

# CHARLES A. SULLIVAN

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## PROFESSIONAL EMPLOYMENT

SETON HALL UNIVERSITY SCHOOL OF LAW, NEWARK, NJ  
*Senior Associate Dean of Finance & Faculty*.....July 2015 to Present

SETON HALL UNIVERSITY SCHOOL OF LAW, NEWARK, NJ  
*Andrea J. Catania Endowed Professor of Law*..... September 2011 to 2016

SETON HALL UNIVERSITY SCHOOL OF LAW, NEWARK, NJ  
*Professor of Law* .....September 1978 to Present

SETON HALL UNIVERSITY SCHOOL OF LAW, NEWARK, NJ  
*Associate Dean and Professor of Law* ..... January 1994 to July 2000

UNIVERSITY OF ARKANSAS SCHOOL OF LAW, FAYETTEVILLE, AR  
*Associate Professor* ..... September 1975 to June 1978

UNIVERSITY OF SOUTH CAROLINA LAW SCHOOL, COLUMBIA, SC  
*Assistant Professor* ..... September 1971 to June 1975

NEW YORK UNIVERSITY, NEW YORK, NY  
*Teaching Associate* ..... September 1970 to June 1971

OLWINE, CONNOLLY, CHASE, O'DONNELL & WEYHER, NEW YORK, NY  
*Associate*..... September 1968 to August 1970

## EDUCATION

NEW YORK UNIVERSITY, NEW YORK, NY  
LL.M.....1973

HARVARD LAW SCHOOL, CAMBRIDGE, MA  
LL.B., *cum laude*.....1968

SIENA COLLEGE, LOUDONVILLE, NY  
B.A., *cum laude* .....1965

## PUBLICATIONS

### *BOOKS*

**CASES & MATERIALS ON EMPLOYMENT DISCRIMINATION**  
In its Ninth Edition (Aspen 2017) (with Zimmer).

**EMPLOYMENT DISCRIMINATION: LAW & PRACTICE**  
In its Fourth Edition (Aspen 2008) (with Walter).

**EMPLOYMENT LAW: PRIVATE ORDERING AND ITS LIMITATIONS**  
In its Fourth Edition (Aspen 2018) (with Glynn and Arnow-Richman).

**CASES & MATERIALS ON EMPLOYMENT LAW**  
(Little, Brown/Aspen 1993) (with Calloway & Zimmer)

### *ARTICLES & CHAPTERS*

*Employing AI*  
63 *VILL. L. REV.* 395 (2018)

*Clergy Contracts*  
22 *EMPL. RTS. & EMPLOY. POL'Y J.* 371 (2018)

*Murphy Oil and Norris LaGuardia to the Rescue:  
Preserving Employee Rights to Concerted Dispute Resolution  
in an Era of Mandatory Individual Arbitration* (with Glynn)  
70 *RUTGERS L. REV.* 401 (2018)

*Taking on an Industry:  
Women and Directing in Hollywood* (with Zimmer & White)  
20 *EMPL. RTS. & EMPLOY. POL'Y J.* 229 (2018)

*Tending the Garden: Restricting Competition via "Garden Leave"*  
37 *BERKELEY J. EMP. & LAB. L.* 293 (2016)

*Restating Employment Remedies*  
100 *CORNELL L. REV.* 1391 (2015)

*The FAA Triumphal: A Modest Opinion*  
19 *EMPL. RTS. & EMPLOY. POL'Y J.* 103 (2015)

*Horton Hatches the Egg: Concerted Action Includes Concerted Dispute  
Resolution,*  
64 *ALA. L. REV.* 1013 (2013) (with Glynn)

*Tortifying Employment Discrimination,*  
92 B.U. L. REV. 1431 (2012)

*The Curious Incident of Gross and the Significance of Dogs  
that Don't Bark,*  
90 TEXAS L. REV. SEE ALSO 157 (2012)

*Mastering the Faithless Servant?: Reconciling Employment Law,  
Contract Law, and Fiduciary Duty,*  
2011 WIS. L. REV. 777

*Plausibly Pleading Employment Discrimination*  
52 WILL. & MARY L. REV. 1613 (2011)

