



## Allan G. King

Senior Counsel

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## Focus Areas

Class Actions

Wage and Hour

Discrimination and Harassment

Litigation and Trials

AI in Human Resource Decisions

Inclusion, Equity and Diversity

Littler Pay Equity Assessment

## 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

**An Overview of the Employment Law Issues Posed by Generative AI in the Workplace**

*Littler Report*

May 11, 2023

**Two Developments Could Impact California's Proposed Regulations Governing AI and Automated Decision-making**

*Little ASAP*

April 4, 2022

**California Fair Employment & Housing Council Proposes Sweeping Regulation of Automated Decision-making and Artificial Intelligence in Employment**

*Little 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**

*Little Press Release*

August 19, 2021

**Workforce Reductions and Statistics: A Primer and Recommendations**

*Little Report*

December 15, 2020

**California Provides Additional Guidance on Employee Pay Data Reporting**

*Little ASAP*

November 25, 2020

**OFCCP Issues Final Rule Outlining Procedures for Resolving Employment Discrimination**

*Little Insight*

November 11, 2020

**California Offers Limited Guidance on New Pay Data Reporting Requirements; Further Guidance Expected**

*Little ASAP*

November 3, 2020

**California Poised to Enact Law Requiring Compensation Data Collection**

*Little ASAP*

August 31, 2020

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Little 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

**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

**The Propensity to Stereotype as Inadmissible 'Character' Evidence**

*Journal of Labor & Employment Law*

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

**The Dukes 'Do-Over': The Substituted Opinion in Dukes v. Wal-Mart Stores, Inc.**

*8 Bender's Labor & Employment Bulletin 319*

2008

**Social Framework Analysis as Inadmissible 'Character' Evidence**

*32 Law & Psychology Review 1*

2008



**The Real Lessons of Ledbetter v. Goodyear Tire & Rubber Co., Inc.**

*Little Insight*

May 30, 2007

**The Perils of Union Activism Have Been Greatly Exaggerated**

*Little Article*

May 21, 2007

**The Perils of Union Activism Have Been Exaggerated**

*Employment Law 360*

2007

**Gross Statistical Disparities as Evidence of a Pattern and Practice of Discrimination: Statistical v. Legal v. Significance**

*22 The Labor Lawyer*

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)**

*Little 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**

*Little 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

**Unemployment Consequences of Illegal Aliens from Mexico**

*Texas Business Review, 43-47*

March-April 1979

**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

**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

**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

**Occupational Choice, Risk Aversion, and Wealth**

*27 Industrial and Labor Relations Review 586*

1974

**Minimum Wages and the Secondary Labor Market**

*41 Southern Economic Journal* 215

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

**Little Austin's 2022 Holiday Season Lunch and Learn**

Austin, TX

December 9, 2022

**Little 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**

Little Executive Employer, Phoenix, AZ

May 4, 2018

**The Pay Equity Wave Rolls On: What You Need to Know to Stay Afloat**

Little 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**

Little, 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

- *Little Mendelson on Employment Class Actions*, contributing author, Second Ed., 2012
- *Little 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 Rodriguez, 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