

Index

ABORTION

Freedom of Access to Clinic Entrances Act of 1994 (this index)
Religious Freedom Restoration Act, **5:43**

ABSENTEE BALLOTS

Generally, **2:83**

ABSTENTION

Color of law, deprivation of rights under, **14:141 et seq.**

ABUSE OF DISCRETION

Attorneys' fees, denial of fees to prevailing plaintiff, **16:26**

ACCOMMODATIONS

Americans with Disabilities Act (this index)
Housing, disabled persons, **12:64**
Public Accommodations (this index)
Reasonable Accommodation (this index)

ACQUIRED IMMUNE DEFICIENCY SYNDROME

Americans with Disabilities Act, **12:11**

ADJUSTMENTS TO ATTORNEYS' FEES

Attorneys' Fees (this index)

ADMINISTRATIVE CONVENIENCE

Employment discrimination, disparate impact cases, **9:82**

ADMINISTRATIVE PROCEEDINGS AND ENFORCEMENT

Eleventh Amendment immunity, deprivation of rights under color of law, **14:84**

ADMINISTRATIVE

PROCEEDINGS AND ENFORCEMENT—Cont'd

Employment discrimination, attorneys' fees, **9:177**
Individuals with Disabilities Education Act, **12:74, 12:79**
Rehabilitation Act of 1973, **12:58**

ADMISSIONS

Sex discrimination, **8:14, 8:31**

ADVERTISING

Age Discrimination in Employment Act, **11:13**
Housing Discrimination (this index)

ADVISORY OPINIONS

Attorneys' fees, prevailing parties, **16:4**

AFFIRMATIVE ACTION

Constitutional law, **1:30 et seq.**
Employment Discrimination (this index)
End of
Students for Fair Admissions v. Harvard, **1:40**
Equal Pay Act, **10:24**
Parents Involved v. Seattle School District, **1:42**

AFFIRMATIVE DEFENSES

Employment discrimination, business necessity, **9:89**

AGE

Twenty-Sixth Amendment, voting discrimination claims, **2:85**

AGE DISCRIMINATION

Employment. **Age Discrimination in Employment Act** (this index)
Religious Freedom Restoration Act, **5:42**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT (ADEA)**

General discussion, **11:1 et seq.**
 Administration by Equal Employment Opportunity Commission, **11:3**
 Advertising, **11:13**
 Apprenticeship programs, **11:32**
 Arbitration agreements, **11:53**
 Attorneys' fees, **11:50**
 Bona fide apprenticeship programs, **11:32**
 Bona fide employee retirement and benefit plans, **11:28**
 Bona fide executives, **11:31**
 Bona fide occupational qualification, **11:25**
 Bona fide seniority systems, **11:29**
 Burden of proof, **11:20 et seq.**
 Burdens of production and persuasion, *Meacham v. Knolls Atomic Power Laboratory*, **11:27**
 Causation, **11:20 et seq.**
 Class actions, **11:39**
 Collateral estoppel, **11:43**
 Conditions of employment, **11:14**
 Constitutionality, **11:2**
 Constructive discharge, **11:16**
 Costs of action, **11:50**
 Damages, **11:45, 11:46**
 Discharge from employment, **11:15 et seq.**
 Disparate-impact theory, **11:22**
 Eleventh Amendment immunity, **11:11**
 Employer-employee relationship, **11:8 et seq.**
 Enforcement, generally, **11:35 et seq.**
 Equal Employment Opportunity Commission, **11:3, 11:36**
 Equitable relief, **11:47**
 Executives, **11:31**
 Exhaustion of remedies under state law, **11:35**
 Extraterritorial effect, **11:7**
 Federal employees, **11:37**
 Federal-sector retaliation claims, **11:38**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT (ADEA)**

—Cont'd

Filing of charge with EEOC, remedies and enforcement, **11:36**
 Firefighters, **11:30**
 First Amendment, employees with ministerial or religious functions, **11:34**
 Forms of discrimination prohibited, **11:12 et seq.**
 Front pay, **11:49**
 Good faith, **11:22**
 Government policymaking officials, **11:33**
 Gross v. FBL Financial Services, no mixed-motive standard, **11:24**
 Hazen Paper Co. v. Biggins, **11:21, 11:22**
 Hiring, **11:12**
 Hostile environment, **11:19**
 Intent, **11:22**
 Interest on judgment, **11:50**
 Jury trial, **11:42**
 Law enforcement officers, **11:30**
 Limitation periods, **11:40**
 Liquidated damages, **11:46**
 Ministerial functions, employees with, **11:34**
 Mixed-motive standard, no, **11:24**
 No mixed-motive standard, **11:24**
 Notice to Equal Employment Opportunity Commission, **11:36**
 Parent and subsidiary corporations, remedies and relief, **11:51**
 Pendent jurisdiction, **11:54**
 Police officers, **11:30**
 Policymaking officials, **11:9**
 Pretext, **11:20**
 Prima facie case, **11:20**
 Prohibitions, generally, **11:1**
 Purpose, **11:1**
 Reasonable factors other than age, action based on, **11:26**
 Rebuttal of prima facie case, **11:20**
 Reeves v. Sanderson Plumbing, **11:23**
 Reinstatement, **11:49**
 Relief. Remedies and relief, below

INDEX

AGE DISCRIMINATION IN

EMPLOYMENT ACT (ADEA)

—Cont'd

Religious functions, employees with, **11:34**

Remedies and enforcement, filing of charge with EEOC, **11:36**

Remedies and relief

general discussion, **11:44 et seq.**

damages, **11:45, 11:46**

equitable relief, **11:47**

interest, costs and attorneys' fees, **11:50**

liquidated damages, **11:46**

McKennon v Nashville Banner Publishing Co., **11:52**

parents and subsidiaries, **11:51**

reinstatement or front pay, **11:49**

restoration of benefits, **11:48**

Restoration of benefits, **11:48**

Retaliation claims, federal-sector, **11:38**

Retaliatory discharge, **11:17**

Retirement plans, **11:28**

Reverse age discrimination, **11:18**

RFOA (reasonable factors other than age) provision, **11:22**

Section 1983, relationship to, **11:6**

Seniority systems, **11:29**

Smith v City of Jackson, **11:22**

State laws, relationship to, **11:5**

Subsidiary corporations, remedies and relief, **11:51**

Title VII, substantive parallels to, **11:4**

AGED PERSONS

Housing discrimination, **3:34 et seq.**

AGE REQUIREMENTS

Individuals with Disabilities Education Act, **12:68**

AGGRIEVED PARTIES

Housing discrimination, **3:13, 3:69**

AID/ASSIST

To voters, waiting in line at polling places

Restrictions on line warming, **2:88**

AIDS

Americans with Disabilities Act, **12:11**

ALABAMA BLACK CAUCUS

Voting rights, **2:62**

ALDEN v. MAINE

Sovereign immunity, **14:71**

ALIENS

Employment discrimination, **9:27**

ALLEN V. MILLIGAN

Ban on proportionality, Gingles

Reconciling the effects test of section 2, **2:13**

AMERICANS WITH DISABILITIES ACT

General discussion, **12:2 et seq.**

Accommodations and services

provided by private entities

general discussion, **12:37 et seq.**

accommodations, generally, **12:38**

alternative methods, failure to provide, **12:46**

architectural or communication barriers, failure to remove, **12:45**

Attorney General, enforcement by, **12:51**

commerce, activities that affect, **12:37**

damages, **12:51**

eligibility criteria that screen out disabled persons, **12:42**

enforcement, **12:49 et seq.**

equitable relief, **12:50, 12:51**

exclusion and segregation, failure to deter, **12:44**

goal of integration, **12:40**

good faith attempts to comply, enforcement by Attorney General, **12:51**

injunctive relief, **12:50**

private clubs and religious organizations, exemptions, **12:48**

readily achievable reforms, **12:47**

**AMERICANS WITH
DISABILITIES ACT—Cont’d**

Accommodations and services
provided by private entities
—Cont’d
reasonable modifications, failure to
make, **12:43**
remedies, **12:49 et seq.**
special practices prohibited, **12:41
et seq.**
Arbitration, employment, **12:31,
12:32**
Architectural barriers, accommoda-
tions and services provided by
private entities, **12:45**
Attorney General, enforcement by,
12:51
Commerce, activities that affect,
12:37
Communication barriers, accom-
modations and services provided
by private entities, **12:45**
Community settings, placement in,
12:35
Constitutional law, **1:16**
Damages, accommodations and ser-
vices provided by private enti-
ties, **12:51**
Disparate impact, employment, **12:22**
Disparate treatment, employment,
12:21
Drug testing, employment, **12:29**
Eleventh Amendment immunity,
employment, **12:8**
Employment
general discussion, **12:3 et seq.**
arbitration, **12:31, 12:32**
being regarded as having impair-
ment, **12:12**
coverage, **12:4 et seq.**
covered entity, defined, **12:5**
disability, defined, **12:9 et seq.**
disparate impact, **12:22**
disparate treatment, **12:21**
drug testing, **12:29**
Eleventh Amendment immunity,
12:8
employee, defined, **12:7**
enforcement, **12:30**

**AMERICANS WITH
DISABILITIES ACT—Cont’d**

Employment—Cont’d
entrance examinations, medical,
12:24
essential functions, **12:17**
exemptions, **12:6**
forms of discrimination prohibited,
12:15 et seq.
hearing aids, **12:13**
HIV infection, **12:11**
major life activity, **12:10**
mandatory medical examinations
for employees, **12:26**
medical examinations, **12:23 et
seq.**
mitigating measures, **12:13, 12:14**
motive and impact analysis, **12:20
et seq.**
preemployment medical examina-
tions, **12:23**
qualification standards and testing,
12:18
qualified individuals, **12:16**
reasonable accommodation, **12:17**
rehabilitation, substance abuse,
12:28
safety standards, inability to meet,
12:19
Social Security disability insurance
standards, arbitration, **12:32**
substance abuse, **12:27 et seq.**
undue hardship, **12:17**
voluntary medical examinations
for employees, **12:25**
Enforcement
accommodations and services
provided by private entities,
12:49 et seq.
employment, **12:30**
Entrance examinations, medical,
12:24
Equitable relief, accommodations and
services provided by private
entities, **12:50, 12:51**
Essential functions, employment,
12:17
Exemptions, employment, **12:6**

INDEX

AMERICANS WITH

DISABILITIES ACT—Cont'd

- Good faith attempts to comply, enforcement by Attorney General, **12:51**
- Hearing aids, employment, **12:13**
- HIV infection, employment, **12:11**
- Impact analysis, employment, **12:20 et seq.**
- Injunctive relief, accommodations and services provided by private entities, **12:50**
- Medical examinations, employment, **12:23 et seq.**
- Mental institutions, placement in, **12:35**
- Mitigating measures, employment, **12:13, 12:14**
- Notice, employment, **12:20 et seq.**
- Preemployment medical examinations, **12:23**
- Private entities. Accommodations and services provided by private entities, above
- Public services, **12:33 et seq.**
- Public transportation, **12:36**
- Purpose, **12:2**
- Qualification standards and testing, employment, **12:18**
- Readily achievable reforms, accommodations and services provided by private entities, **12:47**
- Reasonable accommodation accommodations and services provided by private entities, **12:43**
employment, **12:17**
- Rehabilitation, substance abuse, **12:28**
- Religious organizations, accommodations and services provided by private entities, **12:48**
- Remedies, accommodations and services provided by private entities, **12:49 et seq.**
- Safety standards, inability to meet, **12:19**
- Services provided by private entities. Accommodations and services

AMERICANS WITH

DISABILITIES ACT—Cont'd

- provided by private entities, above
- Social Security disability insurance standards, arbitration, **12:32**
- Special practices prohibited, accommodations and services provided by private entities, **12:41 et seq.**
- Substance abuse, employment, **12:27 et seq.**
- Undue hardship, employment, **12:17**
- Voluntary medical examinations for employees, **12:25**

ANDERSON-BURDICK BALANCING TEST

- Generally, **2:87**

ANTI-PEONAGE ACT

- Involuntary Servitude** (this index)

APPEAL AND REVIEW

- Attorneys' fees, **16:26, 16:35**
- Color of Law, Deprivation of Rights Under** (this index)
- Religious Freedom Restoration Act, **5:54**
- Voting rights, Section 2 violations, **2:27**

APPRENTICESHIP PROGRAMS

- Age Discrimination in Employment Act, **11:32**

ARBITRATION

- Age Discrimination in Employment Act, **11:53**
- Americans with Disabilities Act, **12:31, 12:32**
- Class arbitration in absence of agreement
 - Lamps Plus, **9:195**
 - Stolt-Nielsen, **9:195**
- Employment discrimination, Equal Employment Opportunity Commission procedures, **9:193**

ARCHITECTURAL BARRIERS

- Americans with Disabilities Act, accommodations and services

ARCHITECTURAL BARRIERS

—Cont’d

provided by private entities,
12:45

ASHCROFT V. IQBBAL

Deprivation of rights under color of
law, suits against federal
officials and federal entities,
14:161

ASSOCIATION

Freedom of Association (this index)

ASSOCIATIONAL

DISCRIMINATION

Employment discrimination, **9:196**

ATHLETICS

Sex discrimination, **8:29, 8:35**

Sexual banter on athletic teams, **8:35**

AT-LARGE ELECTIONS

Voting rights, Section 2 violations,
2:19

ATTORNEYS

Attorneys’ Fees (this index)

Attorneys General (this index)

Employment discrimination, law
firms, **9:25**

ATTORNEYS’ FEES

General discussion, **16:1 et seq.**

Abuse of discretion, denial of fees to
prevailing plaintiff, **16:26**

Adjustments to fee

general discussion, **16:15 et seq.**

downward adjustments, **16:17**

partial success, **16:15**

Prison Litigation Reform Act,
16:18

upward adjustments, **16:16**

Advisory opinions, prevailing parties,
16:4

Age Discrimination in Employment
Act, **11:50**

Appeal, **16:26, 16:35**

Causal test, prevailing parties, **16:3**

Conspiracy to violate civil rights,
15:16

Contingency fees, **16:12**

ATTORNEYS’ FEES—Cont’d

Declaratory relief, prevailing parties,
16:4

Denial of fees to prevailing plaintiff
general discussion, **16:20 et seq.**

abuse of discretion, standard of
review, **16:26**

appellate review, **16:26**

briefing and presentation, inade-
quacy of, **16:22**

ethical violations, **16:21**

governmental defendants, **16:24**

pro se plaintiffs, **16:25**

special circumstances, generally,
16:20 et seq.

Disabled or handicapped persons

Rehabilitation Act of 1973, **12:62**

Discretion of court, **16:10, 16:26**

Eleventh Amendment immunity,
16:27

Employment Discrimination (this
index)

Enhancement for superior perfor-
mance, **16:11**

Equal Pay Act, **10:46**

Ethical violations, denial of fees to
prevailing plaintiff, **16:21**

Frivolous cases, awards to prevailing
defendants, **16:34**

Governmental entities

immunity, **16:28**

prevailing plaintiff, denial of fees
to, **16:24**

Housing discrimination, private court
actions, **3:74**

Immunity doctrine

general discussion, **16:27 et seq.**

Eleventh Amendment, **16:27**

governmental entities, suits
against, **16:28**

individual capacities, officials sued
in, **16:30 et seq.**

legislative immunity, officials sued
in individual capacities, **16:32**

official capacities, officials sued in,
16:29

Individual capacities, officials sued
in, **16:30 et seq.**

INDEX

ATTORNEYS' FEES—Cont'd

- Individuals with Disabilities Education Act, **12:77**
- Intervenors, prevailing parties, **16:6**
- Legal aid attorneys, **16:36**
- Legislative immunity, officials sued in individual capacities, **16:32**
- Limitations, legal aid attorneys, **16:36**
- Lodestar, reasonable fee, **16:8**
- Official capacities, officials sued in, **16:29**
- Partial success, adjustments to fee, **16:15**
- Pendent state law claims, success, **16:19**
- Preliminary injunctions, prevailing parties, **16:4**
- Prevailing market rate, reasonable fee, **16:9**
- Prevailing parties
 - general discussion, **16:2 et seq.**
 - causal test, **16:3**
 - denial of fees to prevailing plaintiff, above
 - failure to prevail, **16:7**
 - intervenors, **16:6**
 - qualification as, *Sole v. Wyner*, **16:5**
 - temporary restraining orders, preliminary injunctions, advisory opinions and declaratory relief, **16:4**
- Prison Litigation Reform Act, adjustments to fee, **16:18**
- Pro se plaintiffs, **9:182, 16:25**
- Public accommodations, **7:21**
- Purpose and constructions, generally, **16:1 et seq.**
- Reasonable fee
 - general discussion, **16:8 et seq.**
 - charges allowed, **16:13**
 - charges not permitted, **16:14**
 - contingency fees, **16:12**
 - discretion of court, **16:10**
 - lodestar, **16:8**
 - prevailing market rate, **16:9**
- Rehabilitation Act of 1973, **12:63**

ATTORNEYS' FEES—Cont'd

- Religious Freedom Restoration Act, **5:16**
- Retroactive application of civil rights legislation, **18:16**
- Settlements, **16:33**
- Success on pendent state law claims, **16:19**
- Temporary restraining orders, prevailing parties, **16:4**
- Voting rights, **2:48**

ATTORNEYS GENERAL

- Americans with Disabilities Act, enforcement of, **12:51**
- Freedom of Access to Clinic Entrances Act of 1994, **17:7**
- Housing Discrimination** (this index)

BACK PAY AND BENEFITS

- Employment Discrimination** (this index)
- Equal Pay Act, **10:41**

BAD FAITH

- Good Faith** (this index)

BAILOUT PROVISION

- Voting rights, **2:40**

BAN

- On proportionality, Reconciling the effects test of section 2
- Gingles
 - holding in *Allen v. Milligan*, **2:13**

