



KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Robin Joy Shahar on 02/22/2017

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Videographer: Brandon Brantley  
- - -

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1 THE VIDEOGRAPHER: This is the  
2 beginning of Video Number 1 in the  
3 deposition of Robin Shahar in the matter of  
4 Kelvin Cochran versus the City of Atlanta,  
5 et al., Case Number 1:15-cv-00477.

6 Today's date is February 22nd, 2017.  
7 The time on the monitor is 9:40 a.m. My  
8 name is Brandon Brantley, and I'm the  
9 videographer. The court reporter is  
10 Suzanne Beasley. We are here with Huseby  
11 Global Litigation.

12 Counsel, please introduce yourselves,  
13 after which the court reporter will swear  
14 in the witness.

15 MR. CONNELLY: Ken Connelly, Kevin  
16 Theriot, and Christiana Holcomb for the  
17 Plaintiff Kelvin Cochran.

18 MS. HINTON: Kathryn Hinton for the  
19 Defendants.

20 (The signature of the witness to the  
21 deposition was reserved.)

22 ROBIN JOY SHAHAR,  
23 having been duly sworn, was examined and testified  
24 as follows:

25

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1 EXAMINATION

2 BY MR. CONNELLY:

3 Q. Good morning, Ms. Shahar. My name is  
4 Ken Connelly. I'm one of the attorneys for Chief  
5 Cochran in this matter.

6 A. Good morning.

7 Q. Could you please state and spell your full  
8 legal name for the court reporter?

9 A. Yes. Robin, R-o-b-i-n, Joy, J-o-y,  
10 Shahar, S-h-a-h-a-r.

11 Q. Have you ever been deposed before,  
12 Ms. Shahar?

13 A. Yes.

14 Q. And it's my understanding you are an  
15 attorney?

16 A. Yes.

17 Q. If you'd like -- I'm assuming then that  
18 you know sort of the ground rules for depositions.  
19 If you'd like, I'll dispense with the formalities.

20 A. Go right ahead.

21 Q. A couple of quick ground rules then.  
22 Obviously the videographer and the court reporter are  
23 recording your answers. In order to get a clean  
24 transcript, if you give verbal answers instead of  
25 head nods or hand gestures, that'd be great. This is

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1 as much an admonition to me as it is a reminder to  
2 you. We'll try our best not to talk over each other.  
3 That way the court reporter has an easier time  
4 recording our answers.

5 If you have something to add to an answer  
6 after you've given it to me, or you have something to  
7 modify you remember that, just let me know, and I'll  
8 give you an opportunity to do so.

9 A. Okay.

10 Q. Just a few quick questions about your  
11 condition today before we start. Is there any reason  
12 why you can't provide your best and most accurate  
13 testimony today?

14 A. There is no reason.

15 Q. Are you currently taking any medication or  
16 drugs that might impair your ability to testify  
17 today?

18 A. No, I am not.

19 Q. Are you under the influence of any other  
20 substance that might impair your ability to testify  
21 accurately?

22 A. No, I am not.

23 Q. Are you sick at all today?

24 A. No, I'm not.

25 Q. Have you testified in court previously?

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1 A. Yes.

2 Q. And what did that involve; do you recall?

3 A. Yes. I was held up at gunpoint, so I  
4 testified against a defendant who was convicted.

5 Q. Have you ever been a party to a lawsuit?

6 A. Yes.

7 Q. Can you tell me what that was about?

8 A. I was a plaintiff in the case of Shahar  
9 versus Bowers, which was a case brought under 42 USC  
10 Section 1983 based on the First and Fourteenth  
11 Amendments against State of Georgia and Michael  
12 Bowers, then attorney general.

13 Q. And what was it for? What was the nature  
14 of the claim?

15 A. Sure. I was terminated after Mr. Bowers  
16 learned that I was going to engage in a religious  
17 ceremony with my partner at the time, female partner  
18 at the time, Fran Shahar.

19 Q. What was the outcome of that case?

20 A. The outcome was that we lost at the 11th  
21 Circuit Court of Appeals on bond. We petitioned for  
22 cert to the U.S. Supreme Court, and they denied cert.

23 Q. Just a little bit about your preparation  
24 in this deposition. Did you review any documents in  
25 preparation for this deposition?

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1           A.       I reviewed a notebook that was provided to  
2 me by counsel.

3           Q.       What kind of documents were in there; can  
4 you tell me?

5                    MS. HINTON:   You can say what you  
6 reviewed.

7                    THE WITNESS:   They were -- well, I  
8 was at -- I was at the deposition on -- for  
9 Chief Cochran, so some of them -- you know,  
10 there were documents that would have been  
11 raised during his deposition, so I had seen  
12 them. There were also some correspondence.  
13 I'm trying to think. There was something  
14 about things that happened after the  
15 termination with the fire department  
16 regarding a personnel survey that they did  
17 that I had looked at. I'm trying to think  
18 what else was in there. Just some e-mails  
19 at the time. E-mails I guess would be  
20 parts of it. The ethics code that was  
21 related to this case. I don't have a great  
22 memory.

23 BY MR. CONNELLY:

24           Q.       No, that's fine. That's fine.

25           A.       If you showed it to me, I could tell you

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1 if it was part of the book.

2 Q. Did you consult anyone regarding this  
3 deposition?

4 A. Other than counsel?

5 Q. Yes.

6 A. No.

7 Q. Did you speak to the press or anyone else  
8 regarding your attendance at this deposition?

9 A. No.

10 Q. Have you read previously prior to your --  
11 well, either prior to, you know, this deposition or  
12 your preparation for this deposition, have you read  
13 any of the pleadings in this matter; do you recall?

14 A. I don't believe I have. Complaint or  
15 answer, I don't believe I have.

16 Q. Complaint or answer, any motions?

17 A. I attended -- I probably attended a  
18 hearing that Bob Godfrey -- I was there I think when  
19 Bob Godfrey, I think it was a motion to dismiss.

20 Q. Okay.

21 A. I was present in the courtroom. I believe  
22 that's all that I've looked at or observed.

23 Q. Right. Okay. And you haven't read of the  
24 documents that you can recall? Any court orders?

25 A. No, not that I recall.

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1 Q. A few general background questions before  
2 get into the meat of the deposition.

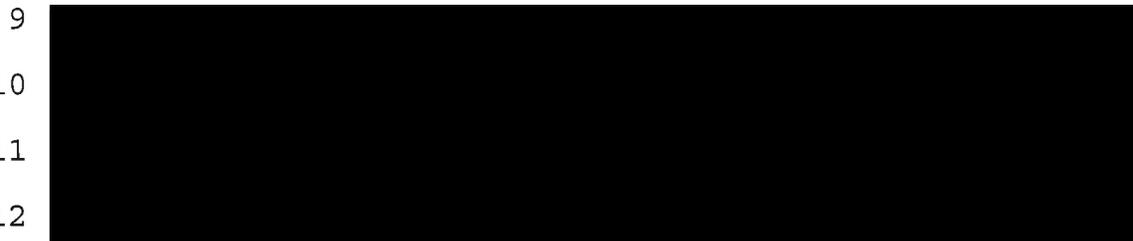
3 Where were you born?

4 A. Philadelphia, Pennsylvania.

5 Q. Is that where you grew up?

6 A. Yes. Suburbs.

7 Q. Do you profess or practice any particular  
8 religion?



13 Q. Are you married?

14 A. Yes.

15 Q. Children?

16 A. Yes.

17 Q. How many?

18 A. Two.

19 Q. Where do you live now?

20 A. Avondale Estates.

21 Q. Is that in Atlanta?

22 A. It's a suburb right outside of Atlanta.

23 Q. Education. Can you just give me a  
24 thumbnail sketch of your educational background?

25 A. Yes. I got my JD from Emory Law School.

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1 I've got my bachelor's from Tufts University.

2 Q. And again, if you could give me sort of a  
3 thumbnail sketch of your employment industry since  
4 you graduated from Emory.

5 A. Okay. I worked for two years as an  
6 independent contractor for a small firm in Atlanta  
7 just doing work for five or six lawyers who worked  
8 there. And then I began working with the City of  
9 Atlanta in '93, and I've been with the City of  
10 Atlanta law department since then.

11 Q. What kind of, again thumbnail, it doesn't  
12 need to be, you know, super detailed, but what type  
13 of roles have you had with the City of Atlanta --

14 A. Numerous.

15 Q. -- up until now? You don't have to give  
16 me now. We'll talk about that in a second.

17 A. Well, I have -- well, for a while I  
18 focused on employment discrimination litigation. I  
19 represented the Office of Contract Compliance doing  
20 work on their equal business opportunity ordinance.  
21 I was chief lawyer at the airport. At this point,  
22 I'm doing special projects, so I was the key lawyer  
23 for pension reform. I guess a few years ago in  
24 addition to my job in the law department, Mayor Reed  
25 asked if I would serve as his advisor on LGBT issues,

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1 so I do that as well.

2 (Exhibit 48 was marked for  
3 identification.)

4 BY MR. CONNELLY:

5 Q. Ms. Shahar, the court reporter has handed  
6 you what's been marked as Plaintiff's Exhibit 48.

7 A. Okay.

8 Q. I just want to talk a little bit about,  
9 you said about your sort of dual roles at this point  
10 with the City as counsel and LGBT advisor. I think  
11 this might help us. I have a few questions --

12 A. Okay.

13 Q. -- about those roles, but I think this  
14 document might help us a little bit with those.

15 So you said -- can you just reiterate what  
16 your two current roles are for me?

17 A. Yes. I'm chief counsel with the City of  
18 Atlanta law department, and I am Mayor Reed's advisor  
19 on LGBT issues.

20 Q. If you'll turn to -- we'll try and use  
21 the -- this has been previously produced by your  
22 counsel. What I'll do is I'll use the production  
23 numbers at the bottom right, so if you could turn to  
24 page 111 just the last --

25 A. Sure. I'm just going to glance at it, if

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1 you don't mind.

2 Q. No, that's totally fine. Take as much  
3 time as you need. When you look up, I'll know you're  
4 done. I think, as I read through this document, it  
5 looks like there was a list of projects you had sent  
6 to Yvonne Yancy and then there was a revised list, so  
7 I was going to use the revised list.

8 A. Sure. I have nothing to do at work.  
9 Looking at this list, it looks like -- okay.

10 Q. Looks like compiling this list would be --

11 A. Yes, it took a while. Okay, so what page  
12 are we starting on?

13 Q. Page 111. It looks like that's the first  
14 page of your revised project list for your chief  
15 counsel position.

16 A. Yes. You're looking at the revised?

17 Q. Yes. It starts on page 111.

18 A. Okay.

19 Q. If you could just look through those next  
20 three pages. Those seems to be the synopsis, or I  
21 don't know if you would call it a synopsis. I mean,  
22 that's actually probably full. Anything more, and  
23 you would need three jobs.

24 A. Uh-huh.

25 Q. I just wanted to talk to you about a few

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1 of those.

2 A. Okay. Sure.

3 Q. Does this look like a fairly accurate  
4 rundown of what your positions were then and what  
5 they sort of are now?

6 A. Well, I mean, I think that the complete  
7 list is a more accurate representation, but I'd have  
8 to sit here and look very carefully, like compare the  
9 two.

10 Q. Right, right.

11 A. But there is a specific question you have?

12 Q. Yes, specifically -- I'll just ask you a  
13 few specifics, but I just wanted to get an idea if  
14 anything would have been added to that or -- with  
15 respect to Reed v. Town of Gilbert, can you tell me  
16 what your role was on that?

17 A. Sure. So -- yeah. So I'm considered the  
18 primary First Amendment attorney in our office. Reed  
19 versus Town of Gilbert, are you familiar with the  
20 case?

21 Q. We litigated it.

22 A. You litigated it? Okay. So as you know  
23 then, there's the majority, there's the concurrence,  
24 and there's the -- I guess it was unanimous, but  
25 there are two concurrences essentially.

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1           There's the Alito concurrence, and then  
2           there's the concurrence by Kagan, Ginsburg and Bryar.  
3           And for the City of Atlanta, the case had huge impact  
4           because it gets into our signage in our various  
5           zoning categories. And what it essentially did for  
6           us was whereas we had previously deemed our  
7           regulations that categorized types of signs, we  
8           deemed those to be content-neutral regulations. We  
9           now had to evaluate those laws understanding that  
10          those were content-based and would be subject to  
11          strict scrutiny. So we had to evaluate laws that may  
12          be impacted by the Reed decision and make sure that  
13          they were -- could survive strict scrutiny.

14          Q.       So you were the lucky attorney who got  
15          to --

16          A.       I love that stuff.

17          Q.       Okay.

18          A.       And so I got a group of -- I'm also chief  
19          counsel, which means that I train people, so I got a  
20          group of -- so I had a team of, I don't know, about  
21          10 or 12 people, and we read case law that was  
22          relevant and analyzed it, discussed it, decided what  
23          to recommend or not to recommend. It was my role as  
24          chief counsel to educate, to get people hopefully  
25          excited about the First Amendment, and to do what was

1 needed for the City.

