

Spring 2002

Remarks on the Occasion of the Creation of a Joint Degree Program in Law and Labor Relations/ Human Resources and Studying Labor Law and Human Resources in Rhode Island

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Recommended Citation

Schwab, Stewart J. (2002) "Remarks on the Occasion of the Creation of a Joint Degree Program in Law and Labor Relations/Human Resources and Studying Labor Law and Human Resources in Rhode Island," *Roger Williams University Law Review*: Vol. 7: Iss. 2, Article 5.

Available at: http://docs.rwu.edu/rwu_LR/vol7/iss2/5

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Remarks

Remarks on the Occasion of the Creation of a Joint Degree Program in Law and Labor Relations/ Human Resources

The University of Rhode Island Schmidt Labor Research Center and the Roger Williams University School of Law now offer a joint degree program for students interested in extensive study of the increasingly complex employment relationship. Through formal coordination of the curricula of the two institutions, students can earn a J.D. and a M.S. in four years. This program broadens the existing relationship between the two institutions, which offer joint degree programs in marine affairs and community planning.

At a ceremony to mark the establishment of the new program, Professor Stewart Schwab of the Cornell Law School, a noted interdisciplinary scholar in the area of labor and employment law, delivered a lecture at the URI Alan Shawn Feinstein College of Continuing Education in Providence. The following essay, in which Professor Schwab explores the benefits and challenges of interdisciplinary study and analyzes some data about employment discrimination in Rhode Island, is based on that lecture.

The joint degree program was conceived by Professor Michael Yelnosky of Roger Williams University School of Law and Professor Charles T. Schmidt, Jr., founder and director emeritus of the Schmidt Labor Research Center. The program would not exist, however, if not for the efforts of the late Terry Thomason, Professor Schmidt's immediate successor at the Labor Research Center.

Sadly, Professor Thomason died in the Spring of 2002, shortly before the first group of joint degree program students received their degrees.

Studying Labor Law and Human Resources in Rhode Island*

Stewart J. Schwab**

Our task today is to celebrate, inaugurate, and educate. Lawyers demanded the education part of the talk because they love double counting whenever possible. The lawyers in our audience get Continuing Legal Education credits for attending. That's just one illustration of how to think like a lawyer—kill as many birds with as few stones as possible.

Lawyers are often accused of talking in an arcane language that no one else can understand. Labor-relations people are sometimes thought to be either pie-in-the-sky optimists or Marxist-inspired anarchists. Human-relations professionals are sometimes said to be hypocrites giving a fake smile to employees while looking solely at the bottom line. But these are just insults. I come to you tonight as someone who has been through a joint degree program myself. At times it is frustrating. At the very least, it teaches one how to deal with university bureaucracy. But at its best, someone who has advanced professional training in both law and in labor and human relations gets something better than what either can teach alone.

I. THE CHALLENGES OF A J.D./M.S. PROGRAM

The obvious first question that prospective students should ask is: what are the benefits of enrolling in a joint degree program? The correct first answer is: the double counting. A J.D. degree nor-

* This paper is based on remarks given by Professor Schwab for the ceremony to mark the creation of a joint J.D./M.S. program between the Roger Williams University School of Law and the University of Rhode Island Labor Research Center. It is dedicated to the memory of Terry Thomason, the late director of the Labor Research Center and a former graduate student of mine. He had a gentle, inquiring spirit. Thanks to Michael Yelnosky and Ted Eisenberg for comments.

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mally takes three years of fulltime study. A master's degree takes two years. A combined J.D./M.S. takes four years; in other words, the first thing students learn under this program is that three plus two equals four.

The University of Rhode Island will give credit to several Roger Williams Law School courses. These include administrative law, employment law, and labor law. Roger Williams, in turn, will give law school credit to several URI courses. These include labor relations and human resources, labor economics, international labor relations, labor relations, and a professional seminar. But despite the close meshing of courses, inevitably students in the program will face two different experiences in methodology, style of teaching, and overall "feel." Let us examine the schizophrenic experience these joint-degree students will face.

