

Adam Sencenbaugh in HR Magazine: What Does it Take to Prove a Race-Discrimination Case'

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Haynes Boone Partner [Adam Sencenbaugh](#) talked with *HR Magazine* about a pending U.S. Supreme Court case that will decide the standard of proof that applies to race discrimination claims.

Here is an excerpt:

In *Comcast Corp. v. National Association of African American-Owned Media*, the U.S. Supreme Court has been asked to decide which standard applies to claims brought under Section 1981 of the Civil Rights Act of 1866—a Reconstruction-era law that prohibits bias based on race and provides the same rights and benefits as "enjoyed by white citizens" in contractual relationships. The law applies to employment and other business agreements, including independent-contractor arrangements.

The 9th U.S. Circuit Court of Appeals said plaintiffs have to show that race discrimination was a motivating factor, which is the standard of proof for similar claims under Title VII of the Civil Rights Act of 1964.

"If the court were to rule broadly that a party need only prove that race is a motivating factor to establish a claim under Section 1981, that would make Section 1981 claims much more attractive to employees who sue for alleged racial discrimination by their employers," said Adam Sencenbaugh, an attorney with Haynes Boone in Austin and San Antonio, in an interview with *SHRM Online*.

At oral argument, the justices struggled with whether this case was really about the initial pleading standard when a lawsuit is filed or the standard to ultimately prove a Section 1981 claim, Sencenbaugh said.

To read the full article, click [here](#).