



Supreme Cases to Watch

News

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Rich Meneghello was quoted in *HR Executive Online* on October 13, 2015. The article "Supreme Cases to Watch" discussed how savvy HR professionals and employment attorneys are keeping close tabs on a number of Supreme Court cases that could potentially impact the workplace.

Friedrichs v. California Teachers Association

According to Rich, many labor attorneys believe the court only accepted the case to reverse Abood. While the *Friedrichs* decision would have no direct impact on private sector businesses, Rich said the case could be a "crucial stepping stone" for those who want to erode the impact of unions on the American workplace. A ruling in favor of *Friedrichs* could lead to a further galvanizing of the "right-to-work" movement. Twenty-five states currently have right-to-work provisions.

"If *Friedrichs* comes down the way we expect, you will start to see other states pick up the banner and champion right-to-work principles in the state legislative arena, which will essentially push this same theory for private sector employers," said Rich. "This case, or one like it, has been long awaited by those who hope to strike a critical blow against unions."

"Employers are hopeful that the Supreme Court accepted this case not only to strike down the lower-court ruling, but to tighten the reins on the class certification question," said Rich. "There is a dual-edged hope here that it will not only make things harder for these cases, but maybe reduce the number of them."

Spokeo v. Robbins

According to Rich, the case is generally accepted as a violation of the Fair Credit Reporting Act, but the plaintiff was unable to prove economic injury, such as being turned down for a loan, a job or insurance coverage.

"The question is going to be what kind of harm an employee has to show in order to bring a FCRA lawsuit," said Rich. "Employers who either take part in and conduct background screenings or use information from a third-party source need to take a close look at this case, because it's going to help determine whether they have a right to bring action even though there was no demonstrable harm."

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