

## Berg & Androphy Hit With Race Bias Suit By Fired Black Aide

By **Anne Cullen**

Law360 (November 30, 2020, 5:20 PM EST) -- Law firm Berg & Androphy has been slapped with a race discrimination lawsuit by a Black legal assistant who says she was canned for complaining that she was paid less and held to higher standards than her non-Black peers.

Akima Gurley filed her complaint in New York federal court Saturday, alleging she encountered "awful race stereotypes and discrimination" during the little over two years she worked out of the firm's Manhattan office. According to her complaint, she was ultimately fired early last year for bringing her concerns to the attention of New York City's civil rights regulator.

Gurley, who says she was the only Black employee on Berg & Androphy's New York roster when she worked there, claims she earned less than her white and Asian peers and the firm "exhibited a pattern of picking on her appearance, dress and characteristics due to her being Black."

Among other allegations, Gurley says she was assigned more manual labor than her peers, reprimanded for wearing sneakers when other legal aides had previously skirted any penalties for the same dress code infraction and, in one instance, kept from sitting at the front desk because she had worn her hair naturally.

Gurley says a week after she reported the alleged discrimination to New York City's Commission on Human Rights in early 2019, she was fired.

The managing partner of the Manhattan office, Jenny Kim, blasted the assertion that race bias had anything to do with Gurley's termination in a statement made earlier this year to the U.S. Equal Employment Opportunity Commission, as she said Gurley was fired for dressing too casually, repeatedly coming in late and for her sloppy work. Kim insisted in the filing that the way Gurley styled her hair "was never a concern."

Berg & Androphy partner David Berg added in an email Monday that Gurley's allegations are "baseless" and "at odds with our firm's long history of fighting for minority rights," a resume he said includes successful litigation against the Ku Klux Klan in the 1980s and its current lawsuit accusing the New York City Housing Authority of "maintaining squalid living conditions in minority communities."

However, Gurley said in a statement sent to Law360 that she is "profusely offended" by the allegation that she didn't dress appropriately for work — as she said she constantly wore appropriate attire — and argued she was penalized for coming in late for work even though she had an arrangement with her direct supervisor and other legal assistants didn't face the same punishment for the same conduct.

Gurley also said several firm associates she'd spoken to had nothing negative to say about her work product.

"Covert racism brings about racially-biased decisions and is often hidden or rationalized with an explanation that society is more willing to accept," Gurley said, adding that Kim "displayed many acts of covert racism." Gurley has named Kim alongside the firm in her lawsuit.

Gurley's lawyer, Young & Ma LLP partner Tiffany Ma, added that they were "completely shocked that the firm would behave this way," as Ma pointed out Gurley was let go shortly after New York City specifically banned discrimination based on Black people's natural hairstyles.

"We are sad to see a law firm so completely 'miss it' on this issue," Ma added, noting that Gurley is "is proud to bring these issues public when so many Black women cannot in administrative positions."

Counsel information for the firm was not yet available.

Gurley is represented by Tiffany Ma of Young & Ma LLP.

The case is Gurley v. David H. Berg & Associates, A Professional Corporation d/b/a Berg & Androphy et al., case number 1:20-cv-09998, in the U.S. District Court for the Southern District of New York.

--Editing by Leah Bennett.