

American Bar Foundation Study Measures Fairness Perceptions In Employment Discrimination Cases

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By the time an employment dispute becomes a lawsuit it may be hard for the opposing parties to see a “win-win” situation ahead, judging by a recent [study](#) that the American Bar Foundation funded. Based on research that included a sample of 1,788 employment discrimination cases and 100 interviews with plaintiff/employees and defendant/employers and their counsel, employment litigation is viewed as disruptive, disappointing, and unfair to all.

For employees, the process is frustrating due to unfamiliar procedural obstacles and the substantial personal and financial toll litigation can take on individuals. For employers, who are perceived to have an advantage in litigation due to greater resources and experience with the legal system, the process of defending lawsuits also has its challenges, including frustration with expending resources in response to claims employers believe lack merit.

One important take-away from the study is that 50% or more of employment lawsuits are resolved via negotiated settlements. That stands as an important reminder that early case assessment and an open mind toward early resolution may result in an outcome that both sides can live with.

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