

The employment case that made "Voice of America" a voice for all Americans

by Frederick M. Baran and Penny Gold

It's not often that an attorney's very first case captures the attention of an entire legal community. But that's exactly what happened to Bruce Fredrickson of the Washington, D.C. law firm, Webster, Fredrickson and Brackshaw.

The case began in the 1970s, when women applying for various jobs at the federal government's U.S. Information Agency (USIA) were denied employment and advancement due to their gender.

It would end with the federal government finally agreeing to a settlement of \$508 million for the clients. The largest settlement ever in an employment discrimination class action. (A class action is

a case where many clients with nearly identical cases come together as a class to litigate in one action — thereby saving the courts time and money.)

Fredrickson was assigned the case as a new associate in a Washington, D.C. law firm. At first he had a hard time proving that statistics on hiring supported his case, and the firm he worked for told him to drop it. Then he made an extraordinary offer.

"I think I can win this case, and, is you will let me do it, I'll work on it during my spare time," he offered. "I'll do it at nights and on weekends. I'll take vacation time if need be to do my research, drafts and to attend oral argument."

The firm agreed — on the condition that it not adversely impact his other firm responsibilities. Fredrickson

was now a full time lawyer in a busy firm — hardly a nine-to-five job — who was also responsible for researching, writing and arguing a difficult appeal in his "off" hours.

Soon he left that firm and opened his own firm, then Webster and Fredrickson, taking the sex discrimination case with him. The fledgling firm was soon bolstered by the addition of Susan Brackshaw, who climbed into the trenches beside Fredrickson and remained there throughout the campaign.

Through the years of appeals, Fredrickson and his firm sought to force the USIA to stop its discriminatory practices.

At one point, the court summarized the discrimination that had occurred against one of the plaintiffs, Rose Kolyvinski.

The court found that Kolyvinski had not applied for a position because she knew it had "been preselected" for a male USIA employee.

Eventually the court found "gross statistical disparities" in USIA's hiring practices. The court also accepted expert testimony that a "significant underutilization of women" existed at the USIA in six out of 10 job categories. The court

ordered the USIA to pay the women back pay, the value of the fringe benefits they'd missed, and other compensation.

The case took 23 years to come to a conclusion. But after it was settled, USIA was forced to open its hiring policies and the women who were discriminated against were compensated. And Bruce Fredrickson

shared the 2000 Trial Lawyer of the Year award — given by the nonprofit organization Trial Lawyers for Public Justice — with Susan Brackshaw, Linda Correia, Jonathan Puth and Jeffrey Fallon, all of the D.C. law firm of Webster, Fredrickson and Brackshaw.

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