Allan G. King

Special Counsel

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Focus Areas

Class Actions
Wage and Hour
Discrimination and Harassment
Litigation and Trials
Inclusion, Equity and Diversity
Littler Pay Equity Assessment
Littler Restructuring Assessment Solution

Overview

Allan G. King combines his experience in employment law with his prior experience as a labor economist to handle statistical issues that typically arise in class action and "pattern and practice" cases. He assesses clients' practices involving hiring, promotion and pay and proposed reductions-in-force for adverse impact.

In these efforts, Allan works closely with testifying and consulting experts in economics and statistics, and his experience as a labor economist permits him to identify the experts best suited to a particular matter. He also is equipped to effectively rebut opposing expert testimony and, in several cases, has filed successful Daubert motions attacking expert testimony.

Allan also has extensive experience conducting pay equity audits for all types of employers, from start-ups to Fortune 50 companies, and helped develop the Littler Pay Equity Assessment™, including counseling employers on a broad range of state and federal issues related to pay equity, from compliance, to updating policies and job descriptions, to training managers and recruiters, and more.

Allan is a frequent speaker on continuing legal education programs and has served as a member of Littler's Board of Directors. He is board certified in labor and employment law by the Texas Board of Legal Specialization.

Recognition

- Named, The Best Lawyers in America®, 2008-2023
- Named, Lawyer of the Year, Labor Law - Management, Austin, *The Best Lawyers in America©*, 2017, 2019
- Named, Super Lawyer, Texas, *Super Lawyers*, 2006-2011
- Chancellor-At-Large, *University of Texas School of Law*
- Order of the Coif
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

Education

J.D., University of Texas School of Law, 1986, *With Honors*
Ph.D., Cornell University, 1972
M.S., Cornell University, 1969
B.A., City College of New York, 1967

Bar Admissions

Texas

Courts

U.S. Supreme Court
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 7th Circuit
U.S. Court of Appeals, 11th Circuit
U.S. District Court, Northern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Western District of Texas

Publications & Press

Two Developments Could Impact California's Proposed Regulations Governing AI and Automated Decision-making
Littler ASAP
April 4, 2022

California Fair Employment & Housing Council Proposes Sweeping Regulation of Automated Decision-making and Artificial Intelligence in Employment
Littler ASAP
March 17, 2022

In New York City, Subjectivity Trumps Data Analytics
New York Law Journal
March 11, 2022

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers
Littler Press Release
August 19, 2021

Workforce Reductions and Statistics: A Primer and Recommendations
Littler Report
December 15, 2020

California Provides Additional Guidance on Employee Pay Data Reporting
Littler ASAP
November 25, 2020

OFCCP Issues Final Rule Outlining Procedures for Resolving Employment Discrimination
Littler Insight
November 11, 2020

California Offers Limited Guidance on New Pay Data Reporting Requirements; Further Guidance Expected
Littler ASAP
November 3, 2020

California Poised to Enact Law Requiring Compensation Data Collection
Littler ASAP
August 31, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers
Littler Press Release
August 20, 2020

Littler Launches Holistic Workforce Restructuring Solution
Littler Press Release
May 28, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year
Littler Press Release
August 15, 2019

Improve Employee Databases to Ensure Pay Equity
SHRM Online
August 30, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers
Littler Press Release
August 15, 2018

Companies Are Warned About Compliance 'Minefields' for Pay Equity
The National Law Journal
April 5, 2018

The Potential Impact of Taxing Nondisclosure Agreements
Law360
January 19, 2018

The "People of Color" Label: Is It Time To Move The Needle (Again)?
Littler Podcast
August 22, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers
Littler Press Release
August 17, 2017

Littler Appoints New Chair and Elects Three New Members to Board of Directors
Littler Press Release
January 23, 2017

The Legal Risks of 'Big Data': What HR Should Know
SHRM Online
October 7, 2016

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition
Littler Press Release
August 16, 2016

