

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ms Debbie Moss
EEO Counselor
D C Government Corporation Counsel
1350 Pennsylvania Avenue, N W
Suite 409
Washington, DC 20001

PERSON FILING CHARGE

Phillips, Mary

THIS PERSON (check one)

- CLAIMS TO BE AGGRIEVED
- IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

<i>Earliest</i>	<i>Most Recent</i>
09/01/2002	03/04/2003

PLACE OF ALLEGED VIOLATION

Washington, DC

EEOC CHARGE NUMBER

10CA300168

FEP AGENCY CHARGE NUMBER

03-319-DC(CN)

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE A FEP AGENCY WILL INITIALLY PROCESS
(See attached information sheet for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans with Disabilities Act

HAS BEEN RECEIVED BY

- The EEOC and sent for initial processing to _____ (FEP Agency)
- The D.C. Office Of Human Rights and sent to the EEOC for dual filing purposes.
(FEP Agency)

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII or ADA charge) investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained in the "EEOC Rules and Regulations" apply.

For further correspondence on this matter, please use the charge number(s) shown.

- An Equal Pay Act investigation (29 U.S.C. 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

- RACE
- COLOR
- SEX
- RELIGION
- NAT. ORIGIN
- AGE
- DISABILITY
- RETALIATION
- OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination.

EXHIBIT

PX 001

DATE

04/17/2003

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL

Tullio L Diaz
Director

SIGNATURE

1397

CHARGE OF DISCRIMINATION	AGENCY <input checked="" type="checkbox"/> FEPA <input type="checkbox"/> EEOC	CHARGE NUMBER 03-319-DC(CN) 10CA300168
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		

D.C. Office Of Human Rights _____ and EEOC
State or local Agency, if any

NAME: <i>(Indicate Mr., Ms., Mrs.)</i> Ms. Mary Phillips	HOME TELEPHONE <i>(Include Area Code)</i> (202) 289-6611
STREET ADDRESS CITY, STATE AND ZIP CODE 1101 Massachusetts Avenue, N W, Unit 410, Washington, DC 20005	
DATE OF BIRTH 08/15/1952	

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME *(If more than one list below.)*

NAME D C Government Corporation Counsel	NUMBER OF EMPLOYEES, MEMBERS Cat D (501 +)	TELEPHONE <i>(Include Area Code)</i> (202) 727-3500
STREET ADDRESS CITY, STATE AND ZIP CODE 1350 Pennsylvania Avenue, N W, Suite 409, Washington, DC 20001		COUNTY 001

NAME STREET ADDRESS CITY, STATE AND ZIP CODE	TELEPHONE NUMBER <i>(Include Area Code)</i> COUNTY
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CAUSE OF DISCRIMINATION BASED ON <i>(Check appropriate box(es))</i> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER <i>(Specify)</i>	DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 09/01/2002 03/04/2003 <input checked="" type="checkbox"/> CONTINUING ACTION
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THE PARTICULARS ARE *(If additional space is needed, attach extra sheet(s))*:
SEE ATTACHED

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.	NOTARY - <i>(When necessary for State and Local Requirements)</i> I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) 1399
Date _____ Charging Party <i>(Signature)</i>	

CHARGE OF DISCRIMINATION

AGENCY
 FEPA
 EEOC

CHARGE NUMBER
 03-319-DC(CN)
 10CA300168

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

D.C. Office Of Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)
Ms. Mary Phillips

HOME TELEPHONE (Include Area Code)
(202) 289-6611

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
1101 Massachusetts Avenue, N W, Unit 410, Washington, DC 20005 08/15/1952

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)
D C Government Corporation Counsel Cat D (501 +) (202) 727-3500

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
1350 Pennsylvania Avenue, N W, Suite 409, Washington, DC 20001 001

NAME TELEPHONE NUMBER (Include Area Code)
 STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
 EARLIEST LATEST
09/01/2002 03/04/2003
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):
 SEE ATTACHED

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)
 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) 1400

Date _____ Charging Party (Signature) _____

Affidavit of Mary Phillips

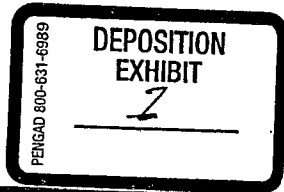
I, Mary V. Phillips, Assistant Corporation Counsel, hereby execute this Affidavit in support of my discrimination complaint against the Office of the Corporation Counsel, D.C. Government. Specifically, I am alleging the following:

1. I have been subjected to a continuous and on-going pattern and practice of discrimination on the basis of sex (female) and retaliation in the form of a hostile work environment from 1998 to the present.

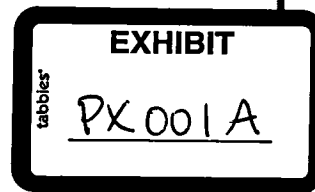
The hostile work environment has included, but not been limited to, the following events which Ms. Phillips also identifies as discrete events giving rise to her complaint of discrimination and retaliation:

2. On about September 2002, I was denied of a promotion to the position of Acting Section Chief;
3. On about November 1, 2002, I learned information which was contrary to information previously given to me, specifically, that Interim Corporation Counsel Arabella Teal did not have imminent plans to correct my 2002 evaluation and the pay cut that resulted;
4. I have repeatedly been given information that Interim Corporation Counsel Teal intended to promote me to a liaison position at the DS 15/16 level. However, I have not been promoted.