2 Q. If you look down to page 112, Borders v.  
3 City of Atlanta --

4 A. Yes.

5 Q. -- pension reform challenge. And up on  
6 the page -- sorry, I didn't mean to --

7 A. Go ahead.

8 Q. On the top of page 113 where it says  
9 "Advise on City response to ongoing public safely  
10 employees' mischaracterizations regarding pay raise  
11 and baseless accusations of retaliation."

12 What did that particular portion of your  
13 job entail? What did you mean by  
14 mischaracterizations and baseless accusations?

15 A. I don't want to get into attorney-client  
16 privileged information. What I'll tell you is that I  
17 was the lead attorney to draft pension reform. I was  
18 the lead attorney to defend it up to the Georgia  
19 Supreme Court where we got a unanimous decision  
20 upholding it. And I could very -- I mean, I was  
21 intimately familiar with what the law did, what the  
22 law said, and if there were misrepresentations, I  
23 would correct those.

24 Q. So basically that's just -- I mean,  
25 without getting into privilege, you were just saying

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1 that some of the accusations made by the union, I'm  
2 assuming in the public sphere, were not what you  
3 considered to be accurate?

4 A. It doesn't say union, so there were  
5 inaccuracies that were being portrayed. I don't  
6 remember who said them, in what context they arose,  
7 but if they were inaccuracies, I corrected them.

8 Q. Down on the bottom of page 113, you'll see  
9 6B. It says, "Advise on ethics code issues."

10 A. Yes.

11 Q. Can you talk to me a little bit about what  
12 that entailed?

13 A. So I was actually with the City when the  
14 ethics code was written --

15 Q. Okay.

16 A. -- and I had input when it was written.  
17 So when ethics issues arise, I am often asked my  
18 opinion about my interpretation of the code.

19 Q. Okay.

20 A. Let me just say that if I'm ever  
21 asked -- if a question is very clear-cut to me, I  
22 will advise. If I think there is ambiguity, I will  
23 always say that it should go to the ethics officer.

24 Q. When you say ethics officer, you  
25 mean -- what do you mean?

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1           A.       Well, there's now -- I mean, at the time  
2       this was written, there was not, but I don't know  
3       what the official name is, but the person who runs  
4       the ethics office. When I -- when this was written,  
5       there was an ethics board.

6           Q.       Okay.

7           A.       Since that time, an ethics office was  
8       created in city government, and there was a head of  
9       that office. I don't want to -- my judgment should  
10      not -- is not -- it is not appropriate for my  
11      judgment to take the place of a ruling by the ethics  
12      office or ethics board.

13          Q.       You said you had some input when that was  
14      created, that ethics code. What type of input?  
15      Well, I should have, did you help write it?

16          A.       Yes.

17          Q.       Okay. Who else helped write it; do you  
18      know? Do you recall?

19          A.       It was two decades ago. I have no  
20      recollection.

21          Q.       Well, I'm with you there because two  
22      decades, I can't remember either, so.

23          A.       I will tell you that whenever that was, it  
24      was a priority to have a strong ethics code.

25          Q.       Okay. I'd like to move towards the other

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1 half of your job duties, which begin on page 114  
2 there on the revised -- on the LGBT side. You said  
3 the mayor asked you at some point to become his LGBT  
4 advisor. How did that happen; do you recall?

5 A. I believe he contacted me by phone --

6 Q. Okay.

7 A. -- and asked me to serve in that position.

8 Q. Do you recall when that was?

9 A. If you have a date when I took that  
10 position, that's when it occurred right then.

11 Q. No. I was just asking actually.

12 When he called you on the phone, do you  
13 recall why? Did he say why he wanted to create the  
14 position?

15 A. I don't believe he said why he wanted to  
16 create the position.

17 Q. Did you have an opinion or a sense as to  
18 why he would want to create that position?

19 A. I mean, other than the obvious that this  
20 was -- that -- I think that the mayor -- in my  
21 experience, the mayor takes pride in the City of  
22 Atlanta being a welcoming city, being a diverse city.  
23 He takes a lot of pride in our civil rights history,  
24 and he wants to be certain that our city continues to  
25 be a welcoming place where people are treated without

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1 discrimination.

2 Q. And did you view that LGBT advisory  
3 position as helping advance that purpose of the  
4 mayor's?

5 A. It was a new position. I didn't know what  
6 the position would be.

7 Q. Getting to more specifics, number two  
8 there, which is LGBT personnel issues, what did that  
9 entail? What type of issues would you be dealing  
10 with?

11 A. There were times when employees were  
12 concerned that they were being mistreated because of  
13 their sexual orientation. I don't think gender  
14 identity ever arose at that point. I would evaluate  
15 the situation -- I'm trying to remember examples --  
16 and if -- and give my opinion about typically was it  
17 worthy of doing some kind of educational remediation.  
18 My big push in my position is to educate.

19 Q. So when it says remedial measures there,  
20 is that what you meant?

21 A. Yes. That is -- that is how it would  
22 arise would have been what types of remedial measure,  
23 if any, are warranted, and how -- what might that  
24 look like.

25 Q. And so you said -- and that was actually

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1 my next question, what might that look like. So if  
2 you get a, say a scenario in which someone says  
3 they're mistreated, they think they've been  
4 mistreated, you investigate then, I'm assuming, or  
5 look into the matter?

6 A. Investigate is probably not -- that would  
7 be an official term --

8 Q. Right.

9 A. -- so I'm not in a position to perform an  
10 investigation. There are not a lot of examples of  
11 this. I mean, I can think of one example -- actually  
12 it was -- it had to do with a lawsuit brought by the  
13 former LGBT advisor for the police department, who  
14 claimed that she was being discriminated against  
15 because of her LGBT status. I know that I looked  
16 over what she was saying, and did not believe that  
17 discrimination was present there.

18 Q. If you -- you said there weren't a lot of  
19 instances?

20 A. Right.

21 Q. If you had seen something that you thought  
22 warranted remedial measures, what might those have  
23 looked like? You said your focus was always  
24 education.

25 MS. HINTON: Object to form.

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1           You can answer.

2           THE WITNESS: Yeah, I'm trying to  
3 think of it. Thank you. I'm trying to  
4 think of an example. Let me look and see  
5 if I can see anything on here.

6           Well, one example I can think of is  
7 we had a domestic partnership -- we have a  
8 domestic partnership program. It was being  
9 run out of I believe department of finance,  
10 and it was being done in a very  
11 business-like manner. The employees who  
12 ran the program did not seem to have an  
13 appreciation for the significance of  
14 entering a domestic partnership.

15           Looking at the situation, I decided  
16 the best course of action was actually not  
17 to talk to that group but to create a more  
18 substantial process working with the city  
19 council clerk's office and also the office  
20 of constituent services, so that the  
21 program would go through them. Constituent  
22 services seemed like a better fit because  
23 they are there to understand the public and  
24 respond appropriately.

25           So that would be an example of a

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1 remedial measure where I decided the  
2 program should go in a different part of  
3 the city government so we could be more  
4 responsive to the public.

5 BY MR. CONNELLY:

6 Q. Turning to page 116, just a few more  
7 questions about this portion of your job. On  
8 Section 10 there, number ten, services provided upon  
9 request.

10 A. Yes.

11 Q. Top part there, "Draft and/or edit press  
12 statements on LGBT issues" --

13 A. Yes.

14 Q. -- "and draft and/or educate written  
15 communication regarding LGBT issues."

16 A. Yes.

17 Q. I'd like to ask you a question about both  
18 of those, but first if it's more efficient, are both  
19 of those essentially the same, or is there some  
20 significant difference between those two?

21 A. There's a difference.

22 Q. Well, let's take the first one then, if  
23 you will.

24 A. Sure.

25 Q. So what's -- I guess my first question

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1 would be it's my understanding that there's a  
2 communications department with the City --

3 A. Yes.

4 Q. -- and the mayor, so would this involve  
5 you working with them?

6 A. Yes.

7 Q. In other words, if you have an LGBT issue,  
8 do you -- how does that work? Do you come on board  
9 for that issue and work with them, and what does that  
10 look like logistically?

11 A. Upon request.

12 Q. Okay. So they would ask you when you have  
13 an LGBT issue. Do they -- do you do the drafts, the  
14 initial drafts? That's sort of what I'm getting at.  
15 How does that work? Do you review drafts that they  
16 do?

17 A. Typically they will draft, I will review.

18 Q. And are there multiple levels of review,  
19 or do you just say, here's my take on it, let it fly,  
20 or do they come back to you? Do you recall?

21 A. It depends how much editing I've done. It  
22 depends how much other work I'm juggling.

23 Q. Right.

24 A. Early on when I was placed in this  
25 position and I hadn't worked with that office a lot,

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1 there would be more of a back and forth. Now that we  
2 know each other's styles, typically I'll just make  
3 edits and send them back.

4 Q. And who are your points of contact on  
5 those?

6 A. Yeah. It would be Jenna Garland and  
7 Anne Torres.

8 Q. And can you just tell me what they do, to  
9 your understanding? Jenna Garland works for who?

10 A. You'd have to ask them. I don't -- I  
11 mean, they work in the office of communications. I  
12 don't know who they report to.

13 Q. Do you know if there's a specific  
14 breakdown, one handles -- so you don't know if one  
15 handles one?

16 A. I think there is, but I don't know it.

17 Q. Second portion of that, "Draft and/or  
18 edit, written communication regarding LGBT issues."  
19 Is that something where you're more independent?

20 A. No.

21 Q. What does that entail?

22 A. So for example, when gay pride parade is  
23 here each year, they have a booklet. They like to  
24 have a welcoming letter from the mayor that goes to I  
25 think John Lewis and a couple of other elected

1 officials. It's typically -- and actually there --  
2 now that I think about it, there are some other  
3 people in that office, in the office of  
4 communications, who may do drafting as well of that  
5 sort of -- for that type of thing. And they'll send  
6 it to me, and I will edit as appropriate and send it  
7 back.

8 Q. Lastly, I just want to talk about real  
9 quickly is "Attend meetings and events." What did  
10 you mean? Just give me a couple of examples, if you  
11 would, about that.

12 A. So the Atlanta Police Department, after  
13 the Orlando massacre had a meeting with a group of  
14 leaders in the LGBT community, leaders and business  
15 owners to talk about safety, and I was there for that  
16 meeting.

17 Q. I want to talk a little bit about what's  
18 at the heart of this case, and that's Chief Cochran's  
19 book. When was the first time you became aware of  
20 the book?

21 A. It seemed like his book came into the  
22 public knowledge sphere in a way that a lot of people  
23 heard about it all at once. I would have heard about  
24 it during that time period.

25 Q. Do you recall when that was?

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1           A.     You know, I could look at documents, which  
2 would help me, but not off the top of my head.

3           Q.     Do you remember how you found out about  
4 it? Did somebody give you a phone call?

5           A.     I assume so.

6           Q.     Do you recall who that might have been?

7           A.     It may have been Yvonne Yancy, but I'm not  
8 certain.

9           Q.     After you first heard about the book, do  
10 you recall what happened next, what your -- when did  
11 you become intimately involved, or did you become  
12 intimately involved with this case or with this book  
13 matter?

14                   MS. HINTON: Object to form.

15                   THE WITNESS: I was consulted by or  
16 part of -- yeah, consulted by --  
17 participated in conversations with  
18 certain -- with a team of people. I wasn't  
19 at all of their meetings, but I did  
20 communicate with them. It would have  
21 included Yvonne Yancy -- anyway, there were  
22 a team of people that they did consult with  
23 me on different aspects of this situation.

24                                 (Exhibit 49 was marked for  
25 identification.)

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1 BY MR. CONNELLY:

2 Q. The court reporter has handed you what's  
3 been marked Plaintiff's Exhibit 49. This document I  
4 think might help a little bit, and you can correct me  
5 if I'm wrong. It looks like the subject line says  
6 "Circle up."

7 A. Yes.

8 Q. It looks to me at some point, you are an  
9 addressee on this.

10 A. I was at some point, yes.

11 Q. It looks to me like the first time you  
12 were an addressee is on November 24th. You can  
13 correct me if I am wrong on that.

14 A. Let me look at the document. That appears  
15 to be correct.

16 Q. And it looks like, if you'll look down on  
17 November 24th at 10:31 a.m., Melissa Mullinax sends  
18 this e-mail to Yvonne Yancy, Anne Torres, and Cathy  
19 Hampton, and you were cc'd.

20 She says, "Perhaps we should all sit down  
21 together."

22 You respond right above that at 10:39 and  
23 say, "I know we will likely meet soon, but wanted to  
24 mention this because I think it's important. I would  
25 not state anything about disciplinary action or

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1 ensuring it doesn't happen again. We can talk about  
2 why in person, but request those types of phrases be  
3 omitted."