The joint J.D./M.S. training might give students a certain feeling of schizophrenia. The legal training imbibes a love of distinction, a mistrust of sweeping generalizations, a recognition that the law has gray areas, and a mistrust or even fear of statistics. Close attention to facts is a key part of thinking like a lawyer. Reasoning by analogy and the use of hypotheticals is also an important part of law school pedagogy.¹ The danger from the law side is that students will develop a cynical attitude about their subjects. Arguments and counter-arguments are always possible, and the lawyer is simply a hired gun whose task is to provide the best possible argument with little concern for the "truth."

The skills and instincts of the human resource professional are quite different. They are taught to understand the history and sociology of the workplace, and they strive to obtain an understanding of what works and what does not work in the workplace. The good student will also be well-versed in statistics. They will have examined and perhaps conducted surveys, and in general be far more comfortable with data than the typical law student. The danger of a human-resources education, however, is that it leads to fuzzy "feel good" thinking. Students get a dab of labor economics, a dose of labor history, and an element of business school offerings. This may create students who appreciate trends and fads, but may

1. For an interesting essay on analogical reasoning in law, see Emily Sherwin, *A Defense of Analogical Reasoning in Law*, 66 U. Chi. L. Rev. 1179 (1999).

not have a real methodology to serve them over a professional career.

For example, consider teaching the well-known *Soroka* case.² The professor's questions may involve the precise issue in the case and arguments for its resolution. Student Smith might suggest that the issue in *Soroka* is whether an employer unlawfully invaded the job applicants' right to privacy. The professor might ask student Jones to represent the applicants and summarize the key arguments on their behalf. The professor continues, "are there analogous cases the applicants can use for support?" The professor might then ask another student how the employer might respond. Further questions suggest weaknesses in the applicants' position: "Would the employer ever see answers to individual questions? If not, is this in fact favorable to the employer? Is the mere asking of the question an invasion of privacy, even if one does not hear the response?"

The law professor might then continue the *Soroka* analysis by altering the facts. "What if a test was given to incumbent workers, on pain of dismissal? Doesn't this weaken the employer's interest in having the test?" Alert students may see that an employer has direct experience with incumbent employees, and therefore has less need of a test to judge employee's character. "On the other hand," the professor continues, "isn't the workers' claim strengthened when the test is given to incumbents? Compared to job applicants who can say 'take this job and shove it' if the interview questions become offensive, can incumbent employees easily walk away and lose their job rather than submit to an offensive test?"

After this peek at a law school class, let me make some general observations. First, we see how arguments and counter-arguments are central to the pedagogy in a law school class. Second, the key legal issue was whether the employer had a legal *right* to give the test. Little attention was given to whether it was a good idea for employers to give the test. Third, which side won this case is of modest pedagogical interest. Notice that the outcome was not

2. *Soroka v. Dayton Hudson Corp.*, 1 Cal. Rptr. 2d 77 (Cal. Ct. App. 1991). *Soroka* dealt with a psychological screening test that was administered to applicants for security positions at a department store. *Id.* at 79. The *Soroka* test included a number of creepy questions, including such yes/no questions as "My soul sometimes leaves my body," "I believe there is a Devil and a Hell in afterlife," and "I have never indulged in any unusual sex practices." *Id.* at 80.

even mentioned in the sketch above.³ Particular facts were so important that a single overall rule is unlikely to arise from one case. This is especially so in a common-law subject like privacy rights in employment law, where each state court in our fifty-state federal system could, in theory at least, have its own rule. Because a clear rule is unlikely to come from a single case, there is little need to focus on the outcome of the single case.

Now let's contrast how a human resources class on psychological testing might be conducted. First, the professor would begin with the lecture on testing. The background reading (which students often will not read until after the class, in contrast to law school) could be a textbook article on testing. There would be no pretense of grilling students, even by professors that encourage discussion.

