

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)	
	)	No. 05c 0208
Plaintiff,	)	
	)	Honorable James B. Zagel
v.	)	
	)	Magistrate Martin C. Ashman
SIDLEY AUSTIN BROWN & WOOD LLP,	)	
	)	
Defendant.	)	

**SIDLEY AUSTIN LLP’S RESPONSE TO THE EEOC’S MOTION TO DISQUALIFY  
DEFENDANT’S COUNSEL FROM REPRESENTING ONE NON-PARTY WITNESS**

Motions for disqualification of counsel “should be viewed with extreme caution for they can be misused as techniques of harassment.” *Freeman v. Chicago Musical Instrument Co.*, 689 F.2d 715, 722 (7th Cir. 1982); *see also* N.D. Ill. L.R. 83.51.7. Here the EEOC’s motion has nothing to do with insuring fairness to Mr. White and everything to do with the EEOC’s continuing campaign to attract media attention to this case – apparently its principal goal in this litigation.

Had the EEOC called Sidley to discuss this issue before filing the motion, Sidley would, of course, have been willing to discuss the issue of who represents Mr. White and avoid imposing upon the resources of the Court. Although Sidley disagrees with the EEOC’s position on the conflict issue, Mr. White is now in the process of retaining new counsel to avoid injecting extraneous issues into the litigation. Thus, the EEOC’s motion is moot.

Finally, with respect to the 1999 letter to the Social Security Administration (“SSA”) that is the focus of the EEOC’s motion, it is unclear to Sidley whether the letter was ever sent, given the absence of a personal addressee and street address. Nevertheless, in an effort

to avoid further confusion, Sidley has sent the attached letter to the Regional Commissioner of the SSA in the hope of avoiding further confusion. (*See* Ex. A)

The Court should deny the EEOC's motion as moot.

Dated: June 9, 2006

Respectfully submitted,

SIDLEY AUSTIN BROWN & WOOD LLP

By: /s/Michael P. Conway  
One of Its Attorneys

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# **EXHIBIT A**



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FOUNDED 1866

June 5, 2006

James F. Martin  
Regional Commissioner  
Social Security Administration  
600 West Madison Street  
Tenth Floor  
Chicago, IL 60661

Dear Mr. Martin:

On October 21, 1999, William White, the then Financial Director of Sidley & Austin, signed the attached letter. The letter recently came to our attention during the course of litigation. While a significant amount of time has passed since that letter was prepared, and we are not certain that it was mailed at the time, we did want to call to your attention that the letter contains an erroneous statement.

In the letter, Mr. White stated "...it is the general policy of Sidley & Austin not to permit a partner of the firm to continue as a partner commencing the first of the year following the year age 65 is reached." The firm does not have a mandatory retirement policy. There was and remains a provision in the Sidley & Austin Partnership Agreement, the governance document for the firm, that requires partners to relinquish their positions on firm administrative committees upon reaching age 65. However, there was no provision in the Partnership Agreement prohibiting a partner from continuing as a partner after age 65, and a number of partners did continue to practice after that date.

We apologize for any confusion this may have caused. Please feel free to call me if you have any questions.

Sincerely,

William F. Conlon  
Office of the General Counsel

WFC:k

Enclosure

SIDLEY & AUSTIN  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

*Howard*  
*Chase*  
*White*

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LOS ANGELES  
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WRITER'S DIRECT NUMBER  
(312) 853-7414

WRITER'S E-MAIL ADDRESS  
wwhite@sidley.com

October 21, 1999

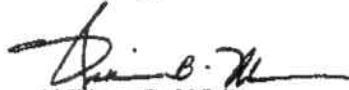
Social Security Administration  
Chicago, Illinois

Dear Sir:

Please be advised that it is the general policy of Sidley & Austin not to permit a partner of the firm to continue as a partner commencing the first of the year following the year age 65 is reached.

Feel free to call me if you have any further questions regarding this matter.

Cordially,

  
William B. White  
Financial Director

WBW:kmr

**CERTIFICATE OF SERVICE**

I, Michael P. Conway, an attorney, hereby certify that on June 9, 2006, I caused a true and correct copy of the foregoing **SIDLEY AUSTIN LLP's RESPONSE TO THE EEOC's MOTION TO DISQUALIFY DEFENDANT'S COUNSEL FROM REPRESENTING ONE NON-PARTY WITNESS** to be served upon the following via electronic delivery:

John C. Hendrickson  
Gregory M. Gochanour  
Debrah L. Hamilton  
Laurie Elkin  
UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
500 W. Madison St., Suite 2800  
Chicago, IL 60661

/s/ Michael P. Conway