4 Why did you lend that counsel to the  
5 group?

6 A. That's attorney-client privilege.

7 MS. HINTON: I have to agree. I  
8 mean, she's chief counsel for the law  
9 department. She's in this meeting with Bob  
10 Godfrey and Cathy Hampton, so.

11 THE WITNESS: And let me -- let me  
12 clarify it. Let me clarify. I straddle  
13 two positions. I attended this meeting in  
14 my capacity as LGBT advisor. I can talk  
15 about non-privileged conversation that took  
16 place during the meeting. This particular  
17 note was informed by over a decade of  
18 employment discrimination work as a lawyer,  
19 and that's why this particular note in  
20 terms of the reasoning of it would be  
21 attorney-client work product and  
22 attorney-client privilege.

23 BY MR. CONNELLY:

24 Q. So then in your capacity at LGBT advisor,  
25 which you said you attended the meeting, what was

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1 discussed at the meeting?

2 A. To my best recollection, we talked about  
3 the book, judgment of Chief Cochran in publishing a  
4 book -- publishing this book without checking with  
5 his supervisors. We talked about nondiscrimination  
6 laws, such as Title 7. We talked about city code and  
7 our nondiscrimination laws. We talked  
8 about -- Anne Torres was on this, so we would have  
9 talked about how we were going to communicate about  
10 it publicly. We likely talked -- yeah, we talked  
11 about potential discipline and our opinions and the  
12 basis therefore.

13 Q. What was your take on proper discipline?

14 A. I at that point wanted to gather facts.  
15 What struck me and caused me greatest concern about  
16 the situation was that Chief Cochran had not spoken,  
17 to my knowledge, as I was told, with the mayor or  
18 anyone in the administration, in the high up, you  
19 know, in his upper echelon administration about  
20 publishing a book.

21 I've worked for the City for 22 years, and  
22 even outside the city, but certainly in the City if  
23 you're going to -- you talk to your boss about things  
24 that may affect them or you so that you can work out  
25 in advance what that would look like, how that would

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1 take place. And it was hard for me to conceive of  
2 Chief Cochran's not doing that and not realizing that  
3 that would have been as a member of the mayor's  
4 cabinet an offense that he could be fired for.

5 Q. You say fired for. Would that be because  
6 he needed to get permission from the mayor to write  
7 the book?

8 MS. HINTON: Object to form.

9 You can answer.

10 THE WITNESS: The mayor's cabinet  
11 represents him and it represents the City  
12 of Atlanta. They're visible. They're  
13 spokespersons. They're leaders.

14 There are federal laws like Title 7  
15 that prohibit discrimination in the  
16 workplace. There is a commitment to human  
17 rights, civil rights, history that I've  
18 mentioned earlier in the deposition, human  
19 rights generally that Mayor Reed is proud  
20 of and wants to continue.

21 Out of professional obligation in  
22 that role of cabinet member, understanding  
23 what that means and the privilege that it  
24 is to serve a mayor like Mayor Reed, out of  
25 respect for who he is and -- it is

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1 absolutely 100 percent professionally  
2 responsible to go to the mayor before you  
3 do this and have a conversation with him.

4 BY MR. CONNELLY:

5 Q. Now, that's what -- I appreciate that  
6 answer. Now, that's from sort of the way the office  
7 works, right, the way the cabinet works?

8 A. That's the way the world works.

9 Q. The way you say the world works.

10 A. The way the United States works. That's  
11 the way an employment environment where you respond  
12 to a boss works.

13 Q. But my question was slightly different.  
14 Was it your contention, or was it your understanding  
15 or your sort of position at that meeting that he was  
16 required to get permission from the mayor to write  
17 the book, not whether it would have been --

18 A. In my mind, that's required. If you are a  
19 cabinet member answering to the mayor of the City of  
20 Atlanta, that is a requirement.

21 Q. To get permission to write the book?

22 A. To go to your boss and talk about it  
23 before you do it, yes.

24 Q. Do you recall who else was in that -- how  
25 long that meeting last -- where was that meeting?

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1 A. I believe the meeting was in the area of  
2 the office of communications conference room.

3 Q. Okay. Do you recall exactly who was in  
4 there?

5 A. Probably Anne Torres, Katrina  
6 Taylor-Parks, Bob Godfrey I believe was there.  
7 Melissa Mullinax was probably there. Yvonne Yancy  
8 may have been there by phone or may have been there  
9 in person. I don't recall. You're smiling; is that  
10 correct?

11 Q. No, no. I --

12 MR. THERIOT: He's smiling because he  
13 can't read my writing.

14 MR. CONNELLY: He wrote something I  
15 can't read. I can't read what he's  
16 writing. Between the two of us, neither  
17 one knows what the other one is saying.

18 BY MR. CONNELLY:

19 Q. So it looks like I think, if memory  
20 serves, the chief was suspended on November 24th.  
21 This is 10:39. Do you recall when the timeframe of  
22 this meeting was?

23 A. It would say on the e-mail.

24 Q. Well, 10:31 right below that we have,  
25 "Perhaps we should all sit down together." So would

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1 it have been sometime that morning or early  
2 afternoon?

3 A. It looks like it would have been -- I  
4 mean, I'm saying, "At 10:41 I'm available."

5 Q. Okay. So at that point when you said  
6 there were a number of disciplinary sort of  
7 possibilities entertained, would it be correct for me  
8 to assume that suspension had not yet been agreed  
9 upon at that meeting?

10 A. Nothing was agreed upon at that meeting.

11 Q. Okay.

12 A. Suspension was discussed.

13 Q. So back to my earlier question when we  
14 talked about what you were concerned about. Did you  
15 event -- what was your eventual -- if you made an  
16 eventual recommendation, what was it?

17 MS. HINTON: Now, we have to be  
18 careful because --

19 THE WITNESS: Yes.

20 MS. HINTON: -- if you're speaking as  
21 LGBTQ advisor, that's one thing. If you're  
22 speaking as an attorney for the City,  
23 that's another. So do you understand --

24 THE WITNESS: Yes.

25 MS. HINTON: -- the line?

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1 THE WITNESS: I do. Thank you.

2 MS. HINTON: All right.

3 THE WITNESS: I met with Mayor Reed  
4 in my LGBT advisor capacity. He was clear  
5 at the beginning of the meeting that he did  
6 not want to terminate Chief Cochran. I did  
7 not have an opinion about that. I  
8 expressed to him that my largest concern  
9 was Chief Cochran's judgment, his decision  
10 not to speak with the mayor, and it  
11 concerned me that as a member of the  
12 mayor's cabinet, I was concerned about the  
13 ability to trust Chief Cochran after that  
14 type of judgment call.

15 BY MR. CONNELLY:

16 Q. Do you recall at that meeting where you  
17 said suspension was discussed --

18 A. No. Which meeting are you talking about?

19 Q. I'm sorry. Just to be clear, the earlier  
20 meeting, not the one with the mayor --

21 A. Yes.

22 Q. -- where there were a number of people  
23 there.

24 A. Let me just clarify. I don't believe I  
25 spoke with the mayor on that day.

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1 Q. Okay. Thank you for that.

2 Do you recall if anyone else made  
3 recommendations or at least threw out recommendations  
4 to that group that day about what they thought should  
5 happen with Chief Cochran?

6 A. I don't believe we were talking about  
7 recommendations. I believe we were discussing -- it  
8 wasn't at that level. We were talking about what had  
9 occurred, what might seem appropriate, but that's  
10 different from saying, here's the recommendation that  
11 we're going to take to the mayor.

12 Q. I'm handing you what's been previously  
13 marked as Plaintiff's Exhibit 8. I just have a quick  
14 question. When you heard about the book, did you  
15 eventually get a copy of it from someone?

16 A. No.

17 Q. Did you ever read the book?

18 A. No.

19 Q. Did you ever read portions of the book?

20 A. Yes.

21 Q. How did you get those portions?

22 A. You know, I may have -- I may have seen  
23 the book and made copies of -- I may have -- I don't  
24 know if I received copies, a copy, a photocopy or the  
25 book. I don't know, but what I do know is that I had

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1 copies -- I made copies of pages that were  
2 significant to me for different reasons.

3 Q. You'll notice on that particular exhibit,  
4 there are some notes --

5 A. Yes.

6 Q. -- and some -- well, now, they're faint  
7 highlights because it's a photocopy.

8 A. Uh-huh.

9 Q. Are those your notes?

10 A. The notes are mine. There are some darker  
11 highlights, which I did not make, but the lighter  
12 highlights were -- at least some of them were made by  
13 me.

14 Q. That e-mail chain we just talked about,  
15 the "circle up" e-mail chain, began on the 20th, but  
16 you weren't added in until the 24th, as we spoke  
17 about. Had you seen the book by that point?

18 A. I had certainly seen large parts of the  
19 book by the time I entered the meeting on the 24th.

20 Q. So is it likely then with that photocopy  
21 with your notes on it that you would have had that at  
22 that time? You would have already looked at those  
23 portions?

24 A. It is likely.

25 Q. What was your reaction to those portions

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1 that you said you saw?

2 A. Well, I need to break it up into different  
3 categories. Professionally, my initial response is  
4 one that I've already talked about, disbelief that  
5 Chief Cochran would have published a book and put it  
6 for sale on Amazon without speaking with the mayor.

7 Secondly, as a former -- not former. As  
8 an employment lawyer as my primary focus for years, I  
9 was concerned about hostile work environment,  
10 Title 7, so I felt a need for the law department to  
11 think about that issue carefully.

12 Then I had my personal reactions to the  
13 book. And my personal and my deepest concern was as  
14 a Jew. I frankly was frightened by the book. My  
15 stepfather had been a Holocaust survivor. I grew up  
16 going to Hebrew school where we learned about Jews  
17 being murdered over centuries under the name of Jesus  
18 because we were a lesser class of people. And this  
19 book, Chief Cochran, seemed to justify that.

20 So that's number one in terms of my  
21 personal response is that I was scared and a bit  
22 horrified that you would put that type of thing out  
23 there for the public. It's dangerous.

24 Number two, as a woman, it was offensive.  
25 Number three, in terms of the LGBT content, it wasn't

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1 surprising. You know, I come into contact with LGBT  
2 discrimination all the time. Not all the time, but  
3 often enough that there's a lot of education that  
4 needs to be done. So from that perspective, that was  
5 an area where I felt that education was important.

6 Q. And did you voice these concerns at that  
7 meeting?

8 A. No.

9 Q. Why not?

10 A. Because they were my personal. Well, what  
11 I -- I'll tell you, I voiced them as a group. What  
12 I'm telling you now is a personal response. That's  
13 one thing.

14 What I said in the group is that the book  
15 takes non-Christians, Jews, Muslims, women, and LGBT  
16 individuals, and it speaks of them as a lesser class.  
17 I was concerned about the leader of the department  
18 making a clear statement that some members of his  
19 department are of a lesser class.

20 It was very interesting to me sitting  
21 through Chief Cochran's deposition, looking at  
22 writings that he had authored about leadership and  
23 cohesiveness in the department and how that  
24 cohesiveness can have life or death implications when  
25 you're out doing your work.

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1 I also learned for the first time at his  
2 deposition that there's a part of the book that talks  
3 about celebrating when people who are not clothed  
4 die. And as the head of a fire department that saves  
5 lives, I was even more floored about putting this  
6 type of publication to the public with a note that  
7 this is your duty as fire chief to bring the glory of  
8 God to your department when this is how you define  
9 what it means to serve God.

10 Q. So after -- so would it be safe to say it  
11 would be an accurate statement -- and you can correct  
12 me if I'm wrong or you can recharacterize it -- but  
13 you had serious concerns after having read the  
14 portions of the book that you highlighted and noted  
15 and have spoken about today, that the beliefs  
16 expressed in the book were a problem for him if he  
17 wanted to maintain his role as chief of the  
18 department?

19 MS. HINTON: Object to form.

20 THE WITNESS: That's not what I said.

21 BY MR. CONNELLY:

22 Q. Well, what did you see was -- why did you  
23 see the beliefs in the book as problematic? You  
24 said --

25 A. I didn't talk about the beliefs. I talked

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1 about the book. I didn't have much contact with the  
2 chief. The only time I really interacted with him,  
3 and didn't interact, I observed him, was at a Grady  
4 waiting room where the very beloved member of his  
5 department had had a brain aneurysm and was dying.  
6 And Grady had set up a waiting area that was filled  
7 with members of the department, and Chief Cochran  
8 came and prayed for a miracle. And a miracle would  
9 have been a good thing. She did not survive, so --  
10 but I remember his prayer, and it was very clear that  
11 he firmly believed in the miracle set forth in the  
12 New Testament as being that he was a man of very  
13 sincere faith. I had no problem with that at all.

14 Q. Well, you said I think earlier -- and  
15 again, correct me if I am wrong. You said that you  
16 felt that the beliefs expressed in the book or those  
17 portions of the book indicated that he was treating  
18 AFRD, or people who worked for him, as second-class  
19 citizens or second-class people; is that correct?