*Ricci v. DeStefano: End of the Line or Just Another Turn on the  
Disparate Impact Road?,*  
104 NW. U. L. REV. 411 (2010)  
(reprinted from 104 NW. U. L. REV. COLLOQUY 201 (2009))

*Raising the Dead?: The Lilly Ledbetter Fair Pay Act,*  
84 TULANE L. REV. 499 (2010)

*The Puzzling Persistence of Unenforceable Contract Terms,*  
70 OHIO ST. L. REV. 1127 (2009)

*The Phoenix from the Ash: Proving Discrimination by Comparators*  
60 ALA. L. REV. 191 (2009)

*On Vacation,* 43 HOUS. L. REV. 1143 (2006)

*Disparate Impact: Looking Past the Desert Palace Mirage,*  
47 WM. & MARY L. REV. 911 (2006).

*Legal Regulation of the Use of Race in Medical Research,*  
34 J.L. MED. & ETHICS 535 (2006) (with Lillquist)

*Gilmering Antidiscrimination Law,* in  
EMPLOYMENT DISCRIMINATION STORIES (2006 Foundation Press)

*The Under-Theorized Asterisk Footnote,*  
93 GEO. L. J. 1093 (2005).

*Circling Back to the Obvious: The Convergence of Traditional and Reverse  
Discrimination in Title VII Proof ,*  
46 WM. & MARY L. REV. 1031 (2004).

*The Law and Genetics of Racial Profiling in Medicine,*  
39 HARV. C. R.-C.L. L. REV. 391 (2004) (with Lillquist).

*The World Turned Upside Down?: Disparate Impact Claims by White Males,*  
98 NW. U. L. REV. 1505 (2004)

*Judging Judgments: The 1991 Civil Rights Act and the Lingering  
Ghost of Martin v. Wilks,*  
57 BROOK. L. REV. 995 (1992) (with Catania).

*Accounting for Price Waterhouse: Proving Disparate Treatment  
Under Title VII,*  
56 BROOK. L. REV. 1107 (1991).

*The Structure of Title VII Individual Disparate Treatment Litigation: Anderson v.  
City of Bessemer City, Inferences of Discrimination and  
Burdens of Proof,*  
9 HARV. WOMEN'S L. J. 25 (1983) (with Zimmer).

*The Herfindahl-Hirschman Index and the New Antitrust Merger Guidelines:  
Concentrating on Concentration,*  
62 TEX. L. REV. 453 (1983) (WITH COHEN).

*Breaking Up the Treble Play: Attacks on the Private Treble Damage  
Antitrust Action,*  
14 SETON HALL L. REV. 17 (1983).

*The Equal Pay Act of 1963: Making and Breaking a Prima Facie Case,*  
31 ARK. L. REV. 545 (1978).

*Revisiting the "Neglected Stepchild": Antitrust Treatment of Postemployment  
Restraints of Trade,*  
1977 U. ILL. L.F. 621.

*The Enforcement of Title VII: Meshing Public and Private Efforts,*  
71 NW. U.L. REV. 480 (1976).

*Consent Decree Settlements by Administrative Agencies: Optimizing Public and  
Private Interests in Antitrust and Employment Discrimination  
Enforcement,*  
1976 DUKE L.J. 163 (with Zimmer).

*Private Enforcement of Government Antitrust Decrees: Third Party Beneficiary  
Rights and Intervenor Status,*  
123 U. PA. L. REV. 822 (1975).

*The South Carolina Human Affairs Law: Two Steps Forward, One Step Back?  
(I, II),*  
26 S.C.L. REV. 1 (1974), 27 S.C. L. REV. 1 (1975) (with Zimmer).

## WEB ACTIVITIES

CO-Editor, **WORKPLACE PROF BLOG**

Contributing Editor, **WORKLAW SECTION, JOTWELL**

## COURSES TAUGHT

Employment Discrimination  
Employment Law

Contracts  
Civil Procedure

Remedies  
Antitrust

## PROFESSIONAL ACTIVITIES

Member of the **AMERICAN LAW INSTITUTE**

Member, Editorial Board, **EMPLOYEE RIGHTS & EMPLOYMENT POLICY JOURNAL**