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3 Things to Watch as EEOC Consolidates Litigation Authority

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Tracey E. Diamond

Tracey Diamond, a partner at Troutman Pepper Locke and co-host of the *Hiring to Firing* podcast, was quoted in the January 30, 2026 *Law360* article, “[3 Things to Watch as EEOC Consolidates Litigation Authority](#).”

“It certainly takes away any discretion for the field offices or the general counsel to make a decision as to whether to pursue a claim on behalf of an employee and vests all that discretion in these three commissioners,” said Tracey Diamond, a management-side partner at Troutman Pepper Locke. “It’s a way for the commissioners to focus their funds and resources on those types of cases that the [current Republican majority] feel are most important and fit within their agenda.”

...

Diamond noted that the number of EEOC-initiated lawsuits has already been on a downward trajectory in recent years. While it’s “hard to know right now whether [it] will be the case” that new case volume drops even lower, Diamond speculated that there may be increases in the subset of cases that involve issues “where the EEOC is trying to be more proactive.”

As to which types of cases will regularly receive the commission’s approval on a regular basis, Diamond said priorities that Lucas has shared in various public forums offer a road map.

“I expect what we’ll see coming out of the EEOC in terms of lawsuits and amicus briefs would be more religious accommodation cases, more ‘reverse’ discrimination cases, more national origin discrimination cases [that are] about an anti-American bias since those seem to be the three areas where the focus is in this current administration,” Diamond said.

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