20 A. That's not what I said.

21 MS. HINTON: Object to form.

22 THE WITNESS: That's not what I said.

23 You could read back what I said, but that's

24 not what I said. I don't need it to be

25 read back, but that's not what I said.

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1 BY MR. CONNELLY:

2 Q. Well, I guess what I -- let's move a  
3 little bit back to the meeting then. You said there  
4 was a group discussion, I think, that you had your  
5 personal view when you read the material --

6 A. Uh-huh.

7 Q. -- and then what were the ideas or beliefs  
8 expressed in the book that you found personally  
9 offensive?

10 A. I did.

11 Q. Were those --

12 A. I would say frightening and offensive.

13 Q. Were those -- did anyone else discuss  
14 those in the meeting?

15 A. The contents of the book?

16 Q. Yes.

17 A. Within the context of his role as leader  
18 of the fire department, yes.

19 Q. Can you break that down for me? In other  
20 words, people said what, if you can recall? Who said  
21 what, or give me an example?

22 A. People -- some people in the room were  
23 concerned that the City must abide by  
24 nondiscrimination laws, and that publishing this book  
25 with the statements that are in it, including Chief

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1 Cochran identifying himself as the chief of the fire  
2 department, including putting in there what his  
3 responsibilities were as fire chief, and then  
4 defining the way that he did what it meant to bring  
5 the glory of God, what that meant, that that as a  
6 package was troubling.

7 Q. Did anyone in that room express an opinion  
8 that was different from yours?

9 A. Expressed lots of opinion.

10 Q. Do you recall any opinions about the LGBT?

11 A. Oh, about the LGBT community?

12 Q. About the book and relating to the  
13 comments that you found to be offensive with regard,  
14 or problematic with regard to the LGBT community.

15 A. I was not focused on LGBT comments in that  
16 meeting. Like I said, I was focused on a collective  
17 group of facts that talked about who Chief Cochran  
18 would be as the leader of a department. And frankly,  
19 under federal law, I was more concerned about  
20 religion and gender, so I'm not sure what your  
21 question is.

22 Q. Well, let's pass on that for a second.

23 So the book itself, okay, you said there  
24 were a core of problems with it, right? What -- and  
25 you said one of your main -- one of your first

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1 initial concerns was that he didn't get clearance  
2 from the mayor, correct?

3 A. Not even clearance. He didn't have  
4 discussion. He never got clearance. He never talked  
5 to him about it.

6 Q. Was it your -- is it your position, was it  
7 your position then, that regardless of the content of  
8 the book, he would have had to have gotten clearance  
9 from the mayor?

10 A. I never looked at that, and I didn't  
11 express my opinion about that in the meeting.

12 Q. What is your opinion on it now?

13 A. That would be -- I mean, I would need to  
14 have all the facts. I'm not going to give you a  
15 general opinion about the way you worded it. So I  
16 would have to have all the facts of the book, and  
17 then you would -- I could tell you whether for that  
18 book I thought he would need to get permission.

19 What I can tell you is he was selling it.  
20 That's number one. So that puts him in a category of  
21 needing permission. I mean, there's the ethics code.  
22 There's laws about having sources of revenue other  
23 than your city employment. You can talk about all  
24 that. You've got your head of ethics department.  
25 You've got your lawyers, who could address those

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1 things with you, all right? You've got your law --  
2 you know, you've got Title 7. You've got people who  
3 can talk about that all day long. I'm telling you as  
4 an advisor to the mayor, and while I'm an LGBT  
5 advisor, that advice is not solely what does this  
6 mean about LGBT. I'm advising him. And as an  
7 advisor, as I've already said, to not have discussed  
8 this book where he is defining who he is as the fire  
9 chief for the City of Atlanta, I'm not sure. Are you  
10 asking me if I said that was illegal? I mean, I --  
11 whatever word -- it was wrong. It was -- as a  
12 professional, to me he could be terminated for that.

13 Q. It sounds to me from your answer, though,  
14 and help me get clarity on this, you said that you  
15 didn't want to give me an answer, you'd need all the  
16 facts. But then you said, it depends on what's in  
17 the book and what the circumstance of writing the  
18 book, that would determine whether he'd need to get  
19 permission from the mayor; is that correct?

20 MS. HINTON: Object to form.

21 THE WITNESS: I'm not going to -- you  
22 need to give me specifics. Is it under a  
23 pen name, you know? I mean, is he -- is  
24 he -- is it a pamphlet that he's handing  
25 out? I mean, I don't know the details of

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1           what you're talking about. The term "book"  
2           means so many things, so I don't want to --  
3           I'm not going to answer a general question.  
4           If you want to give me a specific book and  
5           say, would he need permission for this and  
6           give me all the facts, we can do all that.

7       BY MR. CONNELLY:

8           Q.       If he wrote a book on gardening under a  
9           pen name, would he need permission?

10           MS. HINTON: Object to form.

11           THE WITNESS: I need all the details.

12       BY MR. CONNELLY:

13           Q.       What details would you need in addition to  
14           what I've given you?

15           A.       I would want to see the book. Look, this  
16           is how I practice law as well. When I have a client  
17           who calls and gives me a general question, I won't  
18           answer it out of context because invariably -- it's  
19           like -- it's like this thing about if someone says,  
20           will you jump out of a plane, you'd say no. I mean,  
21           so what if I later told you it was on the ground. I  
22           mean, no, I'm not going to answer a question for you  
23           out of context.

24                   (Exhibit 50 was marked for  
25           identification.)

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1 BY MR. CONNELLY:

2 Q. The court reporter has handed you what's  
3 been marked Exhibit 50. Of course as these e-mails  
4 run, it's always harder because they run from the  
5 back to the front. The original message looks like  
6 it's an e-mail from Cindy Thompson to you on  
7 November, 23rd, 2014. That's on the second page.

8 A. It's marked attorney-client privileged.

9 THE WITNESS: It's okay?

10 MS. HINTON: It's okay.

11 THE WITNESS: What do I need to do?

12 BY MR. CONNELLY:

13 Q. I was just directing your attention to the  
14 back page.

15 A. Oh.

16 Q. It's an e-mail from Ms. Thompson to you.

17 A. Okay.

18 Q. Can you recall receiving this e-mail from  
19 Ms. Thompson?

20 A. Yes, or something very similar, yes.

21 Q. Do you have any reason to doubt the  
22 accuracy that this was the e-mail you received?

23 A. No.

24 Q. Did you know Ms. Thompson before you  
25 received the e-mail from her?

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1           A.     You know, I could have met her in passing.  
2     I've been with the City for two decades, so -- but I  
3     did not know her as someone I -- I wouldn't recognize  
4     her.

5           Q.     And she says that a handful of LGBT  
6     firefighters, and she talks about being an open  
7     lesbian. As part of your LGBT advisory role, would  
8     you have -- would you have met regularly with people  
9     who were say in the department as an out, or would  
10    that be part of a regular thing you did as an LGBT  
11    advisor of the mayor?

12          A.     Meet with people regularly?

13          Q.     People who -- in other words, people who  
14    worked for the City who were out as lesbians or gay  
15    men. In other words, did you have some regular  
16    meetings with people who were working for the city  
17    and were out?

18          A.     Like regularly scheduled meetings?

19          Q.     Yeah, or do you -- you had a group or a  
20    support group?

21          A.     No, I did not.

22          Q.     I'm trying to get a sense of, you know,  
23    what do you or before or whether --

24          A.     No, I did not have that. Each year for  
25    gay pride we would sometimes have a group that we'd

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1 get together to create a float or something like  
2 that, and they were not -- some of them were straight  
3 people who attended.

4 Q. Do you know how Ms. Thompson got a copy of  
5 the book?

6 A. No.

7 Q. Turning to that first page. You forwarded  
8 it to Cathy Hampton, who I believe is a city  
9 attorney --

10 A. Yes.

11 Q. -- and Melissa Mullinax. Why did you  
12 forward it to them?

13 A. I forwarded it to Cathy Hampton because  
14 the law department was involved, and I wanted to be  
15 certain in that capacity that they had the book so  
16 they had all -- I mean, that they had the e-mail so  
17 they had all the information that I was aware of.  
18 Melissa Mullinax and Candace Byrd were the two people  
19 that I reported to.

20 Q. And when you say reported to, were they  
21 your direct supervisors, or how did that work?

22 A. Well, again, the LGBT advisor role was  
23 new. Candace Byrd is the chief of staff. I always  
24 reported to her. In addition, the mayor directed  
25 that I work with Melissa Mullinax on many issues, so

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1 I forwarded this to her for that reason.

2 Q. In that 10:12 e-mail towards the top, not  
3 the very top, you said to Ms. Mullinax, "I want to  
4 ask Ms. Thompson to come in so I can hear the  
5 information she has. I will not give any information  
6 out. I want to get your approval first." And then  
7 up top, she appears to give approval. Am I reading  
8 that correctly?

9 A. Yes.

10 Q. Did you ever meet with Ms. Thompson?

11 A. I spoke with her. I don't know if we met  
12 face-to-face. We may have. I certainly talked with  
13 her.

14 Q. Okay. What did you discuss? Can you tell  
15 me everything you can remember about that  
16 conversation?

17 A. What she writes in her e-mail is what we  
18 discussed. I'm looking at this. This is -- I mean,  
19 what we've put -- what she wrote in this e-mail --  
20 people were -- there were people who were upset by  
21 the book, and they wanted to express their upset,  
22 their concern, and their opinions about how this  
23 should be handled. She was one of the people who did  
24 that.

25 It's never my role to say how the City is

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1 going to handle something, nor did I know how the  
2 City was going to handle it, but I certainly wanted  
3 her to know that I heard her concerns, understood her  
4 concerns so that she was aware of that.

5 Q. She says here that she was "extremely  
6 insulted and saddened by the discriminatory text in  
7 the book." Do you recall which parts of the book she  
8 was referring to there?

9 MS. HINTON: Object to form.

10 THE WITNESS: There were -- the  
11 people that made comments to me about the  
12 book, some focused specifically on comments  
13 that they felt were sexist, that were  
14 antifemale, antiwoman. Some were focused  
15 on LGBT comments, and some were focused on  
16 both. I don't -- there weren't a lot of  
17 people who said much about the Jewish  
18 context, content. So she would have either  
19 focused on solely LGBT and/or the LGBT plus  
20 female content.

21 BY MR. CONNELLY:

22 Q. And do you recall, she speaks about a  
23 number of employees who contacted her. Do you recall  
24 who those employees were?

25 A. I don't think she told me.

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1 Q. Do you remember who got the autographed  
2 copy?

3 A. No.

4 Q. When you spoke with her, did she say why  
5 she wanted to have a meeting with you in particular?

6 A. Oh, I was the LGBT advisor for the mayor.

7 Q. And how did she know that; do you know?

8 MS. HINTON: Object to form.

9 THE WITNESS: It's on the website,  
10 city website. I mean, it's not -- I  
11 believe it's on the city website. I don't  
12 know how she personally found out, but it's  
13 not a secret.

14 BY MR. CONNELLY:

15 Q. So you're saying you basically discussed  
16 what was in this e-mail to her as you recall the  
17 conversation?

18 A. She called to state verbally essentially  
19 what was in that e-mail.

20 Q. Did she suggest that she wanted any  
21 particular course of action taken?

22 A. Probably. I think most of the people who  
23 spoke with me wanted -- felt that, believed that  
24 Chief Cochran should be fired because his publishing  
25 the book with this content as fire chief made him

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1 unable to be a leader of the type of fire department  
2 that Atlanta wanted to have.

3 Q. Speaking about Ms. Thompson in particular,  
4 I'm assuming that she would have expressed that --  
5 you said a number of people among the people you  
6 spoke to, she would have --

7 A. I assuming she was one of them. I'm  
8 sorry. Go ahead.

9 Q. Did she ever relay to you any actual  
10 instances of discrimination on the part of Chief  
11 Cochran?

12 A. There were a few people that I spoke with  
13 from the fire department. She was one of them. Some  
14 of those people believed that Chief Cochran and other  
15 senior staff -- I'm trying to think of the right  
16 wording. They felt there was an air of  
17 discrimination in the department. And I would not  
18 say those were their specific words, but that was  
19 what they were conveying.

20 Q. When you said they thought there was an  
21 air, did they ever -- again, did they ever relay any  
22 specific instances of discrimination?

23 A. They relayed some instances that they were  
24 concerned about. I was trying to tease apart which  
25 decisions were manage -- like in my own analysis,

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1 were these instances of discrimination. Were they  
2 instances of disagreement with the management style.  
3 You know, so my recollection from those conversations  
4 was listening to the information. I did not have  
5 concerns about Chief Cochran's senior staff. People  
6 expressed concerns, but I had not heard enough about  
7 that to come to any opinion about the validity of  
8 that.

9 The distribution of the book in the  
10 department to employees to me raised issues under  
11 Title 7. Even -- the most serious example was the  
12 individual who had come to Chief Cochran to talk  
13 about what to do to get promoted. And within that  
14 context to be provided a copy of the book, even if  
15 the promotional conversation was over, that action  
16 raises serious concerns for me under Title 7.