BANKRUPTCY

- Religious Freedom Restoration Act, **5:49**

BARS AND TAVERNS

- Public accommodations, **7:5**

BEAUTY PAGEANTS

- Sex discrimination, **8:22**

BIAS

- Employment discrimination, speech as evidence of bias, **9:151**

BILL OF RIGHTS

- Indian Civil Rights Act, **6:6**

BIVENS ACTIONS

General discussion, **14:155 et seq.**
 Bush v. Lucas, **14:162**
 Carlson v. Green, **14:160**
 Davis v. Passman, **14:159**
 Federal government, claims against, **14:168**
 Fourth Amendment, expansion beyond, **14:157**
 Injunctive relief against federal officers alleging unconstitutional action, **14:170**
 Limitations on Bivens, **14:158 et seq.**
 Private entities, **14:166**
 Privately operated federal prisons, **14:167**
 Schweiker v. Chilicky, **14:164**
 Service-related claims, **14:163**
 Waiver of sovereign immunity, **14:169**

BLOCKBUSTING

Housing discrimination, **3:48**

BOERNE V. FLORES

Constitutional law, **1:13**
 Religious Freedom Restoration Act, **5:3, 5:29**

BONA FIDE APPRENTICESHIP PROGRAMS

Age Discrimination in Employment Act, **11:32**

BONA FIDE EMPLOYEE RETIREMENT AND BENEFIT PLANS

Age Discrimination in Employment Act, **11:28**

BONA FIDE EXECUTIVES

Age Discrimination in Employment Act, **11:31**

BONA FIDE MEMBERSHIP CLUBS

Employment discrimination, **9:16**

BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ) DEFENSE

Age Discrimination in Employment Act, **11:25**

BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ) DEFENSE—Cont'd

Employment Discrimination (this index)

BONA FIDE SENIORITY OR MERIT SYSTEMS

Age Discrimination in Employment Act, **11:29**
 Employment discrimination, disparate impact cases, **9:95 et seq.**
 Equal Pay Act, **10:28**

BOY SCOUTS AND SIMILAR ORGANIZATIONS

Public accommodations, **7:12**

BURDEN OF PROOF

Age Discrimination in Employment Act, **11:20 et seq.**
 Color of law, deprivation of rights under, **14:52**
 Constitutional law, **1:25**
Employment Discrimination (this index)
Equal Pay Act (this index)
 Federally assisted programs, **8:11**
Housing Discrimination (this index)
 Religious Freedom Restoration Act, **5:15, 5:34**
 Voting rights, Section 2 violations, **2:18**

BURDENS OF PRODUCTION AND PERSUASION

Age Discrimination in Employment Act (ADEA), Meacham v. Knolls Atomic Power Laboratory, **11:27**

BURDENS ON CAMPAIGN SPENDING

Voting rights, **2:80**

BUSINESS NECESSITY

Employment Discrimination (this index)

CAMPAIGN SPENDING

Voting rights, **2:80**

INDEX

CANDIDATES

Burdens on campaign spending, **2:80**

CAPTIVE AUDIENCES

Employment discrimination, freedom of speech, **9:160**

CAUSATION

Age Discrimination in Employment Act, **11:20 et seq.**

Attorneys' fees, prevailing parties, **16:3**

Color of law, deprivation of rights under, **14:18, 14:106**

CEASE AND DESIST PROVISIONS

Freedom of Access to Clinic Entrances Act of 1994, injunctions, **17:28**

CHALLENGES TO VOTER ID LAWS

Voting rights, Crawford decision, **2:79**

CHILD LABOR

Religious Freedom Restoration Act, **5:48**

CHRISTIAN LEGAL SOCIETY DECISION

Public accommodation, **7:15**

CIRCUMSTANTIAL EVIDENCE

Employment discrimination, disparate treatment, **9:43**

CIVIL RIGHTS

Compelled speech
303 creative decision, **9:158**

Students for Fair Admissions v. Harvard
end of affirmative action, **1:40**

CIVIL RIGHTS ACTS

General discussion, **Appx. B, Appx. G10 to G12**

Color of Law, Deprivation of Rights Under (this index)

Commerce clause, **1:18**

Conspiracy to Violate Civil Rights (this index)

CIVIL RIGHTS ACTS—Cont'd

Contracts. **Property, Contract and Economic Rights** (this index)

Disparate-impact theory, **11:22**

Economic rights. **Property, Contract and Economic Rights** (this index)

Education, **11:22**

Employment discrimination, **9:4, 9:75, 9:87 et seq.**

End of affirmative action

Students for Fair Admissions v. Harvard, **1:40**

Federally Assisted Programs (this index)

Good faith, **11:22**

Griggs v. Duke Power Co., **11:22**

Intelligence tests, **11:22**

Property, Contract and Economic Rights (this index)

Retroactive Application of Civil Rights Legislation (this index)

Retroactivity, Civil Rights Act of 1991

immigration and deportation changes, **18:18**

Section 1983. **Color of Law, Deprivation of Rights Under** (this index)

Section 1985(3). **Conspiracy to Violate Civil Rights** (this index)

Section 1981. **Property, Contract and Economic Rights** (this index)

Section 1982. **Property, Contract and Economic Rights** (this index)

Tests and testing, **11:22**

CIVIL RIGHTS ATTORNEYS' FEES AWARDS ACT OF 1976

Color of law, deprivation of rights under, **14:6, 14:78**

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT

Color of law, deprivation of rights under, **14:111**

CLAIMS

Voting age, discrimination
Twenty-Sixth Amendment, **2:85**

CLASS ACTIONS

Age Discrimination in Employment
Act, **11:39**
Employment discrimination, back
pay, **9:170**

CLASS ARBITRATION

Agreement, absence of, **9:195**

CLASS OF ONE CLAIMS

Enforcement of civil rights, **1:51**

CLEAR STATEMENT PRINCIPLE

Retroactive application of civil rights
legislation, **18:7**

COERCION OR COMPULSION

Housing discrimination, **3:49**
Public accommodations, **7:16**

COLLATERAL ESTOPPEL

Age Discrimination in Employment
Act, **11:43**
Color of law, deprivation of rights
under, **14:138**
Equal Pay Act, jury trial, **10:39**

COLLECTIVE BARGAINING

Equal Pay Act, **10:4**

COLLEGES AND UNIVERSITIES

Constitutional law, affirmative action,
1:37 et seq.
Employment discrimination, appoint-
ments and promotions, **9:93**
Religious Freedom Restoration Act,
5:47

**COLOR OF LAW, DEPRIVATION
OF RIGHTS UNDER**

General discussion, **14:1 et seq.**
Abstention, **14:141 et seq.**
Actions taken under color of law
general discussion, **14:8 et seq.**
Indian tribes, **14:10**
physicians, **14:13**
professional contractors, **14:11**
public and private actors perform-
ing in concert, **14:14**

**COLOR OF LAW, DEPRIVATION
OF RIGHTS UNDER—Cont'd**

Actions taken under color of law
—Cont'd
public defenders, **14:12 et seq.**
state action doctrine, relationship
to, **14:9**
Administrative acts of governing
bodies, immunity, **14:44**
Administrative matters, state
sovereign immunity in federal
administrative proceedings,
14:83:50
Administrative proceedings, Eleventh
Amendment immunity, **14:84**
Appeal and review
Eleventh Amendment immunity,
denial of, **14:75**
interlocutory appeals, immunity,
14:55, 14:56
Ashcroft v. Iqbal, purposeful
discrimination requirement, suits
against federal officials and
federal entities, **14:161**
Bivens actions against private enti-
ties, **14:166**
Bivens Actions (this index)
Breach of contract remedies, due pro-
cess claims, **14:131**
Burdens on plaintiff, immunity, **14:52**
Burford abstention, **14:145**
Causation, **14:106**
Civil Rights Attorneys' Fees Awards
Act of 1976, **14:6, 14:78**
Civil Rights of Institutionalized
Persons Act, exhaustion of state
remedies, **14:111**
Collateral estoppel, state law and
Section 1983 litigation, **14:138**
Commerce clause, Eleventh Amend-
ment immunity, **14:81, 14:82**
Common law, immunity, **14:28**
Compensatory damages, **14:150**
Comprehensive remedial schemes in
other federal statutes, **14:102**
Congressional intent, immunity,
14:28
Congruence and proportionality test,
Eleventh Amendment immunity,
14:83

INDEX

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

- Consent decrees, Eleventh Amendment immunity, **14:72**
- Consent to suit by state, Eleventh Amendment immunity, **14:74**
- Constitutional claims, **14:99**
- Damages, **14:150 et seq.**
- Declaratory relief, **14:149**
- Definition of person under § 1983, **14:18**
- District of Columbia, **14:21**
- Due process claims
 - general discussion, **14:114 et seq.**
 - amount of process that is due, **14:117**
 - Baker v. McCollan, **14:125**
 - breach of contract remedies, **14:131**
 - Hudson v. Palmer, **14:127**
 - Ingraham v. Wright, **14:124**
 - interest in life, liberty or property, **14:116**
 - interplay of federal and state remedies, generally, **14:114 et seq.**
 - Logan v. Zimmerman Brush Company, **14:129**
 - negligent deprivations, **14:128**
 - Parratt v. Taylor, **14:126**
 - Paul v. Davis, **14:119 et seq.**
 - postdeprivation due process, **14:118 et seq.**
 - sex offender registries, **14:124**
 - standards of liability, **14:105**
 - structure of due process doctrine, **14:115 et seq.**
 - substantive due process claims, **14:132**
 - takings clause claims, **14:135**
 - Zinermon v. Burch, **14:130**
- Eleventh Amendment immunity
 - general discussion, **14:59 et seq.**
 - administrative proceedings, **14:84**
 - appeal from denial of immunity, **14:75**
 - attempts to secure compliance with state law, **14:66**
 - Civil Rights Attorneys' Fees Awards Act, **14:78**

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

- Eleventh Amendment immunity
 - Cont'd
 - commerce clause, laws passed pursuant to, **14:81, 14:82**
 - Congress may override Eleventh Amendment, **14:76 et seq.**
 - congruence and proportionality test, **14:83**
 - consent decrees, enforcement of, **14:72**
 - consent to suit by state, **14:74**
 - Hans v. Louisiana, **14:62**
 - Idaho v. Coeur d'Alene Tribe, **14:65**
 - indemnification arrangements with federal government, **14:85**
 - individual capacities of officials, suits, **14:67**
 - municipalities, **14:68, 14:80**
 - prospective relief, **14:63 et seq.**
 - removal from state to federal court, **14:72**
 - retrospective monetary relief, **14:69**
 - Seminole Tribe v. Florida, **14:64**
 - sovereign immunity in state courts, **14:71**
 - statute is not general override as applied to states, **14:79 et seq.**
 - Title VII remedies, Congress may override Eleventh Amendment, **14:77**
 - waiver of Eleventh Amendment immunity, **14:74**
- Equal Employment Opportunity Commission enforcement, **14:171**
- Exhaustion of state remedies
 - general discussion, **14:107 et seq.**
 - Civil Rights of Institutionalized Persons Act, **14:111**
 - Monroe v. Pape, **14:107**
 - Patsy v. Board of Regents, **14:110**
 - Prison Litigation Reform Act, **14:112**
 - state court actions, **14:113**
- Freestanding state-of-mind, **14:97**

**COLOR OF LAW, DEPRIVATION
OF RIGHTS UNDER—Cont'd**

- Freeze effect of Harlow on development of substantive civil rights law, **14:51**
- Good faith immunity defense, municipal liability, **14:88**
- Governmental entities
 - general discussion, **14:59 et seq.**
 - Eleventh Amendment immunity, above
 - municipal liability, below
 - state court, actions filed in, **14:86**
- Habeas corpus, **14:146**
- Haywood v. Drown, state attempts to oust state courts of § 1983 jurisdiction violate Supremacy, **14:137**
- History
 - general discussion, **14:1 et seq.**
 - Civil Rights Attorneys' Fees Awards Act of 1976, **14:6**
 - federal statutory rights, extension to, **14:5**
 - Monroe v. Pape, **14:3 et seq.**
 - municipal liability, extension of, **14:4**
 - volume of litigation, **14:7**
- Immunity
 - general discussion, **14:27 et seq.**
 - administrative acts of governing bodies, **14:44**
 - Anderson v. Creighton, **14:50**
 - Buckley v. Fitzsimmons, **14:38**
 - burdens on plaintiff, **14:52**
 - Burns v. Reed, **14:37**
 - common law, **14:28**
 - Congressional intent, **14:28**
 - drastic nature of absolute immunity, **14:32**
 - Eleventh Amendment immunity, above
 - freeze effect of Harlow on development of substantive civil rights law, **14:51**
 - functional approach to absolute immunity, **14:30**
 - governmental entities, above
 - Harlow v. Fitzgerald, **14:48**

**COLOR OF LAW, DEPRIVATION
OF RIGHTS UNDER—Cont'd**

- Immunity—Cont'd
 - Imbler v. Pachtman, **14:35**
 - interlocutory appeals, **14:55, 14:56**
 - jurors, **14:45**
 - Kalina v. Fletcher, **14:39**
 - legislative immunity, **14:41 et seq.**
 - local legislative bodies, **14:43**
 - Mitchell v. Forsyth, **14:36, 14:49**
 - Pierson v. Ray, **14:32**
 - plea bargains, prosecutors, **14:40**
 - pleading standards, **14:57**
 - President of United States, **14:46**
 - prosecutors, **14:35 et seq.**
 - qualified immunity for private defendants, **14:58**
 - qualified vs. absolute immunity, **14:29 et seq.**
 - quasi-judicial authority, **14:34**
 - questions of law, **14:53**
 - standards of liability, **14:98**
 - Supreme Court of Virginia v. Consumers Union, **14:42**
 - witnesses, **14:45**
- Implementation of municipal policy or custom, **14:17**
- Indemnification arrangements with federal government, Eleventh Amendment immunity, **14:85**
- Indian tribes, actions taken under color of law, **14:10**
- Individual capacities of state and local officials, **14:26**
- Injunctive relief, **14:149**
- Interest in life, liberty or property, due process claims, **14:116**
- Interest on Lawyers Trust Accounts (IOLTA), **14:135**
- Interlocutory appeals, immunity, **14:55, 14:56**
- Jurisdiction, **14:147**
- Jury and jury trial, **14:45, 14:154**
- Just Compensation clause, **14:135**
- Legislative immunity, **14:41 et seq.**
- Local entities other than municipalities, **14:23**
- Local legislative bodies, immunity, **14:43**

INDEX

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

- Locus of policymaking authority, municipal liability, **14:91**
- Monell v. Department of Social Services, municipalities are persons, **14:18**
- Municipal liability
 - general discussion, **14:16 et seq.**
 - Eleventh Amendment immunity, **14:68, 14:80**
 - extension of liability, **14:4**
 - good faith immunity defense, **14:88**
 - implementation of municipal policy or custom, **14:90 et seq.**
 - individual officer liability, relationship to municipal liability, **14:94**
 - limitations on liability, **14:89 et seq.**
 - locus of policymaking authority, **14:91**
 - Monell v. Department of Social Services, **14:87**
 - policymaker, determining for whom official is, **14:96**
 - proximate cause, **14:18**
 - punitive damages, **14:95, 14:153**
 - respondeat superior, **14:19, 14:89**
 - single acts, liability for, **14:91**
 - supervision and training, **14:93**
- Negligent deprivations, due process claims, **14:128**
- Nominal damages, **14:151**
- Official capacity of state and local officials, **14:24**
- Paul v Davis test and sex offender registries, **14:123**
- Pearson v. Callahan, qualified immunity issues, **14:54**
- Pennhurst doctrine, **14:140**
- Person, defined
 - general discussion, **14:15 et seq.**
 - District of Columbia, **14:21**
 - implementation of municipal policy or custom, **14:17**

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

- Person, defined—Cont'd
 - individual capacities of state and local officials, **14:26**
 - local entities other than municipalities, **14:23**
 - municipalities, **14:16 et seq.**
 - official capacity of state and local officials, **14:24**
 - proximate cause, municipalities, **14:18**
 - respondeat superior, municipalities, **14:19**
 - retrospective or prospective relief, state and local officials, **14:25**
- Section 1983, **14:18**
- state and local officials, **14:24 et seq.**
- states and state subdivisions, **14:20, 14:74**
- territories, **14:22**
- Physicians, actions taken under color of law, **14:13**
- Plea bargains, immunity of prosecutors, **14:40**
- Pleading standards, immunity, **14:57**
- Postdeprivation due process, **14:118 et seq.**
- President of United States, immunity, **14:46**
- Private rights of action, **14:103, 14:104**
- Professional contractors, actions taken under color of law, **14:11**
- Prosecutors, immunity, **14:35 et seq.**
- Prospective or retrospective relief
 - Eleventh Amendment immunity, **14:63 et seq.**
 - state and local officials, **14:25**
- Proximate cause, municipalities, **14:18**
- Public and private actors performing in concert, actions taken under color of law, **14:14**
- Public defenders, actions taken under color of law, **14:12 et seq.**
- Pullman abstention, **14:142**

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

Punitive damages, **14:95, 14:152, 14:153**

Qualified immunity for private defendants, **14:58**

Qualified immunity issues, *Pearson v. Callahan*, **14:54**

Quasi-judicial authority, immunity, **14:34**

Questions of law, immunity, **14:53**

Removal from state to federal court, Eleventh Amendment immunity, **14:72**

Removal of action to federal court, **14:71:50**

Res judicata, state law and Section 1983 litigation, **14:139**

Respondeat superior, municipalities, **14:19, 14:89**

Retrospective relief. Prospective or retrospective relief, above

Rooker-Feldman doctrine, **14:147**

Rooker-Feldman doctrine, **14:147**

§ 1983, definition of person under, **14:18**

Seventh Amendment, **14:154**

Sex offender registries, due process claims, **14:123**

Sovereign immunity in state courts, Eleventh Amendment immunity, **14:71**

Sovereign immunity of state in federal administrative proceedings, **14:83:50**

Spending clause statutes, private rights of action in, **14:104**

Standards of liability

 general discussion, **14:97 et seq.**

 causation, **14:106**

 comprehensive remedial schemes in other federal statutes, **14:102**

 constitutional claims, **14:99**

 due process, **14:105**

 freestanding state-of-mind, **14:97**

 immunity doctrines, **14:98**

 laws that create no enforceable rights, **14:101**

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

Standards of liability—Cont'd

Maine v. Thiboutot and its progeny, **14:101, 14:102**

 private rights of action, **14:103, 14:104**

 spending clause statutes, private rights of action in, **14:104**

 statutory claims, **14:100 et seq.**

 vagueness, **14:105**

State action doctrine, relationship to actions taken under color of law, **14:9**

