

# Gender Discrimination: Ruberto, Israel & Weiner Trial Team Secures Jury Verdict for Client L.E.K. Consulting, LLC

By RIW on October 3, 2015

RIW delivered a defense verdict for its client L.E.K. Consulting, a global strategy consulting firm, in a gender discrimination case filed by Rachel Rochat, a former consultant. Ms. Rochat claimed that L.E.K. discriminated against her by failing to promote her and ultimately firing her because she is a woman, and not as a result of her documented poor performance and poor attitude. RIW's trial team, led by Christopher P. Litterio and assisted by **David W. Robinson**, Joseph N. Magner, and L.E.K. Consulting's general counsel Shuba Satyaprasad, successfully defended the company. After two weeks of trial, testimony from 15 witnesses and the introduction of 107 exhibits, a jury of eight women and four men rejected all of Ms. Rochat's claims.

"This case demonstrates the dangers for employers defending against discrimination claims. Though L.E.K. maintained a thorough evaluation process supporting all of its personnel decisions, the Court admitted certain statistical evidence by which Ms. Rochat tried to argue that L.E.K. treated women less favorably than men, without requiring any showing as to how or whether such evidence may have impacted Ms. Rochat's employment. The Court also allowed Ms. Rochat's uncorroborated testimony about statements allegedly made by L.E.K. managers, including Thilo Henkes, a current managing director who was a manager at the time, even though Ms. Rochat failed to include these statements in her Charge of Discrimination filed with the Massachusetts Commission Against Discrimination. L.E.K. vehemently denied making the remarks alleged by Ms. Rochat," commented Mr. Litterio. "Fortunately, we were able to keep the jury focused on the real issue at hand – Ms. Rochat's poor performance and attitude."

Peter McKelvey, President of L.E.K.'s Americas practice, stated: "L.E.K. is extremely pleased to have been vindicated by the court system. We are and always have been an equal opportunity employer and pride ourselves on our fair treatment of all employees. We thank Chris and his team for helping to reaffirm our commitment to equal opportunities for all our employees."

The case is Rachel Rochat v. L.E.K. Consulting, LLC, Suffolk Superior Court Civil Action No. 07-2749B.

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