17 Q. Do you recall who that firefighter was?

18 A. I think his last name was Hill, but I --  
19 that's -- I don't know if that's correct or not.

20 Q. Did you have a discussion with Chief Hill?

21 A. No.

22 Q. How did you -- how do you recall his name?

23 A. From the deposition two weeks ago. But I  
24 knew the situation then. I just didn't recall his  
25 name until I was reminded a couple of weeks ago.

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1 Q. Do you recall when Cindy Thompson when she  
2 spoke with you, was she with the fire department at  
3 the time?

4 A. I think she was retired.

5 Q. Do you recall how long she had been  
6 retired? Did she ever tell you?

7 A. She probably did. If you look at the  
8 e-mail, she says up front, "I'm retired."

9 Q. Do you recall whether she told you how she  
10 got involved in this being that she was retired?

11 A. Looking what she's written, she said she  
12 had been contacted.

13 Q. And again, you don't remember who may have  
14 contacted her?

15 A. No, and I didn't work with the fire  
16 department at that time, so even if she had mentioned  
17 names, I don't think she did, but it would not  
18 have -- I mean, I worked with the -- when I worked  
19 with firefighters, it was in, for example, a context  
20 of outdoor events because they would have some fire  
21 people assigned to that. It was not -- I was not a  
22 lawyer at that time who gave advice to Chief Cochran  
23 or the fire department, so I didn't know most of the  
24 people who were there. Names wouldn't have meant  
25 much to me.

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1 MS. HINTON: We've been going about  
2 an hour or a little over, so let me know  
3 when we can take a break.

4 MR. CONNELLY: I should be ready in a  
5 minute or two.

6 MS. HINTON: Okay.

7 MR. CONNELLY: Fine?

8 MS. HINTON: Yeah.

9 BY MR. CONNELLY:

10 Q. Just wrapping up this portion, you said  
11 you thought it was a phone call with Ms. Thompson.

12 A. I don't --

13 Q. Is that correct?

14 A. I received the e-mail, and she may have  
15 come in or we may have talked by phone. We  
16 definitely spoke.

17 Q. How do -- do you remember how you left it?

18 A. I've looked at e-mails that show that we  
19 had communication after that.

20 Q. Did she ask you to do anything in  
21 particular?

22 A. I would have made it very clear to her  
23 that it's not my job or my role or my responsibility  
24 or my authority to do anything specific.

25 Q. What did you -- do you recall what you

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1 told her at that meeting about what your job was with  
2 regard to this particular matter?

3 A. I'm trying to think. The people who spoke  
4 to me spoke to me as the mayor's advisor on LGBT  
5 issues. It's fair to assume -- I assumed that they  
6 assumed that if they spoke to me I as his advisor  
7 would take note of what they were saying and  
8 incorporate those comments into my thinking about the  
9 matter. So my point in responding to folks was to  
10 let them know I've heard you.

11 Q. Do you think it was her intention that you  
12 sort of pass her concerns along to the mayor?

13 MS. HINTON: Object to form.

14 THE WITNESS: Not directly.

15 BY MR. CONNELLY:

16 Q. Did you --

17 A. I mean, to the extent that I'm his advisor  
18 and I am being -- gathering information, she wanted  
19 her voice to be one of the voices that I heard as I  
20 was thinking about this issue.

21 MR. CONNELLY: Want to take a break?

22 MS. HINTON: Yeah.

23 THE VIDEOGRAPHER: This concludes

24 Media Number 1. We are off the record at

25 10:55 a.m.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: This begins Disk 2  
3 in the deposition of Robin Shahar. We're  
4 back on the record at 11:08 a.m.

5 BY MR. CONNELLY:

6 Q. Good morning again, Ms. Shahar. I just  
7 wanted to go back to that what I call the "circle up"  
8 meeting. You said one of the things that was spoken  
9 about was communications?

10 A. Yes.

11 Q. Do you recall what was decided about  
12 communications?

13 A. No.

14 Q. Do you recall who was the main focus of  
15 that particular discussion, who led that  
16 particular --

17 A. I'm assuming based on the e-mail that it  
18 would have been Anne Torres.

19 Q. Why would you say that was a topic of  
20 discussion there?

21 A. Well, this matter was being reported on in  
22 the press heavily, so we needed to talk about what  
23 the City's participation would be in that process.

24 Q. Do you know how the press became aware of  
25 the issue?

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1 A. No.

2 Q. Was that discussed in the meeting?

3 A. Not that I recall.

4 Q. And finally, I'd just like to make sure I  
5 have this down so I don't have any inaccuracies here.

6 If I went around the room -- I'm just trying to get  
7 an idea of what was said about the contents of the  
8 book. If I asked you, you know, Melissa Mullinax,  
9 did she say anything about the contents of the book?

10 A. The person that I recall talking about the  
11 content of the book was Yvonne Yancy, and she was  
12 talking about it with regard to the City's position  
13 on discrimination.

14 Q. And what did she say?

15 A. She essentially said that all kinds of  
16 discrimination matter, and I'm trying to think  
17 how -- it was -- it was essentially -- I'm thinking.  
18 Commissioner Yancy was as troubled about the LGBT  
19 discrimination as she was about the other forms of  
20 discrimination. It was important for her that we not  
21 minimize that, that we not see LGBT discrimination as  
22 less than, that the City's policies of  
23 nondiscrimination applied equally, including to LGBT  
24 individuals.

25 Q. When you say discrimination, you're

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1 speaking about the contents of the book?

2 A. No, I mean, I should say I don't think she  
3 used the word "discrimination," but she was  
4 looking -- I don't want to assume -- what she talked  
5 about was putting on an equal playing field  
6 LGBT -- well, when I say discrimination, I don't know  
7 if that was her exact word, but essentially we have  
8 policies in the City of Atlanta that are equal, that  
9 are nondiscrimination policies, and she's saying they  
10 apply equally to all the groups that we cover.

11 Q. Was she saying that because she found  
12 portions of the book problematic?

13 MS. HINTON: Object to form.

14 THE WITNESS: My impression of what  
15 she was saying was that she was concerned  
16 as the head of human resources about the  
17 implications of the book from a  
18 discrimination perspective.

19 BY MR. CONNELLY:

20 Q. Can you recall anyone else in that meeting  
21 talking about problems that they had with the  
22 contents of the book?

23 A. She had concerns about the contents of the  
24 book as they would affect the workplace.

25 Q. I'm speaking about outside of Commissioner

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1 Yancy. Do you recall anyone else expressing concerns  
2 with the contents of the book?

3 A. As they pertain to the workplace. In  
4 other words, I don't recall -- conversations that  
5 were had about the contents of the book were about  
6 the content of the book within the context of the  
7 workplace.

8 Q. I hear what you're saying, but in other  
9 words, what would -- there would have to be a problem  
10 with the contents of the book for there to be a  
11 problem with the workplace; wouldn't that be correct?

12 A. No.

13 MS. HINTON: Object to form.

14 THE WITNESS: No, that's not correct.

15 BY MR. CONNELLY:

16 Q. Well, if the comments in the book or the  
17 content of the book were anodyne, say we go back to  
18 my gardening example --

19 A. Okay.

20 Q. -- there wouldn't be any problem then with  
21 respect to employees? No one would be particularly  
22 offended by this is how you should pot a plant,  
23 correct?

24 MS. HINTON: Object to form.

25 THE WITNESS: I feel like you're

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1 mixing things, okay? So first of all,  
2 there are laws and rules under the ethics  
3 code, under the -- yeah, I guess mainly  
4 under the ethics code. But essentially if  
5 you're going to do something for pay, like  
6 the gardening book, like Chief Cochran's  
7 book, there are procedures that you must  
8 follow. It doesn't matter whether the book  
9 is about gardening, whether the book is  
10 about astronomy, whether the book is  
11 Chief Cochran's book. It's all the same,  
12 right? That's a content-neutral, to use  
13 First Amendment language, requirement.

14 Then -- so I'm not -- so are you  
15 talking about that? I'm not sure what  
16 you're talking about.

17 BY MR. CONNELLY:

18 Q. No. So what I -- I think I see where  
19 you're going, so in other words -- - but it's my  
20 understanding from your testimony that Commissioner  
21 Yancy's concern was that the content of the book  
22 could pose a problem with respect to the HR side of  
23 the world with respect to employees and Title 7,  
24 correct?

25 A. Yes.

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1 Q. So what I'm saying is isn't the, sort of  
2 the logical conclusion from that was that there had  
3 to be some disagreement or problem from  
4 Commissioner Yancy's perspective with the content of  
5 the book itself?

6 MS. HINTON: Object to form.

7 BY MR. CONNELLY:

8 Q. Not just whether there was a process  
9 followed.

10 A. So now you're talking about non process.

11 Q. Yes.

12 A. All right. So --

13 Q. I'm on the content side.

14 A. So I want to be clear. The process part,  
15 the law part, what City employees have to follow  
16 under the code, we'll put that aside, that's content  
17 neutral.

18 Q. Yes.

19 A. What I'm saying about the content of the  
20 book is that it is my understanding that many people  
21 knew that Chief Cochran was a devout Christian man,  
22 and my impression is that people assumed that he may  
23 hold some of these views. I know that people liked  
24 him very much. They respected him very much. So  
25 when you talk about the content in a vacuum, people

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1 weren't talking about his religious beliefs. I mean,  
2 like I said, I had only seen Chief Cochran in any  
3 meaningful way at the Grady waiting room, and I  
4 didn't have any issues with what he said in that  
5 waiting room. I assumed based on what he said that  
6 he was a devoutly Christian man, and I mean, I don't  
7 know what that means specifically, but I didn't  
8 really care. So that's -- that's not an issue.

9           So every time you talk about the content  
10 of the book in a vacuum, that's not a discussion that  
11 was had. It was all from the context of the  
12 workplace, the employees and the leader of that  
13 department.

14           Q.     Well, then let me get a little more  
15 specific. If Commissioner Yancy is concerned about  
16 the effect of the book on the workplace, what  
17 specific passages did she point out that could be a  
18 problem in the workplace?

19           A.     I don't recall.

20           Q.     Do you have any other recollection of that  
21 meeting? I want to make sure you've given me your  
22 full testimony here and that you've exhausted your  
23 memory of that. Anything else you can remember about  
24 what happened at that meeting? Something that was  
25 said? Topics we haven't discussed yet?

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1           A.       I think Katrina Taylor may have had a  
2 different perspective, but I don't recall what  
3 it -- and I don't remember what it was about. So I  
4 don't recall the details of what she was saying, but  
5 I do recall that -- but I do recall that her opinion  
6 on something was different. And my guess is it had  
7 to do with -- well, I don't want to guess. I don't  
8 know. I just know that there was something -- she  
9 stood out in some way in terms of what she was  
10 saying.

11           Q.       One more quick follow-up. You said you  
12 had some involvement with the ethics, and we talked  
13 about a little bit the process just now about the  
14 ethics rules. How do you determine whether an ethics  
15 violation has occurred?

16                   MS. HINTON: Object to the form.

17                   THE WITNESS: It's not my job to do  
18 that.

19 BY MR. CONNELLY:

20           Q.       Do you know how one would or how -- how  
21 would one determine whether an ethics violation has  
22 occurred? What's your understanding of the process?

23                   MS. HINTON: Object to form.

24                   THE WITNESS: I don't have an  
25 understanding of the process. I mean,

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1           there's now -- like I said, there's an  
2           ethics office, and I work really hard to  
3           stay in my lane. So like I'll have --  
4           there's an ethics officer, who is -- she's  
5           now deceased, but sometimes would call me  
6           to run something past me, you know, I'm  
7           looking at this code section, and we might  
8           talk about it as lawyers, but, you know, it  
9           was always like, um, just kind of looking  
10          at it together. But then ultimately what  
11          she did with that conversation, she never  
12          circled back with me, so I don't know what  
13          their process is.

14        BY MR. CONNELLY:

15           Q.       But you said you had a hand in writing the  
16          code, right?

17           A.       Decades ago.

18           Q.       Okay. So it's your understanding it was  
19          changed, or what was your understanding --

20           A.       I don't think it has changed.

21           Q.       What was your understanding when you wrote  
22          the code then as it was originally written? How  
23          would an ethics -- if somebody was accused of  
24          violating an ethics rule, how would that be  
25          adjudicated? How would that be determined?

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1           A.     Well, the code speaks for itself.  There's  
2     a process.

3           Q.     So whatever's in the code is the process  
4     that has to be followed?

5           A.     When it was written, yes.

6           Q.     Would that have changed then?

7           A.     I don't know.  Like I said, when it was  
8     written, there was not an ethics office, so I'm  
9     sure that -- I mean, I'm not in a position to know.

10                   (Exhibit 51 was marked for  
11           identification.)

