

Case Summary: *Ames v. Ohio Dept. of Youth Services*, No. 23-1039 (U.S. June 5, 2025)

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Marlean Ames, a heterosexual woman, was hired by the Ohio Department of Youth Services in 2004.¹ During her employment there she filled different roles eventually being promoted to Program Administrator.² In 2019 she was interviewed for a management position within the new Office of Quality and Improvement.³ Another candidate, a lesbian woman, was ultimately hired for this role.⁴ Ames was then demoted from the Program Administrator position to her original role as a secretary.⁵ A gay man was chosen to fill the Program Administrator role. Ames then filed a lawsuit under Title VII.⁶

The District Court “analyzed Ames’s claims under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).”⁷ This case established a framework that required plaintiffs bringing “disparate-treatment claims that rest on circumstantial evidence” to “make a prima facie showing that the defendant acted with a discriminatory motive.”⁸ The District Court cited existing precedents from the Sixth Circuit which

¹ *Ames v. Ohio Dept. of Youth Services*, No. 23-1141, slip op. at 2 (U.S. June 5, 2025)

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 2 (“The [District Court] analyzed Ames’s claims under *McDonnell Douglas Corp. v. Green*, 411 U. S. 792 (1973), which establishes the traditional framework for evaluating disparate-treatment claims that rest on circumstantial evidence.”).

⁸ *Id.* at 2.

held that *McDonnell Douglas* required plaintiffs that are members of majority groups to “present . . . evidence of ‘background circumstances’ suggesting that the agency was the rare employer who discriminates against members of a majority group.”⁹ This higher standard resulted in a ruling in favor of the Ohio Department of Youth Services. The decision was affirmed by the U.S. Court of Appeals for the Sixth Circuit.¹⁰

The Supreme Court, however, did not affirm the decision of the lower courts. The Court rejected the Sixth Circuit’s interpretation of the *McDonnell Douglas* framework, holding that there was no text in Title VII that justified automatically applying “a heightened evidentiary standard” to members of a majority group.¹¹ The judgement of the lower courts was vacated, and the case was remanded for proper application of the *prima facie* standard.¹²

Justice Jackson delivered the opinion for a unanimous court.¹³ She referenced the lack of textual evidence within Title VII to establish any “background circumstances” rule.¹⁴ She also pointed to the lack of precedent within previous cases, specifically referencing *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).¹⁵ Moreover,

⁹ *Id.*

¹⁰ *Id.* at 9.

¹¹ *Id.* (“The Sixth Circuit has implemented a rule that requires certain Title VII plaintiffs—those who are members of majority groups—to satisfy a heightened evidentiary standard in order to carry their burden under the first step of the *McDonnell Douglas* framework. We conclude that Title VII does not impose such a heightened standard on majority group plaintiffs.”).

¹² *Id.* at 9.

¹³ *Id.* at 1.

¹⁴ *Id.* at 5.

¹⁵ *Id.* at 6.

Justice Jackson refuted Ohio’s argument that Sixth Circuit’s rule is not an additional requirement but rather “another way of asking whether the circumstances surrounding an employment decision, if otherwise unexplained, suggest that the decision was because of a protected characteristic.”¹⁶ She rejected this argument because the Sixth Circuit “explicitly held that . . . Ames must make a showing *in addition to the usual ones* for establishing a prima-facie case” because she “is heterosexual.”¹⁷

Justice Thomas continued in a concurring opinion joined by Justice Gorsuch.¹⁸ He explained that he agreed completely with the Court’s opinion, but “w[rote] separately to highlight the problems that arise when judges create atextual legal rules and frameworks.”¹⁹ He outlined the errors of these judge-made doctrines in the present case, specifically in the application of the *McDonnell Douglas* framework.²⁰ He then applied these principles more broadly and argued that “judge-made doctrines can distort the underlying statutory text”²¹ and “can be difficult for courts to apply.”²²

¹⁶ *Id.* at 8 (“Under Ohio’s view, the ‘background circumstances’ requirement ‘is not an additional prima facie element’ but, rather, ‘just another way of asking whether the circumstances surrounding an employment decision, if otherwise unexplained, suggest that the decision was because of a protected characteristic.’”)

¹⁷ *Id.* (“The Court of Appeals explicitly held that ‘Ames is heterosexual . . . which means she must make a showing *in addition to the usual ones* for establishing a prima-facie case.’”) (emphasis in original).

¹⁸ *Id.* at 1 (Thomas, J., concurring).

¹⁹ *Id.* (“I write separately to highlight the problems that arise when judges create atextual legal rules and frameworks.”)

²⁰ *Id.* at 8.

²¹ *Id.* at 2 (“This additional requirement is a paradigmatic example of how judge made doctrines can distort the underlying statutory text.”)

²² *Id.* at 3.

The Supreme Court's unanimous decision more clearly defined how discrimination claims under Title VII will be handled in the future. By clarifying the *McDonnell Douglas* framework, the Supreme Court provided lower courts with guidance on how to interpret similar statutory law. Additionally, Justice Thomas's concurring opinion highlighted a broader concern of the Court. He suggested that the creation and continued reliance of judge-made doctrines would be treated more skeptically by the Supreme Court in future cases.