The information which follows gives the background and facts that show that I have been subjected to discrimination and retaliation. This affidavit identifies a timeline and summation of some of the examples of the harassment and retaliation that I have been subjected to since I



Initials: MVP



reached the settlement agreement with OCC in 1998. The dates are accurate as best as I am able to recall. I have focused primarily on the past 3 years and more specifically on the past six months, since my supervisor Senior Deputy Corporation Counsel Sharon Styles-Anderson left the office. This is not an exhaustive list, and I reserve the right to amend and correct this statement in the future, to add additional details.

Many of these problems are ongoing and have been a problem for a number of years. These include the fact that I am never selected by the office to provide training both in house or outside the agency. On a number of occasions, Andy Zirpoli and Jim Vricos, both my partners in the work that I do, have been selected to provide training to outsiders. This has happened when each was brand new to the office and had a fraction of the knowledge and experience that I have. This is despite the fact that I have been selected by judges, the Public Defender Service, Georgetown University, George Washington University, D.C. Law Students In Court and others to speak on behalf of the work that I do. I have also been selected by judges at D.C. Superior Court to train judges new to the juvenile calendar and received numerous of letters of support from judges and practitioners, both, legal and in the field of mental health. It seems that the more support I receive from the bench and the community, the more harshly I am treated in the office and the more attempts are made to curtail my growth.

1998 Paul Alper, the subject of my earlier complaint, was transferred out of the Juvenile Section. Tremendous hostility exhibited toward me by certain staff members including rude and demeaning comments. Sharon Goodie accused me of "getting rid of Paul Alper" and "reporting

Paul to Bar Counsel". (If any such referral was made, I have no knowledge of it and do not know who made it or what the allegations were.)

Tom Gillice, David Rubenstein, Dave Rosenthal, Mike Stern and Sharon Goodie drafted and submitted a letter/petition to Corporation Counsel John Ferren requesting that Paul Alper be returned to Juvenile Section.

Request by Rubenstein et al. to Judge Ferren denied and it is my understanding that Paul Alper was censured for his conduct toward me. It is also reported that he was demoted and shortly thereafter took an "early out" retirement option.

In 1998, Dave Rosenthal was made Juvenile Section Chief to replace Paul Alper.

1997 to Present My decisions on cases frequently overridden by Rosenthal or Rubenstein or Gillice.

2001 Dave Rosenthal orders that I not receive telephone calls at night from defense attorneys or judges. Sharon Styles-Anderson reversed his order and told him that I have practiced in this town for many years, that I am highly respected by both the bench and bar, that everyone knows how to reach me and that I am willing to take calls late at night and on weekends. She further tells him that it is not fair to tell me such foolishness.

1998-2001 All high profile cases involving YSA given to Andy Zirpoli, despite fact that I have never lost in an Order to Show Cause.

2002-2003 All high profile cases involving YSA given to Jim Vricos, despite fact that he was brand new to office this past year and that I have prevailed in all cases brought against YSA.

1998 Judge Ferren approved promotion for me to DS 14 and Dave Rosenthal is required to write the justification for it.

Robert Rigsby tells me that Paul Alper is really a good guy and that I really know that.

1997-2002 I establish unofficial multi-agency staffing reviews of cases of youth involved in more than one agency or who need multi-disciplinary approach to creative placements and services. I receive tremendous support from the bench and the defense bar.

Spring 2000 Sharon Styles-Anderson (SSA) is hired as Senior Deputy Corporation Counsel

April 2000 While I am on leave, Dave Rosenthal approaches SSA and tells her many negative things about me, that he has set up a meeting with some probation officers to discuss me, and that he will report his findings from the meeting to her. SSA tells him to set up the meeting but that SHE will attend the meeting with him, not have him report to her.

April 2000 When I return from leave, SSA calls me into her office and tells me what Dave has done. She tells me that he is out to get me, was trying to set me up with the probation officers, and what he has done. She further told me that at the meeting, Dave failed to explain my role to the probation officers and was attempting to lead them to believe that my job was different from what it is in an apparent attempt to alienate them from me and to discredit my work. She stated that she further explained to them what my somewhat unique role at OCC is. She told me that the probation officers had no concerns but that Dave was trying to create problems. I asked her why he would do such a thing and she stated to me that it was because "he is threatened by you". I asked her how specifically and she stated that he wanted to do what I do. I asked he why he didn't just do that and she stated to me that "he can't - he is not competent". Dave never told me that he had met with SSA or the probation officers or had any issues involving me.

Spring 2001 - Dave Rosenthal fails to submit my name for bonus/promotion.

Spring 2001 Sharon Styles-Anderson orders Rosenthal, against his wishes, submit my name for bonus/promotion and to write justification for it.

January 2002 My evaluation is downgraded from Exceeds Expectations to Meets Expectations. I will therefore receive a \$3,000 pay cut.