12     BY MR. CONNELLY:

13           Q.     The court reporter's handed you what's  
14     been marked Plaintiff's Exhibit 51.  I'll give you a  
15     little time to review.  There again, it's probably  
16     easier to review from the back to the front there.

17           A.     Okay.

18           Q.     On that second page, which is the  
19     beginning of the e-mail trail, it looks like  
20     Ms. Thompson is e-mailing you for an update.  Does  
21     that sound accurate?

22           A.     Yes.

23           Q.     And she says on that first line of the  
24     second paragraph, "Employees, not just LGBT, are  
25     hoping this will allow a change in leadership."  Do

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1 you know who she was speaking about there?

2 A. I don't know who she was speaking about,  
3 no.

4 Q. Was that a topic of discussion during your  
5 earlier discussion?

6 A. No.

7 Q. She also talks about at the back end of  
8 that paragraph, "They are still fearful of  
9 retaliation." Do you recall what she meant by that?

10 A. There are people who were in the fire  
11 department who were concerned that they would be  
12 retaliated against for speaking out against Chief  
13 Cochran/the book. And if I recall correctly, because  
14 there was -- people in their minds were linking Chief  
15 Cochran's executive staff with him, with Chief  
16 Cochran. They were concerned that even though Chief  
17 Cochran was not present in the department, that the  
18 fear of retaliation still existed.

19 Q. Do you recall whether Ms. Thompson ever  
20 gave you any specific examples of retaliation that  
21 had taken place before under Chief Cochran's  
22 leadership?

23 A. I think she did. I don't recall the  
24 details. I think she maybe give me two examples. I  
25 don't recall the details, and I was not sure when she

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1 gave me those examples if -- I believe what I did was  
2 to have her speak with Bob Godfrey because he was  
3 conducting the investigation. I thought it would be  
4 appropriate for whoever was investigating to hear the  
5 concerns, to determine whether they believed what was  
6 being described was retaliation. So I think that was  
7 my solution was to have -- give her name to Bob  
8 Godfrey and let the two of them talk directly.

9 Q. It doesn't appear from this e-mail, and  
10 correct me if I am wrong, that you did that in this  
11 e-mail. Do you recall how you communicated Bob  
12 Godfrey's information to her?

13 A. I probably gave the information to Bob  
14 Godfrey directly. His office was like three doors  
15 down from me.

16 Q. And do you think he may have circled back  
17 with her? Do you have any knowledge whether he did?

18 A. I think he did.

19 Q. In your e-mail back to her, it's at the  
20 bottom of that first page, you said, "I am not  
21 participating in that process and have not been  
22 providing nor requesting updates." So is that the  
23 case, that the investigation was completely separate  
24 from either of your roles in working for the City?

25 A. The investigation itself, that is correct.

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1 Q. Moving on to that next e-mail from  
2 Ms. Thompson, it's the January 6th, 3:08 p.m. That  
3 second paragraph she says, "Thank you for your  
4 diligence and time with this issue. I think this is  
5 a huge victory and reconfirms Atlanta's dedication to  
6 its own discrimination policy."

7 Did you get the sense that that was her  
8 intention in meeting with you to get the chief  
9 removed?

10 MS. HINTON: Object to the form.

11 THE WITNESS: I've already answered  
12 that. Her objective was to have me be  
13 aware of her views. Again, I didn't say  
14 what is your objective in speaking with me.  
15 My takeaway was I want you to understand my  
16 perception as you are considering this  
17 matter.

18 BY MR. CONNELLY:

19 Q. Did you have any other contact with  
20 Ms. Thompson after the 6th?

21 A. I recently received a call from her on a  
22 pension issue. I don't know if I have had any  
23 contact with her between the 6th and today. If I  
24 did, I don't believe it would have been about -- I  
25 don't recall any such contact.

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1 Q. Okay. Do you recognize this document,  
2 Ms. Shahar, what's been previously marked as  
3 Plaintiff's Exhibit 13?

4 A. I see what it is. I don't know if I ever  
5 looked at it after it was issued.

6 Q. Okay. Can you look to the bottom of  
7 what's actually listed page four in the investigative  
8 report. It's actually the last page in the packet.  
9 Just a few quick questions where you're mentioned  
10 there at the bottom.

11 It says, "Robin J. Shahar, LGBT advisor to  
12 Mayor Kasim Reed, provided us with the names of two  
13 individuals who contacted her. AFRD retiree  
14 Mary Pharr," or I think it's pronounced Parr; is that  
15 correct?

16 A. I don't know.

17 Q. "And AFRD Lieutenant Joette Castronova."  
18 Can you just tell me about what each of those women  
19 told you when they contacted you?

20 A. I actually can't. I don't know -- what's  
21 difficult for me is that I am chief counsel most of  
22 the time. I am the mayor's LGBT advisor in addition,  
23 but I tend to be bombarded with work. I believe  
24 there was a point when I would -- my best guess is  
25 when these folks called me, I pretty quickly

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1 recommended that they speak with Bob Godfrey. I  
2 don't recall. I mean, like make I spoke to Mary  
3 Pharr, but I'm not sure. I'm not sure. Nothing  
4 stands out.

5 Q. So you can't recall any of the details  
6 from talking to either of these women then, although  
7 you think you might have talked to Mary Pharr or  
8 Parr?

9 A. I don't recall the specifics of what  
10 comments went with whom.

11 Q. Do you recall any conversation that may  
12 have merged in your memory, but do you recall  
13 anything being spoken about at this point? I just  
14 want to make sure I have your full testimony on this.

15 A. Right. In terms of Cindy Thompson, Mary  
16 Pharr, and Joette Castronova?

17 Q. Well, we've already talked about Cindy  
18 Thompson, so I'm speaking specifically about Mary  
19 Pharr and Joette Castronova.

20 A. Yeah, so I'm not sure -- I've given you  
21 the overview of the content that I heard. I don't --  
22 I can't -- between the three of those women, it may  
23 have come from any of them. It doesn't sound great,  
24 but it all sort of blurs together.

25 Q. So there's nothing specific you remember

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1 about Mary Pharr or Joette Castronova, that  
2 conversation?

3 A. No. I don't, no. I don't even recall how  
4 to pronounce Ms. Parr or Pharr, so I don't --

5 Q. I've heard it both ways. I've probably  
6 pronounced it Pharr and heard it Parr, so okay.

7 A. Yeah. I don't know.

8 Q. The court reporter has handed you what's  
9 been previously marked as Plaintiff's Exhibit 10.  
10 I'd represent to you that it's a copy of the mayor's  
11 Facebook posts from around the time of the chief's  
12 suspension and termination. Do you recall reading  
13 any of those posts?

14 A. I believe I read the -- the top one. I do  
15 believe I read the top one.

16 Q. And I'm particularly interested in the  
17 November 24th one, which is on the second page.  
18 We're not going to sit down here all that long on  
19 this, but I just want to ask you a quick question  
20 about that.

21 On the 24th that fairly lengthy post where  
22 there's a few bullet points in the middle, "Chief  
23 Cochran was suspended for one month without pay.  
24 Chief Cochran will be required to complete  
25 sensitivity training." Do you see that?

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1           A.     I see the -- I see the post, but I'm  
2     confused about who wrote it because it -- I'm  
3     not -- I don't do Facebook a whole lot, but it says,  
4     "Late last week Mayor Reed learned about," so it's --  
5     I'm not clear who would have written that because he  
6     doesn't talk about himself in the third person.

7           Q.     Do you know -- so you don't -- do you have  
8     any idea with your work as LGBT advisor having been  
9     on those meetings whether the chief or -- whether the  
10    mayor or someone else wrote that?

11          A.     I have -- I don't -- I have no knowledge.

12          Q.     Okay, that's fine. That's just a nitpick,  
13    and we won't worry about that right now, and I'm not  
14    going to ask about that, the providence of it or your  
15    knowledge of it.

16                   "Chief Cochran will be required to  
17    complete sensitivity training." Is that the type of  
18    remedial -- we talked a little bit about your general  
19    role as LGBT advisor --

20          A.     Right.

21          Q.     -- and remedial efforts. Did you have  
22    some involvement in recommending the sensitivity  
23    training in this case?

24          A.     I don't know. I don't think I did, but  
25    it's the kind of thing that would be consistent with

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1 my beliefs about how to address homophobia.

2 Q. And when you say homophobia, you thought  
3 this was an instance of homophobia?

4 A. What was?

5 Q. The book.

6 A. I think that comments in the book are  
7 homophobic.

8 Q. Did someone -- you said you can't recall  
9 whether you recommended the sensitivity training?

10 A. I don't think I did.

11 Q. Did someone consult you about what should  
12 be involved with that?

13 A. With the sensitivity training?

14 Q. Yes.

15 A. Commissioner Yancy and I have talked about  
16 the sensitivity training, yes, it being performed and  
17 where it would be performed. We've had a few  
18 conversations generally, not with specifics.

19 (Exhibit 52 was marked for  
20 identification.)

21 BY MR. CONNELLY:

22 Q. Do you recognize this e-mail?

23 A. Yes.

24 Q. Do you know who Jim Burress is?

25 A. Yes.

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1 Q. And who is he?

2 A. Well, he says in here he is a reporter,  
3 but he is writing in his individual capacity, and he  
4 and I did speak by phone.

5 Q. What was that conversation -- what did  
6 that entail; do you recall?

7 A. Again, it was essentially a recitation of  
8 what he had written in his e-mail.

9 Q. So he was concerned as a reporter or as a  
10 person?

11 A. He makes it very clear he's writing in his  
12 personal capacity, not in his reporter capacity.

13 Q. Did he ask that you do any particular  
14 thing with the information he was passing on to you?

15 A. No. Again, I'm fairly certain he  
16 was -- his intent was the same as Cindy Thompson's,  
17 which was to let me know his views so that those  
18 views would be incorporated into the analysis of the  
19 situation.

20 Q. He says in that e-mail that he doesn't  
21 think a 30-day suspension is warranted.

22 A. That's correct.

23 Q. Did you share any position on that with  
24 him when you spoke by phone?

25 A. No. It would not be my place to.

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1 (Exhibit 53 was marked for  
2 identification.)

3 BY MR. CONNELLY:

4 Q. The court reporter has handed you what's  
5 been marked Plaintiff's Exhibit 53. Do you recognize  
6 that document, Ms. Shahar?

7 A. Yes.

8 Q. And what is it?

9 A. This is correspondence between Shelley  
10 Rose from the Anti-Defamation League in Atlanta, this  
11 region, and myself.

12 Q. It looks like you initiated the contact on  
13 December 4th at 9:49; is that correct?

14 A. It is likely that I initiated the -- that  
15 the conversation was a verbal one, and it probably  
16 occurred Wednesday, December 3rd because we saw each  
17 other weekly on Wednesday mornings, so.

18 Q. And why was that?

19 A. We at the time belonged -- our synagogue  
20 has a Hebrew chanting group that meets Wednesday  
21 mornings, and we participate in that together.

22 Q. So were those regular meetings on  
23 Wednesdays then for that?

24 A. I call them meetings -- I'm sorry.

25 Q. Sort of like practices?

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1 A. A practice.

2 Q. It's a northeast thing.

3 A. I'm from the northeast. It was  
4 meditation. It's essentially group of people who  
5 would do meditative Hebrew chanting.

6 Q. Why did -- it looks like you said to her  
7 that you and Melissa Mullinax were requesting the  
8 issue be looked at. Why the ADL?

9 A. Let me first start by saying that when I  
10 said "looked at," it was we'd like you to look at the  
11 information and decide what you want to do. So I was  
12 really careful in what I sent her that I was not -- I  
13 was trying to give her things that were in the public  
14 domain. I didn't want to put my opinion in the  
15 e-mail. I've talked with Shelley over the years  
16 about different work of the ADL.

17 I'm familiar with the ADL. They are a  
18 very reputable organization with a tradition of  
19 thoughtful analysis and meaningful approach to  
20 discriminatory situations which look towards, in my  
21 mind, healing. They -- I like their philosophy about  
22 how to address discrimination. I also like the way  
23 that they analyze situations and determine whether  
24 they believe a situation exists within the context  
25 that they're looking at it.

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1           The ADL was important to me as well  
2 because, as I mentioned earlier, I was concerned that  
3 Chief Cochran and then the people who he was  
4 affiliated with were putting in the public domain a  
5 notion of religious freedom as if it was the  
6 definition of religious freedom, as if there was only  
7 one, that their definition was the ultimate, the  
8 right definition of religious freedom. And I thought  
9 it was very important that other religious  
10 perspectives be put in the public domain as well.

11           For me, obviously as a Jew, I wanted the  
12 Jewish perspective to be in the public domain, as I  
13 said before, particularly given our history, and how  
14 views such as the one that were being put out by  
15 Chief Cochran in his book are the types of views that  
16 have been -- had led to, in my mind, Jews being  
17 murdered in the past.

18           Q.     When you said the request is not coming  
19 from -- well, strike that.

20           What was -- can you tell me about the  
21 discussion between you and Melissa Mullinax because  
22 it says that you came to that conclusion together?

