Berkeley Journal of Employment & Labor Law

Volume 27 | Issue 2 Article 5

September 2006

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Recommended Citation

Andrea Giampetro-Meyer, *Standing in the Gap: A Profile of Employment Discrimination Plaintiffs*, 27 Berkeley J. Emp. & Lab. L. 431 (2006).

Link to publisher version (DOI)
https://doi.org/10.15779/Z386626

ESSAY

Standing in the Gap: A Profile of Employment Discrimination Plaintiffs

Andrea Giampetro-Meyer†

Vickie Dugan has a handmade sign posted in her office at Porterville College, a community college north of Bakersfield, California. The sign lists five rules for happiness. It reads: "Free your heart from hatred. Free your mind from worries. Live simply. Give more. Expect less." Vickie lives by these rules. She finds pleasure in simple things—hiking with her dogs Tippy and Nikka, savoring a locally grown orange, and preparing Christmas gifts for co-workers at the College. As this professor and head softball coach sits on the deck of her rustic home overlooking the Sierra Nevada foothills, she reflects on her life, breathes deeply, and says, "I like peace."

Americans think they have employment discrimination plaintiffs all figured out: Generally, individuals who sue their employers alleging gender or race discrimination are protestors of the worst kind—*militant* protestors. They complain about unfairness, when instead they should be using their energy to generate work that will propel them to the positions they desire. No one likes whiners, and plaintiffs are worse than most because they are willing, perhaps eager, to whine publicly. Plaintiffs' worst trait, though, is that they are motivated by money. They seek *compensation* for alleged acts of unfairness.

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† Professor, Law & Social Responsibility, Loyola College in Maryland. This article is based upon interviews with three employment discrimination plaintiffs. In writing this article, I have intentionally kept footnotes to a minimum, thereby giving voice to the plaintiffs. Unless otherwise indicated, quotes in the article come from transcripts of interviews with the three plaintiffs, Vickie Dugan, Kimberly Gray Orton, and Ann Hopkins. I wish to dedicate the article to the attorneys who used their legal skills to stand in the gap for the three plaintiffs I interviewed. Martha Lee Walters, Suzanne Bradley Chanti and David Dickens of Walters, Romm & Chanti in Eugene, Oregon represented Vickie Dugan in her case against Oregon State University. Cyrus Mehri and Pamela Coukos of Mehri & Skalet in Washington, D.C. represented the plaintiffs, including Kimberly Gray Orton, in the class action lawsuit against The Coca-Cola Company. James H. Heller (now deceased) and Douglas B. Huron represented Ann Hopkins in her case against Price Waterhouse. Douglas Huron practices law at Heller, Huron, Chertkof, Lerner, Simon & Salzman in Washington, D.C.

Vickie Dugan does not fit this stereotype of an employment discrimination plaintiff. She became the plaintiff in *Dugan v. Oregon State University*[1] after years of waiting for her employer to give her and the young women she coached their due. Vickie was the interim head coach of Oregon State's Division I women's softball team for six years, from 1988 until 1994. Oregon State is a member of the PAC-10 and is generally considered a powerhouse in sports. Vickie left Oregon State and her work in the fast-paced world of PAC-10 coaching when the university hired a man to replace her.

Vickie coached at Oregon State at a time when many colleges and universities were striving to provide more opportunities for women to participate in sports. Perhaps for the first time in American history, many colleges and universities were making a genuine effort to comply with a piece of federal legislation known as Title IX, which mandates increased gender equity in education, including sports. In this context, Vickie attempted to gain more resources for the young women on her team. She also asked the university to remove the "interim" status from her head coach position. The Athletic Director, "Digger"[2] was not enthusiastic about either request. In fact, Digger responded to Vickie's requests by threatening to eliminate the softball program all together. Instead, he got rid of Vickie, and she sued.

A recurrent theme that arose while interviewing three plaintiffs from three separate lawsuits for this essay[3] is that the telling of the stories draws attention to facts likely to generate shame or discomfort for the plaintiffs. In Vickie's case, the shame was that she was a "losing coach." In her last season at Oregon State, her team had failed to win a single game. At trial, Vickie says Oregon State's argument was, "This coach is no good. Loser-loser-loser-loser." Vickie's perspective, though, was that her program was "funded to fail"—her lack of resources compared to those of competing teams put her team at an unfair disadvantage.