State and local officials, generally, **14:24 et seq.**

State attempts to oust state courts of § 1983 jurisdiction violate Supremacy Clause, *Haywood v. Drown*, **14:137**

State-created danger doctrine, **14:133**

State law and Section 1983 litigation

 general discussion, **14:136 et seq.**

 abstention, **14:141 et seq.**

 Burford abstention, **14:145**

 claims filed in state courts, **14:136**

 collateral estoppel, **14:138**

 Colorado River abstention, **14:143**

 habeas corpus, **14:146**

 Pennhurst doctrine, **14:140**

 preclusion issues, **14:138 et seq.**

 Pullman abstention, **14:142**

 res judicata, **14:139**

Younger v. Harris abstention, **14:144**

State-of-mind, **14:97**

States and state subdivisions, generally, **14:20, 14:74**

Statutes of limitation borrowed from state law, **14:148**

Statutory claims, **14:100 et seq.**

Subject matter jurisdiction, **14:147**

Suits against federal officials and federal entities, *Ashcroft v. Iqbal*, purposeful discrimination requirement, **14:161**

Suits against federal officials and federal entities, *Wilkie v. Robbins*, **14:165**

INDEX

COLOR OF LAW, DEPRIVATION OF RIGHTS UNDER—Cont'd

- Supervision, municipal liability, **14:93**
- Supremacy Clause, *Haywood v. Drown*, **14:137**
- Takings Clause claims, **14:135**
- Takings clause claims, due process claims, **14:135**
- Territories, **14:22**
- Title VII remedies, Congress may override Eleventh Amendment, **14:77**
- Training, municipal liability, **14:93**
- Vagueness, **14:105**
- Waiver of Eleventh Amendment immunity, **14:74**
- Wilkie v. Robbins*, suits against federal officials and federal entities, **14:165**
- Witnesses, immunity, **14:45**
- Younger v. Harris* abstention, **14:144**

COMMERCE CLAUSE

- General discussion, **1:17 et seq.**
- Civil Rights Act of 1964, history leading to, **1:18**
- Color of law, deprivation of rights under, **14:81, 14:82**
- Employment discrimination, operations that affect commerce, **9:8**
- Sources of congressional authority to enforce civil rights, generally, **1:17 et seq.**
- United States v. Lopez*, **1:19, 1:20**
- United States v. Morrison*, **1:21**

COMMERCIAL SPEECH

- Housing discrimination, advertising and notices, **3:42, 3:43**

COMMON LAW

- Color of law, deprivation of rights under, **14:28**

COMMUNICATION BARRIERS

- Americans with Disabilities Act, accommodations and services provided by private entities, **12:45**

COMMUNITY SERVICE PROGRAMS

- Involuntary servitude, **4:5**

COMPARABLE WORTH

- Equal Pay Act, equal work, **10:11**

COMPENSATION

- Equal Pay Act** (this index)

CONGRESSIONAL AUTHORITY

- Indian Civil Rights Act, jurisdiction, **6:10**
- Voting Rights Act, **2:55**

CONGRUENCE AND PROPORTIONALITY

- Color of law, deprivation of rights under, **14:83**
- Constitutional law, **1:14**

CONSENT DECREES

- Color of law, deprivation of rights under, **14:72**
- Employment discrimination, affirmative action, **9:72 et seq.**
- Housing discrimination, private court actions, **3:77**

CONSENT TO SUIT BY STATE

- Color of law, deprivation of rights under, **14:74**

CONSPIRACY TO VIOLATE CIVIL RIGHTS

- General discussion, **15:1 et seq.**
- Attorneys' fees, **15:16**
- Bray v. Alexandria Women's Health Clinic*, **15:7, 15:8**
- Class-based animus, **15:7**
- Defining protected classes, **15:10**
- Elements of cause of action, **15:4 et seq.**
- Failure to prevent conspiracies, **15:17**
- Federal officers, interference with duties of, **15:2**
- Griffin v. Breckenridge*, **15:6**
- Immunities, **15:15**
- Interference with duties of federal officers, **15:2**
- Interference with judicial process, **15:3**

CONSPIRACY TO VIOLATE CIVIL RIGHTS—Cont'd

Intracorporate conspiracies, **15:9**
 Judicial process, interference with, **15:3**
 Remedies, **15:12 et seq.**
 Rights guaranteed against private impairment, **15:8**
 Title VII claims, relationship to, **15:11**

CONSTITUTIONAL LAW

General discussion, **1:1 et seq.**
 Adarand Constructors v. Pena, **1:36 et seq.**
 Affirmative action cases, **1:30 et seq.**
 Age Discrimination in Employment Act, **11:2**
 Agency interpretation of statutes and rules and principles of judicial deference, **1:56**
 Americans with Disabilities Act, state immunity under, **1:16**
 Attacks on diversity, equity, and inclusion or critical race theory, **1:61**
 Bakke, affirmative action cases, **1:31, 1:37**
 Burden of proof requirements, easing of, **1:25**
 Color of law, deprivation of rights under, **14:99**
Commerce Clause (this index)
 Congruence and proportionality, **1:14**
 Double jeopardy, Indian Civil Rights Act, **6:5**
 Due process. **Color of Law, Deprivation of Rights Under** (this index)
 Elaboration of constitutional doctrine, statutes as, **1:2**
Eleventh Amendment (this index)
Employment Discrimination (this index)
 End of affirmative action
 Students for Fair Admissions v. Harvard, **1:40**
 Enforcement of civil rights, constitutional equal protection principles, **1:51**

CONSTITUTIONAL LAW—Cont'd

Enforcement vs. dilution, **1:12**
 Enhancement of available remedies
 general discussion, **1:24 et seq.**
 burden of proof requirements, easing of, **1:25**
 Cuyahoga Falls decision, easing of burden of proof requirements, **1:25**
 provision of additional remedies, **1:24**
 substantive legal principles, alteration of, **1:26**
 Equal Pay Act, **10:3**
Equal Protection (this index)
 Expansion of topical reach of civil rights statutes to prohibit new forms of discrimination, **1:23**
 Federal agencies, separation of powers and the composition of, **1:58**
 Federalism and Tenth Amendment anticommandeering principle, **1:55**
Fifteenth Amendment (this index)
 Fisher v. University of Texas, **1:31**
Fourteenth Amendment (this index)
Freedom of Access to Clinic Entrances Act of 1994 (this index)
Freedom of Association (this index)
Freedom of Religion (this index)
Freedom of Speech (this index)
 Fullilove v. Klutznick, affirmative action cases, **1:32**
Housing Discrimination (this index)
 Interplay of constitutional and statutory law in civil rights enforcement, generally, **1:1 et seq.**
 Judicial deference, agency interpretation of statutes and rules and principles of, **1:56**
 Marijuana, medical, **1:22**
 Medical marijuana, **1:22**
 Metro Broadcasting decision, **1:35 et seq.**
 Michigan affirmative action cases, **1:38**
 Multiple sources of civil rights law, **1:1**

INDEX

CONSTITUTIONAL LAW—Cont'd

- New forms of discrimination, expansion of topical reach of civil rights statutes to prohibit, **1:23**
- Nineteenth Amendment, **1:10**
- Non-delegation doctrine, **1:57**
- Outcome and process theories, tension between, generally, **1:27 et seq.**
- Philosophical overview of constitutional and statutory principles, generally, **1:27 et seq.**
- Policy overview of constitutional and statutory principles, generally, **1:27 et seq.**
- Process and outcome theories, tension between, generally, **1:27 et seq.**
- Proportionality and congruence, **1:14**
- Public accommodations, **7:2**
- Religious objections to same-sex marriage law, **1:50**
- Same-sex marriage, **1:48 et seq.**
- School desegregation cases, **1:28**
- Schuette v. Coalition to Defend Affirmative Action , **1:41**
- Separation of powers, composition of federal agencies, **1:58**
- Sex discrimination, **8:38**
- Sources of civil rights law, **1:1**
- Sources of congressional authority to enforce civil rights
 - general discussion, **1:8 et seq.**
 - Americans with Disabilities Act, state immunity under, **1:16**
 - Boerne v. Flores, limits on enforcement power, **1:13**
- Commerce Clause** (this index)
 - congruence and proportionality, **1:14**
 - enforcement vs. dilution, **1:12**
 - Fifteenth Amendment, **1:10**
 - Fourteenth Amendment, **1:9**
 - Nineteenth Amendment, **1:10**
 - Oregon v. Mitchell, **1:11**
 - Twenty-Sixth Amendment, **1:10**
 - Violence Against Women Act, **1:15**
- Standing, **1:59**

CONSTITUTIONAL LAW—Cont'd

- State Action Doctrine** (this index)
 - Strict scrutiny, affirmative action cases, **1:33**
 - Substantive legal principles, alteration of, **1:26**
 - Terrorism, war against, **1:52**
 - The various tiers of constitutional scrutiny, **1:40**
- Thirteenth Amendment** (this index)
- Twenty-Sixth Amendment, **1:10**
- Universal injunctions, prohibitions on federal courts to issue, **1:62**
- Various tiers of constitutional scrutiny, **1:60**
- Violence Against Women Act, **1:15**
- Voting Rights Act, **2:74, 2:75**
- Voting Rights** (this index)

CONSTRUCTIVE DISCHARGE

- Age Discrimination in Employment Act, **11:16**
- Employment discrimination, sex discrimination, **9:130**

CONTINGENCY FEES

- Attorneys' fees, **16:12**

CONTINUING VIOLATIONS

- Employment discrimination, Equal Employment Opportunity Commission procedures, **9:192**

CONTRACTS

- Property, Contract and Economic Rights** (this index)

CORONAVIRUS

- Covid-19 Pandemic** (this index)

COSTS OF ACTION

- Age Discrimination in Employment Act, **11:50**
- Equal Pay Act, **10:45**

COUNSEL

- Attorneys** (this index)

COURT MANDATED FORMS OF GOVERNMENT

- Voting rights, equitable remedies, **2:53**

COVERED JURISDICTIONS

Voting Rights Act, **2:55**

COVID-19 PANDEMIC

Elections and voting, regulations and restrictions on, **2:86**

Religious discrimination claims arising from pandemic regulations, **5:55**

CRAWFORD DECISION

Voting rights, challenges to voter ID laws, **2:79**

CREDENTIALS AND OTHER OBJECTIVE CRITERIA

Employment discrimination, disparate impact cases, **9:94**

CRIMINAL PENALTIES

Freedom of Access to Clinic Entrances Act of 1994, **17:4**

CUSTOMER PREFERENCE

Employment discrimination, disparate impact cases, **9:82**

DAMAGES

Age Discrimination in Employment Act, **11:45, 11:46**

Americans with Disabilities Act, accommodations and services provided by private entities, **12:51**

Color of law, deprivation of rights under, **14:150 et seq.**

Housing discrimination, private court actions, **3:71, 3:72**

Liquidated Damages (this index)

Mitigation of Damages (this index)

Property, contract and economic rights, **13:20**

Public accommodations, **7:20**

Punitive Damages (this index)

Sex discrimination, private right of action, **8:25**

DAMAGE TO PROPERTY

Freedom of Access to Clinic Entrances Act of 1994, **17:17 et seq.**

DEATH OF PARTY

Survival of Fair Housing Act claims after death of party, **3:86**

DECLARATORY RELIEF

Attorneys' fees, prevailing parties, **16:4**

Color of law, deprivation of rights under, **14:149**

Employment discrimination, **9:164**

Public accommodations, **7:19**

DEFAMATION

Employment discrimination, freedom of speech, **9:159**

DEFERENCE TO ADMINISTRATIVE CONSTRUCTION

Equal Pay Act, **10:30**

Statutes and rules, interpretation of, **1:56**

DEFERENCE TO FINDINGS OF ATTORNEY GENERAL

Voting rights, Section 5 violations, **2:42**

DEFINITIONS

Person under § 1983, **14:18**

DEPORTATION

Civil Rights Act of 1991, retroactive changes in immigration and deportation, **18:18**

Retroactive application of civil rights legislation, **18:18**

DESTRUCTION OF PROPERTY

Freedom of Access to Clinic Entrances Act of 1994, **17:17 et seq.**

DINING FACILITIES

Public accommodations, **7:4 et seq.**

DIRECT PARTISAN PRIMARIES

Voting Rights Act, **2:75**

DISABLED OR HANDICAPPED PERSONS

General discussion, **12:1 et seq.**

Americans with Disabilities Act (this index)

INDEX

DISABLED OR HANDICAPPED PERSONS—Cont'd

Associational disability claims, **12:80**
Eleventh Amendment immunity, remedies and attorney's fees, Rehabilitation Act of 1973, **12:62**

Housing, **12:64 et seq.**

Housing Discrimination (this index)

Individuals with Disabilities Education Act (IDEA), right of parents to participate in administrative hearings and judicial review, **12:79**

Individuals with Disabilities Education Act (this index)

Punitive damages under Rehabilitation Act of 1973, **12:61**

Rehabilitation Act of 1973
Eleventh Amendment immunity, remedies and attorney's fees, **12:62**
punitive damages under, **12:61**
remedies and attorney's fees, **12:62**

Rehabilitation Act of 1973 (this index)

Remedies and attorney's fees, Rehabilitation Act of 1973, **12:62**

DISCHARGE FROM EMPLOYMENT

Age Discrimination in Employment Act, **11:15 et seq.**

Constructive Discharge (this index)

DISCIPLINARY PROCEEDINGS

Challenges to, Title IX, **8:43**

DISCLOSURE

Referndum petition signatures, **2:82**

DISCOVERY

Indian Civil Rights Act, **6:2**

DISCRETION OF COURT

Attorneys' fees, **16:10, 16:26**

Employment discrimination, denial of attorneys' fees, **9:175**

DISCRIMINATION

Claims, voting age

Twenty-Sixth Amendment, **2:85**

DISCRIMINATION—Cont'd

Discrimination in Property, Contract, and Economic Rights (this index)

Employment Discrimination (this index)

DISCRIMINATION IN PROPERTY, CONTRACT, AND ECONOMIC RIGHTS

Contractual relationships, **13:12**

§ 1981, retaliation claims under, **13:16**

Retaliation claims brought under § 1981, **13:16**

DISENFRANCHISEMENT LAWS

Voting rights, Section 2 violations, **2:25**

DISPARATE IMPACT

Americans with Disabilities Act, **12:22**

Employment Discrimination (this index)

DISPARATE-IMPACT THEORY

Age Discrimination in Employment Act (ADEA), **11:22**

Civil Rights Act of 1964, **11:22**

Education, **11:22**

Employment discrimination, **11:22**

Good faith, **11:22**

Griggs v. Duke Power Co., **11:22**

Hazen Paper Co. v. Biggins, **11:22**

Intelligence tests, **11:22**

Intent, **11:22**

Smith v. City of Jackson, **11:22**

Tests and testing, **11:22**

Title VII, Ricci v. DeStefano, **9:26**

DISPARATE TREATMENT

Americans with Disabilities Act, **12:21**

Employment Discrimination (this index)

Title VII, Ricci v. DeStefano, **9:26**

DISTRICT OF COLUMBIA

Color of law, deprivation of rights under, **14:21**

DOCTORS

Color of law, deprivation of rights under, **14:13**

DOUBLE JEOPARDY

Indian Civil Rights Act, **6:5**

DRUGS AND NARCOTICS

Americans with Disabilities Act, **12:27 et seq.**
Housing discrimination, drug offenders, **3:24**
Medical marijuana, constitutional law, **1:22**
Religious Freedom Restoration Act, drug use, **5:46**

DUAL SOVEREIGNTY

Indian Civil Rights Act, **6:5**

DUE PROCESS

Color of Law, Deprivation of Rights Under (this index)

EARLY BALLOTS

Generally, **2:83**

ECONOMIC DISCRIMINATION

Discrimination in Property, Contract, and Economic Rights (this index)

ECONOMIC RIGHTS

Property, Contract and Economic Rights (this index)

EDUCATION

Civil Rights Act of 1964, **11:22**
Disparate-impact theory, **11:22**
Griggs v. Duke Power Co., **11:22**
Schools and Education (this index)
Sex discrimination in employment, **8:33**
Title IX
retaliation claims, **8:25**

ELDERLY PERSONS

Housing discrimination, **3:34 et seq.**

ELECTIONS

Voting Rights (this index)

ELECTIONS CLAUSE

Moore v. Harper
Rejection of the independent state legislature theory, **2:71**

ELEVENTH AMENDMENT

Age Discrimination in Employment Act, **11:11**
Americans with Disabilities Act, **12:8**
Attorneys' fees, **16:27**
Color of Law, Deprivation of Rights Under (this index)
Equal Pay Act, **10:9**
Remedies and attorney's fees, Rehabilitation Act of 1973, **12:62**

EMPLOYMENT AGENCIES

Employment discrimination, **9:21**

EMPLOYMENT CASES

303 Creative decision
compelled speech, Civil rights, **9:158**
Enforcement of civil rights, constitutional equal protection and rejection of class of one claims in, **1:51**

EMPLOYMENT DISCRIMINATION

General discussion, **9:1 et seq.**
Accommodation, religious discrimination, **9:116, 9:117**
Administrative convenience as business necessity, disparate impact cases, **9:82**
Administrative filing prerequisite to suit, Equal Employment Opportunity Commission procedures, **9:186**
Administrative proceedings, attorneys' fees, **9:177**
Adverse employment action, what constitutes, **9:148**
Affirmative action
general discussion, **9:56 et seq.**
cities with substantial minority power base, **9:68**
Civil Rights Act of 1991, **9:75**
consent decrees, **9:72 et seq.**

