

Study of Discrimination Lawsuits

A study conducted by the American Bar Foundation revealed interesting statistics about federal lawsuits brought by plaintiffs claiming some form of illegal discrimination. The great majority of such suits are brought by single plaintiffs. Though class action lawsuits, involving multiple plaintiffs, against large employers often attract more publicity, they are extremely rare.

The chances that a discrimination lawsuit will make it to trial are slim. Approximately 40 percent of such suits are dismissed prior to that time, pursuant to a defendant's motion to dismiss or motion for summary judgment. Another half will be settled prior to trial, often with a very modest payment to the plaintiff. Only 6 percent of the employment discrimination lawsuits filed in federal court reach the trial stage. And reaching trial is not automatically good news for plaintiffs, because only about one in three of those trials results in a favorable outcome for the plaintiff.

About 20 percent of individual plaintiffs sue without being represented by an attorney. In those suits, the likelihood of early dismissal is, not unexpectedly, even higher than for plaintiffs represented by counsel.

Discrimination lawsuits constitute one of the largest categories of civil cases filed in federal courts. The data indicate, however, that plaintiffs' success in securing, through a settlement, some relief is mixed at best, and the chances of obtaining a victory at trial is not good.