In the case of Kimberly Orton, one of four named plaintiffs in a class action race discrimination lawsuit, *Ingram v. The Coca-Cola Company,*[4] the discomfort was that her employer had fired her for violating the company ethics code. She had moved money inappropriately from one account to another, not for personal gain, but to move the business forward. Kimberly's termination in 1998 marked the end of a fourteen-year career with the company. By 1998, she had moved up the ranks from a salaried

1. No. 95-6250-HO (D. Or. 1998).

2. The name has been changed to protect the party's identity.

3. The three plaintiffs I interviewed were Vickie Dugan (a softball coach who sued Oregon State University for gender discrimination), Kimberly Orton (a company marketing director who sued The Coca-Cola Company for race discrimination), and Ann Hopkins (a management consultant who sued Price Waterhouse for gender discrimination).

4. 200 F.R.D. 685 (N.D. Ga. 2001).

position in marketing/sales, to supervisor, manager, and ultimately Director of Brand Graphics and Equity. At the time of her termination, Kimberly was one of the only female African-American directors at the company headquarters. Although *Ingram* settled before trial, it became clear during depositions that the company's premise with regard to Kimberly was that the company had given her every opportunity, she had enjoyed every success, and she had no reason to complain. Kimberly's perspective, though, was that Coke had used its corporate code of ethics to provide a rationale for getting rid of certain employees. She had watched other managers move funds as she had without consequence. In her case, the termination was disproportionate to the ethics code infraction.

The story of Ann Hopkins and *Hopkins v. Price Waterhouse*[5] is uncomfortable because it is impossible to tell her story, which details what she calls her "years of crap" from 1982-1992, without mentioning selected details about her personality and perhaps her appearance. During its seven years of litigation, from her lawsuit against Price Waterhouse for discriminatory treatment to a series of appeals by Price Waterhouse seeking to overturn an unfavorable trial decision, Ann's case highlighted the topic of sex role stereotyping. In other words, the case raised questions about whether Ann met the norms for her gender—whether she was feminine enough.

At the first trial, Price Waterhouse's argument was that, as a partnership, it should be free to make promotion decisions without anyone looking over its shoulder. A review of company documents provided information about why Price Waterhouse might not have wanted to admit Ann into what she calls "the brotherhood." Although some senior partners used positive words and phrases to describe her ("extremely competent," "intelligent," "very productive," "energetic," "creative"), others used negative words ("aggressive," "abrasive," "macho"). One of her *supporters* wrote that Ann "ha[d] matured from a tough-talking somewhat masculine hard-nosed manager to an authoritative, formidable, but much more appealing lady partner candidate." After she was turned down for partnership, her mentor advised her to "walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry."

The U.S. Supreme Court decision in the Price Waterhouse litigation[6] is well known in the realm of employment discrimination law for clarifying the rules that apply when an employer has both good and bad reasons to

5. Ann Hopkins' litigation against Price Waterhouse included one trial, Hopkins v. Price Waterhouse, 618 F. Supp. 1109 (D.D.C. 1985). Price Waterhouse's litigation in response included one trial, two intermediate court appeals, and one appeal to the U.S. Supreme Court. For a detailed review of each step of the litigation, *see* Ann Hopkins, *Price Waterhouse v. Hopkins: A Personal Account of a Sexual Discrimination Plaintiff*, 22 HOFSTRA LAB. & EMP. L.J. 357, 362-365 (2005).

6. Price Waterhouse v. Hopkins, 490 U.S. 228 (1989).

deny someone an employment opportunity (so-called "mixed motive" cases), and for its analysis of sex role stereotyping. In becoming a landmark case, Ann's personality became the subject of intense scrutiny, a fact that hurt Ann deeply. She says,

> I always needed a good friend, a stiff drink, or both to keep me company when I read the legal paperwork that Price Waterhouse's lawyers produced. The description of my interpersonal skill problems in the petition for certiorari was as vituperative as any I had ever read. I have seen child abusers more kindly described.[7]

She also says, "I never understood what seemed to be a preoccupation with profanity and the extent to which I used it."[8]

Ann's perspective is that her significant accomplishments as a technology consultant should have yielded an offer of partnership. She was a successful rainmaker—she had brought in significant contracts for Price Waterhouse—and her clients were pleased with her work. All Ann wanted was the professional marker of success, an offer of partnership, which she felt certain she had earned. When I ask her what her case was about, she says, "Primarily, the case was about ignorance and arrogance." Price Waterhouse did not believe its business (including how it made promotion decisions) was anybody else's business. At that time, the company would litigate everything to defend its right to be left alone. "[The case] was characterized as a gender discrimination case, but it was really more," Ann says. "I mean from my point of view, the whole thing . . . sure looked like a stupid-ass business decision to me."

