



Allan G. King

Senior Counsel

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Practice Areas

Class Action
Wage and Hour
Discrimination and Harassment
Litigation and Trials
AI and Technology
Inclusion, Equity and Diversity

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®, 2008-2025
- 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

Artificial Intelligence as a Less Discriminatory Alternative

University of Florida Journal of Law and Public Policy

June 1, 2023

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

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

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 ASAP

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

Press Release

August 20, 2020

Littler Launches Holistic Workforce Restructuring Solution

Press Release

May 28, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

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

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

Press Release

August 17, 2017

Littler Appoints New Chair and Elects Three New Members to Board of Directors

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

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

Press Release

August 18, 2015

Littler to Open Office in Booming Austin

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

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

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

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 ASAP

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

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

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

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

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.

Littler ASAP

May 30, 2007

The Perils of Union Activism Have Been Greatly Exaggerated

External Publication

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 ASAP

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 ASAP

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

Counting Illegal Aliens: Myths and Misconceptions

Texas Business Review, 101-106

1978

Industrial Structure, the Flexibility of Working Hours, and Women’s Labor Force Participation

60 Review of Economics and Statistics 399

1978

Race and the Determinants of Lifetime Earnings

31 Industrial and Labor Relations Review 347

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

An Interracial Analysis of the Determinants of On-The-Job Training

Proceedings of the Industrial Relations Research Association, 279-286

1974

Black-White Economic Convergence and the Civil Rights Act of 1964

25 Labor Law Journal 462

1974

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

A Comment on Bowles' Model of Educational Planning

Economics of Planning, 131-135

1973

Stochastic Dominance and 'The Economic Rationale of Occupational Choice'

Industrial and Labor Relations Review 26

1973

Events & Speaking Engagements

Litigation Strategies to Defend Against Claims of AI Discrimination

November 20, 2024

Rolling the Dice on Hiring: Unmasking Employment Bias Through Casino-Style Odds

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

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

Workplace Equity: Creating a Gender-Neutral Workplace

May 4, 2016

Using Data Analytics in Assessing Litigation Risks

May 4, 2016

Class Action Summit

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

February 13, 2012

Class Action Summit

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

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