23           A.     I got her permission. I spoke with her.  
24 I said I wanted to get alternative views. She  
25 agreed.

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1 Q. Was this -- where you disclaim -- that's  
2 my word, of course. You can use another word. You  
3 disclaim the involvement of the mayor up front. Was  
4 that something you had to tell Shelley, or was that  
5 actually the case, you had done this before talking  
6 with the mayor?

7 A. I had not spoken to the mayor about this,  
8 nor had Melissa.

9 Q. Is that fairly common, in other words,  
10 outreach to certain groups?

11 A. I don't -- you know, I wanted the  
12 Anti-Defamation League to view this in a neutral  
13 manner. I did not want them to believe that the  
14 mayor was making a request of them. That felt very  
15 important to me, like in some way he would have been  
16 asking for a favor. No. You know, I wanted her to  
17 understand that I as someone that she knows -- I  
18 mean, we had had a conversation that's referenced in  
19 the first sentence I believe that we spoke about.

20 So I wanted the ADL to know that what I  
21 was requesting was an objective look by them, and a  
22 decision that was 100 percent independent in terms of  
23 whether they thought anything, any response from them  
24 was needed, and if so, let them decide what they want  
25 to do. I did not want to influence that at all, and

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1 I thought that if they believe the request is coming  
2 from the mayor, they may have believed -- they may  
3 have looked at it differently.

4 Q. Okay. When you decided to consult ADL,  
5 got permission from Melissa Mullinax, during the  
6 whole course of this matter, did you consult any  
7 other groups that you can recall?

8 A. For an opinion?

9 Q. Yes.

10 A. I did not initiate any other conversations  
11 with any other group.

12 Q. Okay. Let's take that one step further  
13 then. Did any other group initiate conversation with  
14 you?

15 A. The human rights campaign local -- there  
16 are two local people that did contact me about Chief  
17 Cochran, and I did follow up with them, but they did  
18 not in any way participate in what was happening with  
19 Chief Cochran until after the termination had  
20 occurred.

21 Q. Any other groups that you can recall that  
22 initiated contact with you?

23 A. Not prior to the termination.

24 Q. After the termination?

25 A. I think Georgia Equality.

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1 Q. And who are they?

2 A. They're a local -- to me they're kind of  
3 like HRC but in Georgia, more for a region.  
4 They're -- they're -- they are probably I believe the  
5 most -- when you think of who's the LGBT group in  
6 Georgia, like the most -- the one that stands out the  
7 most, it would be Georgia Equality.

8 Q. Okay. And what was their concern when you  
9 said --

10 A. They weren't concerned. I mean, they were  
11 supporting the mayor's decision.

12 Q. After you reached out to Shelley Rose of  
13 ADL, what happened next after that initial  
14 invitation?

15 A. She spoke with I guess board members on  
16 her end.

17 Q. Uh-huh.

18 A. They decided that they did want to get  
19 involved and particularly would like to meet with the  
20 mayor, and they requested to do so, and Shelley asked  
21 if I could facilitate setting that up.

22 Q. And did you do so?

23 A. Yes.

24 Q. And was a meeting eventually arranged?

25 A. Yes.

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1 Q. And what -- to the best of your  
2 recollection, can you give me what happened at that  
3 meeting?

4 A. We met in the mayor's library. I think  
5 there were three or four people there from the  
6 Anti-Defamation League, and to the best of my  
7 recollection, the ADL -- each person there went  
8 around the room and gave their perspective on how the  
9 book would affect -- they talked about their  
10 interpretation -- their impression of the book, and  
11 how it would affect the workplace. I don't remember  
12 the details of what they said. My recollection is  
13 that the mayor listened and thanked them at the end.

14 Q. Did you have any discussions with the  
15 mayor following their -- that meeting?

16 A. No.

17 Q. Not any discussions with him about the ADL  
18 meeting?

19 A. Not that I recall.

20 Q. Did you have any discussions with Melissa  
21 Mullinax or any other people in that circle up  
22 meeting, for instance?

23 A. Not that I recall.

24 Q. What happened after that meeting with  
25 respect to ADL?

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1           A.       It's kind of funny because I guess I found  
2       out well after it occurred that they had written  
3       something publicly, but I didn't know because I guess  
4       they had included me in an e-mail, but my spam  
5       blocker on my City work thing was blocking the word  
6       "naked," so anything that came in with the word  
7       "naked," I wasn't getting it. So it was days later,  
8       maybe a week later when something happened I  
9       realized, oh, I didn't know y'all did -- y'all put  
10      that out there. And then I ended up having to  
11      contact our IT department, like I think we've got a  
12      problem because I'm not getting e-mails that have the  
13      word "naked" in them, so that was fixed.

14                   (Exhibit 54 was marked for  
15      identification.)

16      BY MR. CONNELLY:

17           Q.       You recognize this e-mail?

18           A.       I do, yes.

19           Q.       So it's been marked -- I just should note  
20      for the record it's been marked as Plaintiff's  
21      Exhibit 54.

22           A.       Right.

23           Q.       So this looks like it's an e-mail from --

24           A.       Yeah.

25           Q.       -- Shelley Rose. Go ahead.

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1           A.     I had forgotten about this, so everything  
2     I just told you about regarding some public thing  
3     that they did, that came later. This is in between.

4           Q.     Okay. So the letter -- there was not --  
5     the spam blocker didn't affect the letter, you're  
6     saying it was something else --

7           A.     Yes.

8           Q.     -- they did publicly?

9           A.     Yes.

10          Q.     Because it looks like from this e-mail  
11     chain that you did receive it, and within a couple of  
12     hours you responded to Shelley --

13          A.     Yes.

14          Q.     -- regarding a letter they sent saying, "I  
15     hand delivered a copy to the mayor, communicated that  
16     originally we sent later this week."

17          A.     Yes.

18          Q.     Did the mayor make any comments when you  
19     delivered the letter to him?

20          A.     I didn't put it in his hands. I don't --

21          Q.     Do you remember who you gave it to?

22          A.     He has a group of schedulers, who sit  
23     outside his office. I probably handed it to one of  
24     them. I'm not sure. I mean, he's back in a suite.  
25     So I'm looking at the date. It was around

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1 Christmastime. My guess is it would have been  
2 someone in that office --

3 Q. Okay.

4 A. -- in that little scheduling office.

5 Q. Did you discuss the letter with him at  
6 some point in the future after this happened?

7 A. Not in a material way. Not about the  
8 content of it.

9 Q. So you would have discussed maybe about  
10 just the fact that it was given to him?

11 A. Maybe.

12 Q. Do you recall when that would have been?

13 A. No. It would have been in passing.

14 Q. Okay. Do you recall at any -- well, I  
15 should ask you this. This outreach to ADL, was that  
16 done in your capacity as chief counsel or as LGBT  
17 advisor to the mayor?

18 A. LGBT advisor to the mayor.

19 Q. During the process, say from just prior to  
20 the circle up meeting, which was on November 24th,  
21 and following that, did you have any contact with the  
22 press in either your role as chief counsel or LGBT  
23 advisor about Chief Cochran and the book?

24 A. It would not have been as chief counsel.  
25 If you have something from the press that says I did,

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1 then that would inform me otherwise, but I don't  
2 recall that I did.

3 Q. I'm not trying to hide anything on you.  
4 I'm really asking you --

5 A. Yeah.

6 Q. -- whether you remember speaking to the  
7 press or --

8 A. I don't believe I did. I mean, I'm  
9 thinking that Anne Torres handled communications, so  
10 I don't even think I would have wanted to talk to the  
11 press about the Cochran matter, yeah.

12 Q. So we spoke a little bit in the beginning  
13 just when we talked about your roles, your respective  
14 roles -- go ahead.

15 A. Let me tell what I'm thinking about is I  
16 think shortly thereafter Chief Baker was doing some  
17 work on LGBT issues. I think he had gotten someone  
18 from like a Georgia State press person, so things may  
19 have happened after that that were a spinoff that had  
20 to do with prospective work by the fire department  
21 that I may have spoken to the press about, but it  
22 wouldn't have been about -- and it would have been  
23 minimal, but it would not have been about Chief  
24 Cochran himself, the termination.

25 Q. We spoke a little bit about your role in

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1 helping craft communications for LGBT issues. Do you  
2 recall ever having any role in that process? I mean,  
3 I know you said that Anne Torres was basically the  
4 communications person. Do you recall drafting or  
5 editing or reviewing any communications to the media  
6 that the communications folks have put out?

7 A. I may have.

8 Q. Do you recall what the nature of those  
9 might have been?

10 A. It's routine. Things will run past me --  
11 will be run past me on different things, and not just  
12 about LGBT, because I've been there for so long, and  
13 because I am -- I deal with specific projects, things  
14 will be run past me.

15 Q. I don't know if that's lucky or unlucky.

16 (Exhibit 55 was marked for  
17 identification.)

18 BY MR. CONNELLY:

19 Q. Do you recognize this e-mail, what's been  
20 marked as Plaintiff's Exhibit 55?

21 A. Yes.

22 Q. And what is it, Ms. Shahar?

23 A. This is an e-mail that I sent to my father  
24 and stepmother.

25 Q. Just, let me see, I'm going to count

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1 paragraphs here. The fifth paragraph down, you talk  
2 about "The issue has exploded in Georgia and  
3 nationally. The situation is being painted as a  
4 religious freedom issue by the Southern Baptist  
5 community."

6 Would I be correct in concluding that you  
7 disagreed with this being painted as a religious  
8 freedom issue?

9 A. What's the "it"?

10 Q. This issue. You said the situation. Your  
11 words in this e-mail are "this situation is being  
12 painted as a religious freedom issue."

13 A. And what was your question?

14 Q. Would it be accurate that you disagreed  
15 that this was a religious freedom issue?

16 A. It would be accurate that, yes, I believe  
17 that the term "religious liberty bill" is a misnomer.

18 Q. But from that sentence, it says, "The  
19 situation is being" -- you said, "The issue has  
20 exploded in Georgia and nationally."

21 A. If you're asking if I thought that the  
22 firing of Chief Cochran was an issue of religious  
23 liberty --

24 Q. Yes.

25 A. -- I believe it is an issue of religious

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1 liberty for Jews but not for him.

2 Q. Okay. So that leads my next question. At  
3 any time during the meetings that you were in  
4 regarding the book, did anyone ever raise the  
5 possibility that disciplining Chief Cochran for  
6 writing a book about his religious beliefs violate  
7 his religious rights?

8 A. In what meetings?

9 Q. The circle up meeting for one, to start  
10 with.

11 A. I am sure I had conversations about that  
12 issue. I don't know when they occurred, and -- and I  
13 don't know if they occurred within the context of an  
14 attorney work product situation.

15 Q. Do you recall who might have spoken about  
16 that with you?

17 A. Again, I -- it may have been a work  
18 product conversation. An attorney -- in other words,  
19 my analysis of that would have 100 percent come from  
20 my legal perspective. I'm a First -- I mean, what I  
21 specialize in is First Amendment.

22 Q. But outside that context, in other words,  
23 not getting into what you said or what your  
24 conclusions were, do you recall that issue being  
25 brought up?

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1           A.     I know that I have had conversations about  
2     it. I don't know when. And I do know that to the  
3     extent that they came up in the workplace with any or  
4     the people that -- whether it was at that meeting or  
5     some other time but with people sitting in that  
6     conversation, the conversations for me would have  
7     been attorney-client privileged.

8           Q.     Anyone else, though, raise that  
9     possibility to you?

10          A.     I don't understand the question.

11          Q.     Say Robin, we can't discipline Chief  
12     Cochran because that itself could be a violation of  
13     his religious rights?

14                 MS. HINTON: Are you talking about  
15     non-attorneys?

16                 MR. CONNELLY: Yes.

17                 THE WITNESS: They were talking to me  
18     as an attorney.

19     BY MR. CONNELLY:

20          Q.     But I'm only asking you whether the issue  
21     was raised, not what the advice was. So I'm not  
22     getting into what the advice was or what your  
23     conclusion was or what your answer to them was. Did  
24     anyone raise that as an issue?

25          A.     I don't recall. I know that I discussed

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1 that issue. I don't recall who I discussed it with,  
2 but I do know that whatever conversations occurred, I  
3 would have been responding as a lawyer.

4 Q. But you don't recall who may have raised  
5 those issues with you or who you spoke to?

6 A. I have had many conversations about that  
7 issue over far more than just that time period,  
8 including with my father.

9 Q. When you say to your father, what did you  
10 say to him with respect to whether you thought it  
11 would be a violation of Chief Cochran's rights?

12 A. So it was very interesting. First of all,  
13 my father is very involved in the Jewish community,  
14 so he does come at this from the perspective of being  
15 very concerned about Jewish interests and Jewish  
16 safety. He's also a big business person, so he looks  
17 at it as well from a perspective of the right of  
18 businesses and the religious interests of the  
19 business owner.