Topics for discussion would emphasize how prevalent the tests are. Much of the class discussion would focus on how well the test works. Is the test able to spot bad workers, and how often does the test label good workers as bad workers? In other words, the discussion would focus on type-1 versus type-2 error. Evidence that the test might hurt workplace morale would be a central concern for the human-resources class. The professor would likely sketch the history of testing in the workplace, and would emphasize any available statistical studies of the effect of testing in the workplace.

Now the goal of the program we celebrate tonight is that the jointly trained student can provide a synthesis. This student recognizes the pros and cons of including a large in an employee handbook disclaimer that states: "THE COMPANY CAN FIRE YOU FOR A GOOD REASON OR A BAD REASON." This student understands the tradeoff involved: motivating the workforce and

3. For readers desperate to know the outcome, the court of appeals in *Soroka* reversed the trial court's order denying a preliminary injunction and remanded the matter to the trial court for further proceedings on class certification. After additional wrangling, the parties eventually settled the case for over \$2 million. The 2,500 applicants who had taken the invasive test split \$1.3 million; \$60,000 went to the four named plaintiffs; and the rest went for attorney's fees. See 89 Ind. Emp. Rts. (BNA) No. 16 (July 20, 1993) and No. 22 (Oct. 12, 1993). The California Supreme Court then dismissed the case as moot pursuant to stipulation by the parties. *Soroka v. Dayton Hudson Corp.*, 862 P.2d 148 (Cal. 1993). Perhaps this recounting of the convoluted outcome itself demonstrates why law school classes are more interested in issues than outcomes.

staying out of court. An advantage of being a lawyer is that one knows when the law is not important. A good lawyer knows that not everything that is lawful should be done (even assuming that business lawyers can agree that what is unlawful should not be done). For example, most workers in this country are employed at will, meaning they can be fired for a good reason, bad reason, or no reason at all. But this legal presumption does not mean that employers should fire workers for a bad reason or no reason at all. Too often, non-lawyers have a vision of the work world that the law constrains all choices, even when it does not.

To further examine the contrast between the human-resource professional and the employment lawyer, let us take the related example of the steps an employer takes before firing a worker. The lawyer representing the company wants clear documentation of awful ratings of the worker. Ideally, from the lawyer's perspective, employees will have signed a waiver of all rights and the employer will refuse to give an explanation for termination.

By contrast, the human resource manager wants to give a faltering worker a pep talk, emphasizing that the worker is improving and still has a great future with the company. The human-resource manager's instinct is always to give one more chance to the worker.

The J.D./M.S. synthesis recognizes the tradeoffs involved. Most importantly, this synthesis states that the legal right to fire a worker does not mean that it is a good idea to fire the worker.

II. THE APPROPRIATE FOCUS OF THE JOINT PROGRAM: STATE, REGIONAL, OR NATIONAL

One issue for this new joint program is how it should position itself. In particular, should it envision itself as a program focusing on workforce issues in the state of Rhode Island? Or should it broaden its vision somewhat and emphasize regional issues affecting New England workplaces? Or should it look nationally or even, in the fashion of the day, globally?

I have no final answers to this question of focus, but in part the answer depends on two questions of fact: First, where are the students coming from and going to? Second, how different is Rhode Island from the northeast region and from the nation? A new program cannot definitely answer the first question of where students are coming from and going to, although the program cer-

tainly has hopes and expectations. I will give a few bits of data relating to the second question of the uniqueness of Rhode Island and New England.

From a labor relation's perspective, Rhode Island is more unionized than the rest of the United States. This is especially true in the public sector. Like the rest of the nation, but perhaps somewhat later, Rhode Island has been undergoing a shift from manufacturing to services. This suggests that a joint program in Rhode Island should spend somewhat more time on union-related issues (labor law) than a more nationally focused program.

But rather than discuss further industrial relations in Rhode Island, I want to focus on legal issues: to what degree is Rhode Island's employment law similar to or distinct from New England or the nation? But to illustrate the schizophrenic method of someone involved in a joint J.D./M.S. program, I propose to address this question of legal issues by presenting a bunch of statistics.

