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Recent
Developments

UNITED STATES SUPREME COURT EASES DISCRIMINATION REQUIREMENTS (June 12, 2000)

Summary

Today, the United States Supreme Court issued an opinion in the case of *Reeves v. Sanderson Plumbing Products, Inc.* The upshot of the *Reeves* ruling is that an employer that gives an untruthful, or even questionable, reason for an employee's termination will likely not be able to avoid a jury trial, and will be bound by the jury's decision, if sued for discrimination.

Details

In *Reeves*, the United States Supreme Court addressed an issue of concern to employers and employment lawyers alike: What must a plaintiff show to receive a jury trial or to avoid having a jury's decision undone? Must the plaintiff show actual, first-hand evidence of a discriminatory motive? Or is it sufficient for the plaintiff to create a reasonable doubt about the truthfulness of the reason given for his or her termination? The Supreme Court chose the latter.

Now, so long as an employee can show the preliminary requirements (i.e., a prima facie case) for a discrimination lawsuit (that he or she was within a protected classification, was otherwise qualified for his or her position, was discharged, and was replaced or succeeded by a person outside of the protected classification), and has some evidence from which a reasonable jury could conclude that the employer's reason for his or her termination was false, a jury *must* be allowed to decide whether or not discrimination took place, and the jury's decision will not be undone by a judge.

What this Means

Often employers become entangled in legal claims because they tried to be "nice" or were trying to avoid conflict. For example, employers sometimes characterize a termination as "a layoff" or as "a restructuring" in order to allow the employee to collect unemployment insurance benefits or to protect the employee's feelings. Such a good-natured intention may now make it difficult for the employer to avoid a jury trial if the employee later claims discrimination. Therefore, it is more important than ever that employers be accurate about the reasons for an employee's discharge.

If you have any questions about this or any other topic, please contact E. Joseph Connaughton (jconnaughton@paulplevin.com) at Paul Plevin & Sullivan (619-744-3645).

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