January 2002 I meet with Sharon Styles-Anderson to let her know about my evaluation and forthcoming pay cut. She tells me not to worry and that she will straighten it out with Robert Rigsby (RRR) and that I will receive back pay if my checks begin arriving in the reduced amount

before he corrects the situation. I remind Sharon that is very disturbing to me, particularly in light of the fact that I am the most senior attorney in the section, have more education than any other attorney in the section, have more Judicial Clerkship experience than any other attorney in the section and was practicing law IN OUR OFFICE before many of my colleagues, who are making more money than I, were even attending law school. Furthermore, several of those same white male colleagues have been given supervisory positions.

February 2002 I meet with Sharon Styles-Anderson (SSA) again. She states that she is working with Robert on the situation involving my evaluation and that it will be corrected shortly and not to worry.

March 29, 2002 I return from out of town and send SSA an email to determine what has happened about my pay and evaluation. SSA assures me that she is working on it and that RRR will take care of it.

May 29, 2002 I sent SSA an email advising her that my pay has now been cut and that I have contacted an employment lawyer. She responds that we should send another memo to RRR, which we do. She asks me to hold off on bringing legal action, assuring me that RRR is going to correct the situation.

1991 to present – I have been denied all supervisory promotions while at OCC. (As of today, February 18, 2003 my pay remains at the lower rate.)

May 30, 2002 Velva Spriggs, Chief, Youth and Child Services at the Department of Mental Health, sends letter of thanks and gratitude for my involvement in MAPT to Dave Rosenthal and Sharon Styles-Anderson, advising them of my value to the Multi-Agency Planning Team (MAPT), of my unique qualifications, my invaluable contributions in addition to my many years of legal experience. She concludes by thanking them for sending me to them and states that she looks forward to my continuing participation. Sharon Styles-Anderson thanks Ms. Spriggs for her letter. Dave Rosenthal fails to acknowledge the letter or recognize my contributions.

Late May or very early June, 2002 Dave Rosenthal calls me into his office and tells me I am no longer allowed to attend MAPT meetings or be a part of the MAPT process. Sharon Styles-Anderson immediately overrules his order and strengthens my position on the team.

Spring 2002 Judges begin to recognize my work with MAPT and start to specifically request my personal involvement in complex cases.

Spring 2002 Dave Rosenthal is angered by the requests from the judges and states that he, Dave Rosenthal, runs the office and the judges are not to request particular involvement of any ACC. He tells me to ignore such requests.

June 2002 Dave Rosenthal begins challenging my involvement in MAPT meetings to plan for children with exceptional needs/issues. The meetings and ultimate plans have become very successful, preventing the removal of numerous children from the District of Columbia and are

getting recognition from the court. The judges are beginning to specifically request that cases be presented to MAPT and more are requesting my personal involvement.

June 2002 - Department of Health requests my presence at Systems of Care Conference sponsored by Georgetown University. Dave Rosenthal denies my request to attend. Sharon Styles-Anderson overrules Rosenthal's denial and orders Rosenthal to put through the necessary paperwork for me to attend the conference.

June 2002-Dave Rosenthal again tells me that I may no longer attend Multi-Agency Planning Team meetings or to be involved in that line of work.

Sharon Styles-Anderson overrules his decree and orders that I will continue to represent the Agency at the meetings and acknowledges my contributions to the MAPT and contributions to the building of Systems of Care in the District.

In 2000 or 2001 Tom Gillice made trial supervisor by Dave Rosenthal (job not advertised)

Spring 2002 Dave Rosenthal made Acting Deputy Corporation Counsel (job not advertised)

Spring 2002 Tom Gillice made Acting Section Chief of Juvenile Section (job not advertised)

Early August, 2002 Sharon Styles-Anderson calls me to her office to tell me she is leaving the office and that it is now time for me to leave. She states that Dave Rosenthal

August 5, 2002 it is announced that RRR will be leaving OCC to take the bench at Superior Court on August 9, 2002. I begin to panic and contact Sharon Styles-Anderson who advises me to write to RRR directly since he has not resolved the issue yet despite his promises to her.

August 5, 2002 I write to Robert Rigsby congratulating him on his appointment to the bench and ask once again about my pay. I receive a response to my email directing all inquiries to Arabella Teal.

August 5, 2002 I write to Arabella and ask if she intends to take action on the matter since RRR has referred all inquiries to her.

August 6, 2002 Arabella responds that it is the first she has heard of the situation and that she will inquire about the status and get back to me.

August 6, 2002 I thank Arabella and tell her I have spoken with SSA who says she is meeting with Arabella on August 7th and will speak with her about my situation tomorrow.

I speak to Sharon Styles-Anderson and she tells me she will meet with Arabella Teal and get my pay straightened out, once and for all.

Early August, 2002 Robert Rigsby leaves OCC and Arabella Teal is appointed Interim Corporation Counsel.

Early August, 2002 Sharon-Styles Anderson calls me into her office to tell me she has two pieces of exciting news for me. First that Arabella has agreed to correct my pay and change my rating, retroactively. Secondly, she informs me that finally Arabella has agreed to create a new executive level liaison position that Sharon has recognized the need for and been promoting for many months. More importantly, she stated that Arabella had agreed that I would be the most appropriate person for the position, based upon my extensive work in multi-agency systems. She further stated that Arabella had agreed to hire me in that position, which would start at a DS 15 and move to a DS16.

Early August 2002 Sharon Styles-Anderson leaves OCC.