A. *Erosions of Employment-at-Will*

One of the major issues in employment law over the last quarter century has been the legal inroads on the traditional employment-at-will rule—that is, the doctrine that the employer has the legal right to fire a non-union worker for a good reason, bad reason, or no reason at all. Courts have carved out three categories of exceptions to the at-will doctrine. In most states, the earliest erosion was the recognition of the tort of wrongful discharge in violation of public policy. A classic case is recognizing a tort claim for an employee fired because he refused to perjure himself when a government agency was investigating his employer.⁴

A second at-will exception involves implied contracts. These can take two forms. Sometimes, courts protect an ostensibly at-will employee who has worked hard for the company for a long time, rising from a low position to one of considerable responsibility. Along the way, the employee received the usual commendations, pats on the back, and assurances that he had a future with the company. When the employee is suddenly discharged after many years of this service, a court might determine that an implied-in-fact contract existed and that the employee could not be

4. See *Petermann v. Int'l Bhd. of Teamsters*, 344 P.2d 25 (Cal. Ct. App. 1959).

fired without good cause.⁵ A second type of implied-in-fact contract comes from a company handbook describing the grounds and procedures for dismissal. A number of courts in recent years have considered these handbooks to be legally enforceable contracts.

The third erosion of employment-at-will comes from courts that have implied into employment contracts a covenant of good faith and fair dealing. When, for example, an employer fires a sales person who has done all the work for a large sale shortly before his commission is due, courts have held this violates the covenant of good faith and fair dealing.⁶

Rhode Island is in a distinct minority in the nationwide trend to erode the at-will employment rule. Only three states have not adopted any of these exceptions, and Rhode Island is one of them (Florida and Georgia are the other two). Forty-three states have adopted some version of the implied contract exception, a different set of 43 states has adopted the tort of wrongful discharge and violation of public policy, and 11 states now recognize the tort of breach of the covenant of good faith and fair dealing.

B. *Rhode Island Employment Discrimination Cases*

Another way to look at the distinctiveness of Rhode Island is to look at federal court data gathered by the Administrative Office of the U.S. courts.⁷ The main lesson I want to glean from these data is the degree to which Rhode Island differs from the rest of the northeast region and from the country as a whole.

These data come from official data collected by the Administrative Office (A.O.) of the U.S. Courts. The database covers all civil cases terminated between 1987 and 2000.⁸ My strategy is to compare cases from the District of Rhode Island with other cases in the New England region (Maine, New Hampshire and Massachusetts)⁹ and the nation as a whole.

5. The classic illustration of this implied-in-fact doctrine is *Pugh v. See's Candies, Inc.*, 171 Cal. Rptr. 917 (Cal. Ct. App. 1981).

6. This was the fact pattern in the classic good-faith case of *Fortune v. Nat'l Cash Register Co.*, 364 N.E.2d 1251 (Mass. 1977).

7. All the data presented here are available at <http://teddy.law.cornell.edu:8090/questata.htm>.

8. The data limited to trials are available for a longer period, from 1978-2000.

9. Another possibility would be to compare Rhode Island to the five other states in what is traditionally called New England, i.e., include Vermont and Con-