EEOC Digs In with Its EEO-1 Pay Data Proposal
SHRM Online
July 18, 2016

EEO-1 Pay Reports: Rulemaking in the Absence of Evidence
Law360
May 11, 2016

3 Ways To Avoid Employment Compliance Reporting Missteps
Law360
February 4, 2016

2 Firms Are GC Faves For Class Action Litigation
Law360
September 21, 2015

Heisenberg, Zeno, and the Department of Labor: A Problem with the Proposed FLSA Overtime Regulations
The Hill
September 2, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition
Littler Press Release
August 18, 2015

Littler to Open Office in Booming Austin
Littler Press Release
August 10, 2015

The Big Move Toward Big Data in Employment
Littler Report
August 4, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition
Littler Press Release
August 18, 2014

Gender Pay Gap: A Problem For Contractors And Feds
Law360.com
April 23, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition
Littler Press Release
August 15, 2013

"False-Positives" and the Probability of Discrimination: Why "Two or Three Standard Deviations" May Not Evidence a Pattern or Practice
Employee Relations Law Journal, Vol. 39, No.2
2013

Retaliation and Whistleblower Claims by In-House Counsel
Littler Report
March 29, 2013

Supreme Court Won't Question Class Cert. In Merrill Bias Suit
Law360.com
October 1, 2012

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition
Littler Press Release
September 7, 2012

Wage and Hour Class Actions in the Healthcare Industry
Littler Report
March 21, 2012

The Time Has Come For Plaintiffs To Put Up Their Dukes
Law360.com
March 20, 2012

Plaintiffs' Reliance on Dukes Wins Class Certification
Littler Insight
March 2, 2012

Dukes v. Wal-Mart: Some Closed Doors and Open Issues
Littler Report
February 13, 2012

Effective Use and Management of Social Science Evidence
37 Employee Relations Law Journal 3
2012

You Can't Opt Out of the Federal Rules: Why Rule 23 Certification Standards Should Apply to Opt-In Collective Actions Under the FLSA
Federal Courts Law Review
October 2011

Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition
Littler Press Release
September 12, 2011

FLSA Cert. Process Challenged in Light of Dukes
Law360.com
August 11, 2011

Analysis: Wal-Mart ruling no knock-out blow for class actions
Reuters
July 12, 2011

Dukes and FLSA Collective Actions
Law360.com
June 28, 2011

Convictions Records and Disparate Impact
Journal of Labor & Employment Law
Spring 2011

The Propensity to Stereotype as Inadmissible 'Character' Evidence
Journal of Labor & Employment Law
2011

Two or Three Standard Deviations from What?: How Gross v. FBL Financial Services Changes the Statistical Benchmark in ADEA Collective Actions
37 Employee Labor Relations 17
2011

Tracking Women in Management
Law360.com
October 20, 2010

Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011
Littler Press Release
August 9, 2010

Wage and Hour Class Actions in the Healthcare Industry: Diagnosis and Prevention
Littler Report
June 2, 2010

Altering the ADEA Disparate Impact Defense
Law360.com
March 23, 2010

Put Up Your Dukes: Reconciling Individual v. Pattern or Practice Evidence of Discrimination
36 Employee Relations Law Journal 3
2010

61 Littler Attorneys Named to The Best Lawyers in America® 2010
Littler Press Release
August 14, 2009

Strange Fiction: The 'Class Certification' Decision in FLSA Collective Actions
24 The Labor Lawyer 267
2009

51 Littler Attorneys Named to The Best Lawyers in America
Littler Press Release
October 31, 2008

The Employee Free Choice Act: A Critical Analysis
Littler Report
July 24, 2008

Social Framework Analysis as Inadmissible 'Character' Evidence
32 Law & Psychology Review 1
2008

The Dukes 'Do-Over': The Substituted Opinion in Dukes v. Wal-Mart Stores, Inc.
8 Bender's Labor & Employment Bulletin 319
2008

The Real Lessons of Ledbetter v. Goodyear Tire & Rubber Co., Inc.
Littler Insight
May 30, 2007

The Perils of Union Activism Have Been Greatly Exaggerated
Littler Article
May 21, 2007

Gross Statistical Disparities as Evidence of a Pattern and Practice of Discrimination: Statistical v. Legal v. Significance
22 The Labor Lawyer
2007

