

1 Thomas Cahill 55

2 A Yes.

3 Q Who did you replace Mr. Molt with
4 as deputy?

5 A I think Ms. S [REDACTED].

6 Q Ms. S [REDACTED] as of the time that
7 she became deputy, had she been a staff
8 attorney at the D.D.C.?

9 A Yes.

10 Q When you first arrived, again, you
11 mentioned supervisors who were present was
12 Ms. Gillis, Mr. Molt, Ms. Stein. Was there
13 anyone else?

14 A Mr. Dopico.

15 Q Did he have a title?

16 A No.

17 Q Did Ms. Stein have a title, other
18 than principal attorney?

19 A I don't think so. These titles
20 are not job titles. This is just informal in
21 office. There's no particular raise or money
22 involved in it.

23 Q But Ms. Gillis and Mr. Molt had
24 titles, first deputy and deputy, right?

25 MR. ADLERSTEIN: Objection to

1 Thomas Cahill 56

2 form.

3 A There was no provision for a
4 deputy at all. They were just ad hoc.

5 Q Was there a provision for first
6 deputy?

7 A Yes.

8 Q Did a first deputy get more money
9 than a principal attorney?

10 A Yes.

11 Q Did a deputy get more money than a
12 principal attorney?

13 A No.

14 Q At some point in time did Mr. Molt
15 leave his job as first deputy?

16 A Yes.

17 Q Do you remember, approximately,
18 when that was?

19 A We were down here at the time. We
20 had moved from 26 -- we had moved from
21 Madison Avenue.

22 Q Do you remember when you moved?

23 A It was before 9-11.

24 Q Did Mr. Molt go into private
25 practice?

1 Thomas Cahill 57

2 A Yes.

3 Q Did Ms. Gillis go into private
4 practice?

5 A She went with a large law firm.

6 Q Who replaced Jim Molt?

7 A Sara Jo Hamilton.

8 Q Had Ms. Hamilton been a D.D.C.
9 attorney as of the time that she replaced Mr.
10 Molts?

11 A She was.

12 Q Eventually did Ms. Hamilton leave
13 the D.D.C.?

14 A She went to be the executive
15 secretary of The Character and Fitness
16 Committee.

17 Q Who replaced her as first deputy?

18 A Sherry Cohen.

19 Q Was that in 2003?

20 A I believe so. Sometime around
21 there.

22 Q Did Ms. S [REDACTED] leave the D.D.C.
23 after she had the position of deputy?

24 A Yes.

25 Q Do you know, approximately, when

1 Thomas Cahill 58

2 that was?

3 A I think it was before Ms. Hamilton
4 left.

5 Q Who replaced Ms. S [REDACTED] in that
6 job?

7 A Bratton.

8 Q So when you retired, Ms. Cohen was
9 the first deputy, Mr. Bratton was the deputy,
10 is that correct?

11 A That's right.

12 Q As of the time you retired, were
13 there any other supervisors, informal or
14 formal?

15 MR. ADLERSTEIN: Objection to
16 form.

17 A There may have been.

18 Q Is Ms. Stein white?

19 A Yes.

20 Q Is Ms. Gillis white?

21 A Yes.

22 Q Mr. Molts, is he white?

23 A Yes.

24 Q Ms. S [REDACTED] is she white?

25 A I believe so.

1 Thomas Cahill 59

2 Q Is Mr. Bratton white?

3 A Yes.

4 Q Is Ms. Hamilton white?

5 A Yes.

6 Q Ms. Cohen is white?

7 A Yes.

8 Q Were there any minority
9 supervisors while you were the chief counsel?

10 MR. ADLERSTEIN: Object to form.

11 A The only supervisor on the books
12 was the first deputy. I was trying to get
13 more.

14 Q Ms. Stein was in charge of the
15 resolution unit when you started as chief
16 counsel, is that correct?

17 A Yes.

18 Q What were her responsibilities in
19 that position?

20 A Her responsibility was to deal
21 with those matters that had been determined
22 by the -- after the second screening, would
23 probably be matters that would be dismissed,
24 or at most would result in private
25 discipline, an admonition.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

60

Q Did she directly supervise attorneys who worked in that position?

A I would think that she would -- I think when I came in, she might have allocated the work to the other attorneys who were solely dealing with matters that would be admonitions, and was available to answer questions, et cetera.

Q Was she responsible for reviewing the attorneys who were given admonition matters? Was she responsible for reviewing those attorneys work?

A To the extent that they had determined that there would be an admonition.

Q If they had determined there had been an admonition, she would review their work product, is that correct?

