**Denver and the West**

**Judge rules Denver employment test discriminated against 912 minority applicants**

**Plaintiff attorney predicts the ruling will cost the city millions of dollars in damages**

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A federal judge has ruled that Denver discriminated against 912 black and Latino job applicants by giving an employment test that hadn't been validated, a decision likely to cost the city millions of dollars in damages.

Chief Judge Marcia Krieger ruled late Wednesday that Denver's AccuPlacer/WritePlacer job application tests unfairly discriminated against minorities applying for jobs and promotions in 2007 and 2008.

The exact amount of the damages is to be determined. Krieger gave Denver and plaintiff attorneys Joaquin Padilla and Kenneth Padilla 28 days to calculate the total amount of damages based on criteria she delineated. Krieger ultimately will determine the judgment.

Denver also must pay attorneys fees and costs that have accumulated over the course of five years, Kenneth Padilla said.

He predicted the [total cost of the lawsuit](http://www.denverpost.com/news/ci_29752734/minorities-say-denver-job-tests-discriminated-seek-18-million) will cost the city millions of dollars, which is ironic considering the city adopted the inexpensive testing system to save money.

"The most significant part of this is that the city of Denver discriminated against hundreds of people," Padilla said Thursday.

Denver officials declined to comment.

"This case is still ongoing and we are not able to comment until the matter is completely finalized its way through the judicial process," the city attorney's office said in a statement.

While city attorneys admitted the test discriminated in eight of 21 job classifications, Krieger found evidence that the tests discriminated in all of the classifications.

Padilla had argued during the trial that a statistically disproportionate number of black and Latino applicants failed the tests, which he said had never been validated scientifically.

Only 25 percent of white applicants failed the tests, while 42 percent of black and Latino people failed the tests, he said.

But Denver attorney Franklin Nachman said some members of the class-action lawsuit — including Marian Kerner, one of two named plaintiffs — retook the test and passed it.

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