

Esperance Informational Blog

With the help of Solomon Law Firm's Attorney Daniel K. Gebhardt, Ruth Esperance was awarded \$400,000 on September 23, 2023, after a 9-member jury in Rapid City, South Dakota voted in her favor against the United States Department of Agriculture (USDA). Legal representation for the U.S. Attorney for the District of South Dakota, Alison J. Ramsdell, and Assistant U.S. Attorney Michael S. Hofmann represented the Agency.

The verdict in *Ruth Esperance v. United States Department of Agriculture (USDA)* is a vindication of the hard-fought right of a female Plaintiff subjected to disparate treatment to be treated equally with the same benefits afforded to men in the workplace. After a five-day trial presided over by U.S. District Judge Lawrence L. Piersol, Esperance made history, attesting to the capacity of federal employees to combat gender discrimination and to hold the Forest Service accountable for misconduct. While Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000) explicitly prohibits employment discrimination, it is an uphill battle in the workplace for female employees who are the victims of discriminatory practices in federal agencies.

Esperance, a former District Ranger with the USDA (regulating the Mystic Ranger District of the Black Hills National Forest in South Dakota) sought relief under Title VII after being unlawfully discriminated against based on her gender due to a reassignment that was an unwarranted demotion by her former manager at the USDA. Shortly after Esperance was reassigned, her manager retired from federal service. Though the reassignment was initially depicted by him as a mere "personnel matter," it soon became clear that her demotion was an act of gender discrimination. Various former human resource officials within the Forest Service challenged the basis of this decision, one even calling it "unprecedented" during trial.

With over 29 years of service and experience as well as 34-year tenure, Esperance sought out the representation of Solomon Law Firm to advocate for her in reconciling inequalities among Forest Service workers. Esperance had never been the subject to any sort of discipline or adverse action; she had even received a range of recognition for her diligence and dedication, from glowing performance reviews and the Heroism Award (Group) in 2002 to the R2 Regional Forester's Award and various other Merit Awards (in the form of cash bonuses). Esperance was also accepted into the National Cadre for Resolving Officials to represent the Chief of the Forest Service, where she sought to settle EEO complaints herself, striving to cultivate "a safe environment for the workforce...[one] free of fear, intimidation, discrimination, and sexual harassment."

Esperance's demotion involved a substantial reduction in both her job responsibilities and work opportunities as well as obstructed her access to additional monetary compensation. Esperance sought to rectify this disparity. Esperance's proven allegations included misconduct from 2017 to 2018. While she worked at the agency, only 10% of the staff under her manager's direction identified as women (the other 90% identified as men). Female employees were relatively excluded from supervisory communications and/or ignored during meetings, and management was often only "receptive to the [proposals], concerns and ideas of...male co-workers." Esperance asserted that by dismissing crucial input and failing to meet as promised, her supervisors regularly disrespected the work and expertise of both her and her female counterparts. She alleged that male employees were typically given preferential treatment, awarded special assignments and desired positions even when less qualified, thus facilitating a hostile work environment in which many female employees were unlawfully reassigned or even forced to resign.

Prior to Esperance, many have brought forth claims of gender discrimination within the Forest Service. At a 2016 U.S. House committee hearing, Rep. Elijah Cummings, D-Maryland even established, “For more than 40 years, the Forest Service has repeatedly faced litigation alleging discrimination against female employees.” Ultimately, the verdict in Esperance’s favor sets a worthy precedent for other cases within the Forest Service, as not only South Dakota but also other District Courts and the like, will hopefully follow suit, increasingly striving to hold leadership accountable. Ultimately, Esperance’s proven allegations attest to what will remain an especially pivotal case, as agencies such as the USDA are increasingly held accountable by juries for managers that engage in discriminatory treatment.

“To the extent that the forest service is still male-dominated, it can do a much better job on its treatment of women,” Gebhardt said. “It has to take note of a decision like this and put policies and procedures in place such that it does do a much better job in the future in trying to curtail the trend of gender discrimination that has been happening in region two of the forest service.” Daniel K. Gebhardt further said, “Discrimination against women will not be tolerated in South Dakota, and all individuals must be treated equally under the law.”

Today, Esperance works remotely from Rapid City as a public affairs officer for the Shasta-Trinity National Forest in California and wishes such women “suffering in silence at the Forest Service can now be heard and those responsible held accountable.” She asserts, “the Department of Agriculture and the Forest Service now bear the responsibility of taking greater steps to address this part of their culture.”