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Sherry Cohen

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Q What was your view of her professional skills?

A I viewed her as someone who got the work done, competent, fulfilled expectations.

Q Did you perceive any flaws or faults in her work in your position of senior attorney or principal attorney?

MR. ADLERSTEIN: Objection to the form.

A I wouldn't have had direct knowledge of her work.

Q Did you ever discuss with Ms. Anderson her race?

A Not that I recall.

Q Did you ever discuss with her her country of origin?

A Somehow I came to understand that she was Jamaican.

Q Do you recall how you came to understand that?

A I don't.

Q You don't have any recollection of speaking with her about the fact that she

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came from Jamaica?

A I don't have any specific
recollection.

Q Prior to this lawsuit being
instituted, did you know what race Ms.
Anderson considered herself?

A I didn't know what race Ms.
Anderson considered herself.

Q Did you know what national origin
she considered herself as having?

A I understood her to be a person of
mixed background.

Q Would that include mixed race?

A Yes.

Q Now, when you became first deputy,
was one of your responsibilities to directly
supervise attorneys at the D.D.C.?

A Yes.

Q When you first became first
deputy, how many attorneys did you supervise?

A I don't know whether I can give
you a number, but it was at least six or
seven.

Q Your supervisor at that point was

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Mr. Cahill?

A My direct supervisor was Mr. Cahill, yes.

Q That's what I meant.
What was his position?

A He was the chief counsel.

Q Did the number of attorneys that you directly supervised change?

A I think it did, because as we got some new attorneys, I got the newer attorneys as well.

Q So the number of attorneys that you directly supervised grew?

A Yes.

Q To how many, to what number?

A I don't know, but I know that we got two new -- two people joined the staff during my tenure, and I supervised both of them.

Q Well, did there come a time when you directly supervised Ms. Anderson?

A Yes.

Q When was that?

A When I began to work as first

1 Sherry Cohen 15

2 deputy, did Ms. Stein's supervisory role
3 change?

4 MR. BERANBAUM: Let me rephrase
5 the question.

6 Q You said for a period of time
7 after you became first deputy she continued
8 to assign cases, correct?

9 A That's correct.

10 Q When did that stop?

11 A I can't be a hundred percent sure,
12 but basically we came to the conclusion, we
13 meaning Tom and I, came to the conclusion
14 that I should be -- I am working with Andral,
15 and he should be the person to assign the
16 cases, whether or not they were going to go
17 to attorneys who litigated the cases or
18 attorneys who did not.

19 Q After that decision was made, what
20 supervisory responsibilities, if any, did Ms.
21 Stein have?

22 A Very little. She wasn't deemed to
23 be a supervisor. It was basically Tom, me
24 and Andral.

25 Q Were all memos prepared by staff

1 Sherry Cohen 20

2 it at the case conference. I recall speaking
3 with Christine about the case, the facts of
4 the case from time to time in her office, in
5 my office.

6 I know at some point I received a
7 telephone call from the respondent's counsel
8 about a problem that she was having.

9 Q Who was the respondent's counsel?

10 A I think that was D [REDACTED] S [REDACTED]

11 Q What was the problem that she
12 reported to be having?

13 A The problem was that she had just
14 come -- she had just been retained and a
15 deposition was scheduled to take place in a
16 day or two, a very short window. I'm not a
17 hundred percent sure about this, but I
18 believe she was trying to get an extension
19 from Ms. Anderson, and Ms. Anderson was
20 declining to give her the extension.

21 Q So what steps did you take, if
22 any?

23 A Well, first I told Ms. S [REDACTED]
24 that this was an issue between her and the
25 attorney, but I couldn't help hearing,

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2 obviously, the words that she was saying to
3 me, and I told her, I guess -- I don't
4 remember a hundred percent, but I presume, in
5 sum and substance, I told her I'd get back to
6 her.

