

**Rosenthal, Dave (OCC)**

From: Rosenthal, Dave (OCG)  
Sent: Wednesday, September 18, 2002 1:42 PM  
To: Phillips, Mary (OCC)  
Cc: Teal, Arabella (OCG)  
Subject: RE: Naming of Acting Section Chief and Possibly Acting Trial Supervisor

Please forward any three writing samples for review.

Thanks

Dave

Dave Rosenthal  
Acting Deputy, Criminal Division  
Office of the Corporation Counsel  
727-6277

EXHIBIT  
PY003(1)

---Original Message---

From: Phillips, Mary (OCe)  
Sent: Wednesday, September 18, 2002 11:11 AM  
To: Rosenthal, Dave (OCe)  
Cc: Teal Arabella (OCe)  
Subject: RE: Naming of Acting Section Chief and Possibly Acting Trial Supervisor

Dave,

As you are aware, I have been representing YSA for the past 4 1/2 years and therefore have not litigated any felonies since assuming the role as YSA's attorney nor submitted any pleadings involving the 4th, 5th and 6th Amendments. By the nature of my position, I only litigate matters involving YSA and that is almost exclusively defensive litigation. During my tenure as YSA's counsel, I have prevailed in virtually every Show Cause Order issued against the agency. Additionally, I have been able to avoid having other Orders to Show Cause issued by working closely with defense attorneys and prevailing upon them to refrain from filing Motions for Contempt in numerous situations. I have functioned in a manner so as to mediate and calm tensions and had tremendous success with this approach. Where everyone, particularly the child, wins. Using this approach, I began putting together multi-agency teams to evaluate particularly difficult cases. As a result I have been able to resolve the cases with very sensitive and sensible solutions. In virtually every case, the courts have been extremely receptive and thanked me for all of my efforts. Significantly, when presented with our plans, the judges, without fail, have adopted our proposed plans. This serves the child, YSA, the defense, the court and our office well.

During the past six months and in a more structured and formal capacity, I have represented ACE at the Mayor's mandated MAPT meetings, retreats and Training Institutes.

Prior to my representation of YSA, I litigated countless very serious felony cases. I was one of only two trial attorneys assigned to a straight trial calendar and litigated cases daily. As a senior attorney, I was assigned the most serious felonies. Despite the fast-paced and very stressful assignment, I had a conviction rate of 42 cases out of 45 tried in a single nine month period as well as 101 guilty pleas during that same period of time. On a single day, I obtained 8 adjudications. These adjudications consisted of one conviction at trial and 7 pleas. The pleas included a plea to Assault with Intent to Kill in a case in which the respondent was accused of stabbing an ex-girlfriend in the stomach twice, causing major and permanent injuries. As my supervisors recognized in my evaluations, I am "a highly motivated and dedicated prosecutor who welcomes difficult and challenging cases and volunteered on numerous occasions to step in at a moment's notice to try cases on behalf of her colleagues". They further stated: "Ms Phillips eagerly volunteered for this assignment and has demonstrated that she is more than capable of meeting and exceeding the expectations that go along with this fast-paced and very stressful assignment" and that my performance was "commendable".

I was also the first attorney in the office to be assigned to handle all of the sexual assault cases and have maintained relationships with some of the victims and their families, connecting them with services in the community and assisting them with other areas of their lives that have changed as a consequence of the attacks. One in particular is the 17 year old virgin who was brutally raped and who developed spinal meningitis as a consequence of the attack. As a result of the meningitis, she became critically ill and she is now deaf. I have assisted her mother in getting housing (away from the perpetrator), getting her a telephone equipped for the hearing impaired, locating a program for the victim to get job skills training, therapy and to learn sign language.

I also was able to get a detective certified as an expert witness in a case where it had never been done before and

where he had never been seen 1d before. This was particularly important cause there was a car theft ring that no one was able to break through. Cars were being stolen in record numbers at Metro parking lots and were all of similar age and model. I was able to demonstrate, through my expert witness, that, contrary to the fear of the Police Department and the public, there was not a "master key" that was in circulation but rather a defect in the design of certain year Toyotas. This defect enabled a person to start the car with virtually any key, including a house key. The trial was of multiple defendants and was very complex, with much circumstantial evidence, but I was able to get convictions and put a halt to the rash of stolen Toyotas.

I am regularly asked to participate in panels of lawyers and judges and to be a presenter in seminars. Whenever scheduling allows, I accept the invitations.

Additionally, the training committee of D.C. Superior Court routinely requests that I participate in the training of new judges. I have accepted these invitations and viewed them as a terrific opportunity to sensitize the judges as to the constraints that both OCE and YSA are subjected to. I have been extremely well received by the judges and am certain that having an outstanding working relationship with them has helped to minimize the number of Orders to Show Cause that are issued. Indeed, without any solicitation from me, a large number of judges wrote to the Committee for the Selection and Tenure of Magistrate Judges recommending me as a Magistrate Judge for the new Family Court. For personal reasons, I asked that my name be removed from consideration.

As to your requirement that I list the pleadings of attorneys that I have reviewed: Unfortunately, I have not been given the opportunity to review the pleadings of others, other than those that I have done on my own with the other YSA attorneys.

Thanks,  
Mary

-----Original Message-----

[Phillips, Mary (OCe)]  
[Phillips, Mary (OCC)]

From: Rosenthal, Dave (OCe)  
Sent: Tuesday, September 17, 2002 7:55 AM  
To: Phillips, Mary (OCe); Rubenstein, David (OCC); Gallun, Eric (OCC); Zirpoli, Andy (OCC)  
Cc: Teal, Arabella (OCe)  
Subject: FW: Naming of Acting Section Chief and Possibly Acting Trial Supervisor  
Importance: High

Thank you for your interest in one of the acting positions that may be open.

Please submit an informal memo to me that responds to each of the selection factors indicated below. The response does not have to be exhaustive but it should demonstrate your experience as to each of the factors in your category.

For example:

1. Give a list of a few of the serious felonies that you have litigated and a blurb about the issues that came up in those cases and how they were handled.
2. Give a list of the types of pleadings that you reviewed for others including the attorneys assisted and the issues raised in their pleadings and how you assisted them.

Please give me three writing samples. These writing samples should demonstrate the required knowledge requirements that show a knowledge of Title 16-2301, et seq, and 4th 5th, and 6th amendment law.

Please submit these items by September 18.

Dave

Dave Rosenthal  
Acting Deputy, Criminal Division  
Office of the Corporation Counsel  
727-6277

-----Original Message-----

From: Rosenthal, Dave (OCC)  
Sent: Friday, September 13, 2002 11:21 AM  
To: Juvenile (OCC)