

PARTNER DISCUSSES THE FIFTH CIRCUIT'S EN BANC RULING ON TITLE VII

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In an interview with *Law360*, **Steve Cupp** discusses a recent ruling expanding the scope of the nation's primary workplace anti-bias law. On August 18, the Fifth Circuit delivered an en banc decision in which it abolished a long-standing employer-friendly legal standard for determining whether claims under Title VII of the Civil Rights Act are actionable. Steve believes this ruling will lead to both more claims lodged against employers and more claims filed by current employees.

He also notes that under the "ultimate employment decisions" standard, workplace discrimination cases would routinely be dismissed, or plaintiffs' attorneys would opt not to file discrimination charges in the first place if they did not meet the circuit's high legal threshold. "I don't think there's any question that we're going to see an increase both in charges and in lawsuits within the Fifth Circuit," says Steve.

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