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She Didn't Get Her Partnership,

By Pamela Mendels

ANN HOPKINS, who once taught mathematics, has a crisp impatience for the illogical. "Bad question" or "that's a conclusion on your part," she'll tartly answer when tossed an imprecisely worded query.

So it's not hard to accept her explanation for why she engaged in a sometimes-nasty seven-year battle against her former employer, the giant accounting firm Price Waterhouse, over its decision to deny her a promotion.

Hopkins, a divorced mother of three, didn't take her stand because of feminism, she insists. And she certainly wasn't motivated by a desire to be in the limelight.

Rather, she was spurred by the feeling that the behavior of Price Waterhouse didn't make sense, says Hopkins, who was a management consultant at the firm for five years. "I received an unsatisfactory explanation for what appeared to be an irrational business decision."

Three weeks ago, Hopkins made legal history when a federal court judge ordered Price Waterhouse to grant her the partnership it withheld in 1983 and pay her about \$371,000 in back wages. U.S. District Judge Gerhard Gesell's decision in the case, which had wound its way up to the Supreme Court and back, is believed to be the first time that a court has ordered a professional firm, such as an accounting or law practice, to award a partnership to a victim of sex discrimination.

Hopkins' lawyers argued that their client was turned down for the partnership in large part because some Price Waterhouse partners could not tolerate forcefulness in a woman.

Price Waterhouse, which has declined comment while it reviews the decision, said in earlier court sessions the rejection was based not on sex, but what partners saw as Hopkins' overhearing personality. The firm's lawyers said she could be abusive to subordinates, something that hurt the business' ability to attract new talent. Hopkins' lawyers said their client was hard-nosed and tough, but treated people well.

In his ruling, Gesell maintained the company allowed "negative, sexually stereotyped comments to influence partnership selection."

The case is a path-breaker, according to Theodore St. Antoine, a law professor at the University of Michigan and expert on labor and employment law. "I think the court did set down a pretty significant general principle that you can't treat a woman differ-



Photo by Iri Schwarz

Ann Hopkins at home in Washington, D.C., with son Peter, 10.

So Ann Hopkins sued for bias, and Price Waterhouse lost

ently from the way you would treat a man simply because you have this old-fashioned notion of what kind of lady-like decorum ought to be exhibited by a woman rather than a man," St. Antoine says. "I think this will lead to some healthy soul-searching as these decisions are being made."

Hopkins, a tall woman with short, dark-blond

hair, is now 46 and working as a senior budget policy and review officer for the World Bank. Greeting a visitor recently in the lobby of the office building where she works in Washington, D.C., Hopkins extends a strong handshake. She wears sling-back heels on her feet and a well-pressed blue and red suit. Hopkins, a smoker, enjoys peppering her comments with wry humor and frequent references to her children, ages 10, 12 and 14; she says her hobbies are "gardening and repairing things — broken windows, plaster damage by children throwing baseballs against the wall."

Hopkins wears the ring of her alma mater, Hollins College, an all-women's school near Roanoke, Va. She was an excellent mathematics student, according to Herta Freitag, professor emeritus and former chair of the Hollins math department, where Hopkins also taught for a year after getting a master's degree from Indiana University. "She was ignited over the beauty of mathematics," says Freitag. "Perhaps it's the kind of thing only a mathematician can understand."

At Price Waterhouse, Hopkins' job was to develop computer systems for the firm's clients, primarily the State Department. It was work that she loved, she says during an interview. "A management consultant is to some extent an organizational doctor," Hopkins says. "You have to diagnose problems. You have to figure out how to solve them."

In 1982, Hopkins was propelled into what eventually became known as Civil Action 84-3040. That year, Hopkins, then a four-year veteran of what employees know as PW, was nominated for a partnership, the only woman among 88 candidates. Although she had been more successful than any of the men in generating business for the company, helping the firm obtain between \$34 million and \$44 million in new government contracts in the years before her partnership nomination, she was not among 47 candidates immediately chosen to be a partner.

Instead, she was placed among 20 candidates for whom a decision was postponed. In mid-1983, the firm failed to re-nominate her, meaning her chances of being made partner were slim at best.

