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Complaints Against 'Select Attorneys' Whitewashed, N.Y. Lawsuit Alleges

Daniel Wise
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A former staff attorney at the 1st Department Disciplinary Committee has filed a federal lawsuit charging she was fired in June in retaliation for complaining that her superiors had engaged in a "pattern and practice of whitewashing and routinely dismissing complaints against certain select attorneys."

Christine C. Anderson, who had worked for six years at the disciplinary committee, seeks \$10 million in damages, claiming retaliation for the exercise of her First Amendment rights and discrimination because she is of Jamaican origin and black.

Anderson also asks for the appointment of a federal monitor to oversee operation of the disciplinary committee.

David Bookstaver, a spokesman for the Office of Court Administration, said it would be "inappropriate" to comment on pending litigation.

Anderson alleged two instances in which her recommendations had been overridden or changed by her superiors at the committee.

In 2005, Anderson charged in her complaint, she discovered that the chief counsel of the disciplinary committee, Thomas J. Cahill, and Sherry K. Cohen, its first deputy counsel, were "apparently engaged in a 'numbers game' and practice" of "selectively" dismissing complaints against attorneys for their "own personal and political reasons."

A possible second, or alternative reason for the dismissals, the complaint stated, was that the prosecutions of the complaints would be "burdensome or otherwise 'unworthy' of prosecution."

Anderson also charged that in one incident, in July 2006, Cohen physically blocked her from leaving her office and, in so doing, had dug her nails into the plaintiff's hand, causing scratches.

Cahill declined to comment on the allegations; Cohen did not return a call for comment.

In addition to suing Cahill and Cohen, Anderson named as defendants Justice John T. Buckley, who was presiding justice of the Appellate Division, 1st Department, until May; former Clerk of Court Catherine O'Hagan Wolfe, who resigned in April to become clerk of the 2nd U.S. Circuit Court of Appeals; and the Office of Court Administration.

The case, *Anderson v. State of New York*, was filed on Friday in the Southern District of New York, according to Anderson's attorney, Frederick K. Brewington of Hempstead, N.Y.

Cahill's retirement was announced in July, though he is remaining as chief counsel until a successor is chosen.

The first instance of a "whitewash" alleged in Anderson's complaint occurred "in or about 2003" in "a highly sensitive investigation," which had uncovered "overwhelming concrete evidence of misconduct" by an attorney, Anderson alleged.

The matter was dropped despite her recommendation that a formal complaint be filed against the lawyer, Anderson alleged.

She also charged that a large file she had amassed containing "indisputable evidence of misconduct" had been "gutted."

The second instance in which Anderson's handling of a case was overridden occurred about two years later, she alleged.

In that case, she stated, Cahill had asked her to write an introductory paragraph to the policy committee, explaining her recommendation that an attorney be given a non-public admonition rather than be the subject of a formal proceeding that could lead to a public sanction.

Anderson explained in her complaint, that, although the results of a "complex investigation" of the attorney "argued strongly in favor of charges," there was "lack of actual proof of a conversion." She also stated there had been an "initial lack of cooperation" from the client complaining against the lawyer.

Anderson stated that she wrote an introductory paragraph explaining the gravity of the attorney's conduct, but that Cohen had rewritten it, "deleting facts" Anderson had uncovered during her investigation and conclusions she had reached.

Anderson quoted Cohen as saying the reason she had rewritten the paragraph was to avoid having the policy committee send the matter back to staff for the preparation of a formal complaint.

Anderson further charged that Cohen had done this because "she had a prior working relationship" with the attorney for the lawyer under investigation and sought to avoid having his client formally charged "as a favor."

The complaint did not identify the two lawyers who were the subjects of the proceedings cited by Anderson. Brewington said in an interview that he would not name them "at this time."