August 22, 2002 I write to Arabella thanking her for agreeing to correct my evaluation and reminding her that my pay has still not been corrected. I offer to assist if there is some sort of glitch in the system.

August 2002 to present – Harassment and Retaliation expand exponentially.

Friday Evening, August 23, 2002 Tom Gillice verbally attacks and threatens me about my handling of a case that I have already discussed with him. Gillice falsely accuses me of handling case inappropriately, after I had called and discussed precisely the actions that I was taking and that he approved.

Saturday and Sunday August 24 and 25, 2000 I am sick all weekend and unable to sleep. The stress is overwhelming and my stomach pains have returned and I am terrified of being hospitalized again.

Monday morning, August 26, 2002 I am still distraught over the conduct of Tom Gillice on Friday, August 23, 2002. I approach Dave Rosenthal to try to file complaint about Tom's treatment of me on Friday evening. Dave is extremely rude and dismissive and refuses to discuss my complaint or to have Tom apologize for his conduct.

Monday morning, August 26, 2002 Unable to sleep, I come to the office at 5 a.m. and I email Interim Corporation Counsel Arabella Teal about the escalating harassment and retaliation by supervisors, making working conditions unbearable in the office since SSA's departure earlier that month. I express to her the dire nature of the situation and tell her that I need action immediately. I also remind her that my pay has yet to be corrected I and ask to meet with her as soon as possible.

August 26, 2002 I receive email informing me that Arabella is on leave until September 2, 2002 and that I should contact Keisha. I call Keisha and tell her of the dire situation and she advises that as soon as Acting Principal Deputy Eugene Adams arrives to work, she will advise him of how distraught I am and of the urgency of the situation.

Monday morning, August 26, 2002 Eugene Adams calls me in response to my email and asks me to come to see him immediately. He clears his calendar for me and we meet for about two hours.

I give history of my treatment in the office since my complaint about Paul Alper, and now since the departure of Sharon Styles-Anderson who had been my "protector" for the past 2 ½ years. I further explain about the promises made to me by Sharon before she left. Eugene asks me to bear with him for a short while until Arabella returns from leave in order that he may discuss my complaint with her. He is very comforting and assures me that this harassment and retaliation will not continue. He also lets me know that I don't have to worry about Dave Rosenthal and that Arabella does not think very highly of him. He further suggests that I take leave in the meantime in order to reduce the level of stress that I am being subjected to. Additionally, he also states that he wants to make sure that he does not in any way jeopardize my EEO claim. He also states to me that he promises no more harm will come to me, that I will be protected from my harassers, that he will get my pay and new job situation straightened out as soon as possible.

August 27, 2002 I email Eugene to thank him for our meeting and tell him how much better I feel after having met with him.

August 27, 2002 Eugene emails me that he, too, enjoyed our chat and that he will keep his promises to me. He went on to state that he had told Sid Bixler, our EEO chief, about my EEO concerns in order to preserve my rights in the event that I needed to exercise them and suggested that our approach should be multi-dimensional.

August 27, 2002 Eugene Adams notifies Sid Bixler, our EEO chief counselor, of my complaint.

August 27, 2002 I email Eugene that I am very upset that Eugene has notified Sid Bixler about my EEO complaint. I inform him that Sid Bixler has told numerous people that he blames me for Paul Alper's departure and has not spoken to me since Paul's censure, about five years ago. This is despite the fact that our offices are just down the hall from each other and we see each other many times a day. Additionally, Sid has lunch with Dave Rosenthal daily.

August 27, 2002 Eugene responds that I should then delay talking to Sid until Eugene and I talk again next week.

August 27, 2002 I email Eugene again and ask that he admonish Sid of his obligations of confidentiality, if it is not too late already.

August 27, 2002 Eugene responds "yes" to my email.

August 27, 2002 Apparently it is too late, assuming that Eugene notified Sid not to talk to Dave about my complaint. Sid Bixler has already notified Dave Rosenthal of my EEO complaint. They begin having closed door meetings. Dave also begins having closed door meetings with Tom Gillice and I am told by another staff member that they were discussing me.

August 27, 2002 I receive an email from Tom Gillice that he will be conducting evaluations – this is despite the fact that he is only in an "acting" capacity and will be leaving the office permanently in two weeks.

August 30, 2002 Dave Rosenthal demands that I meet with him, that day, despite the fact that I was scheduled to be on leave and was just in the office to take care of pressing matters -- I object and Dave, without consulting me about my availability, reschedules meeting for a date and time when I am not available.

August 30, 2002 Dave emails me that due to my request, he has put the meeting off until September 3 at 1 p.m. He further refers to the meeting now as a "meeting/counseling session". This is the first mention of any "counseling session".

August 30, 2002 I email Eugene about the latest from Dave Rosenthal and tell him I am convinced that Sid has spoken with him. It is very clear that the retaliation is expanding rapidly at this point and that Dave is angry that I went to Eugene and that I am seeking EEO review.

September 3, 2002 Eugene responds asking me to "let me (him) look further into this stuff with Dave and 'counseling sessions'". He went on to state that "any conversation you have with me should not adversely impact on working conditions for you in the office".

September 4, 2002 I email Eugene to see if he has spoken with Arabella yet, as he had promised in our meeting on August 26, 2002.