A I believe she would review the memorandum. But if cases were dismissed, she wouldn't have anything to do with that. That would be reviewed by a committee member.

Q If an attorney wrote a memo recommending an admonition, would it first go to Ms. Stein?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

61

MR. ADLERSTEIN: Objection to

form.

A When you say first, I would think it would eventually go to Ms. Stein, and then to me.

Q Would Ms. Stein customarily give you the admonition directly or would it go back to the staff attorney who would give it to you?

MR. ADLERSTEIN: Object to form.

A The latter.

Q Did Ms. Stein supervise Ms. Anderson?

MR. ADLERSTEIN: Objection to

form.

A Well, to the extent that -- when you say supervise, I'm not sure if I understand exactly what you mean.

Q What's your understanding of supervision?

MR. ADLERSTEIN: Objection to

form.

A My understanding would be that an attorney handling matters that were not

1

Thomas Cahill

62

2 expected to be anything more than a possible
3 private admonition would be, and most of
4 those matters would probably result in a
5 dismissal, and only some of them reached the
6 level of private admonition, and if there
7 were any question as to whether or not
8 something should be dismissed -- I mean,
9 there may be -- a lot of those were
10 relatively -- there was no case about it, the
11 case should be dismissed, it wasn't necessary
12 to have any further discussion, it's going to
13 make the memo. Put the case on the shelf
14 with the memo, and it goes to a member of the
15 committee and they review the memo, and if
16 they agreed, the case is dismissed, they
17 dismiss the case. So it's not necessary for
18 that.

19 I mean, it's not a day-to-day --
20 it depends if there are problems on a matter
21 and questions about a matter, then you would
22 consult with either -- you would consult with
23 somebody about a matter.

24 Q Is it your understanding that Ms.
25 Stein reviewed, as a matter of practice, Ms.

1

Thomas Cahill

63

2 Anderson's work?

3 A She reviewed -- certainly reviewed
4 the memoranda, and/or the letter of
5 admonition, and was available for any other
6 type of issue.

7 Q Did Ms. Stein's role in reviewing
8 Ms. Anderson's work to the extent that you
9 just stated change at any time during your
10 tenure?

11 A Yes.

12 Q What was the change?

13 A Well, Ms. Stein had a number of --
14 in fact, the entire distinction between the
15 resolution and litigation group
16 disintegrated. I mean, we never did anything
17 formally about it because Ms. Stein was the
18 -- she was not well. She had some physical
19 -- some medical problems, and she was a well
20 respected lawyer in the office, and as a
21 result -- but we did away really with that
22 distinction, except that we had it in our own
23 minds -- my own mind, who was working on
24 matters that would be resolution and matters
25 that would be litigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

64

Q Was Ms. Anderson working on matters of admonition?

A Yes, and dismissals.

Q When did Ms. Stein cease to review Ms. Anderson's work product regarding admonitions and dismissals?

A I don't believe that I said that she would review them as with regard to dismissals.

Q I'm sorry. When did she stop reviewing her work product relating to admonitions?

A I'm not sure when that happened, if it at all happened. I mean, if Ms. Anderson had continued to work in the office and had an admonition recommendation for just looking at it from the point of view of format, she might have continued to work in that regard, just for format.

MR. BERANBAUM: Let me mark this as Cahill 1, please.

(Whereupon, the memo dated June 8, 2006 was marked as Cahill Exhibit 1 for identification, as of this date.)

1 Thomas Cahill 66

2 A THX.

3 Q That's thanks?

4 A I think so.

5 Q It seems to me to read, 7-7-06,

6 Christine: When you have done the drafts

7 admos, or admo, please let me see them, even

8 if you give them to JNS first, and then THX.

9 Is that right?

10 A Right.

11 Q Does this indicate that as of July

12 7, 2006 Ms. Stein was reviewing Ms.

13 Anderson's admonition memos?

14 MR. ADLERSTEIN: Objection to

15 form.

16 A Yes, I would say.

17 Q At some point in time did Ms.

18 Stein no longer review Ms. Anderson's

19 admonition memos?

20 MR. ADLERSTEIN: Objection to

21 form.

22 A I don't know exactly if I

23 understand your question right.

24 Q Well, I think we've established

25 that at least during part of your tenure, Ms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

80

need to review all that carefully, but if you want to, you can.

Can you identify what that is?

A It is a request for reclassification of a position.

Q For Ms. Anderson?

A That's right.

Q You see in the middle of the first page it says, present title, associate attorney, salary grade 28, request a title change, principal attorney, salary grade 31?

A Right.

Q Is that the reclassification requested in this document?