INDEX

EMPLOYMENT

DISCRIMINATION—Cont'd

- Affirmative action—Cont'd
 - constitutional standards applicable to government programs, **9:58**
 - court-ordered affirmative action remedies, **9:69 et seq.**
 - excessive infringement on opportunities of majority group members, avoidance of, **9:67**
 - Executive Order 11246, **9:76**
 - Firefighters Local v. Stotts, **9:72**
 - flexibility and multifactor individualized decision making vs. inflexible numerical quotas, **9:66**
 - governmental employers, **9:57, 9:58**
 - Johnson v. Transportation Agency, **9:62**
 - Local 93 v. City of Cleveland, **9:73**
 - Martin v. Wilks, **9:74, 9:75**
 - Section 2000e-5(g), **9:59**
 - Section 2000e-2(j), **9:60**
 - Sheet Metal Workers, **9:71**
 - standing and claims brought by men for discrimination against women, **9:77**
 - summary of factors that influence approval or disapproval of plan, **9:63 et seq.**
 - temporary vs. permanent plans designed to remedy past imbalance, **9:64**
 - United States v. Paradise, **9:70**
 - voluntary affirmative action plans adopted by private employers, generally, **9:59 et seq.**
 - Weber, **9:61**
 - well-documented case of past imbalance or discrimination, **9:65**
- Affirmative defense, business necessity as, **9:89**
- Age Discrimination in Employment Act (ADEA)
- disparate-impact theory, **11:22**
 - federal-sector retaliation claims, **11:38**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Age Discrimination in Employment Act (ADEA)—Cont'd
 - filing of charge with EEOC, remedies and enforcement, **11:36**
 - Hazen Paper Co. v. Biggins, **11:22**
 - remedies and enforcement, filing of charge with EEOC, **11:36**
 - retaliation claims, federal-sector, **11:38**
 - reverse age discrimination, **11:18**
 - Smith v. City of Jackson, **11:22**
- Age Discrimination in Employment Act** (this index)
- Aliens without work authorization, **9:27**
- Amendments to Title VII, **9:3**
- Americans with Disabilities Act** (this index)
- Arbitration, Equal Employment Opportunity Commission procedures, **9:193**
- Associational discrimination, **9:196**
- Attorneys' fees
 - general discussion, **9:173 et seq.**
 - administrative proceedings, **9:177**
 - compensable proceedings, **9:177 et seq.**
 - defendants, prevailing, **9:181**
 - discretion to deny, **9:175**
 - factors for determination of fee, **9:183, 9:184**
 - failure, awards despite, **9:180**
 - partial success, awards for, **9:179**
 - prevailing party, generally, **9:174**
 - pro se plaintiffs, **9:182**
 - reasonable fee, establishment of, **9:176**
 - settlement, prevailing through, **9:178**
- Back pay
 - general discussion, **9:166 et seq.**
 - amount of recovery, **9:168**
 - class actions, **9:170**
 - mitigation of damages, **9:169**
- Bias, speech as evidence of, **9:151**
- Bona fide membership clubs, **9:16**

EMPLOYMENT

DISCRIMINATION—Cont'd

Bona fide occupational qualification (BFOQ) defense
 general discussion, **9:48 et seq.**
 burden of proof, **9:54**
 business necessity defense, compared, **9:49**
 essence of the business, **9:51**
 factors in analysis, **9:51 et seq.**
 narrow interpretation by Supreme Court, **9:50**
 prevalence of the disability, **9:52**
 religious discrimination, **9:120**
 third parties, safety of, **9:53**
 Bona fide seniority or merit systems, disparate impact cases, **9:95 et seq.**
 Burden of proof
 bona fide occupational qualification (BFOQ) defense, **9:54**
 disparate impact cases, **9:85, 9:105**
 Business necessity
 bona fide occupational qualification (BFOQ) defense, comparison to, **9:49**
 disparate impact cases, below
 Captive audiences, freedom of speech, **9:160**
 Circumstantial evidence, disparate treatment, **9:43**
 Civil Rights Act of 1964
 Griggs v. Duke Power Co., **11:22**
 Civil Rights Act of 1991, **9:4, 9:75, 9:87 et seq.**
 Civil rights and compelled speech
 303 Creative decision, **9:158**
 Class actions, back pay, **9:170**
 Color, discrimination based on, **9:114**
 Commerce, operations that affect, **9:8**
 Consent decrees, affirmative action, **9:72 et seq.**
 Constitutional law
 affirmative action, government programs, **9:58**
 authority, **9:5**
 freedom of speech, below
 religious groups, exemption for, **9:119**

EMPLOYMENT

DISCRIMINATION—Cont'd

Constitutional law—Cont'd
 retaliation, **9:112**
 Constructive discharge, sex discrimination, **9:130**
 Continuing violations, Equal Employment Opportunity Commission procedures, **9:192**
 Corporate subsidiaries and successors, **9:10**
 Credentials and other objective criteria, disparate impact cases, **9:94**
 Customer preference as business necessity, disparate impact cases, **9:82**
 Declaratory relief, **9:164**
 Defamation fault standards, freedom of speech, **9:159**
 Demotion following untrue allegations of harassment, sex discrimination, **9:145**
 Dilution of business necessity concept, disparate impact cases, **9:84**
 Discretion of court to deny attorneys' fees, **9:175**
 Disparate impact cases
 general discussion, **9:78 et seq.**
 affirmative defense, business necessity as, **9:89**
 Albemarle Paper Co., **9:80 et seq.**
 bona fide seniority or merit systems, **9:95 et seq.**
 burden of proof, **9:85, 9:105**
 business necessity concept, **9:81 et seq.**
 Civil Rights Act of 1991, Section 105, **9:87 et seq.**
 credentials, physical requirements and other objective criteria, **9:94**
 customer preference, employee morale and administrative convenience as business necessity, **9:82**
 dilution of business necessity concept, **9:84**

INDEX

EMPLOYMENT

DISCRIMINATION—Cont'd

Disparate impact cases—Cont'd
discriminatory purpose vs.
disparate impact, **9:96**
Griggs, **9:79 et seq.**
health and safety concerns, business necessity concept, **9:82**
history and structure of standard, **9:78**
limitations period for challenge to system, **9:99**
multiple criteria, use by employer, **9:86, 9:90**
professionally developed ability test, **9:100 et seq.**
race-norming of test scores, **9:106**
rebuttal of business necessity defense, **9:83**
reinstatement of business necessity concept, **9:88**
statutory defenses, generally, **9:95 et seq.**
subjective employer decisions, **9:91 et seq.**
uniform guidelines, professionally developed ability test, **9:102**
university appointments and promotions, subjective employer decisions, **9:93**
validation of professionally developed ability test, **9:103**
Wards Cove Packaging Co. v. Antonio, **9:84 et seq.**
Washington v. Davis, **9:104**
Disparate-impact theory, **11:22**
Disparate treatment
general discussion, **9:28 et seq.**
circumstantial evidence, **9:43**
mixed-motive cases, **9:38, 9:39, 9:43**
personality conflicts, **9:37**
policy or practice systematic disparate treatment, **9:45 et seq.**
pretext, **9:32, 9:33, 9:41, 9:42**
prima facie case, generally, **9:29 et seq.**
proof of racial animus, **9:30**

EMPLOYMENT

DISCRIMINATION—Cont'd

Disparate treatment—Cont'd
questions of fact, **9:31**
rebuttal of prima facie case, **9:40**
same actor inference, **9:34**
statistical analysis, policy or practice systematic disparate treatment, **9:47**
systematic disparate treatment cases, **9:44**
Dysfunction in workplace, speech that causes, **9:153**
Educational institutions, **9:13**
Employment agencies, **9:21**
Employment relationship covered
general discussion, **9:6 et seq.**
agents of employers, **9:9**
aliens without work authorization, **9:27**
bona fide membership clubs, **9:16**
commerce, operations that affect, **9:8**
corporate subsidiaries and successors, **9:10**
educational institutions, **9:13**
employers, generally, **9:7 et seq.**
employment agencies, **9:21**
exclusions, **9:16 et seq.**
federal government, **9:11**
foreign companies doing business in United States, **9:14**
foreign countries, American companies doing business in, **9:15**
governmental entities, **9:11, 9:12**
health care field, relationships in, **9:23**
independent contractors vs. employees, **9:22**
Indian tribes, **9:17**
labor organizations, **9:19**
law firms, **9:25**
military exception, **9:20**
number of employees and working days, **9:7**
religious organizations, **9:18**
state and local governmental entities, **9:11**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Employment relationship covered—Cont'd
 - three types of covered employment entities, **9:6**
 - volunteers, **9:24**
- Equal Employment Opportunity Commission procedures
 - general discussion, **9:186 et seq.**
 - administrative filing prerequisite to suit, **9:186**
 - arbitration, **9:193**
 - continuing violations, **9:192**
 - EEOC suits, **9:187**
 - Mach Mining decision, **9:188**
 - Override of state administrative proceedings, **9:194**
 - time limitations, **9:189, 9:190**
- Equal Pay Act** (this index)
- Essence of the business, bona fide occupational qualification (BFOQ) defense, **9:51**
- Excessive infringement on opportunities of majority group members, affirmative action, **9:67**
- Executive Order 11246, affirmative action, **9:76**
- Federal government, **9:11**
- Federally assisted programs, **8:6**
- Federal-sector retaliation claims, Age Discrimination in Employment Act (ADEA), **11:38**
- Fetal protection policies, **9:144**
- Filing of charge with EEOC, remedies and enforcement, Age Discrimination in Employment Act (ADEA), **11:36**
- Foreign companies doing business in United States, **9:14**
- Foreign countries, American companies doing business in, **9:15**
- Forms of discrimination prohibited, generally, **9:113 et seq.**
- Freedom of association cases, **9:157**
- Freedom of speech
 - general discussion, **9:149 et seq.**
 - captive audiences, **9:160**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Freedom of speech—Cont'd
 - defamation fault standards, **9:159**
 - dysfunction in workplace, speech that causes, **9:153**
 - freedom of association cases, **9:157**
 - hostile environment cases, **9:159**
 - injunctions and prior restraint doctrine, **9:162**
 - insults and innuendo, distinction from protected speech, **9:153 et seq.**
 - motive or bias, speech as evidence of, **9:151**
 - offensive speech, **9:153 et seq.**
 - public concerns, matters of, **9:155, 9:161**
 - public employment cases, **9:156**
 - quid pro quo harassment, **9:152**
 - types of speech that may give rise to Title VII liability, **9:150**
- Front pay, **9:171**
- Governmental employers, affirmative action, **9:57, 9:58**
- Governmental entities, **9:11, 9:12**
- Hazen Paper Co. v. Biggins, **11:22**
- Health and safety concerns, disparate impact cases, **9:82**
- Health care field, relationships in, **9:23**
- Hostile environment claims. Sex discrimination, below
- Independent contractors vs. employees, **9:22**
- Indian tribes, **9:17**
- Injunctions, **9:162, 9:164, 9:165**
- Instances in which granted or denied, **9:167**
- Insults and innuendo, distinction from protected speech, **9:153 et seq.**
- Interest awards against government, **9:185**
- Labor organizations, **9:19**
- Law firms, **9:25**
- Lily Ledbetter Fair Pay Act of 2009, congressional overruling of

INDEX

EMPLOYMENT

DISCRIMINATION—Cont'd

- Supreme Court, **9:191**
- Local governmental entities, **9:11**
- Military exception, **9:20**
- Mitigation of damages, back pay, **9:169**
- Mixed-motive cases, disparate treatment, **9:38, 9:39, 9:43**
- Morale of employees as business necessity, disparate impact cases, **9:82**
- Motive, speech as evidence of, **9:151**
- National origin discrimination, generally, **9:1 et seq.**
- 1972 amendments to Title VII, **9:3**
- Notice to employer, employer liability for sexual harassment by coworkers, **9:138**
- Number of employees and working days, **9:7**
- Offensive speech, **9:153 et seq.**
- Opposition retaliation cases, **9:109**
- Partial success, attorneys' fees, **9:179**
- Personality conflicts, disparate treatment, **9:37**
- Physical requirements and other objective criteria, disparate impact cases, **9:94**
- Policy or practice systematic disparate treatment, **9:45 et seq.**
- Pregnancy, sex discrimination, **9:142, 9:143**
- Preliminary injunctions, **9:165**
- Pretext, disparate treatment, **9:32, 9:33, 9:41, 9:42**
- Prevailing parties. Attorneys' fees, above
- Prima facie case
 - disparate treatment, **9:29 et seq.**
 - employer liability for sexual harassment by coworkers, **9:137**
- Prior restraint doctrine, freedom of speech, **9:162**
- Professionally developed ability test, disparate impact cases, **9:100 et seq.**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Property, Contract and Economic Rights** (this index)
- Pro se plaintiffs, attorneys' fees, **9:182**
- Public employment cases, freedom of speech, **9:156**
- Purpose of Title VII, **9:2**
- Questions of fact, disparate treatment, **9:31**
- Quid pro quo sex discrimination, **9:123, 9:152**
- Race-norming of test scores, disparate impact cases, **9:106**
- Racial discrimination, generally, **9:1 et seq.**
- Rebuttal of business necessity defense, disparate impact cases, **9:83**
- Rebuttal of prima facie case, disparate treatment, **9:40**
- Reinstatement of business necessity concept, disparate impact cases, **9:88**
- Religious discrimination
 - general discussion, **9:116 et seq.**
 - accommodation, **9:116, 9:117**
 - bona fide occupational qualification defense, **9:120**
 - constitutionality of exemption for religious groups, **9:119**
 - employers, religious organizations, **9:18**
 - exemption for religious groups, **9:118, 9:119**
- Religious Freedom Restoration Act, **5:45**
- Remedies
 - general discussion, **9:163 et seq.**
 - affirmative action, **9:172**
 - attorneys' fees, above
 - back pay, above
 - declaratory relief, **9:164**
 - front pay, **9:171**
 - injunctions, **9:164, 9:165**
 - interest awards against government, **9:185**
 - preliminary injunctions, **9:165**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Remedies—Cont'd
 - prevailing party, relief available to, **9:163 et seq.**
 - violation of Title VII, remedial action to cure, **9:55**
- Remedies and enforcement
 - filing of charge with EEOC, Age Discrimination in Employment Act (ADEA), **11:36**
- Retaliation
 - general discussion, **9:107 et seq.**
 - Burlington Northern, **9:108**
 - constitutional issues, **9:112**
 - former employees, **9:111**
 - opposition retaliation cases, **9:109**
 - participation retaliation cases, **9:110**
 - Section 2000e-3(a), **9:107**
- Retaliation claims
 - Age Discrimination in Employment Act (ADEA), federal-sector, **11:38**
- Same actor inference, disparate treatment, **9:34**
- Same-sex sexual harassment, **9:147**
- Settlements, attorneys' fees, **9:178**
- Sex discrimination
 - general discussion, **9:121 et seq.**
 - ability to function despite harassment, **9:128**
 - actual sexual differences, generally, **9:122 et seq.**
 - complainants or objects of investigation, attacks on, **9:146**
 - complaint and remedial structure, employer liability for harassment by coworkers, **9:139**
 - constructive discharge, **9:130**
 - coworkers, employer liability for harassment by, **9:136 et seq.**
 - demotion following untrue allegations of harassment, **9:145**
 - education, employment in, **8:33**
 - factors in hostile environment claims, **9:127**
 - fetal protection policies, **9:144**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Sex discrimination—Cont'd
 - freedom of speech, hostile environment cases, **9:159**
 - gender based or gender neutral harassment, employer liability for harassment by coworkers, **9:140**
 - hostile environment claims, **9:124 et seq.**
 - notice to employer, employer liability for harassment by coworkers, **9:138**
 - pregnancy, **9:142, 9:143**
 - prima facie case, employer liability for harassment by coworkers, **9:137**
 - quid pro quo discrimination, **9:123, 9:152**
 - realization of offensiveness after leaving employment, **9:129**
 - same-sex harassment, **9:147**
 - sexual orientation, **9:121**
 - sexual stereotyping, **9:141**
 - tangible employment action, vicarious liability in cases without, **9:135**
 - tangible psychological injury, **9:126**
 - vicarious liability, **9:131 et seq.**
- Sexual harassment. Sex discrimination, above
- Sexual orientation, **9:121**
- Smith v. City of Jackson, **11:22**
- Standing and claims brought by men for discrimination against women, affirmative action, **9:77**
- State governmental entities, **9:11**
- Statistical analysis, policy or practice systematic disparate treatment, **9:47**
- Structure of federal employment discrimination law, generally, **9:1 et seq.**
- Subjective employer decisions, disparate impact cases, **9:91 et seq.**
- Systematic disparate treatment cases, **9:44**

INDEX

EMPLOYMENT

DISCRIMINATION—Cont'd

- Temporary vs. permanent plans
designed to remedy past imbalance, affirmative action, **9:64**
- Third party safety, bona fide occupational qualification (BFOQ) defense, **9:53**
- Time limitations, Equal Employment Opportunity Commission procedures, **9:189, 9:190**
- Title VII, disparate treatment and disparate impact, **9:26**
- Title VII, generally, **9:1 et seq.**
- Uniform guidelines, professionally developed ability test, **9:102**
- University appointments and promotions, disparate impact cases, **9:93**
- Validation of professionally developed ability test, disparate impact cases, **9:103**
- Vicarious liability, sex discrimination, **9:131 et seq.**
- Voluntary affirmative action plans adopted by private employers, **9:59 et seq.**
- Volunteers, **9:24**
- Well-documented case of past imbalance or discrimination, affirmative action, **9:65**

EMPLOYMENT DIVISION V. SMITH

- Religious Freedom Restoration Act, **5:2, 5:23, 5:25**

ENFORCEMENT

Americans with Disabilities Act (this index)

- End of affirmative action
Students for Fair Admissions v. Harvard, **1:40**

Housing Discrimination (this index)

Individuals with Disabilities Education Act (this index)

ENFORCEMENT OF CIVIL RIGHTS

- Affirmative action
Parents Involved v. Seattle School District, **1:42**

ENFORCEMENT OF CIVIL RIGHTS—Cont'd

- Constitutional equal protection principles and rejection of class of one claims in employment cases, **1:51**
- End of affirmative action
Students for Fair Admissions v. Harvard, **1:40**
- Parents Involved v. Seattle School District, **1:42**
- Race-conscious student assignments, Parents Involved v. Seattle School District, **1:42**
- Student assignments, Parents Involved v. Seattle School District, **1:42**

ENTERTAINMENT, PLACES OF

- Public accommodations, **7:7**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- Age Discrimination in Employment Act, **11:3, 11:36**
- Color of law, deprivation of rights under, **14:171**
- Employment Discrimination** (this index)