None of these plaintiffs were eager to move forward with her case, knowing litigation would be stressful. Yet, each plaintiff persevered, albeit for different reasons. Vickie was motivated by the pursuit of equality: She wanted to do something to promote increased fairness for female coaches and athletes. "If you ever go into a lawsuit because you think it's about money, you won't last a week," she says. "It has to be that you are so passionately moved by what you believe . . . [F]or me, I knew, win or lose, [this lawsuit's] gonna cost me my career." She then points out that the litigation was for the women coming after her, to show them that someone will stand up to an administration rooted in "power and control, intimidation and retaliation" and say, "No! It's not right. It shouldn't be this way. It's gotta change."

Initially, Kimberly was ambivalent about becoming involved in a class action lawsuit alleging a systematic pattern of racial discrimination in pay and promotions at The Coca-Cola Company. The form of discrimination the class action attorneys alleged was subtle and data driven, not the kind of blatant discrimination employees often allege. The more evidence

7. ANN BRANIGAN HOPKINS, SO ORDERED: MAKING PARTNER THE HARD WAY 282 (1986).

8. *Id.* at 209.

plaintiffs' lawyers showed Kimberly, the more she saw inequities apparent in the company's own data. With regard to her own situation, Kimberly became convinced that her firing was linked to what the attorneys called a "glass ceiling"—that, at The Coca-Cola Company, black employees were allowed to rise only so high in the corporate hierarchy. She discovered that African-American employees were much more likely than white employees to be terminated.

The lawyers also alleged that equally credentialed and experienced white and African-American employees did not earn the same salaries. They had obtained company documents that indicated that, in 1998, the gap between the average African-American employee's salary and the average white employee's salary was $27,000. This allegation was especially troubling to Kimberly because she had thought for some time that she was underpaid, but had accepted the company's assurances that any gap in pay she experienced was an anomaly, not part of a pattern of discrimination. A few years earlier, Kimberly had discovered, by accident, that she was paid tens of thousands of dollars less than another director, and that a white male employee *she supervised* was making at least $10,000 more than she was. During our interview, I ask her why she did not know much about other employees' salaries. She says, "[T]here was a rule . . . you weren't supposed to be talking about salary with other people and you just didn't do it." She explains that she was so close to members of her training class that they were in each other's weddings. Yet, they never talked about salary. When plaintiffs' attorneys showed her the salary data they had obtained while investigating the lawsuit, she felt physically ill. She says, "When you looked at the data, you could pick the women and African-Americans out because of the consistent $10,000-$29,000 gap in salaries." Eventually, Kimberly would learn that she was one of the lowest paid directors in the company.

Ultimately, Kimberly decided to become a plaintiff after talking with her father. She says, "I asked my father, 'Should I become a plaintiff?' I added, 'You know, Dad, I had a pretty good career. It didn't end the way I wanted it, but I had a good career [at The Coca-Cola Company]. Who's to say I wasn't treated fairly?" Her father replied, "Kimberly, what's to say that you couldn't have done even more if there had been a level playing field? What's to say that you couldn't have been the CEO? You'll never know, and that's what you should fight for." Kimberly adds that she decided to fight for the *possibility* that an African-American could become the CEO, or even a member of the Board of Directors of The Coca-Cola Company. She says she wants her young son to one day have the *opportunity* to guide and direct a company like Coca-Cola. So, after initial reluctance, she became a plaintiff in pursuit of racial equality.

In Ann's case, she did not come up with the idea of suing Price Waterhouse. After the partnership decision did not go her way, she

describes coming home "humiliated and embarrassed at the prospect of telling anyone what had happened."[9] She says,

> I sought to identify the heinous defect in me that prevented my making the grade of partner. Less rattled than I, [my husband] wanted to know what was wrong with the process by which Price Waterhouse had come to such a remarkably bad business decision. My husband said, 'Sue the bastards.' I said, 'Fine.'[10]

Another theme that runs through all three cases is the heartfelt appreciation each plaintiff expresses for the wide range of individuals and organizations that helped them during the litigation process. Ann talks about the support she received from a number of organizations, including the AFL/CIO, the NOW Legal Defense and Education Fund, the New York Bar Association, and the American Psychological Association. She says, "It was sobering for me to realize how much effort was expended on my behalf by people I had never met."

Vickie talks about the support of a few groups, including the American Association of University Women and the Women's Sports Foundation. She also talks about how coaches she competed against in the PAC-10 testified on her behalf, providing evidence that she had done a remarkable job, given her relative lack of resources.