7 Q What did you then do?

8 A I had a conversation with
9 Christine about it, and my recollection is
10 that Christine was reluctant to give her an
11 extension, but any -- which wasn't of a
12 significant amount of time, and ultimately I
13 think a decision was made that she would give
14 her a extension. But I don't recall how long
15 of a time period it was.

16 Q Who made the decision to give her
17 the extension?

18 A I believe it was Ms. Anderson.

19 Q Did you have to direct Ms.
20 Anderson to give Ms. S [REDACTED] the extension?

21 A No, I didn't have to direct her.

22 Q Now, Ms. S [REDACTED] was a former
23 D.D.C. attorney, is that correct?

24 A That's correct.

25 Q What was her position at the

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2 above. Annexed please find pages seven and
3 eight of an earlier draft of the end at
4 above, Debbie?

5 (Whereupon, a short break was
6 taken.)

7 (Whereupon, bates stamp A634 was
8 marked as Cohen Exhibit 7 for
9 identification, as of this date.)

10 Q In and around October of 2005, did
11 you have a discussion with Ms. Anderson in
12 which she expressed displeasure with changes
13 that you were making to her admo memo in the
14 H [REDACTED] case?

15 A I don't have a specific
16 recollection of a specific conversation.

17 Q Do you recall Ms. Anderson telling
18 you that you were sanitizing her report to
19 the policy committee --

20 MR. ADLERSTEIN: Objection.

21 Q -- in the H [REDACTED] matter?

22 MR. ADLERSTEIN: Objection to
23 form.

24 A I don't remember her using the
25 word sanitizing.

1 Sherry Cohen 65

2 Q Do you remember her using the
3 words to the effect of sanitizing?

4 MR. ADLERSTEIN: Object to form.

5 A I remember at some point in a
6 conversation we had in my office that she
7 used the word whitewashing.

8 Q What did she say exactly?

9 A Oh, I don't remember exactly. She
10 was not happy.

11 Q Do you remember when that
12 conversation was?

13 A I believe it occurred after a
14 decision had been made for me to take on the
15 responsibility of resolving that case.

16 Q Who was involved in that
17 conversation? Who participated?

18 A In the conversation where she used
19 the word whitewashed?

20 Q Yes.

21 A I think it was just the two of us.

22 Q Tell us everything you can recall
23 in that conversation.

24 A She was communicating her
25 unhappiness with -- I guess I'd have to say

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my view of the case or -- I'm not a hundred percent sure. I can't remember more than the sum and substance of the conversation, but she basically was very unhappy with the way this decision had been made. I remember -- I don't remember the words I used, but I certainly disagreed with the term whitewashing.

I recall that the context of the -- the context had to do with the case at hand, and I guess the different view of the facts, or the potential difference of the -- in the review of the facts, because I can't remember exactly what my ultimate conclusion had been at that time.

Q When you say you can't recall your ultimate conclusion, do you mean your conclusion as to what the disposition of the matter should be?

A Yeah. I mean, I think there was no dispute that there was going to be an admonition. The question was what were the infractions.

Q You said that you believed that

1 Sherry Cohen 137

2 unquote, does that refresh your recollection
3 as to what your response to Ms. Anderson's
4 e-mail requesting the office was?

5 MR. ADLERSTEIN: Objection to
6 form.

7 A No.

8 Q If you go to the next page,
9 towards the bottom of the page you see in
10 parentheses it reads, Ms. Anderson is, quote,
11 rigid, difficult to deal with, unquote, two
12 respondent attorneys have complained about
13 her.

14 Which two respondent attorneys
15 have complained about Ms. Anderson?

16 A Well, directly to me, I believe it
17 was H [REDACTED] L [REDACTED].

18 Q Who was the other person?

19 A I don't know the other person.
20 The name doesn't come to mind.

21 Q What did Mr. L [REDACTED] complain
22 about?

23 A He had -- I don't remember -- he
24 must have called me. He was going to be
25 representing a respondent in a case that

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Christine was working on and he told me he just cannot work with her, absolutely cannot work with her.

