

Publications

Troubling Questions After Record \$185 Million Discrimination Award

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Ashley Manfull, a senior attorney in the Vorys Akron office and a member of the labor and employment group, authored an article for TLNT.com titled "Troubling Questions After Record \$185 Million Discrimination Award." The article outlined a recent decision from the U.S. District Court for the Southern District of California that found a former female manager of AutoZone can keep a record-breaking \$185 million punitive damages award on her claims of pregnancy-related harassment, discrimination, and retaliation and the impact that the decision could have on employers moving forward.

The article states:

"What is particularly troubling about this case is the fact that the District Court likely would have overturned the jury's \$185 million award of punitive damages if AutoZone's legal department had no role in counseling and advising Ms. Juarez's managers on disciplinary decisions.

Ironically, by exercising prudence in having its in-house legal counsel review personnel decisions, the company actually exposed itself to greater liability than if its managers had acted without legal advice and counsel.

The appeals process will take months, if not years, before a final resolution is reached, but there are several issues to consider based on the Court's decision.

- *First, with the potential that in-house legal counsel may be treated as an officer of the company for purposes of punitive damages, it is crucial that in-house counsel has all of the facts before providing guidance and counseling on personnel issues.*
- *In-house legal departments should be cautious about providing off-the-cuff responses to disciplinary questions and should carefully consider whether any underlying bias or unlawful motives may be driving the decision-making.*

- *Finally, juries are unpredictable. No matter how many helpful facts are on your side, there is simply no guarantee that a jury will look at, or value, a case the same way you do."*

To read the entire article, visit [TLNT.com](https://www.tlnt.com).