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## **A Hard Nose and a Short Skirt**

Richard Lacayo

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# A Hard Nose and a Short Skirt

*Two cases raise questions about a woman's on-the-job style*

In *My Fair Lady*, Henry Higgins put the question in a bouncing lyric: "Why can't a woman . . . [ta-ta-ta-dum] . . . be more like a man?" Last week the U.S. Supreme Court heard arguments in a major sex-discrimination case, *Price Waterhouse v. Hopkins*, that touches on some further questions that Professor Higgins never got to. Can a woman be too much like a man, at least in the eyes of some male colleagues? And if her career suffers because she strikes them as gruff and hard-nosed, is she being penalized for qualities that might be treated as assets in a male?

In 1978 Ann Hopkins was hired as a manager in the Washington office of Price Waterhouse, the giant nationwide accounting firm. Four years later, she was nominated for promotion to partnership, the only woman among 88 candidates that year. She looked like a winner. Despite the demands that go with being the mother of three children, she had helped bring in between \$34 million and \$44 million in business to the firm and had billed more hours in the preceding year than any other candidate.

But Hopkins, 44, also garnered some biting written evaluations from partners who branded her "macho," foulmouthed and harsh to co-workers. One said she needed to take a "course at charm school." Her candidacy was put on hold for a year. Afterward, a partner who was one of her biggest supporters advised her that she might improve her chances if she learned to walk, talk and dress "more femininely . . . wear makeup, have her hair styled and wear jewelry."

Eventually, Hopkins left the firm and brought suit, contending that the promotion process had violated Title VII of the 1964 Civil Rights Act, which prohibits job discrimination. Pointing to the terms used to describe her in the written evaluations, she argued that she was a victim of sexual stereotyping by male partners who expected women to be sweet and conciliatory and who bridled at any departure from that image. "To be difficult to work with is somewhat in the eye of the beholder," she says. "We had difficult jobs to do."

Price Waterhouse countered that her evaluations merely described her on-the-job demeanor in terms like those applied to some male candidates whose manner had also prevented them from making partner. "Do the words used show sexual discrimination?" asks Kathryn Oberly, an attorney for Price Waterhouse. "Or do they just accurately describe her?"



**Tough-talking Hopkins was denied partnership**

*Male colleagues suggested charm school.*

The specific question before the Supreme Court is a technical one, but it may crucially affect the future of discrimination cases, especially those involving gender bias. In the past it has usually been up to the plaintiff to prove that an employer was guilty of discrimination. Two lower courts found that Hopkins had not proved conscious discrimination by Price Waterhouse. But they also found that the promotion system was so infected with biased notions about women that the burden of proof should be shifted to the firm to compel it to show that stereotypes played no role in the decision to reject Hopkins.

If the Supreme Court upholds those rulings, Hopkins will be entitled to a new hearing to determine what compensation she is owed, and employers in general will have to work harder to defend themselves against discrimination claims. That change could be especially important in cases involving higher job levels like partnerships or executive slots, where promotions are often

decided upon by groups of executives, whose motives can be hard for plaintiffs to separate and pin down.

Hopkins' suit dramatizes the dilemma faced by many professional women who attempt to walk the narrow line between appearing serious and seeming overly severe. "Men in fields that have long been dominated by males tend to expect women to act both feminine and businesslike," says Herma Hill Kay, a sex-discrimination expert at the University of California, Berkeley. "I think they don't realize they're sending out conflicting messages."

Ironically, the Hopkins case has arrived at the high court at around the same time a related but different dispute may be heading toward a courtroom in Florida. Until recently, Brenda Taylor was an assistant state attorney in Broward County, Fla. But earlier this year she was reprimanded by her boss, John Countryman, because of the clothes she favored for court appearances. Taylor, 25, has a penchant for short skirts, designer blouses, ornate jewelry and spike heels with colored hosiery. She says she has a flair for fashion. Countryman told her she looked like a "bimbo." In September, after Taylor complained to the federal Equal Employment Opportunity Commission, she was fired. Though told that the dismissal reflected her poor job performance, she insists it was discrimination: "This is something that should not happen to anybody in this day and age."

In general, the law permits offices to establish dress codes, so long as they impose equivalent restrictions upon both sexes. Taylor's office has such a code,

which mandates conservative dress for all. Though her fashion judgment may be subject to question, her complaint illustrates how the right image for working women is still unsettled.

"Almost anything you wear runs the risk of looking like you're trying to appear just like a man, or too feminine," says University of Miami law school professor Mary Coombs. Still, common sense would seem to rule out some costumes. Says dean Roger Abrams of the Nova University Center for the Study of Law in Fort Lauderdale: "I think neither a man nor a woman can be outright sexy and be an attorney." Wait until they hear that over at *L.A. Law*.

—By Richard Lacayo.  
Reported by Steven Holmes/  
Washington and Andrea Sachs/  
New York



**Taylor: Dressed for court?**