

Structure of the EEOC Office of General Counsel¹

A. Headquarters Programs and Functions

1. General Counsel

The General Counsel is appointed by the President and confirmed by the Senate for a four-year term. 42 U.S.C. § 2000e-4(b)(1). The General Counsel is responsible for managing and coordinating the enforcement litigation program of the Equal Employment Opportunity Commission (EEOC or Commission) and provides overall direction to all components of the Office of General Counsel (OGC), including district office legal units. The General Counsel also provides reports to the Commission on litigation activities and, upon request, advises the EEOC Chair and Commissioners on agency policies and other matters affecting enforcement of the statutes within the Commission's authority.

2. Deputy General Counsel

The Deputy General Counsel is responsible for overseeing all programmatic and administrative functions of OGC, including the litigation program and the litigation support budget allocated to OGC by the EEOC Chair. OGC functions are carried out through the operational program and service areas described below, which report to or through the Deputy. In the absence of a General Counsel, the Deputy General Counsel acts as General Counsel.

3. Litigation Management Services

Litigation Management Services (LMS) oversees and supports the Commission's federal district court enforcement program in the agency's district legal units. In conjunction with the EEOC's Office of Field Programs, LMS also oversees the integration of district legal units with the offices' investigative units. LMS provides direct litigation assistance to district legal units, drafts guidance, and develops training programs and materials. LMS also reviews litigation recommendations submitted by district legal units. LMS reviews various other litigation-related matters, such as requests to contract for expert services and proposed resolutions in cases in which the General Counsel has retained settlement authority. LMS has a litigation support department that provides resources, technical support, and expertise to field offices on eDiscovery matters, including the collection, processing, review, analysis, and production of electronically stored information (ESI).

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4. Appellate Litigation Services

Appellate Litigation Services (Appellate) is responsible for conducting all appellate litigation where the Commission is a party. Appellate also participates as amicus curiae in United States courts of appeals, federal district courts, and state courts in cases of interest to the Commission. Appellate represents the Commission in the United States Supreme Court through the Department of Justice's Office of the Solicitor General. Appellate also makes recommendations to the Department of Justice in cases where the Department is defending other federal agencies on claims arising under the statutes the Commission enforces.

5. Research and Analytic Services

Research and Analytic Services (RAS) is OGC's in-house source of expert and data analytic services for cases in litigation (both liability and damages) and select charges in the administrative process. RAS experts, all with advanced degrees and experience in their fields of expertise, provide testifying and consulting expert services to OGC's legal teams. RAS experts are tasked with conducting objective analytic work and forming their opinions independently. For example, they document their analyses and findings in their expert reports when there is statistical evidence of significant differences based on or correlated with a protected characteristic. In cases where RAS experts find no statistically significant differences or where available data are not adequate for reliable and valid analyses, they advise the legal teams accordingly. RAS experts do not receive directives from agency officials or direction from attorneys regarding the methods employed or conclusions reached in their analytic casework. The employment terms of RAS experts (e.g., continued employment, pay, promotions, performance ratings, and awards) do not depend on any particular conclusion or lack thereof in their expert work. RAS also advises in the process for obtaining expert services from outside the agency when necessary.

6. Internal Litigation Services

Internal Litigation Services (ILS) represents the Commission and its officials on claims brought against the Commission by EEOC employees and applicants for EEOC positions and provides legal advice to the Chair and EEOC management on employment-related matters.

B. District Legal Units

District legal units conduct Commission litigation in the geographic areas covered by the agency's 15 districts and provide legal advice and other support to district staff responsible for investigating charges of discrimination. Legal units are directed by Regional Attorneys who manage staffs consisting of Assistant Regional Attorneys, Supervisory Trial Attorneys, Trial Attorneys, Paralegals, and other support personnel. Regional Attorneys report to the General Counsel through the Associate General Counsel for Litigation Management Services. In addition to the district office itself, Trial Attorneys and other legal unit staff are stationed in most field, area, and local offices within districts.