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**Civil Action No. 84-3040 Defendant's Identification of Expert  
Witnesses**

United States District Court for the District of Columbia

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

QUEST 229 4200

PBF 983-0670

ANN B. HOPKINS,  
  
Plaintiff,  
  
v.  
  
PRICE WATERHOUSE,  
  
Defendant.

Civil Action No. 84-3040  
(GAG)

DEFENDANT'S IDENTIFICATION OF EXPERT WITNESSES

Pursuant to Rule 26(b)(4) of the Federal Rules of Civil Procedure, and this Court's order of October 3, 1989, defendant Price Waterhouse hereby submits this identification of persons that it expects to call as expert witnesses in a trial on the issue of remedy.

Price Waterhouse presently expects to call as expert witnesses M. Neil Redford, Peter F. Meder and Dr. Paul J. Andrisani.

A. Expected Testimony of M. Neil Redford and Peter F. Meder

Messrs. Redford and Meder are expected to testify that a person in plaintiff's situation in 1983 would have been able to obtain, without any extraordinary effort, a senior management position on an accelerated partnership track with a major consulting/accounting firm. Messrs. Redford and Meder will further opine that Ms. Hopkins' efforts to find a suitable position were wholly inadequate under the circumstances. Their

testimony will be based upon their knowledge of the employment market for partners, senior managers and other executives in the field of management consulting and similar fields, their experience (and evaluation of data) relating to placement of such individuals in new positions, and their review of plaintiff's efforts to find a suitable position after Price Waterhouse's 1983 decision to defer her partnership candidacy.

Mr. Redford presently serves as a principal in Bell Redford Glenn Inc., a consulting firm that offers advice and outplacement services to employers and specifically to individuals who leave such companies and seek other employment. Mr. Redford has had significant experience in assisting high level managers and consultants like plaintiff find employment. This includes many individuals who have left Price Waterhouse. Mr. Redford, who began his career as an employment consultant with SpencerStuart Executive Search Consultants as a Vice President, holds undergraduate and graduate degrees from the University of Florida. He is the past President of the New York College Recruitment Council and The Management Development Forum and currently is a member of the International Consultants Foundation.

Mr. Meder is the founder of the firm of Meder & Associates, an executive search firm based in Chicago, Illinois, that assists businesses, including management consulting firms, attract and hire individuals nationwide. Mr. Meder began his career in the executive search field in

1983 at the search consulting firm of The Heidrick Partners and Egan Rehnder International. He has had significant experience in placing persons in high level positions at major consulting firms and Big Eight accounting firms, including Price Waterhouse. Mr. Meder holds graduate and undergraduate degrees from Northwestern University.

The following is a summary of the expected expert testimony of Messrs. Redford and Meder:

1. The nature of the job market for senior managers and partners in the field of management consulting

Generally, persons in senior management positions at major management consulting firms in the United States have been able to move from one firm to another with relative speed and ease during the period 1983 through 1989. The market (number of jobs) has been rapidly expanding since the early 1980's and thus the demand for persons with plaintiff's skills and experience has been and continues to be strong.

2. The ordinary and reasonable steps taken by persons seeking senior manager or partner positions in the field of management consulting and similar fields

An executive seeking employment usually has three available alternatives: consulting an executive recruiter, directly approaching potential employers personally or answering advertisements.

Ms. Hopkins' deposition testimony as to her efforts to utilize professional executive recruiters suggests that she did

not seriously attempt to obtain employment through that method. See Deposition of Ann Hopkins ("Hopkins Dep.") at 24-32. Most individuals seeking employment in the Washington, D.C. area send resumes and letters to at least 50 recruiting firms. Individuals seeking employment in several locations in the United States and/or overseas ordinarily send resumes and letters to 200 to 400 recruiting firms. Although she acknowledged that she would have been willing to take a position outside the Washington, D.C. area, id. at 35, Ms. Hopkins states only that she "spoke with a number of recruiters," id. at 24, and that she "sent letters to at least two of them." Id. at 11. Ms. Hopkins was unable to locate these letters and it is not clear from her deposition testimony that she even sent a resume to these recruiters. See id. at 27-29.

The placement rate of executives through recruiters significantly increases as seniority level increases. Moreover, individuals in highly specialized fields are much more likely to find a new position through an executive recruiting service than individuals with more general skills. Given Ms. Hopkins' level of experience and her government services speciality, she would have made an excellent candidate for placement through a professional recruiter; however, her chances for success were greatly reduced by her failure to send a letter and a resume to more than a few recruiters.