FIGURE 1 EMPLOYMENT CATEGORIES AS SHARE OF
FEDERAL CIVIL DOCKET, 1987–2000

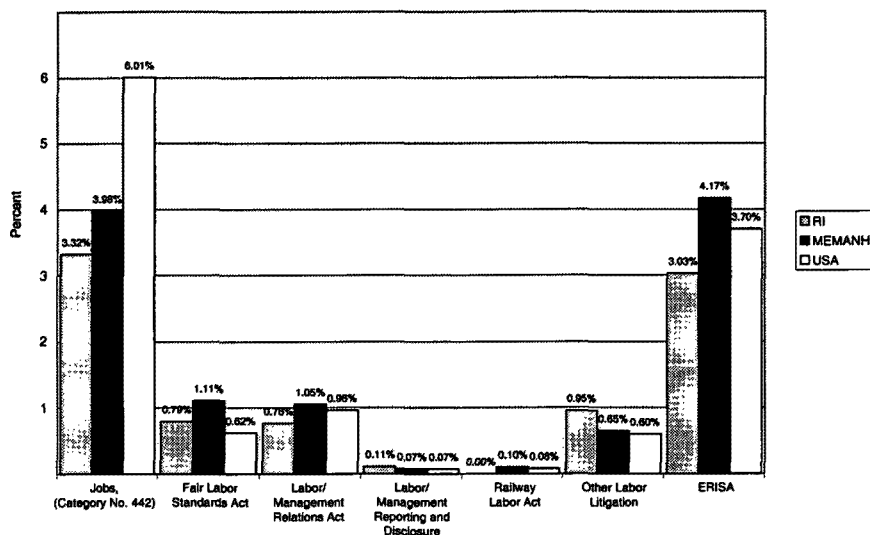


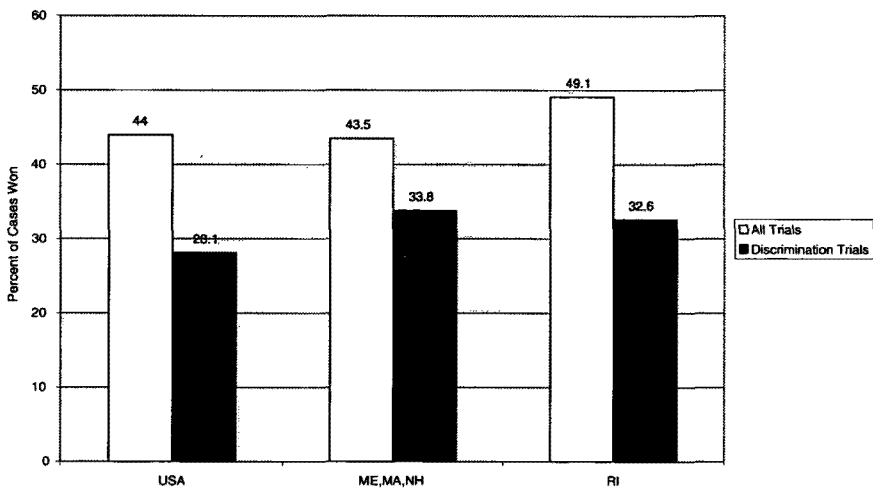
Figure 1 is designed to show the prevalence of various types of labor employment cases as a share of the entire federal civil docket. The Administrative Office places each civil case into one of about 100 categories, including seven different types of labor employment categories. The most prevalent employment category is what the administrative office calls “Other Civil Rights: Jobs” (Category No. 442), which I will call discrimination cases. Most of the cases in this category raise claims under Title VII (covering race and sex discrimination), under the Americans with Disabilities Act (covering disability discrimination), or under the Age Discrimination in Employment Act (covering age discrimination). Nationally, over six percent (6.01%) of the federal civil docket comes from this category. The New England region has substantially fewer discrimination cases, comprising less than four percent (3.98%) of its docket. Rhode Island has even fewer discrimination cases, comprising only 3.32% of its federal civil docket.

necticut. I chose not to do this because Vermont and Connecticut are district courts in the Second Circuit, while Maine, New Hampshire, Massachusetts and Rhode Island (along with Puerto Rico, which I also did not include for comparison) are districts in the First Circuit.

The next most prevalent category of employment cases is ERISA cases, which cover claims involving health insurance, pension and other employer-provided benefits. As Figure 1 shows, Rhode Island (3.03%) trails the nation (3.70%) in the percentage of federal civil cases involving ERISA claims. The rest of New England, by contrast, has a higher proportion of ERISA cases (4.17%) than does the nation.

Each of the other five categories of employment cases comprises less than one percent of the docket, both locally and nationally. No clear trend emerges on whether Rhode Island has proportionally more or fewer cases than the region or nation. Rhode Island has relatively fewer Labor Management Relations Act cases (union claims) than the nation or region, but relatively more Fair Labor Standards Act cases (minimum wage, overtime hours, and child labor) than the nation.

