

Caught in the Judicial-Congressional Tug of War: Making Sense of Recent and Upcoming Supreme Court Decisions and Congressional Legislation

Caught in the Judicial-Congressional Tug of War: Making Sense of Recent and Upcoming Supreme Court Decisions and Congressional Legislation

Insight — 5/1/2010 12:00:00 AM

When it comes to employment law in 2010, it may be an understatement to say that we live in "interesting times," an oft-quoted expression to describe times of change, challenge, and unpredictability. The Obama White House and the Democrat-controlled Congress hold open the promise of greatly expanded employee rights. The Supreme Court - with the addition of Chief Justice Roberts and Justice Alito in 2005 and 2006 respectively - has a slim but definitive majority vocally resistant to any perceived encroachment into corporate interests. The substitution of Justice Sotomayor for Justice Souter does not, at least in theory, appear to shake up the pro-business orientation of the court.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.