A I believe so.

Q If you could, go to page 272. Is that your signature?

A It is.

Q The date of that signature is what?

A 10-30-01.

Q Then the last page of the document, page 273, what is this document?

A It's a memorandum from me to

1

Thomas Cahill

81

2 Catherine O'Hagan-Wolfe dated October 19,
3 2001 for an upgrade for Christine Anderson.

4 Q In the second paragraph of that
5 memo you characterize some aspects of Ms.
6 Anderson's work for the D.D.C. as of that
7 date, is that correct?

8 A That's right.

9 Q Is it fair to say that as of
10 October, 2001 you were very pleased with her
11 work?

12 A Well, she had asked me for my
13 assistance in getting her the line 31, which
14 she was on, and it was just -- she was under
15 filling that line and she had asked me about
16 it, and I wrote this memorandum to Ms. Wolfe
17 to see if she could get that upgraded.

18 Q You said, I think, I might have
19 misheard you, but under filling?

20 A Under filling.

21 Q What does that mean?

22 A I believe, I could be wrong, under
23 the employment situation in the state, there
24 are lines with certain grade reference, and
25 when somebody is hired, they fill a line, and

1

Thomas Cahill

82

2 the line that may be vacant may call for
3 higher pay than that person is getting. So
4 they are underfilling it.

5 Then it is not -- so it can be --
6 At a certain point in time it can be upgraded
7 to that without a change of the line.

8 See, if you have to have a change
9 of the line, if somebody was on a line 28 and
10 the line was -- and the line was line 28,
11 then you'd have to have a reclassification of
12 that line to 31. So I'm not sure if this was
13 -- I believe this was -- I'm not sure if this
14 was a reclassification or -- I thought she
15 was under filling a line 31, in which case,
16 if it's under filling, I believe the court
17 can do it on its own. If it requires a
18 reclassification, it has to be approved by
19 O.C.I. I'm not sure which this is.

20 I was under the impression she had
21 come in -- I remember her telling me she
22 thought she was on a line 31, and that's what
23 she was entitled to when it was a question of
24 time of when she got it, and I assisted her
25 in getting that line 31.

1

Thomas Cahill

83

2

Q Is it correct as of October, 2001

3

you thought that the duties that she was

4

fulfilling were commensurate with a line 31

5

position?

6

A That's right.

7

Q The line 31 position is a

8

principal attorney title, is that right?

9

A That's right.

10

Q Apart from the supervisory titles

11

of chief counsel, first deputy and deputy,

12

assuming that that's a real title, is

13

principal attorney the highest title among

14

attorneys within the D.D.C.?

15

A It is, including the deputy.

16

Q Is it fair to say that as of

17

October, 2001, you were very satisfied with

18

Ms. Anderson's work?

19

A She was doing her work at that

20

time, and I was satisfied with it.

21

Q Were you satisfied with her work

22

throughout her tenure at the D.D.C.?

23

MR. ADLERSTEIN: Objection to

24

form.

25

A I was satisfied with her work up

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

84

until a point.

Q What point was that?

A It was the H [REDACTED] matter.

Q If you could tell me, in a brief fashion, what the controversy surrounding the H [REDACTED] matter was?

MR. ADLERSTEIN: Objection to form.

Q Maybe I should break it down.

A Yes, I wish you would.

Q There was a complaint brought with the D.D.C. against the respondent, R [REDACTED] H [REDACTED], is that correct?

A Yes.

Q Do you remember the nature of the complaint?

A I do, to some extent now, but I didn't at the time until it was brought to my attention. I mean, the case had been in the office for sometime before it was brought to my attention.

Q When was it brought to your attention?

A I believe that Ms. Anderson talked

1 Thomas Cahill 106

2 you that Ms. Anderson believed that the
3 changes that Ms. Cohen was making to the memo
4 were sanitizing the memo?

5 MR. ADLERSTEIN: Objection to
6 form.

7 A I'm sorry, could you repeat that?

8 Q Sure.

9 Did Ms. Cohen tell you that Ms.
10 Anderson said to her that Ms. Cohen was
11 sanitizing the memo?

12 A I think maybe she did.

13 Q Did Ms. Cohen tell you that Ms.
14 Anderson generally felt that the D.D.C. was
15 soft pedaling the complaints against Ms.
16 H [REDACTED]?

17 MR. ADLERSTEIN: Objection to
18 form.

19 A I don't recall that.

20 Q Did Ms. Cohen explain what she
21 believed Ms. Anderson meant when she said
22 that the D.D.C. was sanitizing the memo and
23 recommendations regarding Ms. H [REDACTED]?

