



**SUPREME COURT RECOGNIZES
RETALIATION UNDER § 1981**
MAY 2008

On May 27, 2008, the U.S. Supreme Court in *CBOCS West v. Humphries* held that a claim for unlawful retaliation is actionable under 42 U.S.C. § 1981. While most federal courts of appeals previously had held that § 1981 recognized such a claim, oral argument in this case had given hope to employers that the Supreme Court would limit the statute to claims of race discrimination only. Unlike Title VII of the Civil Rights Act of 1964, which likewise prohibits employment discrimination on the

basis of race, § 1981 applies to employers of all sizes and does not impose a cap on the recovery of compensatory and punitive damages. Accordingly, large and small employers alike face potentially greater exposure for race discrimination or retaliation under § 1981. Feel free to contact an Elarbee Thompson attorney for more information at www.elarbeethompson.com or 404-659-6700.