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LAW

Judge Orders Partnership in a Bias Case

By ANN HAGEDORN
And WADE LAMBERT

Staff Reporters of THE WALL STREET JOURNAL

In a significant sex-bias case, a federal appeals court ruled that Price Waterhouse must give a partnership to a woman who was denied the opportunity seven years ago.

The ruling from the influential appeals court in Washington, D.C., upholding a lower-court decision, is the first federal appeals court decision in the nation to establish that employees can be awarded partnerships—not just monetary damages—in sex-discrimination cases.

Lawyers and women's-rights groups hailed the decision as a victory that would strengthen the position of women in the workplace. "It will send the message to other women that these fights can succeed," said Judith Vladeck, a partner at the New York law firm Vladeck, Waldman, Elias & Engelhard.

Ms. Vladeck said the decision will have a particularly strong impact on accounting firms and law firms, which generally organize as partnerships.

In yesterday's ruling, the appeals court affirmed the decision of a Washington, D.C., federal judge who in May ordered Price Waterhouse to make Ann Hopkins a partner and to give her back pay and interest from 1983, now totaling over \$370,000. The accounting firm appealed that decision, arguing that civil-rights legislation provided for the remedy of monetary damages for discrimination but did not require that a firm be compelled to make someone a partner.

Ms. Hopkins, in her 1984 suit, charged that the accounting firm had denied her a partnership because of sex stereotyping. Though she was considered an outstanding worker, the firm said she was denied the position because she was an abrasive and overbearing manager. Co-workers referred to her as "macho." Ms. Hopkins claimed that words like "macho" indicated an underlying sexism at the firm and that her strident manner and occasional cursing would have been overlooked if she had been a man.

The case eventually went to the Supreme Court, which in May 1989 ruled that discrimination based on sexual stereotyping was indeed prohibited by Title VII of the 1964 Civil Rights Act and that Ms. Hopkins had been discriminated against in this way. The high court then sent the case back to the federal district court to give Price Waterhouse a chance to show that

there was a non-discriminatory reason for turning her down. Last May, that court awarded her the damages and her promotion.

Price Waterhouse spokesman Kenneth Kóprowski said the firm is reviewing the ruling and hasn't yet decided whether it will seek Supreme Court review.

"We're disappointed with today's decision," said Mr. Kóprowski. "Our professionals are judged solely by non-discriminatory professional and business criteria. Price Waterhouse has long maintained that this was absolutely true during the review of Ms. Hopkins's candidacy for admission to the partnership."

In an interview, Ms. Hopkins said, "I'm delighted, but I am also reminded of my older son's question, 'How many more times do we have to win?'"

Ms. Hopkins, who is 46 years old and now works at the World Bank, said she intends to accept the partnership offer when and if Price Waterhouse extends it. "I think it's time we stop the litigating and get back to work," she said.

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