



Anti-Discrimination

Allegations of discrimination can impact clients' priorities, employees, cultures, reputations and revenues. A complex set of anti-discrimination laws and regulations governs conduct for US businesses, educational institutions, nonprofits and government entities. The application of these laws and enforcement priorities can change rapidly, and federal, state and local regulators often have overlapping authority. New industries, products and business practices can present novel issues. We help clients comply with anti-discrimination laws; investigate discrimination, harassment and workplace culture complaints; navigate government enforcement actions and investigations; and litigate alleged violations.

PRACTICE AT A GLANCE

- Our team includes a former commissioner on the US Commission on Civil Rights and former NAACP Legal Defense and Educational Fund Director of Litigation; former US Deputy Attorneys General; a former US Solicitor General; former US Attorneys; and a former senior official in the Office of the Comptroller of the Currency's Law Department.
- Our lawyers help clients comply with anti-discrimination laws and craft successful resolutions when controversies arise; offer critical experience in conducting sensitive internal investigations regarding workplace misconduct and culture; are attuned to regulators' shifting enforcement priorities; and bring a deep commitment to the principles of equality, fairness and inclusion.
- Our lawyers represent clients in federal and state courts; in matters before the Department of Justice, Department of Housing and Urban Development, Department of Labor, Department of Education, Consumer Financial Protection Bureau, Federal Trade Commission, Federal Reserve, Office of the Comptroller of the Currency, and Department of Health and Human Services; and in state attorney general inquiries and before state agencies.
- Our experience includes alleged sexual misconduct and workplace discrimination, civil rights audits, algorithmic bias, fair lending and housing, affirmative action initiatives, police reform, freedom of speech, voting rights, criminal justice reform, human trafficking and immigration, the death penalty, LGBTQ equality and marriage equality.
- Our clients include leading corporations, nonprofits, trade associations, municipalities, boards of directors and board committees across a range of industries—including finance and lending, technology and social media, healthcare, automotive and transportation, housing, and education.

We counsel a range of clients on compliance with:

- Equal Protection and Due Process Clauses
- Titles IV, VI and VII of the Civil Rights Act
- Title IX of the Education Amendments of 1972
- Americans with Disabilities Act
- Rehabilitation Act
- Fair Housing Act
- Equal Credit Opportunity Act
- Other federal and state anti-discrimination statutes

EXPERIENCE

We represent and counsel clients in a variety of **workplace anti-discrimination matters**, including sensitive internal reviews and independent investigations, compliance advice and defending against discrimination claims.

- Conducted a comprehensive, independent review of the workplace culture at a large technology company, including an in-depth assessment of its policies and practices concerning discrimination, harassment and other workplace issues; how it evaluates, promotes and compensates employees; and how it responds to and investigates complaints of discrimination, harassment and retaliation.
- Conducted a review of a financial institution's policies and procedures, and advised on how to improve culture and foster best practices following gender discrimination claims.
- Conducted numerous internal investigations regarding allegations of sexual misconduct or racial discrimination by senior executives.
- Counsel companies on Title VII compliance, including assignment practices and implementation of diversity initiatives.
- Negotiated many favorable settlements before the EEOC and state agencies and in private mediations.

We advise clients on compliance and solutions related to **accessibility and accommodations**.

- Represented a national bank in a putative class action alleging an ADA violation regarding website readability.
- Represented a professional football team in a lawsuit alleging ADA violations for failure to provide aids and services for deaf and hard-of-hearing fans.

We advise on **fair lending matters**, including internal investigations and routine practice reviews, supervisory examinations, enforcement actions and litigation.

- Represented a major investment bank in a high-profile case against a group of homeowners alleging violations under the Fair Housing Act, Equal Credit Opportunity Act and state law.
- Represented a large financial institution in parallel CFPB and DOJ investigations into practices concerning consumer credit and small business offerings.
- Represented two large automobile dealers in a DOJ investigation regarding allegations of discriminatory pricing of automobile loans.

We help leading **technology and social media companies** assess anti-discrimination policies and practices and respond to enforcement actions and legislative inquiries.

- Advised a private social network for neighborhoods in developing and implementing features to safeguard against racial profiling within its crime and safety reporting feature.
- Counseled a social media company in a cutting-edge matter involving alleged housing discrimination by users of its platform.
- Advised a large technology company regarding whether certain business models would have a disparate impact on communities of color.

We advise leaders in the **healthcare industry** in connection with novel and complex anti-discrimination matters.

- Represent a professional healthcare association in connection with high-profile anti-discrimination litigation and investigation matters.

We advise **colleges, universities and other educational institutions** on litigation, investigation and regulatory anti-discrimination matters and develop or enhance policies and procedures.

- Secured judgment on all counts for Harvard University in the high-profile challenge to its use of race in the undergraduate admissions process and on appeal.
- Conducted numerous internal investigations regarding allegations of sexual misconduct or race discrimination by senior officials.
- Represent colleges and universities in Department of Education investigations related to Title IX, ADA and Rehabilitation Act compliance.
- Defend educational institutions in federal and state lawsuits regarding race and gender discrimination.
- Advise on policies and procedures, including those related to admissions, financial aid and sexual misconduct.

Cities and law enforcement agencies pursuing **policing reforms** depend on our experience, credibility and judgment.

- Advised US Conference of Mayors on police reform.
- Counseled major police departments through DOJ investigations of their policing practices.
- Advise cities and law enforcement agencies on reforms to enhance public safety and constitutional policing.

For more information, please contact:

Debo P. Adegbile — Partner | +1 212 295 6717 | debo.adegbile@wilmerhale.com

Brenda E. Lee — Partner | +1 202 663 6786 | brenda.lee@wilmerhale.com