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Supreme Court Rejects Additional Burdens for Reverse Discrimination Plaintiffs

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Authors: W. Eric Baisden, Adam Primm

On June 5, 2025, the U.S. Supreme Court unanimously agreed that reverse discrimination plaintiffs are not required to produce additional evidence at the outset of their case to proceed with their claims. Ames v. Ohio Department of Youth Services places plaintiffs who belong to traditional majority groups on equal footing with plaintiffs from all other protected classes.

This decision was not a surprise-we previously covered the oral argument preceding the decision, in which all Justices seemed to agree that the "background circumstances" requirement levied on reverse discrimination plaintiffs was unlawful. This requirement obligated plaintiffs who belonged to a traditional majority class to produce evidence that their employer was the "unusual" one "who discriminates against the majority" before their case could proceed, a burden not placed on plaintiffs from minority classes.

Ames declared that "this additional 'background circumstances' requirement is not consistent with Title VII's text or [the Supreme Court's] case law construing the statute." Writing for the Court, Justice Jackson explained that Title VII "draws no distinctions between majority-group plaintiffs and minority-group plaintiffs[,]" such that a burden placed on one but not the other was inequitable. Justice Jackson went on to explain that the traditional elements of discrimination claims identified in the seminal case of *McDonnell Douglas v. Green* "were never intended to be rigid, mechanized, or ritualistic." In his concurrence, Justice Thomas (joined by Justice Gorsuch) went a step further, stating that "the judge-made *McDonnell Douglas* framework has no basis in the text of Title VII[,]" but noting that *Ames* "did not present the question" of whether *McDonnell Douglas* is "an appropriate tool for evaluating Title VII claims[.]"

The concurrence signals that at least two justices are open to doing away with the *McDonnell Douglas* framework altogether. While the Supreme Court recently declined to take up this very issue by denying a writ of certiorari in *Hittle v. City of Stockton*, Justice Thomas's concurrence establishes that questions on the adjudication of Title VII claims remain. For now, *Ames* clarifies that all plaintiffs, regardless of the basis upon which they claim discrimination, are subject to the same standard.

Eric Baisden is a Partner and Co-Chair of Benesch's Labor & Employment Practice Group. He can be reached at 216.363.4676 or ebaisden@beneschlaw.com.

Adam Primm is a Partner of the Labor & Employment Practice Group. He can be reached at 216.363.4451 or aprimm@beneschlaw.com.

Lyndsay Flagg is a Managing Associate in the Labor & Employment Practice Group. She can be reached at 216.363.4517 or lflagg@beneschlaw.com.