

The U.S. Equal Employment Opportunity Commission

---

FOR IMMEDIATE RELEASE  
June 9, 2005

CONTACT: Gregory Gochanour  
Supervisory Trial Attorney  
(312) 886-9124

Laurie Elkin  
Trial Attorney  
(312) 353-7726

Deborah Hamilton  
Trial Attorney  
(312) 353-7649

## COURT REJECTS SIDLEY & AUSTIN'S ATTEMPT TO AVOID MONEY DAMAGES IN EEOC AGE BIAS SUIT

### *Commission's Authority Confirmed in High Profile Case to Seek Individual Relief for Former Law Firm Partners Demoted and Mandatorily Retired*

CHICAGO – The U.S. District Court for the Northern District of Illinois today issued a written opinion by Judge James Zagel decisively rejecting the attempt of international law firm Sidley & Austin to avoid any possible liability for individual relief in a closely watched age discrimination lawsuit by the U.S. Equal Employment Opportunity Commission (EEOC).

In the ongoing litigation, the EEOC asserts that Sidley violated the Age Discrimination in Employment Act (ADEA) by downgrading a group of law firm partners to "senior counsel" or "counsel" status in the fall of 1999 and by maintaining a mandatory retirement age for partners. EEOC's court-filed complaint seeks monetary damages and reinstatement for these partners. The EEOC's lawsuit was originally filed in the U.S. District Court for the Northern District of Illinois in Chicago on January 13, 2005. The parties are now engaged in the discovery process, and a trial date has not yet been set.

"Today's decision is a complete rejection of Sidley's attempt to avoid the possibility of payment of monetary damages or other individual relief if it is found liable," said EEOC Trial Attorney Laurie Elkin, who is working on the government's case. "But it is more than that, it is confirmation that in any case brought by the EEOC, the Commission is empowered to seek relief for the victims of discrimination – whether or not the victims could seek relief on their own behalf."

In the EEOC's case against Sidley, the agency's Chicago District Office began its investigation into Sidley & Austin's compliance with the ADEA not as a result of a Charge of Discrimination filed by an individual but after Sidley & Austin made statements to the news media that it had demoted partners to create opportunity for younger lawyers and referenced its mandatory retirement age.

In its motion, Sidley argued that because none of the individual partners filed a Charge of Discrimination with the EEOC, and therefore could not themselves file an action in court for individual relief, the EEOC could not seek monetary relief on their behalf.

Relying on Supreme Court precedent, Judge Zagel, said: "The EEOC's right to bring suit seeking individual relief goes beyond that of the individual and reaches the territory of public interest, thereby allowing EEOC to seek relief for individuals, like the affected Sidley partners in this case, who could not, for any variety of reasons, do so themselves."

EEOC Chicago Regional Attorney John C. Hendrickson, who is lead counsel for the government in the case, said: "Sidley's motion was the legal equivalent of a 'Hail Mary' pass in football – one that is thrown at the end of a game to avoid a loss, and has little chance of success. There really was no legal basis for Sidley's argument that the EEOC's litigation authority is the same as an individual's litigation authority under the federal anti-discrimination laws."

Hendrickson continued: ""We are very pleased that Judge Zagel recognized the EEOC's unique role in protecting the public interest by pursuing claims for individual relief and that we will be able to continue to pursue our claims for money damages and reinstatement on behalf of partners affected by Sidley's discriminatory practices."

EEOC Trial Attorney Deborah Hamilton, who is also working on the case, said, "The Commission will now proceed vigorously in this case, with the assurance that if the suit is successful, the affected individuals will be made whole via monetary relief."

EEOC Supervisory Trial Attorney, Gregory Gochanour noted, "Today's decision is part of a pattern of case law that has developed in the wake of the Supreme Court's decision in EEOC v. Wafflehouse. This line of cases holds that the EEOC's ability to bring claims for relief is not dependent on whether an affected individual could bring a claim for relief."

The EEOC is the federal government agency responsible for enforcing the nation's anti-discrimination laws in employment based on race, color, sex, religion, national origin, retaliation, age and disability. Further information about the agency is available on its web site at [www.eeoc.gov](http://www.eeoc.gov).

---

*This page was last modified on June 9, 2005.*



[Return to Home Page](#)