FIGURE 2 PLAINTIFF WIN RATES AT TRIAL, 1978–2000
COMPARING DISCRIMINATION TRIALS AND ALL TRIALS



The succeeding figures look more closely at the largest category of employment cases, those involving discrimination claims, and limits the focus from all terminated cases to those terminated after a judge or jury trial. Figure 2 shows the plaintiff's win rate at trial. Overall, Rhode Island plaintiffs are significantly more successful than plaintiffs regionally or nationally. Rhode Island plaintiffs win nearly half (49.1%) of their trials, compared to 43.5

percent for other New England plaintiffs and 44 percent for plaintiffs nationwide. In discrimination cases, plaintiffs are substantially less successful. Nationwide, discrimination plaintiffs win only 28.1 percent of their trials. Discrimination plaintiffs are somewhat more successful in Rhode Island and New England (winning 32.6% and 33.8% of their trials, respectively), but even in Rhode Island the gap in win rates at trial between discrimination and other plaintiffs is large.

FIGURE 3 MEAN AWARD TO SUCCESSFUL PLAINTIFFS AT TRIAL

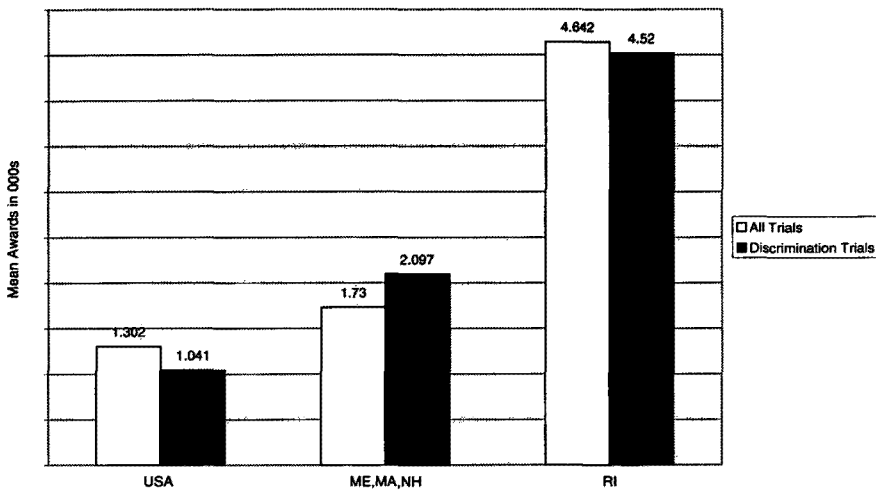


Figure 3 shows the mean awards in cases where plaintiffs have won an award at trial. Here, Rhode Island plaintiffs stand out, obtaining far higher awards than plaintiffs in the region or nation. Looking at all civil cases, the mean award for Rhode Island plaintiffs is \$4,642,000. This is more than double the mean award for other plaintiffs in the region (\$1,730,000), which is itself considerably higher than the nationwide average award of \$1,302,000. The pattern of higher awards in Rhode Island holds true for discrimination trials as well. On average, discrimination plaintiffs in Rhode Island receive more than twice the award than plaintiffs regionally, and four times the national average.