The Perils of Union Activism Have Been Exaggerated
Employment Law 360
2007

Classwide Determination of Overtime Exemptions: The False Dichotomy Posed by Sav-On and a Suggested Solution
The Labor Lawyer
September 20, 2006

Allan King discusses the Class Action Plaintiff's Lawyer's Sociologist--William Bielby
Business Week
May 15, 2006

Class-Wide Determinations of Overtime Exemptions: The False Dichotomy Posed by Sav-on and a Suggested Solutions
21 The Labor Lawyer 257
Spring 2006

Is the System Broke, or Are Brokers Gaming the System?
Law.com
February 13, 2006

Is the System Broke or Are Brokers Gaming the System?
Law.com
2006

Allan King discusses rising unpaid overtime cases
Dallas Business Journal
June 27, 2005

Preventative Legal Medicine: The Dangers of Class-Actions Call for Experienced Counsel
Chain Store Age
April 1, 2005

Stealth Class Actions
GC New York
January 31, 2005

Stealth Class Actions
GC New York, p. 2
2005

11th Circuit Reins in Class Action Certification Under Federal Rule of Civil Procedure 23(b)(2)
Littler Insight
December 1, 2004

Are There Due Process Limits to Class Size?: Reflections on Dukes v. Wal-Mart
14 Class Actions & Derivative Suits no. 4, p. 4
Fall 2004

Texas Supreme Court Limits Emotional Distress Claims
Littler Insight
September 15, 2004

Statistics as a Guide to RIF Selections: Caveat Emptor
20 The Labor Lawyer 79
Summer 2004

Gratz v. Grutter: Lessons for Pursuing Diversity in the Workplace
Oklahoma City Law Review
Spring 2004

Vague Definitions On Overtime Pay Open Door to Litigation
New York Law Journal
October 14, 2003

Vague Definitions on Overtime Pay Open Door to Litigation
New York Law Journal, p. S10
2003

Resist and Report: A Policy to Deter Quid Pro Quo Sexual Harassment
50 Baylor Law Review 333
1998

Estimates of the Size of the Illegal Migrant Population of Mexican Origin in the United States: An Assessment, Review, and Proposal
Mexican Immigrants and Mexican Americans: An Evolving Retaliation 13-36 H.L. Br
1986

A Brief for a Tax-Based U.S. Immigration Policy
Population Research and Policy Review 2 (1983) 1-19
1983

The Number of Illegal Migrants of Mexican Origin in the United States: Sex-Ratio Based Estimates for 1980
20 Demography 99
1983

Human Capital and the Risk of Divorce: An Asset in Search of a Property Right
49 Southern Economic Journal 536
1982

Labor Market Data Needs from the Perspective of 'Dual' or 'Segmented' Labor Market Research: Comment
National Commission on Employment and Unemployment Statistics Background Paper No. 29, 86-90
April 1979

Unemployment Consequences of Illegal Aliens from Mexico
Texas Business Review, 43-47
March-April 1979

The Mexican Alien Count
Discovery, 16-19
March 1979

A Note on Lucas's Critique of the Human Capital Model
14 Journal of Human Resources 130
1979

Labor Market Discrimination Against Black Women
Review of Black Political Economy
August 1978

Race and the Determinants of Lifetime Earnings
31 Industrial and Labor Relations Review 347
1978

Industrial Structure, the Flexibility of Working Hours, and Women's Labor Force Participation
60 Review of Economics and Statistics 399
1978

Counting Illegal Aliens: Myths and Misconceptions
Texas Business Review, 101-106
1978

Is Occupational Segregation the Cause of the Flatter Experience – Earnings Profiles of Women?
12 Journal of Human Resources 541
1977

Is Occupational Segregation the Cause of the Flatter Experience – Earnings Profiles of Women?
12 Journal of Human Resources 541
1977

Demographic Influences on Labor Force Rates of Black Males
99 Monthly Labor Review 42
1976

Minority Women, Professional Work
Manpower 7, 8-13
1975

Minimum Wages and the Secondary Labor Market
41 Southern Economic Journal 215
1974

Occupational Choice, Risk Aversion, and Wealth
27 Industrial and Labor Relations Review 586
1974