Kimberly talks about a former boss calling with verbal support. She says,

> [He] called after news of the lawsuit made it into the newspaper. He said, 'Kimberly, I'm reading the newspaper and you're doing this [lawsuit] against Coke and I gotta tell you—my first instinct is that I've been a VP at Coke, and I never saw discrimination. I don't believe it.' But I told my wife, 'If you're doing it, it's true.' If you want me to testify to somebody, I'll tell them that.

All three expressed deep appreciation for their attorneys. Vickie says, "[My attorneys] are outstanding people. They are friends. I consider them friends for life. I just, I am so impressed with [them, they] are just outstanding, awesome people." Her words are almost identical to the words both Ann and Kimberly use to describe their attorneys.

Headlines that report the outcome of litigation cannot capture what individual plaintiffs actually gained and lost. A headline in the *Wall Street Journal* on November 17, 2000, reads "Coke Settles Bias Suit for $192.5 Million—Outside Panel Will Monitor Company's Activities; 'Painful Chapter' Closes."[11] The article summarizes the gist of the Coca-Cola settlement:

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9. *Id.* at 138.

10. *Id.*

11. Betsy McKay, *Coke Settles Bias Suit for $192.5 Million—Outside Panel Will Monitor Company's Activities; "Painful Chapter" Closes*, WALL ST. J., Nov. 17, 2000, at A3.

> Coca-Cola Co., seeking to put a high-profile race-discrimination suit behind it amid a major corporate restructuring, agreed to a $192.5 million settlement that also requires the beverage titan to submit its employment practices to a high level of outside scrutiny. The settlement is one of the largest in a race-discrimination class-action lawsuit, attorneys for the plaintiffs said. Coke Chairman Douglas Daft told employees in a memo that settling the lawsuit closes "a painful chapter in our company's history." The cost to Coke includes $113 million in cash, $43.5 million to adjust salaries of African-American employees during the next 10 years and $36 million to implement various diversity initiatives and oversight of the company's employment practices.

Kimberly says that the most important consequence of the lawsuit settlement is that The Coca-Cola Company is now taking steps to promote positive change—the kind of change that will require the company to reward all employees based upon merit, not the color of their skin. Kimberly, however, will not benefit from this change. As part of the settlement, the class representatives agreed they would never work for the company again, and this was a loss for Kimberly. Before Coke fired her, Kimberly thought the company would employ her for the rest of her working life. She says,

> I thought I'd stay forever . . . I figured there was enough opportunity in the company [for me] . . . [M]y husband used to laugh [at my loyalty to the company] and say that [the company] had drained my blood and replaced it with Coca-Cola and that I would bleed Coca-Cola.

The lawsuit did attempt to compensate Kimberly for the loss of opportunity. Monetary settlements for salaried African-American employees still at Coke averaged approximately $40,000 per employee. A few high-ranking employees with much seniority received over $100,000. The four class representatives, including Kimberly, each received $300,000, but all settlement amounts were taxed—approximately 40% of Kimberly's settlement went to taxes. Kimberly was satisfied with the settlement for herself and other employees. She never wanted the settlement to put the company in a precarious financial situation. She says, "What advantage will that be to the class members [still employed by the company] if [the company folds] and no one has a job?"

Kimberly's biggest loss was her faith in The Coca-Cola Company. She says, "I loved what I did and was loyal to Coca-Cola to the bitter end, which is [something] I still struggle with to this day—I was incredibly loyal." She is not as trusting as she once was. She says, "I've learned my lesson with Coke that nothing is what it seems. My disappointment is not knowing what could have been if [employment practices] had been fair." The litigation allowed her to realize, for the first time, that employers sometimes use race to judge their managers' performance. She describes her sadness that "I [was] limited by the color of my skin, as opposed to [being judged based upon] the talent or the work ethic that I have, or the

willingness I had to want to get [the job] done, and the enthusiasm and the loyalty I had [for the company]." Kimberly knows her initial faith in her employer was naïve, but believes that a lot of employees share this faith because, Kimberly says, "Fundamentally, nobody wants to think there's racism or that there's sexual discrimination [today]. We don't want to think that we haven't come very far."