EQUAL PAY ACT

- General discussion, **10:1 et seq.**
- Administrative construction, deference to, **10:30**
- Affirmative action, **10:24**
- Attorneys' fees, **10:46**
- Back pay and benefits, **10:41**
- Bona fide merit systems, **10:28**
- Burdens of proof and persuasion
general discussion, **10:32 et seq.**
pretext, **10:34**
prima facie case, **10:32**
rebuttal by employer, **10:33**
- Collateral estoppel, jury trial, **10:39**
- Collective bargaining agreements, **10:4**
- Comparable worth, equal work, **10:11**
- Comparisons of compensation, **10:18, 10:19**

EQUAL PAY ACT—Cont'd

- Compensatory damages, **10:44**
- Constitutionality, **10:3**
- Costs of action, **10:45**
- Deference to administrative construction, **10:30**
- Education, differences in, **10:13**
- EEOC recovery for employees, **10:37**
- Effort required, differences in, **10:14**
- Eleventh Amendment immunity, **10:9**
- Entities covered, **10:6, 10:7**
- Equal work
 - general discussion, **10:10 et seq.**
 - comparable worth, **10:11**
 - effort required, differences in, **10:14**
 - profits of employer, **10:17**
 - responsibilities, differences in, **10:15**
 - skills, differences in, **10:12**
 - substantial similarity, **10:10**
 - training or education, differences in, **10:13**
 - working conditions, differences in, **10:16**
- Establishment, defined, **10:7**
- Exemptions for discrimination not based on sex
 - general discussion, **10:20 et seq.**
 - affirmative action, **10:24**
 - bona fide merit systems, **10:28**
 - industry traditions, **10:23**
 - Manhart, **10:22**
 - matching competitive salaries, **10:26**
 - mistake defense, **10:27**
 - seniority systems, **10:29**
 - statutory terms, **10:21**
 - training programs, **10:25**
- Fair Labor Standards Act, relation to, **10:40**
- Good faith of employer, liquidated damages, **10:43**
- Industry traditions, **10:23**
- Interest on judgment, **10:45**
- Jurisdiction, **10:35**
- Jury trial, **10:38, 10:39**
- Liquidated damages, **10:42, 10:43**

EQUAL PAY ACT—Cont'd

- Mistake defense, **10:27**
- Parties, **10:31**
- Practice and procedure, generally, **10:30 et seq.**
- Pretext, burdens of proof and persuasion, **10:34**
- Prima facie case, **10:32**
- Profits of employer, **10:17**
- Purpose, **10:2**
- Relief. Remedies and relief, below
- Remedies and relief
 - general discussion, **10:40 et seq.**
 - attorneys' fees, **10:46**
 - back pay and benefits, **10:41**
 - compensatory damages, **10:44**
 - costs, **10:45**
 - Fair Labor Standards Act, relation to, **10:40**
 - good faith of employer, liquidated damages, **10:43**
 - interest, **10:45**
 - liquidated damages, **10:42, 10:43**
 - sexual orientation discrimination, **10:47**
- Responsibilities, differences in, **10:15**
- Right to jury trial, **10:38**
- Seniority systems, **10:29**
- Sexual orientation discrimination, remedies and relief, **10:47**
- Skills, differences in, **10:12**
- State laws, relationship to, **10:5**
- Substantial similarity, equal work, **10:10**
- Successor employees, comparisons of compensation, **10:19**
- Time limitations, **10:36**
- Title VII, relationship to, **10:8, 10:9**
- Training and training programs, **10:13, 10:25**
- Venue, **10:35**
- Working conditions, differences in, **10:16**

EQUAL PROTECTION

- General discussion, **1:43 et seq.**
- Changing face of equal protection, generally, **1:43 et seq.**
- Enforcement of civil rights, **1:51**

INDEX

EQUAL PROTECTION—Cont'd

Gender discrimination, **1:44**
Lawrence v. Texas, **1:47**
Nguyen v. INS, **1:45**
Sexual orientation, **1:46**

EQUITABLE REMEDIES

Age Discrimination in Employment Act, **11:47**
Americans with Disabilities Act, accommodations and services provided by private entities, **12:50, 12:51**
Declaratory Relief (this index)
Injunctions (this index)
Preliminary Injunctions (this index)
Property, contract and economic rights, **13:18**
Voting rights, **2:52**
Voting rights, court mandated forms of government, **2:53**

ESSENCE OF THE BUSINESS

Employment discrimination, bona fide occupational qualification (BFOQ) defense, **9:51**

ESTABLISHMENT CLAUSE

Religious Freedom Restoration Act, **5:25, 5:51, 5:52**

ETHICS AND MORALS

Attorneys' fees, denial of fees to prevailing plaintiff, **16:21**

EXECUTIVE ORDER 11246

Employment discrimination, affirmative action, **9:76**

EXECUTIVES

Age Discrimination in Employment Act, **11:31**

EXHAUSTION OF REMEDIES

Age Discrimination in Employment Act, **11:35**
Color of Law, Deprivation of Rights Under (this index)
Federally assisted programs, **8:12**
Property, contract and economic rights, **13:17**
Public accommodations, **7:23**

EXPRESSIVE ASSOCIATION

Public accommodations, private clubs, **7:14**

FAIR HOUSING ACT

Housing discrimination, Fair Housing Act and the Internet, **3:85**
Survival of Fair Housing Act claims after death of party, **3:86**

FAIR LABOR STANDARDS ACT

Equal Pay Act, **10:40**

FAMILIAL STATUS

Housing Discrimination (this index)

FEDERAL ENTITIES

Deprivation of rights under color of law
Ashcroft v. Iqbal, purposeful discrimination requirement, **14:161**
Wilkie v. Robbins, **14:165**

FEDERALISM

Anticommandeering principle, **1:55**

FEDERALLY ASSISTED PROGRAMS

General discussion, **8:1 et seq.**
Burden of proof, **8:11**
Civil Rights Act of 1964, Title VI, generally, **8:1 et seq.**
Discriminatory intent vs. disparate impact, **8:8, 8:9**
Education
 general discussion, **8:4**
 Education Amendments Act of 1972, Title IX. **Sex Discrimination** (this index)
Employment, **8:6**
Exhaustion of administrative remedies, **8:12**
Housing and development, **8:5**
Private right of action, **8:9 et seq.**
Prohibition of discrimination, generally, **8:1 et seq.**
Sex Discrimination (this index)

FEDERAL OFFICIALS

Deprivation of rights under color of law
Ashcroft v. Iqbal, purposeful discrimination requirement, **14:161**

FEDERAL OFFICIALS—Cont'd

Deprivation of rights under color of law—Cont'd
 Wilkie v. Robbins, **14:165**
 Religious Freedom Restoration Act, **5:4**

FEDERAL SECTOR

Age Discrimination in Employment Act (ADEA), retaliation claims, **11:38**

FETAL PROTECTION POLICIES

Employment discrimination, **9:144**

FIFTEENTH AMENDMENT

General discussion, **1:10**
 Voting rights, race-neutral commands, **2:69**

FINANCING

Housing discrimination, **3:47**

FIREFIGHTERS

Age Discrimination in Employment Act, **11:30**

FIRST AMENDMENT

Freedom of Association (this index)
Freedom of Religion (this index)
Freedom of Speech (this index)

FORCE

Freedom of Access to Clinic Entrances Act of 1994, **17:2, 17:17 et seq.**

FOREIGN COMPANIES

Employment discrimination, foreign companies doing business in United States, **9:14**

FOREIGN COUNTRIES

Employment discrimination, American companies doing business in foreign countries, **9:15**

FORMS OF GOVERNMENT

Voting rights, equitable remedies, **2:53**

FOURTEENTH AMENDMENT

General discussion, **1:9**
 Indian Civil Rights Act, **6:6**

FOURTEENTH AMENDMENT—Cont'd

Religious Freedom Restoration Act, **5:28 et seq.**

FOURTH AMENDMENT

Bivens actions, **14:157**

FRANCHISE BOARD v. HYATT

Sovereign immunity, **14:71**

FRATERNITIES AND SORORITIES

Sex discrimination, **8:18**

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

General discussion, **17:1 et seq.**
 Attorneys general, civil actions by, **17:7**

Cease and desist provisions, injunctions, **17:28**

Civil actions, **17:5 et seq.**

Commerce clause. Constitutional law, below

Constitutional law

general discussion, **17:9 et seq.**

commerce clause, **17:10 et seq.**

disruption often involved interstate movement, **17:12**

facilities engaged in commerce clause, **17:11**

force, threats of force, physical obstruction or damage to property, **17:17 et seq.**

freedom of religion, **17:22**

freedom of speech, below

impact on interstate commerce, **17:13**

Madsen v. Women's Health Center, Inc., **17:19**

overbreadth, **17:20**

regulation of illegal conduct vs. regulation of content or viewpoint, **17:17**

Religious Freedom Restoration Act, **17:22**

United States v. Lopez, **17:14**

vagueness, **17:21**

Criminal penalties, **17:4**

INDEX

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994—Cont'd

Damage to property, **17:17 et seq.**
Destruction of property, **17:17 et seq.**
Floating vs. fixed buffer zones,
injunctions, **17:24 et seq.**
Force, **17:2, 17:17 et seq.**
Freedom of religion, **17:22**
Freedom of speech
 general discussion, **17:15 et seq.**
 historical and cultural backdrop,
 17:15
 nonviolent, nonobstructing,
 nondestructive protest, **17:16**
 peaceful abortion protest, **17:16**
Injunctions
 general discussion, **17:23 et seq.**
 cease and desist provisions, **17:28**
 floating vs. fixed buffer zones,
 17:24 et seq.
 in your face protest, **17:24**
 lower court applications, **17:30**
 Madsen v. Women's Health Center,
 Inc., **17:23**
 safety and order, public interest in,
 17:25
 unwanted approaches, **17:29**
Intent to injure, intimidate, interfere
or damage, **17:3**
In your face protest, injunctions,
17:24
Overbreadth, **17:20**
Peaceful abortion protest, **17:16**
Physical obstruction, **17:2, 17:17 et**
seq.
Preemption, civil actions, **17:8**
Religious Freedom Restoration Act,
17:22
Remedies, **17:4 et seq.**
Standing, civil actions, **17:5**
Threats of force, **17:2, 17:17 et seq.**
Vagueness, **17:21**

FREEDOM OF ASSOCIATION

Employment discrimination, **9:157**
Public accommodations, **7:15**

FREEDOM OF RELIGION

Age Discrimination in Employment
Act, employees with ministerial
or religious functions, **11:34**
Freedom of Access to Clinic
Entrances Act of 1994, **17:22**

FREEDOM OF SPEECH

Employment Discrimination (this
index)
**Freedom of Access to Clinic
Entrances Act of 1994** (this
index)
Housing discrimination, advertising
and notices, **3:41 et seq.**
Voting rights, **2:70, 2:76**

FREESTANDING STATE-OF-MIND

Color of law, deprivation of rights
under, **14:97**

FRIVOLOUS CASES

Attorneys' fees, awards to prevailing
defendants, **16:34**

FRONT PAY

Age Discrimination in Employment
Act, **11:49**
Employment discrimination, **9:171**

GAS STATIONS

Public accommodations, **7:6**

GENDER DISCRIMINATION

Sex Discrimination (this index)

GERRYMANDERING

General discussion, **2:77 et seq.**

GOOD FAITH

Age Discrimination in Employment
Act (ADEA), **11:22**
Americans with Disabilities Act,
good faith attempts to comply,
12:51
Civil Rights Act of 1964, **11:22**
Color of law, deprivation of rights
under, **14:88**
Disparate-impact theory, **11:22**
Equal Pay Act, liquidated damages,
10:43
Griggs v. Duke Power Co., **11:22**
Smith v. City of Jackson, **11:22**

GOVERNMENTAL ENTITIES

Attorneys' Fees (this index)
Color of Law, Deprivation of Rights Under (this index)
 Employment discrimination, **9:11, 9:12**
 Voting rights, equitable remedies, **2:53**

GRIGGS V. DUKE POWER CO.

Civil Rights Act of 1964, **11:22**
 Disparate-impact theory, **11:22**
 Education, **11:22**
 Employment discrimination, **11:22**
 Good faith, **11:22**
 Intelligence tests, **11:22**
 Intent, **11:22**
 Tests and testing, **11:22**

GROSS V. FBL FINANCIAL SERVICES

Age Discrimination in Employment Act (ADEA), no mixed-motive standard, **11:24**

HABEAS CORPUS

Color of law, deprivation of rights under, **14:146**
 Indian Civil Rights Act, **6:9**

HANDICAPPED PERSONS

Disabled Persons (this index)

HAYWOOD V. DROWN

Deprivation of rights under color of law, **14:137**

HAZEN PAPER CO. V. BIGGINS

Age Discrimination in Employment Act (ADEA), **11:22**
 Disparate-impact theory, **11:22**
 Employment discrimination, **11:22**

HEALTH AND SAFETY

Americans with Disabilities Act, **12:19**
 Employment discrimination, disparate impact cases, **9:82**

HEALTH CARE FIELD

Employment discrimination, **9:23**
 Physicians, deprivation of rights under color of law, **14:13**

HEARING AIDS

Americans with Disabilities Act, **12:13**

HIRING

Age Discrimination in Employment Act, **11:12**

HISTORY

Color of Law, Deprivation of Rights Under (this index)

HIV INFECTION

Americans with Disabilities Act, **12:11**

HOBBY LOBBY DECISION

Religious Freedom Restoration Act, **5:9**

HOSTILE ENVIRONMENT

Age Discrimination in Employment Act, **11:19**

Employment Discrimination (this index)

Property, contract and economic rights, employment discrimination, **13:14, 13:15**

HOUSING DISCRIMINATION

General discussion, **3:1 et seq.**
 Accommodations for handicapped persons, **3:30, 12:65**
 Advertising and notices
 general discussion, **3:40 et seq.**
 commercial speech, **3:42, 3:43**
 Fair Housing Act and First Amendment, **3:44, 3:45**
 First Amendment, **3:41 et seq.**
 Aggrieved parties, **3:13, 3:69**
 Amendments to Fair Housing Act, **3:12**
 Attorney General actions
 general discussion, **3:78 et seq.**
 general public importance cases, **3:80**
 HUD referral of cases to Attorney General, **3:81**
 pattern or practice cases, **3:79**
 relief cases, **3:82**
 Attorneys' fees, private court actions, **3:74**

INDEX

HOUSING DISCRIMINATION

—Cont'd

Blockbusting, **3:48**
Burden of proof
 exemptions, invocation of, **3:25**
 motive, intent and impact, **3:52, 3:53**
Coercion, **3:49**
Color or race, **3:26**
Commercial speech, advertising and notices, **3:42, 3:43**
Compensatory damages, private court actions, **3:71**
Consent decrees, private court actions, **3:77**
Constitutional law
 general discussion, **3:1 et seq.**
 Buchanan v. Warley, **3:1**
 encouragement of discrimination, **3:4**
 public housing, intentional discrimination in, **3:3**
 restrictive covenants, **3:2**
 Thirteenth Amendment, below
Damages, private court actions, **3:71, 3:72**
Drug offenders, **3:24**
Dwellings covered, **3:18**
Enforcement. Remedies and enforcement, below
Exclusions. Property covered and exclusions, below
Fair Housing Act, generally, **3:10 et seq.**
Fair Housing Act and the Internet, **3:85**
Familial status, discrimination based on
 general discussion, **3:32 et seq.**
 55 and older housing, **3:37**
 governmental housing programs for older persons, **3:35**
 older persons, housing for, **3:34 et seq.**
 reasonable occupancy standards, **3:33**
 62 and older housing, **3:36**
Federally assisted programs, **8:5**
55 and older housing, **3:37**

HOUSING DISCRIMINATION

—Cont'd

Financing, **3:47**
First Amendment, advertising and notices, **3:41 et seq.**
Gender discrimination, **3:27**
Governmental housing programs for older persons, **3:35**
Handicapped persons, discrimination against
 general discussion, **3:29 et seq.**
 modifications and accommodations for handicapped persons, **3:30, 12:65**
 new construction, **3:31, 12:66**
Historical context of Fair Housing Act, **3:10**
HUD complaint, **3:68**
HUD referral of cases to Attorney General, **3:81**
Impact. Motive, intent and impact, below
Injunctive relief, private court actions, **3:73**
Integration maintenance debate
 general discussion, **3:55 et seq.**
 judicial debate, **3:60**
 legal and policy analysis, **3:63 et seq.**
 1988 amendments to Fair Housing Act, **3:59**
 Otero decision, **3:58**
 Starrett City decision, **3:61**
 tipping phenomenon, **3:55, 3:56**
Intent. Motive, intent and impact, below
Internet, Fair Housing Act and, **3:85**
Intimidation, **3:49**
Jury trial, private court actions, **3:75**
Limitations periods, private court actions, **3:76**
Modifications for handicapped persons, **3:30, 12:65**
Motive, intent and impact
 general discussion, **3:50 et seq.**
 illicit intent, **3:54**
 intent vs. impact, **3:50**
 preponderance of evidence standard, **3:53**

HOUSING DISCRIMINATION

—Cont'd

Motive, intent and impact—Cont'd
 prevailing disparate impact standard, **3:51**
 prima facie case and burden of proof, **3:52, 3:53**
 shifting of burden of proof, **3:52**
 Mrs. Murphy home boarding exemption, **3:20**
 National origin, **3:26**
 New construction, handicapped persons, **3:31, 12:66**
 1988 amendments to Fair Housing Act, **3:12**
 Notices. Advertising and notices, above
 Older persons, housing for, **3:34 et seq.**
 Preponderance of evidence standard, motive, intent and impact, **3:53**
 Prevailing disparate impact standard, motive, intent and impact, **3:51**
 Prima facie case, motive, intent and impact, **3:52, 3:53**
 Private clubs, **3:22**
 Private court actions
 general discussion, **3:69 et seq.**
 actual or compensatory damages, **3:71**
 aggrieved persons, **3:69**
 attorneys' fees, **3:74**
 consent decrees, **3:77**
 damages, **3:71, 3:72**
 injunctive relief, **3:73**
 jury trial, demand for, **3:75**
 limitations periods, **3:76**
 punitive damages, **3:72**
 venue, **3:70**
 Prohibited practices, generally, **3:38 et seq.**
 Property, contract and economic rights, **13:26**
 Property covered and exclusions
 general discussion, **3:18 et seq.**
 burden of proof for invoking exemptions, **3:25**
 drug offenders, **3:24**
 dwellings covered, **3:18**

