

**Joseph A. Seiner**  
University of South Carolina School of Law  
1525 Senate Street  
Columbia, South Carolina 29208  
(803) 777-5569 • [seiner@law.sc.edu](mailto:seiner@law.sc.edu)

## **Teaching Experience**

### **University of South Carolina School of Law, Columbia, SC**

Oliver Ellsworth Professor of Federal Practice, Fall 2018 – Present

Professor, Spring 2014 – Present

Associate Professor, Fall 2011 – Fall 2013

Assistant Professor, Fall 2007 – Spring 2011

Best Classroom Teacher Award (2018); Outstanding Faculty Service Award (2017)

Outstanding Faculty Publication Award (2013 & 2018)

### **Georgetown University Law Center, Washington, DC**

Adjunct Professor, Fall 2004, Fall 2005, Spring 2007

## **Education**

### **Washington and Lee University School of Law, Lexington, VA**

Juris Doctor, *Magna cum Laude*, Order of the Coif, May 1998

*Washington and Lee Law Review*, Lead Articles Editor

### **University of Michigan, Ann Arbor, MI**

Bachelor of Business Administration, *with High Distinction*, April 1995

Angell Scholar, Branstrom Freshman Prize

## **Judicial Clerkship**

### **United States Court of Appeals for the Second Circuit, Rochester, NY**

Law Clerk to the late Honorable Ellsworth Van Graafeiland, August 1998-August 1999

## **Academic Publications**

### **Books**

*The Virtual Workplace: Defining Employment in the Modern Economy* (Forthcoming Cambridge University Press 2020)

*The Supreme Court's New Workplace* (Cambridge University Press 2017)

*Employment Law in a Nutshell, 4th Edition* (West 2017) (with R. Covington)

*Employment Discrimination: Procedure, Principles & Practice* (Aspen Publishers 2015)

## Articles

- The Discrimination Presumption*, 94 NOTRE DAME L. REV. \_\_\_ (2019) (Forthcoming)
- Platform Pleading*, 93 WASH. L. REV. \_\_\_ (2019) (Forthcoming)
- A Modern Union for the Modern Economy*, 86 FORDHAM L. REV. 1727 (2018) (with J. Hirsch)
- Tailoring Class Actions to the On-Demand Economy*, 77 OHIO STATE L.J. 21 (2017)
- Commonality and the Constitution*, 91 IND. L.J. 455 (2016)
- Navigating the Uber Economy*, 49 U.C. DAVIS L. REV. 1511 (2016) (with B. Means)
- The Issue Class*, 56 B.C. L. REV. 121 (2015)
- Weathering Wal-Mart*, 89 NOTRE DAME L. REV. 1343 (2014)
- Plausibility and Disparate Impact*, 64 HASTINGS L.J. 287 (2013)
- Punitive Damages, Due Process, and Employment Discrimination*, 97 IOWA L. REV. 473 (2012)
- Plausibility Beyond the Complaint*, 53 WM. & MARY L. REV. 987 (2012)
- After Iqbal*, 45 WAKE FOREST L. REV. 179 (2010)
- Does Ricci Herald a New Disparate Impact?*, 90 B.U. L. REV. 2181 (2010) (with B. Gutman)
- Pleading Disability*, 51 B.C. L. REV. 95 (2010)
- The Trouble with Twombly: A Proposed Pleading Standard for Employment Discrimination Cases*, 2009 U. ILL. L. REV. 1011 (2009)
- The Failure of Punitive Damages in Employment Discrimination Cases: A Call for Change*, 50 WM. & MARY L. REV. 735 (2008)
- Disentangling Disparate Impact and Disparate Treatment: Adapting the Canadian Approach*, 25 YALE L. & POL'Y REV. 95 (2006)
- Understanding the Unrest of France's Younger Workers: The Price of American Ambivalence*, 38 ARIZ. ST. L.J. 1053 (2006)

## Blogs

- Co-Editor and Author, WORKPLACE PROF BLOG  
[http://lawprofessors.typepad.com/laborprof\\_blog/](http://lawprofessors.typepad.com/laborprof_blog/)
- Co-Editor and Author, JOTWELL, WORKLAW SECTION  
<http://worklaw.jotwell.com/>

## Presentations

Presenter, *The Virtual Workplace*, Colloquium on Current Scholarship in Labor & Employment Law, University of South Carolina School of Law (September, 2018)

Presenter, *A Modern Union for the Modern Economy*, Colloquium on Current Scholarship in Labor & Employment Law, Texas A&M University School of Law (September, 2017)

Presenter, *Class-Actions & The On-Demand Economy*, Employment & Labor Law Scholars' Forum, Seton Hall University School of Law (October, 2016)

