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Partnership Awarded to Woman in Sex Bias Case

By TAMAR LEWIN

A Federal district judge in Washington has ordered Price Waterhouse, one of the nation's largest accounting firms, to give a partnership to a woman who said she was denied the promotion in 1983 because of negative sexual stereotypes.

The case, which had gone to the Supreme Court and back to trial, is apparently the first in which a court has awarded partnership in a professional firm as a remedy for discrimination based on sex or race.

Throughout the 1980's there has been heated legal debate on whether accounting and law firms can be ordered

to award partnerships to victims of discrimination, or whether partnership involves such special personal relationships that courts cannot intervene in a firm's decision making.

In the ruling handed down on Monday and reported on Tuesday in The Washington Post, the judge said that making the woman, Ann B. Hopkins, a partner at Price Waterhouse was the best way to right the wrong.

"Ordering Price Waterhouse to simply reconsider Ms. Hopkins for partnership would be futile and unjust because the testimony of Price Waterhouse's chairman suggested that the deck is stacked 'against her,'" wrote the

judge, Gerhard A. Gesell. "Price Waterhouse plainly does not want her and would not voluntarily admit her Partnership, not simply a new vote, is the logical remedy, given the finding that Ms. Hopkins was likely to have been made a partner if not for unlawful discrimination."

Ms. Hopkins's lawyers presented evidence in the case that the partners at Price Waterhouse had called her overbearing, macho and abrasive and had said she would have a better chance of making partner if she would wear makeup and jewelry, and walk, talk

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Firm Ordered to Give Partnership To Woman as Remedy of Sex Bias

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and dress "more femininely."

Ms. Hopkins, 46 years old, who now works at the World Bank in Washington, was awarded back pay amounting to about \$400,000, in addition to the partnership. The exact amount of the back pay and the interest due her has not yet been computed.

Judge Gesell said Price Waterhouse must make Ms. Hopkins a partner as of July 1 and pay her as much as the average management consultants who were admitted to the partnership in 1983, when she was turned down, now earn.

Ms. Hopkins said she was "prepared to go back" to Price Waterhouse but was yet convinced that her seven-year legal fight was finished.

"It's not over until it's over," she said. "The judge hasn't signed the order yet and Price Waterhouse has appealed everything so far, so I'm not going to deal in conjecture. My kids keep asking how many times we have to win this before it's over."

27 of 900 Partners Are Women

Ms. Hopkins said she had not yet heard from anyone in management at Price Waterhouse. "And frankly, I would die of shock if I do," she added.

A spokeswoman for Price Waterhouse, a 900-partner firm with 27 female partners, said the firm was still studying the decision to determine its response.

Douglas B. Huron, a lawyer who represented Ms. Hopkins, said: "The most important thing about this case is the remedy that was ordered. The judge looked at it carefully and decided that she was entitled to what she had been denied. That means that under the law, women and minorities can get what's coming to them."

Ms. Hopkins went to work as a management consultant at Price Waterhouse in 1978 and was nominated for partnership in 1982, the only woman among the 88 candidates for partnership. Although Ms. Hopkins had brought in more business than any of the other candidates, she was also the subject of more negative comments from partners than any of the others. Most of the comments criticized her handling of interpersonal relationships.

'An Irrational Explanation'

In early 1983, Ms. Hopkins was told that the partnership decision had been delayed, and a few months later she was told she was not being renominated. In 1984 she resigned and sued the firm for sex discrimination.

"I never thought being a woman was an obstacle when I was at Price Waterhouse," Ms. Hopkins said. "At the time I left, I just thought I had been given an irrational explanation for a bad business decision. It was only later, when we were in litigation, that I found out about the comments that I needed to go to charm school, that I was too macho,

that I was overcompensating for being a woman."

The question of whether someone passed over for partnership can sue for employment discrimination first went to the Supreme Court in 1984, in a suit brought by Elizabeth Hishon against King & Spalding, an Atlanta law firm. Although the High Court said such claims would be allowed, the case was settled out of court; Ms. Hishon never returned to the firm.

Ms. Hopkins's case went to the Supreme Court last year on the question of what standard had to be met by claimants and employers in such discrimination cases.

The Court ruled, 6 to 3, that claimants had the initial burden of showing some evidence of discrimination, but that it then fell to employers to prove their innocence.

Evidential Standards Eased

The Court said employers had only to show "a preponderance of the evidence," not "clear and convincing evidence," that they had legitimate, non-discriminatory reasons for denying the promotion.

The case then went back to trial. In his ruling on Monday, Judge Gesell found that Price Waterhouse had not met the lower standard. Judge Gesell found that the firm maintained a partnership evaluation system that "permitted negative, sexually stereotyped comments to influence partnership selection."

In his decision, Judge Gesell said the employer's wishes did not determine what a court might order in a discrimination case. "Although a clear likelihood of extreme workplace hostility and disruption may influence a court to deny reinstatement, this is not such a case, and a district court's discrimination remedy cannot turn on the employer's preference," he said.

The judge acknowledged that "it is indeed a strained partnership relationship that lies ahead" for Ms. Hopkins, one that would require mutual accommodation.

He said he would order Price Waterhouse not to retaliate against her for having brought the lawsuit.

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