Hopkins says she never got a good explanation. At the time, she dismissed as "irrelevant and useless" a comment by a partner who was favorable to her cause and advised her to "walk more femininely, talk more femininely, wear make-up, have her hair styled and wear jewelry," according to court records.

When Hopkins first decided to talk to lawyers about her situation, she just wanted to get to the

and It Didn't Add Up

bottom of the mystery about her rejection.

"Ann knew something was amiss. She knew the reasons why she wasn't made partner didn't add up," says Douglas Huron, one of her attorneys. She was not, however, entirely convinced that sex discrimination played a large role in the decision.

But in the course of litigation, as her lawyers found evaluations written by partners during the promotion procedure, Hopkins learned of comments that she'd been previously unaware of, among them descriptions of her as "macho" or suggestions she needed to take a course in "charm school."

Hopkins, who had expected to be treated based on her abilities at Price Waterhouse, says today that her reaction upon learning of the comments "was much more one of surprise than anger."

Hopkins says that when her lawyer called and told her of Gesell's decision, she was rendered uncharacteristically speechless and her hands shook. But she insists that the case, despite its length, did not extract a great psychological toll.

James Heller, another of her lawyers, says that unlike some clients enmeshed in protracted litigation, Hopkins did not make an obsession out of the case or get emotionally exhausted. There were times when she cried about the comments made about her and the frustrations of the case, Heller says, but "she's a strong and determined person."

Hopkins is unsure what impact her case will have on other women who believe they have met prejudice in their professions. "I only know about one case," she says with a smile. A 1965 college

graduate who, she says, missed the women's liberation movement of the late 1960s and early 1970s, Hopkins wonders, too, if the lengthy case has left her in a time warp, carrying the banner of yesterday's cause.

"I'm not convinced that the issue of protected groups today and the issues of women are the same issues that I decided to take a stand on seven years ago," she says. "I'm reading about part-time employment, flexible staffing, maternity benefits, paternity benefits. These were, if not unheard of . . . I had never heard of them in my day."

What Hopkins can say for sure, however, is that she did not particularly want to be the one to fight the career advancement battle. "I am not a leading-edge person," she says. "Leading edge," by the way, is also known as 'bleeding edge.' "

Hopkins is hard-pressed to say if she would go back to Price Waterhouse.

"I don't have the option to make a decision yet," she says, noting that she is not

convinced her case is over. Price Waterhouse has several times filed appeals in the case and may do so again, she says.

It's perhaps significant that Hopkins declines to describe a dinner she threw recently for lawyers and friends as a "victory party." "It's just a celebration of the latest event," she says.

Whatever the final outcome of her case, Hopkins concedes she gets a mischievous pleasure in thinking that, if nothing else, she's helped "rattle cages."

"I think I banged my head on the barrier," she says. "Lord knows if I put a crack in it."

'Ann knew something was amiss. She knew the reasons why she wasn't made partner didn't add up.'

—Douglas Huron,
attorney for Ann Hopkins

HELP WANTED

Can the Boss Tap Your Phone Calls?

Dear Pam: Last fall, for little reason, I was fired from my job as sales manager for a small electronics component company. I have a new job now, but am bothered by the suspicion that my former boss listened in on my phone conversations at work.

When she let me go, she listed several actions of mine that she could have learned of only if the phone were tapped. She mentioned, for example, displeasure that I would report company problems to outside sales representatives. I gather this stems from a conversation in which I told a sales rep, who wanted to know why a product delivery was late, that we were short of factory help. Are employers allowed to monitor their employees' phone conversations?
—Bugged by Bugs

Dear Bugged: The key issue here is whether you agreed to the boss' listening in. Your consent does not have to come in the form of a big, formal written document. A company's notice to you that it intends to monitor your calls, and your failure to say, "I object," constitutes acceptable "implied consent." This is the wrinkle that enables airline companies, for example, to lawfully listen to calls of reservation clerks.

If you in no way agreed to Big Brother's presence, however, the behavior of your boss was



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