HOUSING DISCRIMINATION

—Cont'd

Property covered and exclusions
 —Cont'd
 exemptions, generally, **3:19 et seq.**
 Mrs. Murphy home boarding exemption, **3:20**
 private clubs, **3:22**
 race, color or national origin, **3:26**
 reasonable occupancy standards, **3:23**
 religious organizations, **3:21**
 Punitive damages, private court actions, **3:72**
 Purposes of Fair Housing Act, **3:11**
 Race or color, **3:26**
 Reasonable occupancy standards, **3:23, 3:33**
 Redlining, **3:47**
 Religious discrimination, **3:28**
 Religious organizations, **3:21**
 Remedies and enforcement
 general discussion, **3:66 et seq.**
 Attorney General actions, above
 defendants, **3:67**
 HUD complaint, **3:68**
 private court actions, above
 three enforcement alternatives, **3:66**
 Rentals, sales and other terms and conditions, **3:38**
 Restrictive covenants, constitutional law, **3:2**
 Sales, rentals and other terms and conditions, **3:38**
 Sex discrimination, **3:27**
 Shifting of burden of proof, motive, intent and impact, **3:52**
 62 and older housing, **3:36**
 Standing
 general discussion, **3:13 et seq.**
 aggrieved parties, **3:13**
 Gladstone, Realtors v. Village of Bellwood, **3:15**
 tester standing, **3:16**
 Trafficante v. Metropolitan Life Insurance Co., **3:14**
 Steering, **3:39**

INDEX

HOUSING DISCRIMINATION

—Cont'd

- Survival of Fair Housing Act claims after death of party, **3:86**
- Tester standing, **3:16**
- Thirteenth Amendment and Section 1982 claims
 - general discussion, **3:5 et seq.**
 - Fair Housing Act and Section 1982, relationship between, **3:7**
 - Jones v. Alfred H. Mayer Co., generally, **3:5 et seq.**
 - racial discrimination, limitation to, **3:8**
 - scope of Section 1982 claims, **3:9**
- Tipping phenomenon, integration maintenance debate, **3:55, 3:56**
- Travel, right to, **3:83**
- Venue, private court actions, **3:70**
- Vicarious liability, **3:84**
- Zoning, **3:46**

HUMAN IMMUNODEFICIENCY VIRUS

- Americans with Disabilities Act, **12:11**

IDEA (INDIVIDUALS WITH DISABILITIES EDUCATION ACT)

- Right of parents to participate in administrative hearings and judicial review, **12:79**

IMMIGRATION

- Retroactive application of civil rights legislation, **18:18**
- Trump v. Hawaii immigration ban decision, **1:54**

IMMUNITY

- Attorneys' Fees** (this index)
- Color of Law, Deprivation of Rights Under** (this index)
- Conspiracy to violate civil rights, **15:15**
- Eleventh Amendment** (this index)
- Legislative Immunity** (this index)
- Qualified Immunity** (this index)

INDEMNIFICATION

- Color of law, deprivation of rights under, **14:85**

INDEPENDENT APPELLATE REVIEW

- Religious Freedom Restoration Act, **5:54**

INDEPENDENT CONTRACTORS

- Employment discrimination, **9:22**
- Property, contract and economic rights, hostile environment claims, **13:15**

INDIAN CIVIL RIGHTS ACT

- General discussion, **6:1 et seq.**
- Bill of Rights, **6:6**
- Congressional power to control federal court jurisdiction, **6:10**
- Doctrine of discovery, **6:2**
- Double jeopardy, **6:5**
- Dual sovereignty, **6:5**
- Fourteenth Amendment, **6:6**
- Habeas corpus, **6:9**
- Plenary power of Congress, **6:4**
- Political entity status of tribes prior to constitution, **6:1**
- Santa Clara Pueblo v. Martinez, **6:8**
- Sovereignty of tribes, **6:3**

INDIANS

- Color of law, deprivation of rights under, **14:10**
- Employment discrimination, **9:17**
- Indian Civil Rights Act** (this index)

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

- General discussion, **12:67 et seq.**
- Administrative review, **12:74**
- Age requirements, **12:68**
- Attorneys' fees, **12:77**
- Enforcement. Remedies and enforcement, below
- Free appropriate public education, **12:70**
- Handicapped children, defined, **12:69**
- Individualized Education Program (IEP), **12:71**

**INDIVIDUALS WITH
DISABILITIES EDUCATION
ACT—Cont’d**

- Limitations period, **12:78**
- Mainstreaming, **12:73**
- Need for special education and related services, **12:72**
- Placements, **12:73**
- Private cause of action, **12:75**
- Remedies and enforcement
 - general discussion, **12:74 et seq.**
 - administrative review, **12:74**
 - attorneys’ fees, **12:77**
 - limitations period, **12:78**
 - private cause of action, **12:75**
 - relief, **12:76**
- Right of parents to participate in administrative hearings and judicial review, **12:79**

INFLUENCE DISTRICTS

- Voting rights, Section 5 violations, **2:38**

INJUNCTIONS

- Americans with Disabilities Act, accommodations and services provided by private entities, **12:50**
- Bivens actions, injunctive relief against federal officers alleging unconstitutional action, **14:170**
- Color of law, deprivation of rights under, **14:149**
- Employment discrimination, **9:162, 9:164, 9:165**
- Freedom of Access to Clinic Entrances Act of 1994** (this index)
- Housing discrimination, private court actions, **3:73**
- Preliminary Injunctions** (this index)
- Public accommodations, **7:19**

INSTRUMENTALITIES

- Religious Freedom Restoration Act, **5:4**

INSULTS AND INNUENDO

- Employment discrimination, distinction from protected speech, **9:153 et seq.**

**INTEGRATION MAINTENANCE
DEBATE**

- Housing Discrimination** (this index)

INTELLIGENCE TESTS

- Civil Rights Act of 1964, **11:22**
- Disparate-impact theory, **11:22**
- Griggs v. Duke Power Co., **11:22**
- Tests and testing, **11:22**

INTENT

- Age Discrimination in Employment Act (ADEA), **11:22**
- Disparate-impact theory, **11:22**
- Freedom of Access to Clinic Entrances Act of 1994, intent to injure, intimidate, interfere or damage, **17:3**
- Griggs v. Duke Power Co., **11:22**
- Housing Discrimination** (this index)
- Property, contract and economic rights, **13:10**
- Smith v. City of Jackson, **11:22**
- Trump v. Hawaii immigration ban decision, **1:54**
- Voting rights, **2:66**

INTEREST ON JUDGMENTS

- Age Discrimination in Employment Act, **11:50**
- Employment discrimination, **9:185**
- Equal Pay Act, **10:45**

**INTEREST ON LAWYERS TRUST
ACCOUNTS (IOLTA)**

- Deprivation of rights under color of law, **14:135**

INTERLOCUTORY APPEALS

- Color of law, deprivation of rights under, **14:55, 14:56**

INTERNET

- Housing discrimination, Fair Housing Act and the Internet, **3:85**

INTERVENTION

- Attorneys’ fees, prevailing parties, **16:6**

INTIMIDATION

- Housing discrimination, **3:49**
- Public accommodations, **7:16**

INDEX

INVOLUNTARY SERVITUDE

- General discussion, **4:1 et seq.**
- Anti-Peonage Act, **4:4, 4:5**
- Community service programs, **4:5**
- Defined, **4:2**
- Statutory protection, **4:3 et seq.**
- Thirteenth Amendment, **4:1, 4:2**
- Trafficking Victims Protection Act, **4:6**
- Workfare, **4:5**

JAYCEES AND SIMILAR ORGANIZATIONS

- Public accommodations, **7:12**

JUDICIAL REVIEW

- Individuals with Disabilities Education Act (IDEA), **12:79**

JURISDICTION

- Deprivation of rights under color of law, **14:147**
- Equal Pay Act, **10:35**
- Indian Civil Rights Act, Congressional power, **6:10**
- Retroactive application of civil rights legislation, **18:9**

JURY AND JURY TRIAL

- Age Discrimination in Employment Act, **11:42**
- Color of law, deprivation of rights under, **14:45, 14:154**
- Equal Pay Act, **10:38, 10:39**
- Housing discrimination, private court actions, **3:75**

JUST COMPENSATION CLAUSE

- Deprivation of rights under color of law, **14:135**

LABOR ORGANIZATIONS

- Employment discrimination, **9:19**

LAMPS PLUS

- Class arbitration in the absence of an agreement to allow class arbitration, **9:195**

LAW ENFORCEMENT OFFICERS

- Age Discrimination in Employment Act, **11:30**

LAWYERS

- Attorneys (this index)

LEAST RESTRICTIVE MEANS

- Religious Freedom Restoration Act, **5:35**

LEGAL AID ATTORNEYS

- Attorneys' fees, limitations, **16:36**
- Fees, **16:36**

LEGISLATIVE HISTORY

- Color of law, deprivation of rights under, **14:28**
- Property, contract and economic rights, **13:4 et seq.**
- Religious Freedom Restoration Act, **5:20, 5:28**
- Retroactive application of civil rights legislation, **18:4**

LEGISLATIVE IMMUNITY

- Attorneys' fees, officials sued in individual capacities, **16:32**
- Color of law, deprivation of rights under, **14:41 et seq.**

LILY LEDBETTER FAIR PAY ACT OF 2009

- Employment discrimination, **9:191**

LIMITATION OF ACTIONS

- Age Discrimination in Employment Act, **11:40**
- Color of law, deprivation of rights under, **14:148**
- Employment discrimination, Equal Employment Opportunity Commission procedures, **9:189, 9:190**
- Equal Pay Act, **10:36**
- Housing discrimination, private court actions, **3:76**
- Individuals with Disabilities Education Act, **12:78**
- Property, contract and economic rights, **13:21**
- Public accommodations, **7:22**
- Title IX claims, **8:42**

LINE WARMING

Restrictions, aid to voters
waiting in line at polling places,
2:88

LIQUIDATED DAMAGES

Age Discrimination in Employment
Act, **11:46**
Equal Pay Act, **10:42, 10:43**

LODESTAR

Attorneys' fees, **16:8**
Enhancement for superior perfor-
mance, **16:11**

LODGING ESTABLISHMENTS

Public accommodations, **7:3**

LOYALTY OATHS

Voting rights, **2:81**

MACH MINING DECISION

Equal Employment Opportunity
Commission procedures, **9:188**

MAINSTREAMING

Individuals with Disabilities Educa-
tion Act, **12:73**

MALESKO CASE

Deprivation of rights under color of
law, Bivens actions against
private entities, **14:166**

MARIJUANA

Constitutional law, medical
marijuana, **1:22**

**MEACHAM V. KNOLLS ATOMIC
POWER LABORATORY**

Age Discrimination in Employment
Act (ADEA), **11:27**

MEDICAL EXAMINATIONS

Americans with Disabilities Act,
12:23 et seq.

MEDICAL MARIJUANA

Constitutional law, **1:22**

MENTAL INSTITUTIONS

Americans with Disabilities Act,
12:35

MILITARY EXCEPTION

Employment discrimination, **9:20**

MILITARY SCHOOLS

Sex discrimination, **8:16**

MINISTERIAL FUNCTIONS

Age Discrimination in Employment
Act, **11:34**

MISTAKE DEFENSE

Equal Pay Act, **10:27**

MITIGATION OF DAMAGES

Americans with Disabilities Act,
12:13, 12:14
Employment discrimination, back
pay, **9:169**

MIXED-MOTIVE CASES

Employment discrimination,
disparate treatment, **9:38, 9:39,**
9:43

MIXED-MOTIVE STANDARD

Age Discrimination in Employment
Act (ADEA), **11:24**

MODIFICATIONS

Disabled persons, housing, **12:65**

**MONELL V. DEPARTMENT OF
SOCIAL SERVICES**

Deprivation of rights under color of
law, **14:18**

MOORE V. HARPER

Elections Clause, independent state
legislature theory
Rejection of, **2:71**

MOOTNESS

Sex discrimination, **8:39**

MORALE OF EMPLOYEES

Employment discrimination,
disparate impact cases, **9:82**

MORALS

Ethics and Morals (this index)

MOTIVE

Employment discrimination, speech
as evidence of motive, **9:151**
Housing Discrimination (this index)

INDEX

MRS. MURPHY HOME BOARDING EXEMPTION

Housing discrimination, **3:20**

MUNICIPALITIES

**Color of Law, Deprivation of
Rights Under** (this index)

MUNICIPALITIES AS PERSONS

Deprivation of rights under color of
law, **14:18**

NARCOTICS

Drugs and Narcotics (this index)

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

Sex discrimination, **8:23**

NATIONAL ORIGIN DISCRIMINATION

303 Creative decision
civil rights
compelled speech, **9:158**
Employment Discrimination (this
index)
Housing discrimination, **3:26**

NATIVE AMERICANS

Indians (this index)

NCAA

Sex discrimination, **8:23**

NEGLIGENT DEPRIVATIONS

Color of law, deprivation of rights
under, **14:128**

§ 1981

Discrimination in property, contract,
and economic rights, retaliation
claims, **13:16**

NINETEENTH AMENDMENT

General discussion, **1:10**

§ 1983

Deprivation of rights under color of
law, definition of person under,
14:18

NOMINAL DAMAGES

Color of law, deprivation of rights
under, **14:151**

NOMINATING CONVENTIONS

Voting rights, **2:78**

NON-DELEGATION DOCTRINE

Constitutional law, **1:57**

NONRETROGRESSION PRINCIPLE

Voting rights, Section 5 violations,
2:35

NORTHWEST AUSTIN CASE

Voting rights, **2:40**

NOTICE

Age Discrimination in Employment
Act, notice to Equal Employ-
ment Opportunity Commission,
11:36
Americans with Disabilities Act,
12:20 et seq.
Employment discrimination,
employer liability for sexual
harassment by coworkers, **9:138**
Housing Discrimination (this index)
Sexual harassment, **8:36**

OATHS

Voting rights, loyalty oaths, **2:81**

OBERGEFELL V. HODGES

Same-sex marriage, **1:48**

OFFENSIVE SPEECH

Employment discrimination, **9:153 et
seq.**

OLDER PERSONS

Housing discrimination, **3:34 et seq.**

OPPOSITION RETALIATION CASES

Employment discrimination, **9:109**

OVERBREADTH

Freedom of Access to Clinic
Entrances Act of 1994, **17:20**

PARENT AND SUBSIDIARY CORPORATIONS

Age Discrimination in Employment
Act, remedies and relief, **11:51**
Employment discrimination, **9:10**

**PARENTS INVOLVED V. SEATTLE
SCHOOL DISTRICT**

Enforcement of civil rights, race-
conscious student assignments,
1:42

PARTIES

Equal Pay Act, **10:31**
Standing (this index)

PAY

Equal Pay Act (this index)

PEARSON V. CALLAHAN

Deprivation of rights under color of
law, **14:54**

PENDENT JURISDICTION

Age Discrimination in Employment
Act, **11:54**

PENDENT STATE LAW CLAIMS

Attorneys' fees, **16:19**

PERSONALITY CONFLICTS

Employment discrimination,
disparate treatment, **9:37**

PERSUASION, BURDEN OF

Age Discrimination in Employment
Act (ADEA), *Meacham v.*
Knolls Atomic Power Labora-
tory, **11:27**

**PHYSICAL REQUIREMENTS AND
OTHER OBJECTIVE
CRITERIA**

Employment discrimination,
disparate impact cases, **9:94**

PHYSICIANS

Color of law, deprivation of rights
under, **14:13**

PLEA BARGAINS

Color of law, deprivation of rights
under, **14:40**

PLEADINGS

Color of law, deprivation of rights
under, **14:57**

POLICE OFFICERS

Age Discrimination in Employment
Act, **11:30**

POLICYMAKING OFFICIALS

Age Discrimination in Employment
Act, **11:9**

**POLICY OR PRACTICE
SYSTEMATIC DISPARATE
TREATMENT**

Employment discrimination, **9:45 et
seq.**

POLITICAL PRIMARIES

Voting rights, **2:74, 2:75, 2:78**

POLLING PLACES

Aid to voters, waiting in line
Restrictions on line warming, **2:88**

PRECLEARANCE

Voting Rights Act, **2:55**

**PREEMPLOYMENT MEDICAL
EXAMINATIONS**

Americans with Disabilities Act,
12:23

PREEMPTION

Freedom of Access to Clinic
Entrances Act of 1994, civil
actions, **17:8**

PREGNANCY

Employment discrimination, sex
discrimination, **9:142, 9:143**

PRELIMINARY INJUNCTIONS

Attorneys' fees, prevailing parties,
16:4
Employment discrimination, **9:165**

PREPONDERANCE OF EVIDENCE

Housing discrimination, motive,
intent and impact, **3:53**

PRESIDENT OF UNITED STATES

Color of law, deprivation of rights
under, **14:46**

PRETEXT

Age Discrimination in Employment
Act, **11:20**
Employment discrimination,
disparate treatment, **9:32, 9:33,
9:41, 9:42**

INDEX

PRETEXT—Cont'd

Equal Pay Act, burdens of proof and persuasion, **10:34**

PREVAILING PARTIES

Attorneys' Fees (this index)

PRIMA FACIE CASE

Age Discrimination in Employment Act, **11:20**

Employment Discrimination (this index)

Equal Pay Act, **10:32**

Housing discrimination, motive, intent and impact, **3:52, 3:53**

PRIOR RESTRAINT DOCTRINE

Employment discrimination, freedom of speech, **9:162**

PRISONERS

Attorneys' fees, Prison Litigation Reform Act, **16:18**

Religious Freedom Restoration Act, **5:37**

Vocational programs, sex discrimination, **8:30**

PRIVATE CAUSE OF ACTION

Color of law, deprivation of rights under, **14:103, 14:104**

Federally assisted programs, **8:9 et seq.**

Housing Discrimination (this index)