"Price Waterhouse Ordered to Make Woman a Partner," reads the May 16, 1990 issue of the *Wall Street Journal.*[12] A brief article sums up what happened as a consequence of Price Waterhouse's years of litigating against Ann Hopkins:

> A federal judge ordered Price Waterhouse to give a partnership to a woman who was denied the opportunity seven years ago and whose sex-discrimination lawsuit went to the Supreme Court. Judge Gerhard Gesell ordered the accounting firm to make Ann Hopkins a partner, effective July 1, and to pay her back pay and interest from 1983 that her lawyers say will total about $350,000. Ms. Hopkins, who works at the World Bank, charged that Price Waterhouse denied her a partnership because of sex stereotyping—some partners thought she was too aggressive and were offended by her use of profanity. Last May, the Supreme Court ruled that discrimination based on sexual stereotypes is prohibited by Title VII of the 1964 Civil Rights Act. The high court concluded that the federal district court had applied the correct legal standard at the trial but sent the case back so the court could decide how to correct the illegal actions by Price Waterhouse. Judge Gesell, in a 33-page opinion, concluded that the firm should make Ms. Hopkins a partner, an offer that her lawyers say she is inclined to accept, if it is made. Price Waterhouse said it is was studying the decision. The firm wouldn't say whether it would accept the decision or appeal again.

Price Waterhouse accepted the decision, and offered Ann the partnership she had earned. She says that, during one of the trials, "Judge Gesell asked in an incredulous tone that startled me, 'And you want to leave that job [at the World Bank] and go back and join this crowd? That's what you're asking me to do, right?'"[13] He was worried that relationships would be troubled if she returned. Ann's response was, "I may be deluded, but I feel that there are people there who would be happy to practice with me and there [are] certainly lots of them there that I'd be happy to practice with."[14] Additionally, Ann wanted to do "Big Eight" consulting work, and she did not believe any of the other firms were any better than Price Waterhouse. So, Ann rejoined Price Waterhouse in February of 1991, about a year after the U.S. Supreme Court case ended. She stayed until March 2002,

12. WALL ST. J., May 16, 1990, at B7.

13. HOPKINS, SO ORDERED 209.

14. *Id.* at 331.

accepting an offer of retirement when Price Waterhouse merged with Coopers Lybrand.

She describes what her work life was like she went back, and how difficult it was in the beginning. She says she had "no clients, no projects, no constituency."[15] Certain moments were especially difficult, such as when she attended the new partners' meeting for the class of '92. Everyone knew why she was there, and she says it felt strange to be socializing with new partners, since her process for obtaining the partnership was so different from everyone else's. In November 1992, she returned to the firm's Office for Government Services (OGS), where she had worked years earlier. She said she "felt like [she] was returning home."[16] Now comfortable, she spent the next decade working. She did not think much about her relationship with other people. She said, "People who liked me before the lawsuit liked me when I came back, and people who didn't like me before still didn't like me when I returned."

My interview with Ann was in August 2002. Over lunch, I ask her, "What do you do now?" She says, "Anything I damn well please." We talk about the case, and how, in hindsight, she realizes that people take certain facts about her case out of context. I ask her how she feels about the mentor who gave her the advice about working on her femininity. She says, "I adore [him]." Although other people assume they are not friends, that assumption is untrue. She recalls, for instance, how the mentor took her to lunch after her youngest son was killed.

One significant lesson I learned from reading Ann's book, *So Ordered: Making Partner the Hard Way*, is that Ann's family, not the landmark Price Waterhouse case, is central to her life. Much of her book describes her three children, her husband, and her supportive neighbors. I ask her, "What was the most stressful part of the seven years of litigation?" She says, "The most stressful part was the time around the Supreme Court hearing, but that's because my husband was suing me for custody of the kids. It had nothing to do with the Supreme Court." Ann and her husband had divorced during the litigation.

In my judgment, Ann's most significant loss is that, today, her story means something far different to her than it does to other people. I ask her how she feels about litigation. She says,

> I have over the last 15 years heard lots and lots and lots of people talk about how litigation is a viable option, and, almost always, it isn't. Most attorneys can't afford to represent plaintiffs. Most plaintiffs aren't likely to win, and even if they are, there's usually in the greater scheme of things, so little, so few assets on the table, that the hassle's not worth the result.... Y'know, I would say that [if a potential plaintiff asked my opinion about

15. *Id.* at 386.

16. *Id.* at 390.

> whether to sue], I can't think of a single situation in which my advice to somebody wouldn't be, 'Walk away.'

We talk about her story and how it is now a classic Harvard Business Review case that business students use to study gender discrimination. I ask Ann what she thinks should happen to her story, and she makes it clear that it is "dead and [should be] buried." She says, "There's a whole different set of issues out there today." As I wrap up the interview, I add that I am surprised she does not sound angry about what the Price Waterhouse partners put her through. She shares one of her favorite quotes: "Whom the gods would destroy they first make angry."