FIGURE 4 MEDIAN \$ AWARDS IN SUCCESSFUL
FEDERAL TRIALS, 1978–2000

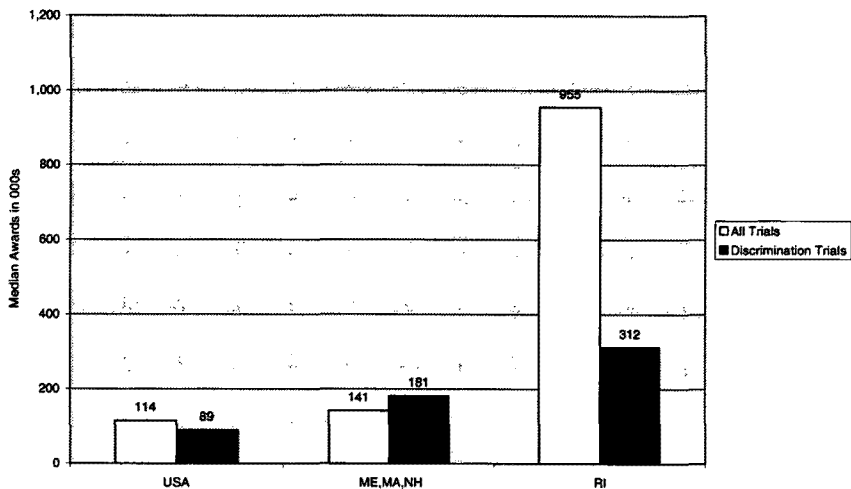


Figure 4 compares median awards in Rhode Island, the region, and the nation. Again, the median discrimination plaintiff and the median plaintiff overall receives a far higher award in Rhode Island than elsewhere.

A few caveats about the award data are in order. First, while most of the Administrative Office data are consistent with actual courthouse records, the award data in the Administrative Office database are notoriously inaccurate.¹⁰ Second, the highest award recorded in the database is \$9,999,999. Thus, all awards of \$10,000,000 or more are under-reported. Third, the Rhode Island awards data are based on relatively few trials. In the period 1978–2000, the Administrative Office recorded an award in only 274 Rhode Island trials, and only 12 of these trials were in discrimination cases.¹¹

10. See Stewart J. Schwab & Theodore Eisenberg, *Explaining Constitutional Tort Cases: The Influence of the Attorney Fees Statute and the Government as Defendant*, 73 Cornell L. Rev. 719 (1988) (comparing Administrative Office data with courthouse records in three districts).

11. The ratio of discrimination trials in Rhode Island reporting awards to all trials in Rhode Island reporting awards, $12/274 = 4.4\%$, is roughly comparable to the fraction of discrimination trials to all trials, $43/875 = 4.9\%$. Thus, no obvious distortion appears in the fraction of discrimination and overall trials in Rhode Island that report awards. However, in Rhode Island a far higher percentage of winning discrimination trials report awards (12 awards reported out of 14 successful trials = 85.7%) than do winning trials overall (274 out of 430 = 63.7%).

Several experienced Rhode Island lawyers in the audience expressed skepticism at the high awards reported in discrimination cases. To check the accuracy of the Administrative Office awards data in Rhode Island, I gave the law review editors assisting with this piece the docket numbers of the 12 Rhode Island discrimination trials and asked them to go to the clerk's office in the federal district court in Rhode Island and ask for the record. The results are reported in Table A.

The Administrative Office award amount cannot be checked in one case (#83-0099), because the docket sheet indicates an order for money damages but does not show the amount. In the other 11 cases, the A.O. amounts were accurate in six cases and essentially accurate in a seventh case (#75-0036), apparently including the compensatory damages but not the liquidated damages.

In four cases, however, the Administrative Office vastly overstated the award. In two cases, the Administrative Office recorded an award of 9999, meaning \$9,999,000—the largest award that can be awarded under the Administrative Office coding scheme. The docket sheets in these two cases show modest awards that were later dismissed as part of a settlement. Perhaps the clerk meant simply to indicate an unusual procedure by entering 9999, although the directions say that 9999 should be used to indicate an award of \$9,999,000 or higher. In the other two cases, the Administrative Office overstated the award by exactly 100 times (two zeros), suggesting a confusion with recording the amount in thousands of dollars, or perhaps a confusion in the digits involved with dollars and cents. The overstatement in these four cases causes the Administrative Office data to seriously overstate the mean and median awards.

This quick check of Administrative Office data leads to two tentative suggestions.¹² First, perhaps the Administrative Office should ask personnel to record actual dollar amounts of the awards, rather than truncating to thousands of dollars, which can introduce mistakes. In our survey, the only serious mistakes occurred when the Administrative Office recorded a four-digit award (indicating a supposed award of millions of dollars). Researchers should be particularly cautious about giving credibility to Adminis-

12. For a study on the extent of Administrative Office coding errors in 299 tort cases see Theodore Eisenberg & Elizabeth Hill, *Employment Arbitration and Litigation: An Empirical Comparison* (on file with author).

trative Office indications of multi-million dollar awards. Interestingly, however, the awards were not overstated by a factor of 1,000, which might suggest a failure to truncate by 1,000. Rather, the awards were off by a factor of 100, perhaps indicating a problem with including cents in an award. Second, Administrative Office personnel should be warned about the use of 9999 as a monetary award. Both cases with this coding were highly inaccurate.