September 4, 2002 Eugene emails me that he had stopped by to see me saying he wanted "to close some loose ends about subjects we've discussed in the last week" and asked me to call him.

September 5, 2002 I email Eugene that things are strange in the office and people are wondering what is going on. People noticed last week that Dave was in Sid's office with the door closed and folks were wondering what was going on because they NEVER close the door, despite lunching together daily in Roz's office. I tell him that it is clear that Dave is up to something and now that he has the "counseling session" scheduled, I wonder if I need to have an attorney present. I tell him that I contacted my attorney who is in a two week trial in Federal Court and ask for his advice on how to proceed.

September 5, 2002 Eugene responds that "I talked to Dave yesterday after I looked for you. Angela is to be present only as a neutral observer and to ensure that everyone conducts themselves professionally and civilly. My sense of this (and I'll talk to you later about this offline) is that it's no big deal, something that you should and can participate in because the subject is supposedly office decorum (brought on by the "loud" discussion you had with Tom week before last). Although I cannot advise you about whether or not to bring your lawyer, you may at least want to consider having a union rep there. I have more to share and will try to do so later today. Hang in there! Also, I am going to get someone other than Sid to talk to you also."

September 5, 2002 I spoke to Union Representative Steve Anderson and he agreed to represent me. He cannot make the meeting today, due to a family emergency and asks that a mutually convenient time be set.

September 5, 2002 I email Dave that Steve Anderson will be representing me. I tell him that I will advise him of Steve's availability or he may contact him directly to determine his schedule.

MVP

September 5, 2002 Dave emails me that the meeting will be on September 9th at 2:30 and asks me to notify Mr. Anderson.

September 6, 2002 Steve Anderson emails me that he has a jury trial beginning on September 9th and proposes alternative dates and times later that week when he should be available.

September 6, 2002 I email Dave giving him the dates and times that Steve Anderson is available and let him know that they are all fine with me.

September 6, 2002 Angela Harvey responds that we should keep the meeting scheduled on September 9, 2002 "given the time-sensitivity here".

September 6, 2002 I emailed Angela Harvey that "Steve Anderson is in a jury trial on Monday and suggests a few days later. I was not aware of any time-sensitivity issue. What is that about?"

September 6, 2002 Angela Harvey responds to me "Only that we've been trying to schedule this for over a week now and the sooner we address the issues, the better for all, I trust."

September 6, 2002 My email response was as follows: "Hi Angela. You that that 'we've been trying to schedule this for over a week now'. The first I heard anything about any meeting was Friday, when I was supposed to be on leave but was here working because of pressing matters.

MVP

At that time, and in a subsequent email, Dave never even mentioned that he had chosen to involve you. I won't speculate as to why Dave has chosen to involve you, how long and in what capacity he has involved you and exactly what role you play. I trust that this will all be made clear at some point. As to setting the meeting date and time, let me be very clear. I was never consulted as to what my calendar (which is quite full) looked like. Dave scheduled the meeting at the same time as my medical appointment, again without consulting me as to my schedule. Further, he apparently told you one date and me another.

The confusion could all be avoided and this could be very simply handled. My suggestion was that we all get our calendars and select a date and time, convenient for those attending. For whatever reason, that very fundamental process is not being used. I have forwarded in another email Steve Anderson's available dates and times. Are those convenient for you?

Thanks,

Mary"

September 9, 2002 Dave Rosenthal responded to my email listing the available dates and times of my union representative as follows:

"Mary, I understand that we have to provide an opportunity for the union to participate if you want them to. However, this meeting was now postponed once because you said that you were not emotionally or physically up to the meeting and once because you had stated that you had leave. Please contact Steve and ask that the union send someone else to accompany you at the 2:30 meeting today.

Thanks,

Dave”

September 9, 2002 Steve Anderson and I placed a conference call to Arabella Teal to challenge Dave’s refusal to set the “meeting/counseling session” at a time when my representative could be present. Arabella agreed that Steve should be present and called Dave Rosenthal and instructed him to set the meeting at a time when Steve Anderson could be available. Dave became very angry with me but followed the directive of Arabella and set the meeting for a time when all were available.

September 11, 2002 Email from Eugene Adams saying he stopped by and wanted to see me so that we could chat.

September 12, 2002 Meeting with Eugene. Very uplifting. He confirmed everything that SSA had told me and told me to hang in there. He confirmed that Arabella had indeed promised to change my evaluation and that she was creating the position for me that SSA had been advocating for. He asked me for my patience and told me to just hang in there and that all would be well.

Spring 2002 David Rubenstein made acting Trial Supervisor (job not advertised)

Summer 2002 Tom Gillice on paternity leave – Rubenstein unofficially made Acting Section Chief and Eric Gallun made Acting Trial Supervisor

September 2002 Tom Gillice leaves office and Rubenstein made Acting Section Chief and Eric Gallun Acting Trial Supervisor. I object to Eugene Adams. Arabella Teal determines that union requires positions to be advertised.

At the direction of Arabella Teal, Rosenthal sends out email advertising Acting Section Chief and Acting Trial Supervisor positions.

