors, people with disabilities, and LGBTQ communities.

The Supreme Court will review the 9th Circuit's decision involving Ernst & Young and the 7th Circuit's ruling involving Epic Systems Corp. It will also consider the New Orleans-based 5th Circuit's judgment enforcing Murphy Oil USA Inc.'s waiver, which was challenged by the National Labor Relations Board.

The cases are *Epic Systems v. Lewis*, 16-285; *Ernst & Young v. Morris*, 16-300; and *NLRB v. Murphy Oil*, 16-307.

"If employers can preclude workers from acting together in every forum, they can—and will—effectively extinguish the civil rights claims of the most vulnerable members of the workforce," concluded Larkin.

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About The Impact Fund

The Impact Fund was founded in December 1992, to help advance economic, environmental, racial and/or social justice through the courts. Originally envisioned as a purely grant making organization, the Impact Fund has made more than 600 grants totaling just over \$6M. Click here for [Grant Criteria](#) and information about [Grant Deadlines](#). Since its inception, the Impact Fund has grown to include both advocacy and education in its range of services. Today, the Impact Fund litigates a small number of cases directly, authors amicus briefs, provides a substantial amount of pro-bono consulting and presents an annual conference for plaintiff-side class action practitioners, a training institute for emerging public interest law practitioners, and numerous seminars and webinars. In short, the Impact Fund is a national clearinghouse for public interest impact litigation. Click here for the [2016 Annual Report](#).
<https://www.impactfund.org>

About The NAACP Legal Defense and Educational Fund, Inc.

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. <http://www.naacpldf.org>

About Cohen Milstein

For over 45 years, Cohen Milstein has fought corporate abuse, pursuing litigation on behalf of affected individuals, whistleblowers, public entities and other institutions in cases that have raised challenging, significant and often novel issues. The firm specializes in holding large corporations accountable for their actions even though they often have significantly more resources than those damaged by their misconduct. Often, this is accomplished by bringing large numbers of plaintiffs together in a single class to enhance their ability to litigate effectively. One of the premier firms in the country handling major complex plaintiff-side litigation, Cohen Milstein has over 90 attorneys in offices in Washington, DC; New York, NY; Philadelphia, PA; Chicago, IL; Denver, CO; Raleigh, NC; and Palm Beach Gardens, FL.
<http://www.cohenmilstein.com/>

What Is An Amicus Brief?

An amicus brief, sometimes called a “friend of the court” brief, is submitted in a case in which the ‘friends’ are not parties to the case but have specific knowledge or a perspective that will assist the Court in deciding the case.

Signatories To The Brief

The following organizations signed on to the brief:

1. AARP/AARP Foundation
2. American Civil Liberties Union
3. Advancing Justice-LA
4. Advancing Justice – Asian Law Caucus
5. California Women's Law Center

6. Center for Reproductive Rights
7. Centro Legal de la Raza
8. Civil Rights Education and Enforcement Center
9. Disability Rights Advocates
10. Disability Rights Education and Defense Fund
11. Equal Justice Society
12. Equal Rights Advocates
13. Human Rights Campaign
14. Impact Fund
15. Justice in Aging
16. LatinoJustice PRLDEF
17. Lambda Legal
18. Law Foundation of Silicon Valley
19. Lawyers' Committee for Civil Rights
20. Leadership Conference on Civil and Human Rights
21. Legal Aid at Work
22. MALDEF
23. NAACP Legal Defense Fund
24. New York City Public Advocate
25. National LGBTQ Task Force
26. National Women's Law Center
27. Public Advocates
28. Public Counsel
29. Public Interest Law Project
30. Public Justice
31. Public Justice Center
32. Southern Poverty Law Center