24 A No.

25 Q What did you take it to mean that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

156

Q Have you ever heard of an incident like that?

MR. ADLERSTEIN: That's a mischaracterization of testimony, so I'd be careful with that question.

A Ms. Anderson didn't tell me that.

Q That's not my question.

MR. BERANBAUM: Could you read back my question.

(Whereupon, the requested section was read back.)

MR. ADLERSTEIN: Objection to form.

A No.

Q You see in the following paragraph the second sentence reads, in follow-up remarks, Ms. Anderson cited Ms. Cohen bringing a complaint by a respondent's counsel, (H [REDACTED]) about Ms. Anderson to the attention of Tom Cahill despite Judith Stein as handling of the case.

Do you know what that refers to, what that statement refers to?

A No. I'm a little confused about

1

Thomas Cahill

157

2 it too. Ms. Cohen brought to my attention a
3 complaint by Mr. L [REDACTED]? It's not by
4 L [REDACTED] to me?

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. ADLERSTEIN: Let the record
reflect that Mr. Cahill was making that
statement as if it's a question.

A I'm sorry, yeah.

Q Maybe I can break it down, if I
may.

Did Ms. Cohen ever bring to your
attention a complaint made by H [REDACTED] L [REDACTED]
about Ms. Anderson?

A I believe she did.

Q Tell me about that.

A I don't know what the nature of
the complaint was, but -- whether it was a
request from Ms. Anderson for material in
connection with a client or scheduling a date
or something like that, and -- or a letter
that had been received by Ms. Anderson or
something, but I believe it involved -- I
could be wrong, but if I'm thinking of the
right thing, that it was suggested that Ms.
Anderson reply to a letter, and Ms. Cohen

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

172

Q Did the relationship deteriorate?

A I believe it did.

Q Let me show you a memo.

MR. ADLERSTEIN: It's now getting on pretty close to four. Do you feel that by four you could finish another document?

MR. BERANBAUM: Yes. Why don't we finish one more document.

Q I'm going to show you Exhibit 10, and that's a two page document marked DDC-1560 to 1561. Please review it.

A I read it.

Q The second page of the document, the first paragraph, the first sentence reads, Ms. Anderson then said that she was afraid to be in the same room with Sherry, because she feared that Sherry would cause further injury to her.

Did you believe Ms. Anderson when she said that to you?

MR. ADLERSTEIN: Objection to form.

A Believe -- No, that she would be

1

Thomas Cahill

173

2 in --

3 Q Let me make my question a little
4 more clear.

5 Did you believe that Ms. Anderson
6 was being sincere when she said she was
7 afraid to be in the same room with Sherry?

8 MR. ADLERSTEIN: Objection to
9 form.

10 A Sincere to me?

11 Q Yes.

12 A No.

13 Q You thought she was not being
14 sincere? Put differently, you thought she
15 was being insincere?

16 MR. ADLERSTEIN: Objection.

17 A No. My attitude of it was, it had
18 nothing to do with sincerity. I thought she
19 was wrong.

20 Q Who was wrong?

21 A Ms. Anderson.

22 Q Wrong about what?

23 A About being -- not wanting to be
24 in the same room with Ms. Cohen.

25 Q You thought that was not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thomas Cahill

174

justified?

A That's right.

Q Did you think that Ms. Anderson was making it up that she was afraid to be in the same room with Sherry, --

MR. ADLERSTEIN: Objection to form.

Q -- or that she sincerely felt afraid to be in the same room?

MR. ADLERSTEIN: Objection to form.

A That's a long question now.

Q You want me to rephrase it?

A Please, if you don't mind.

MR. ADLERSTEIN: I think it's been asked and answered.

MR. BERANBAUM: Okay. I'll rephrase it.

Q Did you have any reason to think that Ms. Anderson wasn't telling you the truth when she said she was afraid to be in the same room with Sherry?

MR. ADLERSTEIN: Objection to form.

1 Thomas Cahill 175

2 A I don't know what she was telling
3 me -- I didn't accept her view of it.

4 Q Did you care --

5 A I mean, I didn't -- I don't know
6 what she believed. I don't pretend to know
7 what she believes.

8 Q Did you care one way or another
9 whether --

10 MR. ADLERSTEIN: Objection.

11 Q -- she sincerely believed that she
12 couldn't be in the same room with Sherry
13 without being fearful?

14 MR. ADLERSTEIN: Objection to
15 form.

16 A The only thing I said before. I
17 think she was wrong. That was the only
18 thing.

19

20

21

22 (Continued on following page to
23 allow for signature and jurat.)

24

25