Job description demands candidates fit profile of Gallun and Rubenstein, Rosenthal's two hand picked successors for the jobs. The requirements, in part, mandate 1) experience in reviewing pleadings and 2) supervisory experience. Despite my 11 years with OCC, I have never been given the opportunity to review pleadings or supervise, other than on Saturdays when one half of all attorneys supervise the most junior attorneys in the office.

September 7, 2002 Rubenstein assigns me cases.

September 12, 2002 I am required to submit leave requests to Rubenstein for his approval or denial.

September 12, 2002 I ask Rosenthal why I am required to submit leave requests to Rubenstein and am told that Rubenstein is authorized to sign for him.

September 12, 2002 I submit that information to Eugene Adams, demonstrating that Rubenstein is indeed the Acting Section Chief. He assures me that Rubenstein will NOT get the job and that Arabella Teal again met with Dave Rosenthal today and instructed him that the job must be

advertised and that everyone in the section is to be given a chance to apply for the job. Dave begins referring to David Rubenstein as his "designee".

September 13, 2002 Dave Rosenthal sends out notice to section announcing Acting Section Chief vacancy. States in notice that applicant is to "be prepared to discuss in detail how your experience matches with the requirements listed below" and then lists requirements that only Rubenstein and Gallun have had opportunity to accomplish (reviewing pleadings and supervising attorneys in court) Interest should be submitted by September 16, 2002.

On or about September 16, 2002 I submit my application for Acting Section Chief position. I am only applicant other than Rubenstein, who has about four years experience practicing law.

September 17, 2002 Rubenstein continues to assign cases to me.

September 17, 2002 Email from Rosenthal asking for "informal memo that Responds to each (emphasis original) of the selection factors indicated below. Experience should demonstrate your experience as to each of the factors in your category. 1) List serious felonies (Note: I have not tried cases for five years due to my YSA position. However, when I did try cases, I had probably the highest conviction rate in the office. In one nine month period I tried 45 cases with 42 convictions. No one in the office, in my eleven years, has ever come close to trying as many cases or with as any where near as many victories.) 2) List types of pleadings you reviewed for others, including the attorneys assigned and issues raised and how you assisted the attorney. (Note: I have never been given the opportunity to review any attorney's pleadings in this office,

despite my eleven years of experience, my Master's Degree in Criminal Justice and having clerked for Judges assigned to both Felony 1 and Misdemeanor calendars). 3) Give three writing samples – they should demonstrate required knowledge of that show a knowledge of Title 16-2301, et seq. and 4th, 5th and 6th Amendment law. (This is impossible for me to demonstrate since any such pleadings that I filed were in computers left three years ago when we moved offices. My job for the past five years would have no use for any such type pleading.

September 26, 2002 Rubenstein continues to make assignments. I write to Rosenthal questioning why Rubenstein is assigning me work and he tell me that Rubenstein is the Acting Trial Supervisor and is therefore my supervisor. This is despite the fact that I am not trying cases any longer and have not been for five years. I forward email to Eugene Adams to demonstrate that despite Arabella's claims, Rubenstein is indeed the de facto Acting Section Chief.

September 26, 2002 Eugene emails response that all will be will and that Arabella is just very busy with the budget. He further tells me to "hang in there-remember our conversation!!" (This was the conversation in which he assured me that all would be well and that all that Sharon Styles-Anderson had promised me would be coming through – that is, the change in my evaluation/pay and the appointment of me to the executive level position)

September 29, 2002 Rubenstein demands that I report to him regarding my cases (I have never reported to a trial supervisor since I have been representing YSA). The harassment is escalating and he demands to know the status of my cases. When I ask him why he is involved in MY cases, he states that it is because his "ass is on the line" in these potential show cause cases. (NOTE: This is the first time in my eleven years with the office that anyone has tracked behind

me to be certain that I have followed through on my cases. I have had this position for five years and never once had a finding of contempt issued against YSA. Indeed, I have had ALL orders to Show Cause issued against YSA dismissed. This is the best record of any attorney in the office.

September 30, 2002 I ask Dave Rosenthal why David Rubenstein is in my "chain of command". I am told that he is my supervisor and that he supervises my work and that people who supervise are responsible for the work of those that they supervise. I reminded Dave that Arabella has made it clear that no Acting Section Chief has been named. He said that Rubenstein is his designee and therefore my supervisor.

September and October, 2002, Rubenstein continues to function as Acting Section Chief. He continues to send out memos dictating assignments, scheduling section meetings, etc. Rubenstein chairs all section meetings and establishes the agenda for those meetings.

September, 2002 Rosenthal lists areas of proficiency that must be demonstrated for each position. Both descriptions require history of supervising attorneys and reviewing their work as well as other areas. Both Rubenstein and Gallun are the only attorneys in the office that have been given the opportunity to satisfy that requirement.

Eric Gallun is only applicant for Trial Supervisor and is granted position.

David Rubenstein and I apply for Acting Section Chief position.

September through October 17, 2002, Rubenstein performing functions as Acting Section Chief and begins reviewing my work and assigning me cases.

October 15, 2002 I email Eugene Adams again asking about my pay and the status of my new position and the appointment of the Acting Section Chief. I inform him that from all appearances, Rubenstein has gotten the position. I tell him that it is obvious from all appearances that Rubenstein has gotten the position. I tell him that it is obvious that Dave just made me go through the motions of applying for the position and that there has been no word since about the appointment. I ask his advice on whether I should go forward with my EEO complaint that I have been holding in abeyance.

