



WILLIAM S. BOYD SCHOOL OF LAW
Faculty Publications
(As of May 23, 2008)

Elaine W. Shoben

Books

Remedies: Cases and Problems, casebook with William Murray Tabb, Foundation Press, 1989.

Second edition, 1995, with William Murray Tabb.

Third edition, 2002, with William Murray Tabb and Rachael M. Janutis.

Fourth edition, 2007, with William Murray Tabb and Rachael M. Janutis.

Teacher's Manual to accompany casebook, Foundation Press, 1989, with William Murray Tabb.

Second edition, 1996, with William Murray Tabb.

Third edition, 2002, with William Murray Tabb and Rachael M. Janutis.

Fourth edition, 2008, with William Murray Tabb and Rachael M. Janutis
(in preparation)

Employment Discrimination, casebook with Mack Player and Risa Lieberwitz, West Group, 1990.

Second edition, 1995.

Statutory Supplement, with Mack Player and Risa Lieberwitz 1995.

Teacher's Manual to accompany casebook, with Mack Player and Risa Lieberwitz West Group 1990.

Second edition, 1997.

Supplement to accompany casebook, with Mack Player and Risa Lieberwitz West Group, 1992.

Employment Law, two volume treatise with Mark Rothstein, Charles Craver, Elinor Schroeder and Lea VanderVelde, West Group (1994).

Second edition, with Mark Rothstein, Charles Craver and Elinor Schroeder 1999.

Third edition, 2004.

Fourth edition for 2009 in preparation.

Annual supplements, with Mark Rothstein, Charles Craver and Elinor Schroeder, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2005, 2006, 2007.

Employment Law Hornbook, with Mark Rothstein, Charles Craver, Elinor Schroeder, and LeaVanderVelde, West Group 1994.

Second edition, with Mark Rothstein, Charles Craver and Elinor Schroeder 2000.

Third edition, 2005.

Human Resources and the Law, with with Mark Rothstein, Charles Craver, Elinor Schroeder, and LeaVanderVelde, Bureau of National Affairs, 1994.

Selected Employment and Labor Law Statutes, with Mack Player and Risa Lieberwitz, West Group (2000).

Second edition, 2001.

Third edition, 2003.

Fourth Edition, 2004.

Fifth Edition, with Mack Player and Elinor Schroeder 2005.

Sixth Edition, 2006.

Nutshell on Remedies, with William Murray Tabb, West Group, 2005.

Concise Hornbook on Remedies, with Russell Weaver and Michael B. Kelly, West Group, 2007.

Articles/ Chapters/ Other Publications

"Probing the Discriminatory Effects of Employee Selection Procedures with Disparate Impact Analysis Under Title VII," 56 Texas L. Rev. 1 (1977).

"Differential Pass-Fail Rates in Employment Testing: Statistical Proof Under Title VII, 91 Harvard L. Rev. 793 (1978).

"Book Review: Quantitative Methods in Law: Studies in the Application of Mathematical Probability and Statistics to Legal Problems," 59 Boston Univ. L. Rev. 582 (1979).

"In Defense of Disparate Impact Analysis Under Title VII: A Reply to Dr. Cohn," 55 Indiana L.J. 515 (1980).

"Compound Discrimination: The Interaction of Race and Sex in Employment Discrimination," 55 New York Univ. L. Rev. 793 (1981).

"Intentional Discrimination in Employment: The Proper Role of Statistics," 46 Law and Contemporary Society 301 (1983).

Book Review, *The Burden of Brown* by Raymond Wolters, 2 Constitutional Commentary 494 (1985).

"Recruitment by Design or Default under Employment Discrimination Law," 47 Ohio St. L.J. 891 (1986).

"Defining the Relevant Population: The Legal Issues," book chapter in *Statistical Evidence of Discrimination*, edited by David H. Kaye and Michael Aickin (1987).

"Test Defamation in the Workplace: False Positive Results in Detecting Lies, AIDS, or Drug Use," 4 Chicago L. Forum 181 (1988).

"Uncommon Law: The Woes of Constitutionalizing State Common Law Torts," 1992 Illinois L. Rev. 173 (1992).

Preface, *Drawing the Line: A Sexual Harassment-free Workplace*, by Frances Lynch (1995).

"From Anti-Nepotism to Programs for Partners: Legal Issues," chapter in *Academic Couples* (M. Ferber and J. Loeb, eds.), University of Illinois Press (1996).

"Disparate Impact Discrimination: American Oddity or Internationally Accepted Concept?" 19 Berk. J. Lab. & Empl. Law 108 (1998) (with Rosemary C. Hunter).

“Alternative Resolution of Employment Discrimination Claims: American and Australian Experiences: Proceedings of the 2001 Annual Meeting, Association of American Law Schools Section on Employment Discrimination,” 5 Employee Rights and Employment Policy Journal 603 (2002) (introductory remarks as organizer and moderator of panel in published proceedings).

“Spinning Restitution: From Cauliflower to Coconut,” 36 Loyola L. Rev. 1027 (2003) (Symposium publication of Second Remedies Discussion Forum on Restitution). [Hein](#) [Lexis](#) [Westlaw](#)

“Unclean Hands,” Computer Assisted Legal Instruction Lesson prepared as part of CALI Remedies Group Fellowship (2004).

“Contempt Overview” Computer Assisted Legal Instruction Lesson prepared as part of CALI Remedies Group Fellowship (2004).

“Disparate Impact Theory in Employment Discrimination: What’s *Griggs* Still Good For? What Not?” 42 Brandeis L. J. 597 (2004). [Hein](#) [Lexis](#) [Westlaw](#)

“Let the Damages Fit the Wrong: An Immodest But Non-Political Proposal to Reform Personal Injury Damages,” 39 Akron L. Rev. 1069 (2006) (Symposium publication of Third Remedies Discussion Forum on Damages). [Hein](#) [Lexis](#) [Westlaw](#)

“Evidentiary Wisdom and Blinders in Perspective: Thoughts on *Misjudging*,” 7 NEV. L. J. 500 (2007). [Hein](#) [Lexis](#) [Westlaw](#)

“Princess in the Tower,” chapter in *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education*, (R.J. Bonnie and M.W. Wigfall, eds.) (in press with Vanderbilt University Press, 2008).

Miscellaneous Publications/ Unpublished Class Materials

Supplemental text and problems for class on Employment Discrimination: "Handout on Statistical Evidence: Use of Quantitative Evidence in Disparate Impact Cases."

Computer program, manual, and problems entitled, "Employment Discrimination Analysis: A Program that will assess Disparate Impact in Employment Discrimination Cases," (with John H. McCord) for class use.

"Getting the Skin Color 'Right,'" opinion piece published in the *Chicago Tribune* March 28, 1996 (commenting on the skin color of the new Betty Crocker fictional corporate symbol and distinguishing between multicultural identity and lack of identity).

"Richie Rich," letter to the editor, *Forbes Magazine*, February 1997 (commenting on article about distribution of wealth by gender in the U.S.).

CALI lessons autopublished in 2008 for individual classes: (1) Introduction to CALI, (2) Law in Action, (3) Gifts versus Benefits Exchanged as Part of Contract, (4) Duty to Rescue: Common Law, (5) Duty to Rescue: Statutory Changes to Common Law, (6) Noncompetition Agreements, (7) Fraud, (8) Issues of Mental Capacity in Tort and Contract, and (9) Tort Reform Statutes.