Ms. Hopkins' efforts to seek a position by directly approaching prospective employers or partnerships were similarly deficient. Based upon her deposition testimony, it appears that Ms. Hopkins did not even attempt to pursue a senior management position (on a partnership track) at any of the other Big Eight firms. Moreover, Ms. Hopkins admits that her only effort directed at any Big Eight or major firm involved informal verbal communications with a few former colleagues at a firm at which she had worked previously and which had no government services practice. (This contact was seeking immediate and direct admission as a partner.) It would be expected that a diligent job-seeker would exploit professional and personal contacts to a much greater degree and would engage in much more substantial and affirmative communication with prospective employers.

Finally, Messrs. Redford and Meder will testify that it is an expected and normal step to respond to advertisements for positions in newspapers or professional publications. It does not appear from Ms. Hopkins' deposition testimony or discovery responses that she took that step.

3. The likelihood that plaintiff would have found suitable employment

Mr. Meder is expected to testify that he frequently has placed senior managers from Big Eight accounting and strategic consulting firms in senior positions at other Big

Eight firms, or in similar positions. Moreover, both he and Mr. Redford will testify that it is likely that plaintiff, with no more than ordinary diligence, could have been placed in a senior management position on an accelerated partnership track, within three to six months after she left Price Waterhouse. Indeed, because of the rapidly expanding market and the demand for plaintiff's specialty, she had a reasonable chance to obtain a partnership position. Mr. Redford also will testify to the many Price Waterhouse senior managers that have left the firm and quickly received offers for senior positions in other management consulting firms.

Contrary to plaintiff's assumptions, see Hopkins Dep., at 162-65, her age would not have stood as a serious obstacle to placement in a senior management position similar to the one she held at Price Waterhouse. Her 1984 resume, see Pl. Ex. 11, was impressive. Neither her age at the time, 39, nor her present age, would be a hindrance. Moreover, the demand for senior managers was and is strong. Had she wished to work as an employee, or to become a partner, in a large management consulting organization, Ms. Hopkins could have done so.

B. Expected Testimony of Dr. Paul J. Andrisani

Dr. Andrisani will provide expert testimony concerning the issues of back pay and front pay. His testimony will be based upon his knowledge of the labor market and the employment opportunities available for persons with the type of experience

and skills possessed by plaintiff. His testimony will also be based upon his understanding, as a labor economist, of the appropriate interest rate, discount rate and inflation rate that ought to be utilized in determining the amount of any back pay and front pay.

Dr. Andrisani is Associate Dean of the School of Business and Management at Temple University in Philadelphia, Pennsylvania. He is also Director of the Center for Labor and Human Resources Studies and a Professor of Human Resource Management at Temple University. For the past 19 years, Dr. Andrisani has specialized in the study of employment issues relating to minorities, women, older workers, the disabled and veterans. His research has been funded by grants and contracts from the U.S. Department of Labor, the National Commission for Employment Policy, the U.S. Administration on Aging, the Social Science Research Council, the U.S. Department of the Army and the Equal Employment Opportunity Commission, among others. His studies have appeared in numerous academic journals and books and have been presented at national and international meetings of many professional societies. Dr. Andrisani also has served as a consultant in nearly 100 employment discrimination cases over the past 13 years, testifying in state and federal court for both plaintiffs and defendants as an expert on labor market economics and statistics, human resource management, and issues of liability, damages and mitigation of damages.



The following is a summary of Dr. Andrisani's expected expert testimony:

Dr. Andrisani will testify that the only damage plaintiff may have suffered (assuming that the decision in 1983 to defer plaintiff's candidacy for partnership is found to have violated Title VII) would be the difference between the average earnings for a partner in the class of 1983 for the period July 1, 1983-June 30, 1984, and what plaintiff earned or could have earned during that same one-year period through any reasonable effort to mitigate.

Dr. Andrisani also will testify that plaintiff should have been able to obtain a partner position similar to the one she sought at Price Waterhouse (assuming that plaintiff had resolved the interpersonal relationships problem that she manifested at Price Waterhouse) and that through reasonable efforts she should have been able to accomplish this within a reasonable period of time after her partnership candidacy was placed on hold by Price Waterhouse. Dr. Andrisani's testimony will be based on data concerning the employment market for and job placements of persons with plaintiff's skills and experience and data concerning the experiences of other employees who have left Price Waterhouse (as employees) and later secured partner positions with other firms.

On the subject of back pay, Dr. Andrisani will testify that any interest rate applied to such earnings should be no higher than money market rates. On the subject of front pay,

Dr. Andrisani will testify as to the appropriate discount rate and the factors that ought to be taken into account, including but not limited to the return that can be expected on reasonable investments and expected inflation. Further, any front pay calculation should not necessarily project any future increase in the value of a share in Price Waterhouse.

DATED: December 11, 1989

Respectfully submitted,

Of Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Defendant's Identification of Expert Witnesses to be served by hand delivery this 11th day of December 1989, upon James H. Heller, Esq., Kator, Scott & Heller, 1275 K Street, N.W., Suite 950, Washington, D.C. 20006.

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