

PSH Partner Alicia J. Samolis featured in Law360 regarding the latest DEI Employment Litigation

Description

[Alicia J. Samolis](#), Partner and Chair of the [Employment & Labor](#) Practice at Partridge Snow & Hahn, was recently interviewed by *Law360* in its article regarding Edward Blum, a legal strategist behind many recent lawsuits challenging Affirmative Action programs in different contexts. The article highlights the multitude of lawsuits targeting various DEI initiatives since the June 2023 *Students for Fair Admissions v. Harvard University* Supreme Court case, including cases concerning ABA scholarships, a nonprofit requiring board members to disclose race, a state law requiring two members of the state's Real Estate Appraisers Board and more.

Samolis was called on for her expertise in the employment law arena. She explained that while the *Harvard University* case should not have impacted employment rules, as the case was about college admissions, the strong dictum by the Supreme Court indicates a willingness and desire to rule on so-called "reverse discrimination" cases brought by majority class employees against their employers.

Samolis noted a change in the way reverse discrimination cases are viewed in her practice since *Harvard University*. While such cases would previously move forward when there was a smoking gun, such as an email or board minutes outlining intentional preferential treatment in favor of minority classes, cases built on merely an inference of reverse discrimination were less popular amongst plaintiffs' attorneys and could be settled or won more easily.

Given the publicity surrounding the issue and the EEOC's recent guidance scrutinizing DEI initiatives, plaintiffs' attorneys will be hungrier to take reverse-discrimination cases. In addition, as a defense-side employment attorney, Samolis noted she must now advise clients as to the increased risk of an appeal. "We have to advise the client that 'maybe we got the summary judgment that is favorable to us'... but you do now have to make the client understand that is not the end of the story." Given the signals sent in the *Harvard University* decision, plaintiffs' attorneys will be more apt to file appeals when they lose in liberal leaning courts.

[Read the full article.](#)

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