5

Q What case was this?

6

A I have a recollection, but, you know, I could be wrong, but I believe it was -- the guy's name was Mc [REDACTED], or something like that.

10

Q And Mr. L [REDACTED] was the former

11

chief counsel of the D.D.C., is that correct?

12

A Yes.

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Q Was he chief counsel while you

14

were working at the DDC?

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A Yes.

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Q So what did you do when he called

17

you and told you this?

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A I told him first, as I tell all

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respondent's counsel who call from time to

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time about speaking first with their

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attorneys, that I don't like to have an ex

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parte conversation about an attorney.

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Basically I told him he'd have to

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work it out with Christine, that we weren't

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going to reassign the case. Whatever

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2 to take the management course recommended by
3 the court.

4 Q The final paragraph reads,
5 finally, Cohen and Anderson are not speaking.
6 Cahill is helping supervise Anderson's cases.
7 Was that the case in or around September
8 12th, that Mr. Cahill was handling and
9 supervising her cases?

10 A Well, between -- there was no
11 formal -- it's not completely correct. There
12 was no formal decision made on my
13 relationship with Ms. Anderson. Obviously,
14 given the procedures in place, we weren't
15 really having much to do with each other.

16 Q What was Mr. Cahill's role,
17 vis-a-vis Ms. Anderson, after the incident?

18 A I wouldn't be able to say.

19 Q Are you aware that Ms. Anderson
20 requested that you no longer supervise her?

21 A I was aware that after we had had
22 a meeting in October with David Spokony, that
23 she made that request.

24 Q To whom did she make that request?

25 MR. ADLERSTEIN: Objection to

1 Sherry Cohen 143

2 form.

3 A I have no firsthand knowledge, but
4 I understand that she made that request of
5 Mr. Cahill.

6 Q Did you and Mr. Cahill discuss her
7 request to be reassigned from your
8 supervision?

9 A I don't have a specific
10 recollection of that.

11 Q Did you have a position as to
12 whether she should be reassigned or not?

13 MR. ADLERSTEIN: Objection to
14 form.

15 A Well, at the time that she made
16 the request, the court had interviewed both
17 her and me and had made a decision that the
18 supervisee/supervisor relationship should be
19 restored, and I was in accord with that.

20 Q Did you ever talk to the court
21 officials about the advisability of
22 transferring Ms. Anderson from your
23 supervision?

24 A Not that I can recall.

25 Q Were there other attorneys who

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transferred out of your supervision?

MR. ADLERSTEIN: Objection to

form.

A Were there others that were transferred? There was one attorney to whom the task of supervising her writing was transferred to another attorney.

Q Who is that?

A The attorney that I'm talking about is Latricia Wilson.

Q What were the circumstances of the task of supervising her writing being transferred? What were the circumstances that led to that?

A The circumstances were that I became aware that Latricia's writing needed more direct supervision. It would probably take me -- be more time-consuming, and there was another attorney in the office who was a very good writer and who I thought would be able to work more closely with Latricia than I could.

Q So is it your testimony that you initiated the transfer?

1 Sherry Cohen 145

2 A I can't --

3 MR. ADLERSTEIN: Objection to
4 form.

5 A I wouldn't say that I initiated
6 the transfer. I think it was something that
7 evolved. It was certainly something that I
8 didn't have a problem with.

9 Q Who approved the transfer?

10 MR. ADLERSTEIN: Objection to
11 form.

12 A Again, the -- it's not about
13 approval in the formal sense, it's just how
14 it happened.

15 Q Well, Mr. Cahill, was he aware of
16 the transfer?

17 A Yes.

18 Q Did he concur with the transfer?

19 A Yes.

20 Q Did you have to get his consent
21 before you could arrange such a transfer?

22 MR. ADLERSTEIN: Objection to
23 form.

24 A Didn't work in such a formal way
25 at all.