

Ricci v. Distefano 2008

This should be about 4 pages in length and is worth 15 points

1. Had the city of New Haven fire department established *prior* to the test, a different (wider) criteria for hiring (their practice was to choose one of the top three scorers), so that minority candidates with lower scores were chosen over higher scorers of a majority group produced a different legal result. In other words, did the timing (after the test) of choosing to disregard the test results because of racial disparity matter to the Supreme Court's decision? Explain the reasoning behind your answer.
2. Describe the procedures the IO consulting firm used to design the hiring test used by the fire department. Do you believe they followed standard operating procedure for hiring test design, based on what you have learned in the course so far? Explain why you feel that way.
3. Summarize and compare the three arguments made in this decision (ignoring Scalia's argument). That is, summarize the majority opinion by Kennedy, the concurring opinion by Alito, and the dissenting opinion by Ginsburg. What are the main arguments for each, and how do they differ from one another.
4. Based on the majority opinion by Kennedy, how are organizations to deal with tests that may create disparate impact in the future?
5. Do you agree with the majority decision in this case? Why or why not?