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## **LDF Submits U.S. Supreme Court Amicus Brief in Support of Title VII Enforcement**

Today, the NAACP Legal Defense and Educational Fund, Inc. filed an amicus brief in *Fort Bend County, Texas v. Davis*, a significant Supreme Court case about when federal courts can hear employment-discrimination lawsuits under Title VII of the Civil Rights Act of 1964.

Title VII instructs individuals who want to bring a lawsuit to file a “charge” with the Equal Employment Opportunity Commission (EEOC) relating to the discrimination they suffered. This is required by the law, but *Fort Bend* addresses what it means for a plaintiff’s case if the plaintiff supposedly fails to satisfy that requirement. LDF argues that noncompliance is not jurisdictional, which means that a court may consider fairness, equity, and the impact on the parties and court resulting from dismissal of a case in evaluating whether dismissal would be appropriate.

“When Congress passed Title VII, seeking to eradicate discrimination from the workplace, it intended lawsuits by private individuals to be the primary means of compelling compliance with Title VII’s commands,” said Kerrel Murray, Appellate Litigation and Policy Fellow at LDF. “It would make little sense for Congress to have also created jurisdictional traps for unwary litigants – who may not be able to afford legal counsel – that could throw them out of court at any time, regardless of whether the defendant should have raised the issue earlier. That rule could incentivize defendants to sandbag plaintiffs, and it would burden the courts and private litigants who just want a fair chance at employment.”

The key question at the heart of *Fort Bend* is Congress’ intent, and LDF’s brief explains that lawmakers clearly meant private lawsuits to be an integral part of Title VII’s execution. Although Congress created preconditions for access to those lawsuits, it also knew that private individuals would often be required to satisfy those complex preconditions without the aid of lawyers. As the brief notes, characterizing those preconditions as “jurisdictional,” and thereby conditioning judicial power to hear the case on perfect compliance with them, would be inconsistent with Congress’ desire to rely on the “private attorney general” to eliminate workplace discrimination.

LDF’s brief calls on the Court to affirm Congress’ desire for a robust, effective private implementation of Title VII by upholding the Fifth Circuit’s decision that Title VII’s charge filing requirement is not jurisdictional.

Read LDF's brief [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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