October 16, 2002 Arabella issues official OCC office order naming Rubenstein Acting Section Chief. Despite being told to be prepared to discuss various questions/issues, I was never interviewed for the position. Rubenstein and I were the only two candidates for the position.

October 16, 2002 I email Eugene a copy of the office order and he tells me that we need to talk and not to read more into it than there is.

October 17, 2002 Eugene continues to try to schedule meeting with me. He says that he has more to share that should make things "more palatable". Tells me to "hang in there".

October 23, 2002 Email to Eugene asking if we can get together. Situation in office is becoming unbearable.

October 23, 2002 Eugene responds that "absolutely" we will still get together and says he will call me tomorrow.

October 30, 2002 Email to Eugene telling him that my pay is still not corrected. I further ask him if it is time for me to take action.

October 30, 2002 Eugene asks me to bear with him. Says he will have definitive answer by tomorrow (11-01-02) Says we still need to get together to talk. Suggests Tuesday, November 5th.

November 1, 2002 Email from Eugene saying Arabella does not recall substance of discussions with Sharon Styles-Anderson about my evaluation. Says SSA was to give her written justification. Arabella recalls there was a file full of papers from SSA but has not seen support/justification. Says he understands my ongoing frustration and will "make sure we this resolved".

November 5, 2002 Email from Eugene asking if we can meet late this evening and asking for clarification on my evaluation and paperwork involved.

November 5, 2002 I respond that I was led to believe all was in order and had already been approved. Additionally, that Arabella had agreed to create a new position and that I would receive such position, as soon as the budget was submitted and that would happen in a few weeks.

In the Spring of 1998 Dave Rosenthal has a pile of my cases on his desk, no one else's cases there.

November, 2002 Department of Mental Health specifically asks for my involvement in diverting children. Dave Rosenthal says no, I may not attend meetings or be involved. (About a year earlier, Dr. Weisman asked me to attend a meeting being held in a conference room in my office. I told her that I would be happy to but that I needed clearance from Sharon Styles-Anderson, who was also to attend the meeting. I found out later that day that Dave Rosenthal attended the meeting and began it before Sharon had arrived. Dr. Weisman specifically told him that she had requested my presence at the meeting. Dave Rosenthal told her that Sharon had said I could not attend. When the subject came up a few days later, Sharon told me that, just as I suspected, she had stated no such thing.)

Late November, 2002 I am requested by the Department of Mental Health to attend Systems of Care Conference in Portland, Oregon. I inform David Rubenstein and ask that I be allowed to attend the conference. He states that he will look into it and see if the office will authorize the payment. I submit documents to David Rubenstein for authorization. (note: I have been working for OCC since 1991 and have never been authorized any training opportunities that involved travel)

December 13, 2002 I am assigned Christmas release motions to respond to. They are assigned to me by Jim Vricos, my subordinate who has only been with the office for a few months). No supervisory approval was required for any of the motions.

On or about December 19, 2002 I left my motions with the secretary to make copies and to file. David Rubenstein took my motions, and ordered me to take positions contrary to the positions that I had taken. I was the only attorney in the office to have her motions reviewed and was not told of what position to take until after I had prepared them and completed my work. All of my work had to be re-done. Further, David Rubenstein accused me of having someone else write my motions for me.

December, 2002. David Rubenstein sent out email seeking volunteers to train new attorney in section. I offered to teach a session on post-commitment issues, since I am the resident expert in the area and it is my area of expertise. Rubenstein declined my offer and stated that Dave Rosenthal had his heart set on teaching that, despite the fact that I am the expert in the area and that people from inside the office as well as outside the office come to me for assistance in post-adjudication matters. Later, he sent out training assignments giving me the most basic that would be given to the brand new lawyer, directly out of law school – how to try PINS cases.

1998-2002 Dave Rosenthal routinely has Andy Zirpoli conduct training sessions with YSA and others, including the Neglect Practice Institute. This is despite the fact that Andy was hired in the summer of 1998 and I was my subordinate/trainee.

1997-2003 Dave Rosenthal has denied me all opportunities to develop professionally. At no time has Dave Rosenthal, David Rubenstein, Tom Gillice or Robert Rigsby given me any opportunity to teach or learn or develop professionally. The only training

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opportunities that I have been permitted are those mandated by the office and which do not require any travel. I have attended several conferences paid for by my client, YSA, and over Dave Rosenthal's objection.

December 18, 2002 Mid-day - Rubenstein has failed to grant authorization for me to attend the conference. The Department of Mental Health offers to pay for all of my expenses and pre-registers me for the conference. I inform Rubenstein of the very generous offer of the Department of Mental Health. He will not grant me authorization to attend conference and I then ask him to place me on annual leave so that I may attend the conference.

December 18, 2002 Mid-day - My EEO representative contacted David Rubenstein about my EEO complaint.

December 18, 2002 6 p.m. Rubenstein tells me, for the very first time, publicly in a staff meeting, that my responsibilities have changed and that I will no longer be allowed to attend or participate in any MAPT meetings or work with other agencies. I am told by another attorney in the office that Rubenstein wanted witnesses to my reaction and that is why he informed me publicly at the staff meeting.