Individuals with Disabilities Education Act, **12:75**

Rehabilitation Act of 1973, **12:60**

Sex discrimination, **8:24 et seq.**

PRIVATE CLUBS

Housing discrimination, **3:22**

Public Accommodations (this index)

PRIVATE ENTITIES

Deprivation of rights under color of law, Bivens actions against private entities, **14:166**

PRIVATELY OPERATED FEDERAL PRISONS

Bivens actions, **14:167**

PROCESS AND OUTCOME THEORIES

Constitutional law, **1:27 et seq.**

PRODUCTION, BURDEN OF

Age Discrimination in Employment Act (ADEA), *Meacham v. Knolls Atomic Power Laboratory*, **11:27**

PROFESSIONAL CONTRACTORS

Color of law, deprivation of rights under, **14:11**

PROPERTY, CONTRACT AND ECONOMIC RIGHTS

General discussion, **13:1 et seq.**

Contractual relationship, employment discrimination, **13:12**

Damages, **13:20**

Discrimination in property, contract, and economic rights, **13:12**

Discrimination in Property, Contract, and Economic Rights (this index)

Employment discrimination
general discussion, **13:11 et seq.**
contractual relationship, requirement of, **13:12**

hostile environment claims, **13:14, 13:15**

independent contractors, hostile environment claims, **13:15**

Title VII claims, relationship to, **13:13**

Equitable relief, **13:19**

Exhaustion of administrative remedies, **13:17**

Governmental and nongovernmental discrimination prohibited, **13:3 et seq.**

Hostile environment claims, employment discrimination, **13:14, 13:15**

Housing discrimination, **13:26**

Independent contractors, hostile environment claims, **13:15**

Intent to discriminate, **13:10**

Jones v. Alfred H. Mayer Co., **13:4 et seq.**

Legislative history, **13:4 et seq.**

**PROPERTY, CONTRACT AND
ECONOMIC RIGHTS—Cont'd**

Limitations period, **13:21**
 Patterson v. McLean Credit Union,
13:7
 Race discrimination, limitation to
 claims of, **13:9**
 Remedies
 general discussion, **13:17 et seq.**
 damages, **13:20**
 equitable relief, **13:19**
 exhaustion of administrative reme-
 dies, **13:17**
 limitations period, **13:21**
 Section 1982, **13:27**
 Runyon v. McCrary, **13:6**
 Section 1982
 general discussion, **13:22 et seq.**
 housing discrimination, **13:26**
 Jones v. Alfred H. Mayer Co.,
 13:23
 racial discrimination, limitation to,
 13:24
 remedies, **13:27**
 scope of claims, **13:25**
 Thirteenth Amendment, **13:22**
 Section 1981, generally, **13:1 et seq.**
 Thirteenth Amendment, Section
 1982, **13:22**

PROPERTY DISCRIMINATION

**Discrimination in Property,
Contract, and Economic
Rights** (this index)

PROPORTIONALITY

Congruence and Proportionality
 (this index)
 Reconciling the effects test of section
 2
 Gingles with the ban on
 proportionality
 Allen v. Milligan, **2:13**

PROSECUTORS

Color of law, deprivation of rights
 under, **14:35 et seq.**

PRO SE PLAINTIFFS

Attorneys' fees, **9:182, 16:25**

PUBLIC ACCOMMODATIONS

General discussion, **7:1 et seq.**
 Attorneys' fees, **7:21**
 Bars and taverns, **7:5**
 Boy scouts and similar organizations,
7:12
 Civil Rights Act of 1964, **7:1 et seq.**
 Coercion, **7:16**
 Constitutional authority, **7:2**
 Damages, actions for, **7:20**
 Declaratory relief, **7:19**
 Dining facilities, **7:4 et seq.**
 Entertainment, places of, **7:7**
 Establishments covered
 general discussion, **7:3 et seq.**
 bars and taverns, **7:5**
 dining facilities, **7:4 et seq.**
 entertainment, places of, **7:7**
 gas stations, **7:6**
 incidentally covered establish-
 ments, **7:8**
 lodging establishments, **7:3**
 Exhaustion of remedies, **7:23**
 Freedom of association, private
 clubs, **7:15**
 Gas stations, **7:6**
 Historical backdrop, **7:1 et seq.**
 Incidentally covered establishments,
7:8
 Injunctive relief, **7:19**
 Intimidation, **7:16**
 Jaycees and similar organizations,
7:12
 Limitations periods, **7:22**
 Lodging establishments, **7:3**
 Private clubs
 general discussion, **7:11 et seq.**
 freedom of association, **7:15**
 jaycees, boy scouts and similar
 organizations, **7:12**
 Remedies
 general discussion, **7:17 et seq.**
 attorneys' fees, **7:21**
 damages, actions for, **7:20**
 exhaustion of remedies, **7:23**
 injunctive and declaratory relief,
 7:19
 limitations periods, **7:22**

INDEX

PUBLIC ACCOMMODATIONS

—Cont'd

- Remedies—Cont'd
 - plaintiffs, **7:17**
 - prohibition on punishment for exercise of rights, **7:18**
- State action, establishments supported by, **7:9**
- State-mandated discrimination, **7:10**
- Taverns and bars, **7:5**

PUBLIC DEFENDERS

- Attorneys' fees limitations, legal aid attorneys, **16:36**
- Color of law, deprivation of rights under, **14:12 et seq.**

PUBLIC SERVICES

- Americans with Disabilities Act, **12:33 et seq.**

PUBLIC TRANSPORTATION

- Americans with Disabilities Act, **12:36**

PUNITIVE DAMAGES

- Color of law, deprivation of rights under, **14:95, 14:152, 14:153**
- Housing discrimination, private court actions, **3:72**
- Rehabilitation Act of 1973, **12:61**

QUALIFICATIONS

- Attorneys' fees, *Sole v. Wyner*, **16:5**

QUALIFIED IMMUNITY

- Color of law, deprivation of rights under, **14:58**
- Deprivation of rights under color of law, **14:54**
- Religious Freedom Restoration Act, **5:41**

QUASI-JUDICIAL AUTHORITY

- Color of law, deprivation of rights under, **14:34**

QUESTIONS OF LAW OR FACT

- Color of law, deprivation of rights under, **14:53**
- Employment discrimination, disparate treatment, **9:31**

QUID PRO QUO

- Employment discrimination, sex discrimination, **9:123, 9:152**

RACE-CONSCIOUS STUDENT ASSIGNMENTS

- Enforcement of civil rights, *Parents Involved v. Seattle School District*, **1:42**

RACE OR COLOR DISCRIMINATION

- Compelled speech, civil rights 303 Creative decision, **9:158**
- Employment Discrimination** (this index)
- Housing discrimination, **3:26**
- Property, contract and economic rights, **13:9**

READILY ACHIEVABLE REFORMS

- Americans with Disabilities Act, accommodations and services provided by private entities, **12:47**

REASONABLE ACCOMMODATION

- Americans with Disabilities Act** (this index)
- Employment discrimination, religious discrimination, **9:116, 9:117**
- Rehabilitation Act of 1973, **12:55**
- Religious Freedom Restoration Act, **5:22 et seq.**

RECONCILIATION

- Effects test of section 2 holding in *Allen v. Milligan* Gingles, ban on proportionality, **2:13**

REDLINING

- Housing discrimination, **3:47**

REFERENDUM

- Disclosure of petition signatures, **2:82**

REGISTRATION

- Paul v Davis* test and sex offender registries, **14:123**

REHABILITATION

Americans with Disabilities Act,
substance abuse, **12:28**
Rehabilitation Act of 1973 (this
index)

REHABILITATION ACT OF 1973

General discussion, **12:52 et seq.**
Administrative enforcement, **12:58**
Attorneys' fees, **12:63**
Eleventh Amendment immunity, rem-
edies and attorney's fees, **12:62**
Federal assistance, receipt of, **12:56,**
12:57
Handicapped individual, defined,
12:53
Otherwise qualified persons, **12:54**
Private cause of action, **12:60**
Program or activity scope issue,
receipt of federal assistance,
12:57
Reasonable accommodation, **12:55**
Remedies
 general discussion, **12:58 et seq.**
 administrative enforcement, **12:58**
 attorneys' fees, **12:63**
 private cause of action, **12:60**
Solely by reason of handicap stan-
dard, **12:55**
Undue hardship, **12:55**

REINSTATEMENT

Age Discrimination in Employment
Act, **11:49**

REJECTION

Enforcement of civil rights, class of
one claims in employment cases,
constitutional equal protection,
1:51
Independent state legislature theory
Elections Clause in *Moore v.*
Harper, **2:71**

RELIGION AND RELIGIOUS DISCRIMINATION

Age Discrimination in Employment
Act, employees with religious
functions, **11:34**
Americans with Disabilities Act,
accommodations and services

RELIGION AND RELIGIOUS DISCRIMINATION—Cont'd

provided by private entities,
12:48
Civil Rights, Compelled speech
303 Creative decision, **9:158**
Employment Discrimination (this
index)
Freedom of Access to Clinic
Entrances Act of 1994 (this
index)
Freedom of Religion (this index)
Housing discrimination, **3:21, 3:28**
Religious Freedom Restoration Act
(this index)
Religious Land Use and Institutional-
ized Persons Act, **5:38, 5:39**
Same-sex marriage, **1:50**
Sex discrimination, religious institu-
tions, **8:15**

RELIGIOUS FREEDOM RESTORATION ACT

General discussion, **5:1 et seq.**
Abortion protest, **5:43**
Accommodation principle, **5:22 et**
seq.
Age discrimination, **5:42**
Application of Act, **5:37 et seq.**
Attorneys' fees, **5:17**
Bankruptcy, **5:49**
Boerne v. Flores, **5:3, 5:29**
Burden of proof, **5:15, 5:34**
Burden on free exercise, defining,
5:26, 5:27
Centrality of religious practice,
inquiry into, **5:32**
Child labor, **5:48**
Claims, judicial relief, **5:12**
College regulations, **5:47**
Congressional findings, **5:7**
Congressional rejection of Employ-
ment Division v. Smith, **5:25**
Corporate plaintiffs, free exercise
claims, **5:9**
Covid-19 pandemic, religious
discrimination claims arising
from, **5:55**

INDEX

RELIGIOUS FREEDOM

RESTORATION ACT—Cont'd

Cross reference to establishment clause limits, **5:25**
Defenses, judicial relief, **5:12**
Drug use, **5:46**
Employment discrimination, **5:45**
Employment Division v. Smith, **5:2, 5:23, 5:25**
Establishment clause limitations, **5:25, 5:51, 5:52**
Exceptions, **5:10**
Federal officers, Supreme Court application to, **5:4**
Forms of relief, **5:16**
Fourteenth Amendment, Section 4, **5:28 et seq.**
Freedom of Access to Clinic Entrances Act of 1994, **17:22**
Free exercise clause, **5:22 et seq.**
Hobby Lobby decision, **5:9**
Independent appellate review in religion cases, **5:54**
Instrumentalities, Supreme Court application to, **5:4**
Judicial relief, **5:12 et seq.**
Least restrictive means, **5:35**
Legislative history, **5:20, 5:28**
Lower court applications of Act, **5:39**
Penalty vs. mere failure to subsidize, **5:27**
Power of Congress to enact Act, **5:28 et seq.**
Prisoners, **5:37**
Property rental, **5:44**
Purpose, **5:6**
Qualified immunity, **5:41**
Relaxation of establishment standards, **5:52**
Religion, defined
 general discussion, **5:36 et seq.**
 conundrums posed by attempting to define religion, **5:36**
Religious Land Use and Institutionalized Persons Act, **5:3, 5:38, 5:39**
Retroactive application, **5:14, 5:18**
Right-privilege distinction, **5:21**
Ritual sacrifice case, **5:24**

RELIGIOUS FREEDOM

RESTORATION ACT—Cont'd

Secular school programs, funds for, **5:52**
Sherbert v. Verner, **5:22**
Standing, **5:13**
Strict scrutiny, **5:10**
Substantial burden
 general discussion, **5:8, 5:31 et seq.**
 centrality of religious practice, inquiry into, **5:32**
 defined, **5:32**
 public lands, management of, **5:33**
Supreme Court
 application to federal officers and instrumentalities, **5:4**
 precedent leading to passage of Act, generally, **5:20 et seq.**
Taxes, **5:49**
University regulations, **5:47**

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT

Generally, **5:3, 5:38**
Expansive scope, **5:39**
Hold v. Hobbs, **5:39**

REMEDIES AND RELIEF

Age Discrimination in Employment Act (this index)
Americans with Disabilities Act, accommodations and services provided by private entities, **12:49 et seq.**
Conspiracy to violate civil rights, **15:12 et seq.**
Damages (this index)
Employment Discrimination (this index)
Equal Pay Act (this index)
Equitable Remedies (this index)
Freedom of Access to Clinic Entrances Act of 1994, **17:4 et seq.**
Housing Discrimination (this index)
Individuals with Disabilities Education Act (this index)

REMEDIES AND RELIEF—Cont'd
Property, Contract and Economic Rights (this index)

Public Accommodations (this index)
Rehabilitation Act of 1973 (this index)

5REMEDIES AND RELIEF
 Rehabilitation Act of 1973, **12:62**

REMOVAL FROM
 Color of law, deprivation of rights under, **14:72**

RES JUDICATA
 Color of law, deprivation of rights under, **14:139**

RESPONDEAT SUPERIOR
 Color of law, deprivation of rights under, **14:19, 14:89**

RESTORATION OF BENEFITS
 Age Discrimination in Employment Act, **11:48**

RESTRICTIONS
 Line warming, aid to voters waiting in line at polling places, **2:88**

RESTRICTIVE COVENANTS
 Housing discrimination, constitutional law, **3:2**

RETALIATION
 Age Discrimination in Employment Act, **11:17**
 Discrimination in property, contract, and economic rights, § 1981, **13:16**
Employment Discrimination (this index)
 Section 1983, **14:134**
 Sex discrimination, private right of action, **8:26**
 Sex discrimination, Title IX, **8:25**

RETIREMENT PLANS
 Age Discrimination in Employment Act, **11:28**

RETROACTIVE APPLICATION OF CIVIL RIGHTS LEGISLATION

General discussion, **18:1 et seq.**
 Attorneys' fees limitations, **18:16**
 Clear statement principle, **18:7**
Color of Law, Deprivation of Rights Under (this index)
 Competing canons of construction, **18:5**
 Deportation and immigration, **18:18**
 Immigration and deportation, **18:18**
 Judicial default rules
 general discussion, **18:5 et seq.**
 clear statement principle, **18:7**
 competing canons of construction, **18:5**
 exceptions to clear statement principle, **18:8 et seq.**
 jurisdictional changes, **18:9**
 priority of presumption against retroactivity, **18:6**
 procedural changes, **18:10**
 prospective relief, **18:8**
 revision of law in effect principle, **18:11 et seq.**
 Jurisdictional changes, **18:9**
 Landgraf decision, **18:2 et seq.**
 Legislative history of Civil Rights Act of 1991, **18:4**
 Lower court applications, **18:17**
 Priority of presumption against retroactivity, **18:6**
 Procedural changes, **18:10**
 Prospective relief, **18:8**
 Religious Freedom Restoration Act, **5:14, 5:18**
 Revision of law in effect principle, **18:11 et seq.**
 Rivers decision, **18:15**

REVERSE AGE DISCRIMINATION
 Age Discrimination in Employment Act, **11:18**

REVIEW
Appeal and Review (this index)

INDEX

RFOA (REASONABLE FACTORS OTHER THAN AGE) PROVISION

Age Discrimination in Employment
Act (ADEA), **11:22**

RICCI V. DESTEFANO

Title VII, disparate treatment and
disparate impact, **9:26**

RIPENESS

Voting rights, **2:51**

RITUAL SACRIFICE CASE

Religious Freedom Restoration Act,
5:24

ROOKER-FELDMAN DOCTRINE

Deprivation of rights under color of
law, **14:147**

ROUGH PROPORTIONALITY

Voting rights, single member
districts, **2:15**

SAFE DISTRICTS

Voting rights, Section 5 violations,
2:38

SAFETY

Health and Safety (this index)

SALARIES

Equal Pay Act (this index)

SAME ACTOR INFERENCE, DISPARATE TREATMENT

Employment discrimination, **9:34**

SAME-SEX MARRIAGE

Constitutional law, **1:48 et seq., 1:49**
Obergefell case, **1:49**
Religious objections, **1:50**

SAME-SEX SEXUAL HARASSMENT

Employment discrimination, **9:147**

SARS-COV-2

Covid-19 Pandemic (this index)

SCHOOLS AND EDUCATION

Colleges and Universities (this
index)

SCHOOLS AND EDUCATION

—Cont'd

Desegregation, constitutional law,
1:28

Employment discrimination, **9:13**

Federally Assisted Programs (this
index)

Individuals with Disabilities

Education Act (this index)

Training and Training Programs
(this index)

SCHUETTE V. COALITION TO DEFEND AFFIRMATIVE ACTION

Constitutional law, **1:41**

SENIORITY SYSTEMS

Age Discrimination in Employment
Act, **11:29**

**Bona Fide Seniority or Merit
Systems** (this index)

Equal Pay Act, **10:29**

SEPARATE BUT EQUAL

State action doctrine, **1:5**

SETTLEMENTS

Attorneys' fees, **16:33**

Employment discrimination,
attorneys' fees, **9:178**

Voting rights challenges, **2:50**

SEVENTH AMENDMENT

Color of law, deprivation of rights
under, **14:154**

SEX DISCRIMINATION

General discussion, **8:13 et seq.**

Admissions, **8:14, 8:31**

Athletic programs, **8:29, 8:35**

Athletic teams, sexual banter on, **8:35**

Beauty pageants, **8:22**

Civil rights, compelled speech

303 Creative decision, **9:158**

Constitutional law issues, relation-
ship to, **8:38**

Damages, private right of action for,
8:25

Discriminatory intent vs. disparate
impact, **8:27**

SEX DISCRIMINATION—Cont'd

Education Amendments Act of 1972,
Title IX, generally, **8:13 et seq.**

Employment Discrimination (this
index)

