

## Insights

### A Fair Shake: Ames Shifts Risk Landscape for Employers in Title VII Discrimination Claims

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Employers across all industries should take note of a recent unanimous U.S. Supreme Court decision that stands to impact workplace discrimination claims and risk management strategies. The Court's ruling in Ames v. Ohio Department of Youth Services eliminates a legal barrier that previously made it more difficult for certain employees to bring discrimination lawsuits.

#### Unpacking the *Ames* Decision

On June 5, 2025, the Supreme Court held in a unanimous opinion that all employees, regardless of their membership in majority or minority groups, face the same legal standard when bringing discrimination claims under Title VII of the Civil Rights Act of 1964 ("Title VII"). Title VII prohibits employment discrimination based on race, color, sex, religion, and national origin for all employees.

The *Ames* decision rejects longstanding precedent established in at least four federal circuits that members of majority groups must show "background circumstances" in addition to the standard requirements when using the indirect method of proving a claim under Title VII.

The case involved Marlean Ames, a straight woman who worked for Ohio's Department of Youth Services for two decades. Ames alleged she was passed over for promotion and eventually demoted in favor of gay colleagues based on her sexual orientation. Lower courts entered summary judgment in favor of Ames's employer, holding that she had not proven the additional "background circumstances" that a majority group member must show to establish a prima facie claim using the burden-shifting framework set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

The Supreme Court vacated the Sixth Circuit's holding below and remanded for further proceedings.

#### The Law Has Not Changed, but the Landscape Has

The *Ames* decision does not change the underlying law. Title VII continues to prohibit discrimination based on race, color, sex, religion, and national origin. What has changed is the procedural standard for bringing certain

discrimination claims to court. Now, all employees must meet the same legal standard<sup>1</sup> to assert a prima facie claim under Title VII, whereas the prior precedent established a heightened burden for certain claimants who are members of majority groups.

Practically speaking, the *Ames* decision may lead to an uptick in Title VII claims filed by plaintiffs who are members of majority groups, and more of those claims may withstand summary judgment.

### **Strategic Takeaways for Employers**

This Supreme Court decision serves as a reminder that effective risk management for employers requires careful evaluation of compliance obligations as to all employees. While the law itself has not changed, the reality is that more claims may be processed through the legal system.

*Ames* serves as a reminder that employers should consider the following actions:

- Establish and enforce robust equal employment opportunity/anti-discrimination policies and update them periodically.
- Regularly train managers, supervisor, and other leaders regarding appropriate legal standards.
- Maintain a formal process to promptly investigate concerns regarding fairness in the workplace.
- Enhance documentation and processes for hiring, promotion, disciplinary, and other higher-risk decisions to include clear and objective criteria supporting such decisions.
- Engage legal counsel as appropriate to audit current policies, evaluate potential high-risk scenarios, or defend claims.

For assistance in navigating employment-related risks, including in relation to the *Ames* decision, contact **Shelley M. Jackson** or another member of Krieg DeVault's **Labor and Employment** team. The author gratefully acknowledges the contributions of Krieg DeVault Summer Associate Caitlin M. Tudor in preparing this alert.

<sup>1</sup> While *Ames* does not disturb the longstanding McDonnell Douglas framework, dicta within Justice Thomas's concurring opinion indicates it could be subject to further scrutiny in future cases.

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