7th Circuit Confirms that Law Firm Partner Was Not an “Employee” Under Anti-Discrimination Laws

The 7th Circuit U.S. Court of Appeals affirmed the trial court’s grant of summary judgment in favor of our law firm client on claims brought by one of its former partners for Title VII retaliation and age discrimination. The appellate court held that the plaintiff was a partner/employer, not an employee entitled to the protection of the federal anti-discrimination laws. The 7th Circuit based its determination on several factors, including the plaintiff’s actual control over the affairs of the firm by virtue of his administrative activities as managing partner, and the plaintiff’s right to control through his equal voting power and other prerogatives conferred upon him by the partnership agreement. This was the first case to apply the Supreme Court’s “control test” announced in the Clackamas decision to a Title VII claim, or to a claim brought by a law firm partner.

Solon v. Kaplan, 398 F.3d 629 (7th Cir. 2005).