

Joan Fife Discusses Wal-Mart Discrimination Case with the *Daily Journal*

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Winston & Strawn partner Joan Tucker Fife was quoted in the *Daily Journal* article, “Judge Rejects Narrower Class in Wal-Mart Discrimination Case,” published August 7, 2013. The article discusses how a group of former Wal-Mart employees lost their bid to certify a statewide class in a gender discrimination suit.

The judge found that the employees’ attorneys failed to prove that all class members experienced discrimination, a decision that reflects the growing difficulty of bringing discrimination class actions to trial even with significant evidence of discrimination, according to employment attorneys.

“Even if the plaintiff has evidence of some potentially unlawful policy, there needs to be evidence that the unlawful policy impacted everyone in the class,” Ms. Fife said.

The order directly applies a 2011 Supreme Court decision, *Wal-Mart Stores Inc. v. Dukes*, which threw out a 1.5-million member nationwide class. Ms. Fife noted that the precedent will likely fuel pending defenses against broad discrimination claims.

“It’s a very good opinion for employers,” she said. “I would cite it if I were facing thin evidence of discrimination on a classwide basis.”

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