Black-White Economic Convergence and the Civil Rights Act of 1964
25 Labor Law Journal 462
1974

An Interracial Analysis of the Determinants of On-The-Job Training
Proceedings of the Industrial Relations Research Association, 279-286
1974

Stochastic Dominance and 'The Economic Rationale of Occupational Choice'
Industrial and Labor Relations Review 26
1973

A Comment on Bowles' Model of Educational Planning
Economics of Planning, 131-135
1973

Speaking Engagements

Littler Austin's 2022 Holiday Season Lunch and Learn
Austin, TX
December 9, 2022

Littler AI Summit
Washington, DC
September 28, 2022

Session One: A Primer on AI Tools and Human Resource Decisions
August 18, 2022

Restructuring Your Workforce: Proactive Planning to Safeguard Your Business
June 15, 2020

Pay Equity as a Legal and Business Imperative | Compensation Auditing
November 8, 2018

ACC Exclusive Webinar – Pay Equity as a Legal and Business Imperative
August 15, 2018

Pay Equity: Past, Present and Future
Kansas City Employer Conference
June 26, 2018

The Pay Equity Wave Rolls On: What Massachusetts Employers Need to Know to Stay Afloat
June 13, 2018

Pay Equity
Littler Executive Employer, Phoenix, AZ
May 4, 2018

The Pay Equity Wave Rolls On: What You Need to Know to Stay Afloat
Littler Executive Employer, Phoenix, AZ
May 3, 2018

Pay Equity as a Legal and Business Imperative
April 4, 2018

Pay Equity Compliance: How to Advise Your C-Suite and Safeguard Your Company
Boston, MA
March 28, 2018

Wage and Hour Class Action Avoidance: Lessons from Trial Attorneys
May 11, 2017

Pay Equity: A Rapidly Expanding Frontier
May 11, 2017

Equal Pay: What Do the Changes to the EEO-1 Report and State Pay Equity Legislation Mean for Employers?
November 17, 2016

Equal Pay: What do the Changes to the EEO-1 Report and State Pay Equity Legislation Mean for Employers?
October 27, 2016

Gender Pay Disparity: The State Legislatures Are Taking Charge
2016 New England Employer Conference, Burlington, MA
October 13, 2016

2016 Houston Employer Conference
Houston, TX
August 11, 2016

Retail Industry Roundtable
The 2016 Executive Employer® Conference, Scottsdale, AZ
May 6, 2016

Closing the Gender Pay Gap: The Role of State Fair Pay Laws
The 2016 Executive Employer® Conference
May 5, 2016

Using Data Analytics in Assessing Litigation Risks
May 4, 2016

Workplace Equity: Creating a Gender-Neutral Workplace
May 4, 2016

Class Action Summit
Pasadena, CA
October 22, 2012

The EEOC's Updated Criminal History Guidance, Strategic Plan and More — What Does This Mean for Your Company?
May 31, 2012

The Retail Industry Summit
Littler, Scottsdale, AZ
May 9, 2012

Pressing Issues Facing Retailers—In the U.S. and Abroad
New York, NY
February 13, 2012

Class Action Summit
Carlsbad, CA
September 26, 2011

Benefit Plan Administration and Litigation in the Wake of the Supreme Court's Decision in CIGNA v. Amara
June 3, 2011

Class Action Summit
Rancho Palos Verdes, CA
September 23, 2010

Assess Systems and Littler present: Employee Selection, Development, and Performance Management
Dallas, TX
April 16, 2010

Books & Book Chapters

- *Littler Mendelson on Employment Class Actions*, contributing author, Second Ed., 2012
- *Littler Mendelson on Employment Class Actions*, contributing author, 2007 Ed., 2007
- *Labor Economics: Wages, Employment and Trade Unionism*, co-author, F.R. Marshall and A.M. Cartter, 3rd Ed., 1976 / 4th Ed., 1980
- Organized Labor in Texas, *The Texas Economy*, Louis Rodriquez, ed., Madrona Press, 1978

- An Economic Analysis of the Impact of Discrimination on the Employment of Women in the Professions, Women in Management, *Human Services Monograph Series*, Gerard, Oliver, and Williams, eds., The University of Texas 1976, 25-28