Equal protection, generally, **1:44**

Father-son and mother-daughter
activities, **8:21**

Federal funds, entities that receive
payments from recipients of,
8:40

Financial assistance, **8:32**

Fraternities and sororities, **8:18**

Housing discrimination, **3:27**

Implied private right of action, **8:24**

Military schools, **8:16**

Mootness, **8:39**

National Collegiate Athletic Associa-
tion, **8:23**

Notice and deliberate indifference,
sexual harassment, **8:36**

Practice and procedure, **8:38, 8:39**

Prison vocational programs, **8:30**

Private right of action, **8:24 et seq.**

Program or activity issue, **8:28**

Prohibition of discrimination, **8:13**

Religious institutions, **8:15**

Retaliation claims, **8:2, 8:26**

Sexual harassment, **8:34 et seq.**

Sororities and fraternities, **8:18**

Student-on-student sexual harass-
ment, **8:37**

Title IX

retaliation claims, **8:25**

scope of Section 1983 compared,
8:41

Tradition of single sex admissions,
schools with, **8:17**

Youth conferences, **8:20**

Youth organizations, **8:19**

SEX OFFENDERS

Color of law, deprivation of rights
under, **14:123**

Paul v Davis test and sex offender
registries, **14:123**

SEXUAL HARASSMENT

Athletic teams, sexual banter on, **8:35**

SEXUAL ORIENTATION

Equal Pay Act, remedies and relief,
10:47

Equal protection, **1:46**

SIGNATURES

Disclosure of referendum petition
signatures, **2:82**

SINGLE MEMBER DISTRICTS

Voting Rights (this index)

SMITH V. CITY OF JACKSON

Age Discrimination in Employment
Act (ADEA), **11:22**

Disparate-impact theory, **11:22**

Employment discrimination, **11:22**

Good faith, **11:22**

Intent, **11:22**

**SOCIAL SECURITY DISABILITY
INSURANCE STANDARDS**

Americans with Disabilities Act,
arbitration, **12:32**

SOLE V. WYNER

Attorneys' fees, qualifications as
prevailing party, **16:5**

**SORORITIES AND
FRATERNITIES**

Sex discrimination, **8:18**

SOVEREIGN IMMUNITY

Alden v. Maine, **14:71**

Color of law, deprivation of rights
under, **14:71**

Deprivation of rights under color of
law, federal administrative
proceedings, **14:83:50**

Franchise Board v. Hyatt, **14:71**

SPEECH

Compelled, civil rights

303 Creative decision, **9:158**

Freedom of Speech (this index)

SPENDING CLAUSE STATUTES

Color of law, deprivation of rights
under, **14:104**

Enforcement of civil rights through
Taxing and Spending Clause,
1:53

INDEX

STANDING

- Employment discrimination, affirmative action, **9:77**
- Freedom of Access to Clinic Entrances Act of 1994, civil actions, **17:5**
- Housing Discrimination** (this index)
- Religious Freedom Restoration Act, **5:13**
- Voting rights, **2:49**

STATE ACTION DOCTRINE

- General discussion, **1:3 et seq.**
- Civic rights vs. social rights, **1:5**
- Color of law, deprivation of rights under, **14:9**
- Contours of doctrine, **1:3**
- Evolution of doctrine, generally, **1:3 et seq.**
- Modern epoch in civil rights law, emergence of, **1:5 et seq.**
- Public accommodations, **7:9**
- Relaxation of doctrine, **1:6**
- Separate but equal, repudiation of, **1:5**
- Statutes, use to avoid doctrine and extend nondiscrimination principles to private actors, **1:7**
- The Civil Rights Cases, holding and consequences of, **1:3, 1:4**

STATE-CREATED DANGER DOCTRINE

- Color of law, deprivation of rights under, **14:133**

STATE LEGISLATURE

- Rejection of independent theory, Elections Clause in *Moore v. Harper*, **2:71**

STATE OF MIND

- Color of law, deprivation of rights under, **14:97**

STATISTICAL ANALYSIS

- Employment discrimination, policy or practice systematic disparate treatment, **9:47**

STATUTES OF LIMITATION

- Limitation of Actions** (this index)

STATUTORY LAW

- Students for Fair Admissions v. Harvard*
 - end of affirmative action, **1:40**

STEERING

- Housing discrimination, **3:39**

STOLT-NIELSEN

- Class arbitration in the absence of an agreement to allow class arbitration, **9:195**

STRICT SCRUTINY

- Constitutional law, affirmative action cases, **1:33**
- Religious Freedom Restoration Act, **5:10**

STUDENT ASSIGNMENTS

- Enforcement of civil rights, *Parents Involved v. Seattle School District*, **1:42**

STUDENTS FOR FAIR ADMISSIONS V. HARVARD

- End of affirmative action, **1:40**

SUBJECT MATTER JURISDICTION

- Deprivation of rights under color of law, **14:147**

SUBSIDIARY CORPORATIONS

- Parent and Subsidiary Corporations** (this index)

SUCCESSOR CORPORATIONS

- Employment discrimination, **9:10**

SUCCESSOR EMPLOYEES

- Equal Pay Act, comparisons of compensation, **10:19**

SUMMARY JUDGMENT

- Voting rights, **2:26, 2:66**

SUPERVISION

- Color of law, deprivation of rights under, **14:93**

SUPREMACY CLAUSE

- Deprivation of rights under color of law, *Haywood v. Drown*, **14:137**

SUPREME COURT

- Civil rights
 - 303 Creative decision
 - compelled speech, **9:158**
- Color of law, deprivation of rights under, **14:42**
- Employment discrimination, bona fide occupational qualification (BFOQ) defense, **9:50**
- Religious Freedom Restoration Act, **5:4, 5:9, 5:20 et seq.**
- Students for Fair Admissions v. Harvard
 - end of affirmative action, **1:40**

SURVIVAL

- Fair Housing Act, claims after death of party, **3:86**

SYSTEMATIC DISPARATE TREATMENT CASES

- Employment discrimination, **9:44**

TAKINGS CLAUSE CLAIMS

- Color of law, deprivation of rights under, **14:135**

TAVERNS AND BARS

- Public accommodations, **7:5**

TAXES

- Enforcement of civil rights through Taxing and Spending Clause, **1:53**
- Religious Freedom Restoration Act, **5:50**

TAXING AND SPENDING CLAUSE

- Enforcement of civil rights, **1:53**

TEMPORARY RESTRAINING ORDERS

- Attorneys' fees, prevailing parties, **16:4**

TENTH AMENDMENT

- Anticommandeering principle, **1:55**

TERRITORIES

- Color of law, deprivation of rights under, **14:22**

TERRORISM

- Constitutional law, **1:52**

TESTER STANDING

- Housing discrimination, **3:16**

TESTS AND TESTING

- Civil Rights Act of 1964, **11:22**
- Disparate-impact theory, **11:22**
- Griggs v. Duke Power Co., **11:22**
- Intelligence tests, **11:22**
- Reconciling the effects of section 2
 - holding in Allen v. Milligan
 - Gingles, ban on proportionality, **2:13**

THIRTEENTH AMENDMENT

- Housing Discrimination** (this index)
- Involuntary servitude, **4:1, 4:2**
- Property, contract and economic rights, **13:22**

THREATS OF FORCE

- Freedom of Access to Clinic Entrances Act of 1994, **17:2, 17:17 et seq.**

TIPPING PHENOMENON

- Housing discrimination, integration maintenance debate, **3:55, 3:56**

TITLE IX

- Athletic teams, sexual banter on, **8:35**
- Disciplinary proceedings, challenges to, **8:43**
- Section 1983 scope compared, **8:41**
- Sex discrimination
 - retaliation claims, **8:25**
- Statute of limitations, **8:42**

TITLE VII

- Age Discrimination in Employment Act, substantive parallels to, **11:4**
- Color of law, deprivation of rights under, **14:77**
- Conspiracy to violate civil rights, **15:11**
- Employment discrimination, Ricci v. DeStefano, **9:26**
- Employment Discrimination** (this index)
- Equal Pay Act, relationship to, **10:8, 10:9**

INDEX

TOTALITY OF CIRCUMSTANCES FACTORS

Voting rights, Section 2 violations, **2:10**

TRAFFICKING VICTIMS PROTECTION ACT

Involuntary servitude, **4:6**

TRAINING AND TRAINING PROGRAMS

Color of law, deprivation of rights under, **14:93**

Equal Pay Act, **10:13, 10:25**

TRANSGENDER DISCRIMINATION

Title VII and the Equal Pay Act, **10:47**

TRAVEL, RIGHT TO

Housing discrimination, **3:83**

TRUMP V. HAWAII

Immigration ban decision, **1:54**

TWENTY-SIXTH AMENDMENT

General discussion, **1:10**

Voting age, discrimination claims, **2:85**

UNDUE HARDSHIP

Americans with Disabilities Act, **12:17**

Rehabilitation Act of 1973, **12:55**

UNIVERSITIES

Colleges and Universities (this index)

VAGUENESS

Color of law, deprivation of rights under, **14:105**

Freedom of Access to Clinic Entrances Act of 1994, **17:21**

VENUE

Equal Pay Act, **10:35**

Housing discrimination, private court actions, **3:70**

VICARIOUS LIABILITY

Employment discrimination, sex discrimination, **9:131 et seq.**

VICARIOUS LIABILITY—Cont'd Housing discrimination, **3:84**

VIOLENCE AGAINST WOMEN ACT

Constitutional law, **1:15**

VOLUNTEERS

Employment discrimination, **9:24**

VOTER ID LAWS

Voting rights, Crawford decision, **2:79**

VOTERS

Aid to, waiting in line at polling places

Restrictions on “line warming,” **2:88**

VOTING RIGHTS

General discussion, **2:1 et seq.**

Absentee ballots, **2:83**

Anderson-Burdick balancing test, **2:87**

Appellate review under clearly erroneous standard, Section 2 violations, **2:27**

At-large elections, Section 2 violations, **2:19**

Attorneys’ fees, **2:48**

Bailout provision, **2:40**

Blanket primaries, Voting Rights Act, **2:74**

Burden of proof, Section 2 violations, **2:18**

Burdens on campaign spending by candidates, **2:80**

Challenges to voter ID laws, Crawford decision, **2:79**

Congressional authority, **2:54, 2:55**

Constitutional law
general discussion, **1:29, 2:52 et seq.**

Alabama Black Caucus, **2:62**

Bethune-Hill v. Virginia, **2:63**

Bush v. Gore, **2:70**

Bush v. Vera, **2:60**

Congressional authority, **2:54**

Cooper v. Harris, **2:64**

VOTING RIGHTS—Cont'd

Constitutional law—Cont'd
 court-ordered plans, application to, **2:68**
 Fifteenth Amendment, race-neutral commands of, **2:69**
 First Amendment, **2:70, 2:76**
 Hunt v. Cromartie, **2:64**
 Hunt v. Cromartie II, **2:67**
 intent and summary judgment standards, establishment of, **2:68**
 limitations on enforcement of voting rights, generally, **2:56 et seq.**
 Miller v. Johnson, **2:58 et seq.**
 Section 2 compliance as compelling interest, **2:65**
 semiclosed primaries, **2:73**
 Shaw v. Hunt, **2:61**
 Shaw v. Reno, **2:57 et seq.**
 Shelby County, **2:28**
 UJO v. Carey, **2:56**
 Voting Rights Act, **2:74, 2:75**
 Court mandated forms of government, equitable remedies, **2:53**
 Coverage formula struck down by Shelby County, **2:28**
 Covered jurisdictions, Voting Rights Act, **2:55**
 Crawford decision, challenges to voter ID laws, **2:79**
 Deference owed to findings of Attorney General, Section 5 violations, **2:42**
 Direct partisan primaries, Voting Rights Act, **2:75**
 Disclosure of referendum petition signatures, **2:82**
 Disenfranchisement laws, Section 2 violations, **2:25**
 Early ballots, **2:83**
 Early voting rights acts
 general discussion, **2:2 et seq.**
 1870 Enforcement Act, **2:3**
 Equitable remedies, court mandated forms of government, **2:53**
 Equitable remedies, power to fashion, **2:52**

VOTING RIGHTS—Cont'd

 “Faithless electors,” state restrictions on in presidential elections, **2:84**
 Fifteenth Amendment, race-neutral commands of, **2:69**
 First Amendment, **2:70, 2:76**
 Forms of government, court mandated, equitable remedies, **2:53**
 Gerrymandering (this index)
 Government, court mandated forms, equitable remedies, **2:53**
 History of race discrimination, **2:1**
 History of Voting Rights Act of 1965
 general discussion, **2:4 et seq.**
 Mobile v. Bolton, restrictive interpretation of, **2:7, 2:8**
 1982 amendments, **2:8**
 1970 extensions, **2:5**
 1975 amendments, **2:6**
 1965 Act, **2:4**
 Influence districts, Section 5 violations, **2:38**
 Intent standards, establishment of, **2:66**
 Judicial elections, Section 2 violations, **2:22**
 Loyalty oaths, **2:81**
 Nominating conventions vs. political primaries, **2:78**
 Nonretrogression principle, Section 5 violations, **2:35**
 Northwest Austin case, **2:40**
 Objection to preclearance by Attorney General, Section 5 violations, **2:30**
 Pandemic regulations and restrictions on elections and voting, **2:86**
 Political primaries
 blanket primaries, **2:74**
 direct partisan primaries, **2:75**
 nominating conventions vs., **2:78**
 Political subdivisions, Section 2 violations, **2:20**
 Practice issues, generally, **2:39 et seq.**
 Preclearance for covered jurisdictions, Voting Rights Act, **2:55**

INDEX

VOTING RIGHTS—Cont'd

- Preclearance mechanism, Section 5 violations, **2:29, 2:30, 2:41 et seq.**
- Purging voter registration for failure to vote, **2:17**
- Rejection of the independent state legislature
 - theory of the Elections Clause in *Moore v. Harper*, **2:71**
- Restrictions on “line warming” aid to voters
 - waiting in line at polling places, **2:88**
- Ripeness, **2:51**
- Rough proportionality, single member districts, **2:15**
- Safe districts, Section 5 violations, **2:38**
- Section 1973aa-1a, **2:47**
- Section 1973d, e, f, g and h, **2:45**
- Section 1973i, **2:46**
- Section 2 violations
 - general discussion, **2:9 et seq.**
 - Analysis of the Gingles factors, **2:12**
 - appellate review under clearly erroneous standard, **2:27**
 - appointive offices, discrimination in, **2:21**
 - at-large elections, **2:19**
 - burden of proof, **2:18**
 - disenfranchisement laws, **2:25**
 - holding in *Allen v. Milligan*
 - Gingles with the ban on proportionality, **2:13**
 - judicial elections, **2:22**
 - operative language, **2:9**
 - political subdivisions, application to, **2:20**
 - size of governmental bodies, challenges to, **2:24**
 - standards under Section 2 and Section 5, relationship between, **2:44**
 - summary judgment, **2:26**
 - Thornburg v. Gingles*, **2:11 et seq.**
 - totality of circumstances factors, **2:10**

VOTING RIGHTS—Cont'd

- Section 5 violations
 - general discussion, **2:29 et seq.**
 - compelling of finding, effect of preclearance, **2:43**
 - covered county changes in mandated by noncovered state, **2:37**
 - deference owed to findings of Attorney General, **2:42**
 - effect of preclearance, **2:41 et seq.**
 - failure to preclear, **2:31**
 - federal law, changes mandated by, **2:36**
 - framework established by *Allen v. State Board of Elections*, **2:32**
 - influence districts, **2:38**
 - manner of voting, changes in, **2:33**
 - nonretrogression principle, **2:35**
 - objection to preclearance by Attorney General, **2:30**
 - preclearance mechanism, **2:29, 2:30, 2:41 et seq.**
 - safe districts, **2:38**
 - Shelby County strikes down coverage formula*, **2:28**
 - standards under Section 2 and Section 5, relationship between, **2:44**
 - subsequent challenges not barred by preclearance, **2:41**
- Semiclosed primaries, **2:73**
- Settlement of voting rights challenges, **2:50**
- Single member districts
 - general discussion, **2:14 et seq.**
 - Grove v. Emison*, **2:14**
 - lower court applications, **2:16**
 - rough proportionality, **2:15**
- Size of governmental bodies, Section 2 violations, **2:24**
- Special elections, power to require, **2:52**
- Standing, **2:49**
- Summary judgment, **2:26, 2:66**
- Totality of circumstances factors, Section 2 violations, **2:10**

VOTING RIGHTS—Cont'd

- Twenty-Sixth Amendment, voting age discrimination claims, **2:85**
- Validity of preclearance for covered jurisdictions, Voting Rights Act, **2:55**
- Voter ID laws, challenges to, Crawford decision, **2:79**
- Voting Rights Act
 - blanket primaries, **2:74**
 - congressional authority, future validity of preclearance for covered jurisdictions, **2:55**
 - covered jurisdictions, validity of preclearance, **2:55**
 - direct partisan primaries, **2:75**
 - preclearance for covered jurisdictions, congressional authority, **2:55**
 - validity of preclearance for covered jurisdictions, congressional authority, **2:55**
- Voting Rights Act of 1965, generally, **2:4 et seq.**

VOTING RIGHTS ACT

- Blanket primaries, **2:74**
- Congressional authority, future validity of preclearance for covered jurisdictions, **2:55**
- Covered jurisdictions, validity of preclearance, **2:55**

VOTING RIGHTS ACT—Cont'd

- Direct partisan primaries, **2:75**
- Preclearance for covered jurisdictions, congressional authority, **2:55**
- Validity of preclearance for covered jurisdictions, congressional authority, **2:55**

WAIVER

- Bivens actions, sovereign immunity, **14:169**
- Color of law, deprivation of rights under, **14:74**

WILKIE V. ROBBINS

- Deprivation of rights under color of law, suits against federal officials and federal entities, **14:165**

WITNESSES

- Color of law, deprivation of rights under, **14:45**

WORKFARE

- Involuntary servitude, **4:5**

YOUTH CONFERENCES

- Sex discrimination, **8:20**

YOUTH ORGANIZATIONS

- Sex discrimination, **8:19**

ZONING

- Housing discrimination, **3:46**