

The Supreme Court Is on the Job

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With the 2008-2009 Supreme Court term gearing up, let's take a quick look back at the previous term. From an employment law perspective, it offered employers several reasons to celebrate but, unfortunately, even more reasons to lament. Of the 11 cases decided between October 2007 and June 2008, only four were victories for employers. In fact, many of the decisions are considered further obstacles for management. Although some Supreme Court observers may label the current court as conservative and business-friendly, examination of the 11 most recent decisions suggest otherwise.

Of the four victories for employers, none offer any monumental new rules of law - just a few bright spots. Arguably, the biggest employer victory was on the arbitration front, where, in the face of a conflicting state statute, the court upheld the ultimate power of the Federal Arbitration Act. Four more cases would seem to favor employees, though some appear to be of limited utility to disgruntled workers and their attorneys. All in all, these rulings are unlikely to impact the average employer. However, three decisions are of much greater concern.

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Related People



Timothy J. Murphy

Senior Counsel

510.919.5874

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