Mach Mining for Defense of EEOC Actions

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By *Phillip C. Bauknight*

Last month, in Mach Mining, LLC v. Equal Employment Opportunity Commission, 135 S.Ct. 1645 (2015), the United States Supreme Court addressed whether the Equal Employment Opportunity Commission's ("EEOC") statutorily required pre-suit conciliation efforts are subject to judicial review. In an unanimous decision delivered by Justice Kagan, the Supreme Court held that courts may review whether the EEOC has satisfied its statutory obligation to attempt conciliation with an employer -- essentially creating a new defense in EEOC actions.