A headline in *The Chronicle of Higher Education* dated November 28, 1997, reads "Former Ore. State Coach Wins $1.28-Million."[17] The article captures the essence of how the case was resolved. It starts, "A former coach who accused Oregon State University and its athletic director of discriminating against her and violating her right to free speech has been awarded more than $1.28 million by an eight-woman federal jury." The article also makes clear that part of this amount included a $125,000 punitive damage award against Digger *personally* for how he treated Vickie during her time at Oregon State.

The story behind the headline is more complicated with regard to what Vickie won and lost. After attorney's fees and the many expenses of litigation were subtracted from the $1.28 million jury award, Vickie's check was for $587,615.21, before taxes. So, in the end, she walked away with a little more than $300,000. She used the money to give sizeable donations to the organizations that had helped her, including the American Association of University Women and the Women's Sports Foundation. She also used the money to put a down payment on her first home, in Porterville, California. She had never before earned enough to afford a house. Although it was difficult for Vickie to find another job (she believes she was branded a "troublemaker"), she likes her job at Porterville College, and, surprisingly, it pays much better than her job at Oregon State. Still, her career is not what it might have been in terms of excitement. Her biggest loss, though, is difficult to calculate. She describes the toll the case took on her parents. She says:

> Mom is the worrier of all worriers. And here's her daughter, who's usually pretty quiet, and probably the least likely to move so far away from home, going to federal court. All of a sudden she developed panic attacks. She'd never experienced anything like that in her life. She lost, I don't know how much weight she lost, I'd say maybe sixty pounds or so. I mean, the next time I saw her, she was a frail, skinny, old woman, y'know, and I thought I'd done that to her. And that just crushed me. And my Dad is legally blind, but every week, once a week, all these sixty-five-plus year old men

17. Jeffrey Selingo, *Former Ore. State Coach Wins $1.28-million*, THE CHRONICLE OF HIGHER EDUCATION, Nov. 28, 1997, at A46.

> got together and they'd drive to another little farming community and they'd have coffee. And they had this little coffee club. And you'd talk about sports, and you'd talk about weather, and you'd talk about the crops, and those are the three things you talk about, and Dad had a lot to offer. I never had a name, I was just, 'My daughter, the PAC-10 coach'. Y'know, he was so proud of that fact. I mean, he could talk about his daughter the PAC-10 coach, and talk about her games against UCLA or Arizona. Y'know, that's a big deal in a small farming community town. Y'know, the town I'm from is Osbourne, Kansas. It's only twelve hundred people, and sports is big. That's the biggest section of our newspaper is sports. So he really felt important when he went out. He had a hard time when I didn't have a job anymore, explaining it, and so he quit going to coffee. And I felt I took that away from him.

So, in the end, what legacy does litigation leave? Litigation draws attention to unfair practices in the workplace. It also provides compensation and attempts to make whole the individuals harmed by discriminatory treatment. On rare occasions, litigation punishes discriminators. Litigation promotes change, usually in the form of increased opportunity. The legal system attempts to create and preserve a level playing field. However, for women and minorities who sue, who place their stories in the public domain, litigation leaves a different sort of legacy. For the plaintiffs themselves, if they are lucky enough to prove their claims, they win and lose. Litigation may provide its clearest victory, its most important legacy, for women and minorities too young to realize inequality still exists. Litigation is a form of standing in the gap. Vickie Dugan explains:

> "Stand in the gap" is a softball term. When you look out at a field, there's a distance between center field and left field, between center field and right field, between first and second base, and between shortstop and third base, where a ball can go through, and if you hit a gap, y'know, you're gonna get on base. What I saw with the [American Association of University Women] members coming to trial and being there for support, was that they stood in those gaps for me. They stood in the gap financially by giving me money to pay for legal costs. They stood in the gap for me emotionally by saying, "We're proud of you and we believe in you." And they stood in the gap as surrogate parents, so to speak, giving me a place to live during the trial, and bringing food, and being a constant support, not only monetarily and emotionally, but physically, at trial. So they plugged up all those holes that Oregon State tried to shoot through.... One of my sisters came to the ten day trial and [then there are] my attorneys.... I mean, I just had so many people that stood in the gap for me. And because *they* [stood in the gap], I can. [There] are three million girls out there playing sports now.... [E]very plaintiff that does something against discrimination stands in the gap for them.