December 18- 30, 2002 Rubenstein approaches various people in an attempt to get statements against me. Some give statements, some refuse. Interestingly, he does not approach any witnesses that he knows will support my position or discredit the case he is attempting to build against me.

On or about December 30, 2002 Acting Assistant Senior Deputy Corporation Counsel Angela Harvey calls Velva Spriggs of DMH from a speaker phone. Ms. Spriggs has never heard of Ms. Harvey and is quite taken aback that she has been called by a stranger on a speaker phone. Ms. Spriggs then asks who else is in the room. It is only then that Ms. Harvey discloses that Dave Rosenthal and David Rubenstein are in the room listening in on the conversation. Ms. Harvey then proceeds to tell Ms. Spriggs that Mary Phillips is prohibited from attending any MAPT meetings or to have any involvement in with the MAPT process. Ms. Spriggs states that this is most unfortunate and reiterates what an invaluable participant I am and that she does not understand what is going on. She is told that they are adamant about their position and that I must not have any involvement in any capacity. Ms. Harvey then states that she will send David Rubenstein as the new OCC representative.

On January 2, 2003, I received a Letter of Reprimand, which I responded to on February 21, 2003. The letter contained patently inaccurate statements.

Ms. Spriggs then asked about whether I would be allowed to attend the conference in Portland, Oregon, which was only days away. Ms. Harvey told her, several times, to "memorialize" the fact that DMH would pay my expenses. Ms. Spriggs had already done so and found this to be puzzling. Finally, Ms. Harvey stated that she would consider allowing me to attend the all expense paid conference as a "resource person" to the office but again reiterated that Ms. Spriggs must "memorialize" that OCC would not have to pay for any of my expenses and that I would no longer be allowed to attend or participate in any MAPT functions other than the conference.

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On January 29, 2003 my father died. His funeral was on February 1, 2003 and burial on February 11, 2003. During the time just before and just after my father's death, I was out ill myself. I remain under doctor's supervision at this time (February 19, 2003) and am facing surgery next week. I have also been advised not to come to work due to my physical condition and the hostile, unhealthy environment that work is producing. At no time did Mr. Rubenstein, in any way, acknowledge the loss of my father, show any compassion or suggest that I take the necessary time off from work to heal.

Thursday February 13, 2003 I asked Acting Deputy Corporation Counsel Dave Rosenthal and Acting Assistant Section Chief David Rubenstein how much bereavement leave I was entitled to. I was told that I am not entitled to any. I told them that I had called personnel and was told that it was totally discretionary and was up to my supervisor. Dave Rosenthal told me to get that in writing. I told him that I was told by the director of personnel that it was an informal policy and granted at the discretion of the supervisor. I told him further that Ms. Crowley told me that he, Dave Rosenthal, had granted her four days bereavement leave when her mother died. Mr. Rosenthal then sent me an email denying my request for bereavement leave.

I also spoke with Jackie Hall, a paralegal in our Division whose father died four weeks before my father. She told me that she was given one full week for bereavement leave. This was granted by Acting Assistant Senior Deputy Corporation Counsel Angela Harvey. Ms. Harvey is our supervisor, including Mr. Rosenthal's supervisor. Ms. Harvey is also the same person who

served me with the Letter of Reprimand on January 2, 2003 and who contacted Velva Spriggs to inform her of my removal from the MAPT.

Friday, February 14, 2003 I received an email from Dave Rosenthal denying me any bereavement leave.

Saturday February 15, 2003 I came to the office to handle few matters (I was not on the schedule nor being paid for my time) The time keeper, Connie Crowley asked me for my leave slip for the past week which I filled out and submitted. David Rubenstein called me to his office denied me the use of my accrued sick leave (in excess of 1,000 hours), stating that I must get a doctor's certification that I was ill. This was despite Mr. Rubenstein's knowledge of my medical issues and my numerous medical appointments, the fact that I came into the office ill on February, 6, 2003, in between medical appointments. Additionally, I rarely have used sick leave, frequently have come to work ill, and conducted Court hearings from my hospital bed (without any compensation or appreciation from Mr. Rubenstein or any other supervisors). Additionally, on February 6, 2002, I met with Mr. Rubenstein and went over all of my pressing cases and informed him of what needed to be done on each case. I was then bedridden and only got out of bed to attend my father's burial and for a trip to the emergency room when I was experiencing breathing difficulties due to my asthma and the flu.

This was in addition to the numerous medical appointments that I have had in the past two weeks, including but not limited to an MRI, an ultra-sound, a visit with my surgeon, a visit with internal medicine for asthma/flu, a trip to the emergency room for asthma/flu, a visit with the my

physical therapist and visits with my therapist. Nor does it take into account my upcoming surgery, MRI or ongoing physical therapy.

Further, Mr. Rubenstein told me that I was not entitled to use sick leave for my father's funeral or burial.

I hereby swear that the information contained in this statement, consisting of 31 pages, is true and correct and accurate, to the best of my knowledge and recollection.

Mary V. Phillips
Mary V. Phillips

2-25-03
Date

subscribed and sworn to before me this 25th day of February 2003

Phillip Davis

PHILLIP DAVIS
Notary Public District of Columbia
My Commission Expires December 14, 2004.