In sum, what should we make of these figures? The basic point is that Rhode Island tracks the nation and region in some respects. In particular, both in Rhode Island and the region and nation, discrimination plaintiffs win less often at trial than other plaintiffs do. In other respects, Rhode Island appears distinctive. Its federal docket is less dominated than the nation's docket is by discrimination cases. Further, the success rate of Rhode Island plaintiffs is higher than the national success rate. Finally, according to the Administrative Office, awards to successful plaintiffs at trial appear far higher in Rhode Island than elsewhere, both in discrimination and other cases. A check of the docket sheets shows that we should be skeptical of this finding, however, at least for discrimination cases.

What this ultimately means, I leave to the future students in the joint J.D./M.S. program, and wish them successful studies and exciting careers.

TABLE A

Comparing Awards from Docket Sheets and Administrative Office (A.O.) Data in All Employment Discrimination Trials Where A.O. Shows Monetary Award District of Rhode Island, 1987-1997

Case Name	Docket Number	A.O. Award (in 000s)	Docket Sheet	Assessment of Accuracy of A.O. award	Comments
Melanson v. Rantoul	75-0036	5	\$6,200 damages + \$6,200 liq. Damages + \$12,400 atty's fees + \$1,469.61 costs	Essentially accurate on damages, but misses liquidated damages and attorney's fees	Docket sheet shows initial court opinion ordered \$5,695.04 in liquidated damages, consistent with A.O. award
Loeb v. Textron, Inc.	76-011	181 (1 st record), 0 (2 nd record)	\$90,700 back pay + \$90,700 liq. damages	Accurate	Docket sheet shows case later reversed and remanded by court of appeals, and then case dismissed
Birman v. Stanzler	82-0343	9,999	\$57,811 backpay + \$45,366 compensatory damages	Vast overstatement	Docket sheet shows later certification to RI Supreme Court, and then stipulated dismissal of prior judgment
Fishman v. Clancy	83-0018	75	\$5,036.42 compensatory + \$26,000 punitives against defendant 1 + \$5,036.42 compensatory + \$39,000 punitives against defendant 2	Accurate	
Kraynek v. Bd. of Governors	83-0044	9,999	\$14,107 + 3,865.83 costs	Vast overstatement	Docket sheet shows settlement and dismissal after notice of appeal, perhaps explaining A.O. error
Roworth v. Bd. of Governors	83-0099	4,000	Judgment for plaintiff for damages, but no amount indicated in docket sheet	Can't assess accuracy (docket sheet unclear)	Docket sheet shows stipulated dismissal

Case Name	Docket Number	A.O. Award (in 000s)	Docket Sheet	Assessment of Accuracy of A.O. award	Comments
Knight v. Town of Gloucester	86-0113	0	Order for Def. to take all reasonable steps to enroll plaintiff in RI Police Academy	Accurate on stating 0 money damages, but inaccurate in stating plaintiff received money judgment	
Powers v. Grinnell Corp.	87-0493	105	\$52,351 backpay + \$52,351 liq. damages	Accurate	
Carr v. Mulhearn	88-0695	7,600	\$75,000	Overstates by factor of 100	Docket sheet shows later stipulated judgment of \$120,000 including attorney's fees
Dragon v. Rhode Island	89-352	3,280 (1 st record), 0 (2 nd record)	\$32,854.46 judgment, later vacated	1 st record overstates by factor of 100	Docket sheet shows later stipulated dismissal (no money amount indicated)
Cook v. Rhode Island	90-560	100	\$100,000	Accurate	
Molloy v. Blanchard	94-527	23	\$23,000	Accurate	