Moderator, *New Scholars Workshop: Employment and Corporate Law*, Southeastern Association of Law Schools Annual Meeting (August, 2016)

Presenter, *Civil Rights & The Roberts Court*, The Present and Future of Civil Rights Movements: Race and Reform in 21st Century America, Duke University School of Law (November, 2015)

Presenter, *The Supreme Court's Use of Procedure to Limit Substantive Worker Rights*, Colloquium on Current Scholarship in Labor & Employment Law, University of Indiana School of Law (September, 2015)

Presenter, *Systemic Litigation: Past, Present & Future*, Colloquium on Current Scholarship in Labor & Employment Law, University of Colorado School of Law (September, 2014)

Presenter, *Class-Actions after Wal-Mart*, Law and Society Annual Meeting (May, 2013)

Presenter, *Weathering Wal-Mart*, Colloquium on Current Scholarship in Labor & Employment Law, Northwestern University School of Law & Loyola University Chicago School of Law (September, 2012)

Closing Remarks, *Trial by Jury or Trial by Motion? Summary Judgment, Iqbal and Employment Discrimination*, New York Law School (April, 2012)

Presenter, *Plausibility Beyond the Complaint*, Southeastern Association of Law Schools Annual Meeting (July, 2011)

Presenter, *The Future of Workplace Punitive Damages*, Colloquium on Current Scholarship in Labor & Employment Law, Washington University School of Law & Saint Louis University School of Law (September, 2010)

Moderator, *New Scholars Workshop: Employment and Labor Law*, Southeastern Association of Law Schools Annual Meeting (August, 2010)

Presenter, *Employment Discrimination Implications of Iqbal and Twombly*, Law and Society Annual Meeting (May, 2010)

Faculty Workshop, Washington and Lee University School of Law, *Employment Discrimination Implications of Iqbal and Twombly* (March, 2010)

Presenter, University of South Carolina School of Law, *Iqbal's Implications: Anticipating Change in Pleading Requirements* (with Professors Eichhorn & Stravitz) (November, 2009)

Presenter, *Employment Discrimination Implications of Iqbal and Twombly*, Colloquium on Current Scholarship in Labor & Employment Law, Seton Hall University School of Law (September, 2009)

Presenter, American Association of Law Schools Annual Meeting, *Pleading Standards in Employment Discrimination Cases* (January, 2009) [selected through call for papers]

Presenter, North Carolina/South Carolina Labor and Employment Law Update and Annual Meeting, *Trends in Punitive Damages* (October, 2008)

Presenter, Medical University of South Carolina Trustees Leadership Academy, *Identifying Employment Discrimination Issues as an Administrator* (September, 2008)

Presenter, *The Failure of Punitive Damages in Employment Discrimination Cases*, Southeastern Association of Law Schools Annual Meeting (August, 2008)

Presenter, *The Failure of Punitive Damages in Employment Discrimination Cases*, Law and Society Annual Meeting (May, 2008)

Presenter, University of South Carolina School of Law, *The Roberts Court and Issues of Gender Equality* (Co-sponsored by Women in Law) (with Professor J. Brown) (October, 2007)

Panel Participant, Labor and Employment Relations Association Annual Meeting, *What Private Employers Should Know About the EEO Process* (January, 2007)

## **Legal Experience**

### **U.S. Equal Employment Opportunity Commission, Washington, D.C.**

#### **Appellate Attorney, Office of General Counsel, September 2001-June 2007**

- Presented oral argument as lead counsel in the United States Courts of Appeals
- Prepared appellate and *amicus curiae* briefs on employment discrimination issues
- Represented Commission as lead counsel in the following illustrative cases: *EEOC v. E.I. Du Pont de Nemours & Co.*, 480 F.3d 724 (5th Cir. 2007); *EEOC v. Heartway Corp.*, 466 F.3d 1156 (10th Cir. 2006); *EEOC v. Pipefitters Ass'n Local Union 597*, 334 F.3d 656 (7th Cir. 2003); *Shaver v. Indep. Stave Co.*, 350 F.3d 716 (8th Cir. 2003).
- Briefed Commission Chair and General Counsel on proposed and pending litigation
- Coordinated with the Department of Justice on cases involving employment issues

**Jenner and Block, LLP, Chicago, IL**

**Associate, Labor and Employment Law Group, September 1999-September 2001**

- Advised clients on various employment issues arising under ADA, ADEA, Title VII, FMLA, FLSA, WARN Act and traditional labor law
- Represented clients in federal and state courts in employment related cases
- Prepared and interviewed witnesses, conducted investigations, argued motions, drafted pleadings, assisted in reductions-in-force, drafted position statements, responded to discovery requests, and researched labor and employment law issues

**Bar Admissions**

Member, Illinois State Bar (May 1999);

Admitted to the Supreme Court of the United States (2004)