20 And my point to him was -- well, actually  
21 I think it came up also after the Hobby Lobby  
22 decision from the supreme court -- was if a business,  
23 you know, in an employment discrimination context,  
24 once you get past the prima facie case stage and the  
25 legitimate business interests for what you've done,

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1 you don't look at pretext. You know, is what the  
2 employer is saying a lie.

3           What I was saying to my dad is -- let's  
4 say -- I mean, if you're a business and you say, we  
5 don't want to treat -- we don't want to work with  
6 LGBT people. You know, Chief Cochran talks about  
7 that there aren't gradations of naked and clothed.  
8 Either you are or you aren't. And he lists a whole  
9 bunch of examples like adultery. So I said to my  
10 dad, you know, so if a business is willing to serve  
11 adulterers but not people from the LGBT community, to  
12 me you're looking at pretext. There's an  
13 inconsistency there, that what's driving the  
14 situation is not their religious beliefs. What's  
15 driving the situation is discrimination.

16           (Exhibit 56 was marked for  
17 identification.)

18 BY MR. CONNELLY:

19           Q.     Thankfully this is a much shorter one. Do  
20 you recall this e-mail?

21           A.     Yeah.

22           Q.     Who's Donna Dobbs?

23           A.     She's the assistant for the chief of  
24 staff, Candace Byrd.

25           Q.     Candace Byrd. Do you recall talking --

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1 and I might butcher this name. Is it Ianthe Metzger?

2 A. I don't know how to pronounce that  
3 person's name. I don't recall if it's a man or a  
4 woman.

5 Q. I think it's -- I think it's a she.

6 A. Okay.

7 Q. Do you recall speaking to her?

8 A. Very briefly.

9 Q. What was the call about?

10 A. I think I spoke to a man. But anyway,  
11 they were going to put out a public statement from  
12 the Human Rights Campaign, and this was urgent  
13 because it's one of those times when they couldn't  
14 get through to me through my e-mail because of the  
15 spam blocker. So they I guess went to Candace's  
16 assistant to try to get through to me, which is why  
17 it said urgent, call them, because the e-mails  
18 weren't going through.

19 Q. What was the public statement going to be  
20 about?

21 A. You have it.

22 Q. Do you recall what your conversation was  
23 about it, though?

24 A. I saw it as they were -- like right as  
25 they were releasing it, I think. I mean, think they

1 wanted to give me a heads up before it went out as a  
2 courtesy. They may have initially thought I might  
3 look at it and give feedback, I'm not sure, but if  
4 that was the intent, they couldn't get through to me.

5 Q. Uh-huh.

6 A. So at that point, I -- my recollection was  
7 as a courtesy, we just want to let you know this is  
8 happening.

9 Q. So you didn't have a role in drafting,  
10 editing, anything like that?

11 A. I didn't even know it was happening.

12 Q. That's the benefit of a short e-mail.

13 A. Yeah.

14 (Exhibit 57 was marked for  
15 identification.)

16 BY MR. CONNELLY:

17 Q. The court reporter has handed you what's  
18 been marked Plaintiff's Exhibit 57. It appears to be  
19 an e-mail from you to Lee Schreter attaching a number  
20 of documents; is that correct?

21 A. Yes.

22 Q. Do you recall sending this e-mail?

23 A. Yes.

24 Q. Who is Lee Schreter?

25 A. Lee Schreter is a lawyer in Atlanta, very

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1 well-established lawyer in Atlanta. She is also  
2 a -- is very active in the Human Rights Campaign, is  
3 a large donor for the Human Rights Campaign. I  
4 believe she brought the mayor to their annual dinner  
5 one year. She's a very good friend of the mayor's.  
6 That's who she is.

7 Q. Your first line is, "Thanks for taking the  
8 time to look into that issue further."

9 A. Yes.

10 Q. What does that refer to?

11 A. So it was the HRC, the Human Rights  
12 Campaign. She was going to give the information to  
13 the Human Rights Campaign to see if they wanted to  
14 take a position on the mayor's -- the whole situation  
15 and how the mayor had handled it.

16 Q. And what was your discussion, because you  
17 said, "The e-mail contains information we discussed  
18 on the phone." Did she request these materials from  
19 you? How did that conversation go?

20 A. She would have requested -- I mean, I may  
21 have said there are materials. Like I said, I don't  
22 like to put my spin on things. I mean, obviously  
23 what I'm selecting -- well, I like to put out  
24 information that's in the public domain, and so  
25 that's what I attached.

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1 Q. What did she say on the phone call  
2 previous to this e-mail being sent out? What was  
3 her, call it the marching orders?

4 A. There were no marching --

5 Q. What did she say she was going to do?

6 A. She was going to -- she was going to bring  
7 this to HRC for their attention.

8 Q. To see whether they had a position on the  
9 termination of Chief Cochran?

10 A. The Human Rights Campaign defends LGBT  
11 equality issues. The term "religious freedom" in my  
12 opinion is a misnomer that is being used as an avenue  
13 for discrimination against minority groups and/or  
14 women because women are not a minority. And for that  
15 reason, HRC is concerned about using these types of  
16 laws as justification for discrimination. I would  
17 say in the same way -- what organization are you  
18 with?

19 Q. ADF.

20 A. What does that stand for?

21 Q. Alliance Defending Franchisee.

22 A. Right. In the same way that you all are  
23 using people like Chief Cochran to advance your  
24 interests.

25 Q. So it sounded like your answer was about

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1 bills, but the subject line of the e-mail is "Book  
2 information," so --

3 A. Bills?

4 Q. Well, you said laws are being used to like  
5 religious freedom laws or something like that. Did  
6 you review the book in the same way?

7 A. I don't understand your question.

8 Q. Well, your answer just now to me seemed to  
9 imply that you were concerned about certain religious  
10 freedom laws that are actually used as a form of  
11 discrimination against minority groups.

12 A. Yes.

13 Q. But this e-mail is about the book; is that  
14 correct? Did you view the book in the same light as  
15 religious freedom bills?

16 A. No. I perceived your organization as  
17 taking someone like Chief Cochran, who had developed  
18 a career that anyone would be proud of -- let me  
19 finish my answer, please -- and using him as your  
20 poster boy, and instead of -- I think you've  
21 destroyed his career, and I think you've done it for  
22 your own advancement. That's what I see. That's  
23 what I'm -- that's why I think HRC should be looking  
24 at this type of situation because you're taking a  
25 situation like Chief Cochran, who had done amazing

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1 things with his life, and as far as I'm concerned,  
2 when you're done with him, you'll be done with him.  
3 This is not about his religious freedom. It's not  
4 about him. It's about you.

5 Q. And on what basis do you draw those  
6 conclusions?

7 A. About you?

8 Q. About me, about my organization, about  
9 groups that represent people in religious freedom  
10 matters.

11 A. Because when you stand up and you make it  
12 sound like Christians need to be worried about their  
13 religious freedoms being trampled on, and I'm a Jew,  
14 I don't think your views, a Christian views the way I  
15 understand people who care about other people and  
16 love other people. I think your views end up with  
17 people like my people, Jewish people. I mean, look  
18 what's going on around this country. Look at the  
19 attacks on Jews and Muslims. In the name of what?  
20 Christianity? That's religious -- that to me is what  
21 these religious freedom bills are about. We are  
22 superior. We're going to say what religious freedom  
23 is. That's ours to define, and anyone who thinks  
24 that ours is wrong, you're trampling on our religion,  
25 so that means then that you can treat Jews and

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1 Muslims the way you want in the name of Christianity.

2 That's my opinion. That's not my  
3 religious belief. I disagree with the way you  
4 approach what you're doing. I am saddened by what  
5 had happened with Chief Cochran that I think you all  
6 have motivated.

7 Q. When Lee Schreter is talking in that third  
8 paragraph down, she says -- or you say to Lee, "I  
9 agree that it is irresponsible to base decisions on  
10 media coverage alone. The book is definitely the  
11 most reliable source of information. Given that it  
12 will take a couple of days for you to receive it, I  
13 thought it may be helpful to provide a sense of the  
14 content now."

15 What did you mean by irresponsible to base  
16 decisions based on media coverage alone?

17 A. I need to take a break. I need five  
18 minutes.

19 Q. Can we get a response to that question?

20 A. No. I need a five-minute break.

21 MS. HINTON: Your question can be  
22 pending, and she'll answer when she gets  
23 back.

24 THE VIDEOGRAPHER: The time is  
25 12:10 p.m. We're off the record.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: The time is now  
3 12:18 p.m. We're back on the record.

4 (The record was read by the  
5 reporter.)

6 THE WITNESS: Thank you.

7 One of the things I appreciate about  
8 HRC, the same with the Anti-Defamation  
9 League, is that they look at information  
10 responsibly. They're not knee jerk. And  
11 what Lee and I were talking about is that  
12 in order to make any -- for HRC to form any  
13 kind of opinion about what was happening  
14 they should not go on media statements  
15 alone.

16 BY MR. CONNELLY:

17 Q. And is that why you told her you wanted to  
18 provide the entire book?

19 A. I wasn't providing -- she was going to  
20 order the book.

21 Q. Okay. So when you say, "Given that it  
22 will take a couple of days for you to receive it,"  
23 you were operating under the impression that she had  
24 ordered the book and would be getting it?

25 A. I think she said she was going to order

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1 the book.

2 Q. And in the meantime, you were just sending  
3 her the excerpts?

4 I think we spoke a little about that this  
5 before perhaps when we were talking about your  
6 involvement post Chief Cochran's termination. Maybe  
7 not, but I'd like to get into the AFRD diversity and  
8 workplace initiative. Do you recall that?

9 A. I do.

10 (Exhibits 58 and 59 were marked for  
11 identification.)

12 THE WITNESS: Okay.

13 BY MR. CONNELLY:

14 Q. Do you recall these two letters that have  
15 been marked Plaintiff's Exhibit 58 and 59? One, the  
16 first, 58, appears to be a letter from Chief Baker,  
17 who was at the time the interim fire chief, and one  
18 is from you as the mayor's LGBT advisor.

19 A. Yes.

20 Q. They both appear to be discussing the same  
21 initiative; is that correct?

22 A. Yes.

23 Q. Can you tell me a little bit about -- the  
24 subject line on Chief Baker's is "AFRD diversity and  
25 workplace equity." Can you tell me what that refers

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1 to?

2 A. I'm not sure what -- what I'm -- what I  
3 associate all this with is the core value of being  
4 ism free.

5 Q. Where did that core value originate; do  
6 you recall?

7 A. I think it was there when Chief Cochran  
8 was there.

9 Q. Do you know whether Chief Cochran himself  
10 initiated that goal?

11 A. I have no idea. I have no idea.

12 Q. Well, these look to be announcements to  
13 me. What was your involvement? For instance, in  
14 your third paragraph you say -- and this is to all  
15 AFRD, it looks like.

16 A. Uh-huh.

17 Q. "Earlier this week I met with Chief Baker  
18 and AFRD Sergeant Latia Posey about the process of  
19 creating a work environment that meets AFRD's core  
20 value of being ism free. Sergeant Posey will assist  
21 with this process."

22 A. When the mayor had his press conference on  
23 letting the press know that he was going to terminate  
24 Chief Cochran, he also informed the press that  
25 interim Chief Baker and I would be responsible for

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1 looking at -- I don't remember his exact language,  
2 but essentially I felt it was my charge to be -- to  
3 help Chief Baker establish an ism-free work  
4 environment. Whether it was or wasn't it was not  
5 part of it, this was a charge that we were going to  
6 be looking at. So I met with Chief Baker and  
7 Sergeant, then Sergeant Posey to talk a bit about  
8 what that might look like.

9 Q. And who is Sergeant Posey? Why was she  
10 involved?

11 A. She was the woman that Chief Baker  
12 appointed to be his LGBT liaison.

13 Q. Was that position already in existence, or  
14 was that created subsequent to Chief Cochran's  
15 termination?

16 A. I believe he created it subsequent to  
17 Chief Cochran. That was my understanding.

18 Q. Did you have any involvement in creating  
19 that position?

20 A. No.

21 Q. Just recall for me. When were you -- when  
22 were you named LGBT advisor? When did you begin that  
23 portion of your job, just ballpark?

24 A. It was like in August of some year, maybe  
25 a few years ago, three or four. I don't -- the time

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1 passes. It was --

2 Q. Right. So you had been the LGBT advisor  
3 for a while under Chief Cochran -- while Chief  
4 Cochran was the AFRD chief; is that correct?

5 A. You'd have to show me what year I was made  
6 LGBT advisor. Like I said, I didn't interact with  
7 Chief Cochran.

8 Q. Right. No. The question I had for you  
9 was this AFRD workplace diversity and workplace  
10 equity initiative I'll call it, that's not the word  
11 on Chief Baker's letter, was that ever conceived  
12 before or during Chief Cochran's tenure as chief?

13 A. There's -- I wouldn't know. Remember, I  
14 was the mayor's advisor. Most of the time, I was  
15 chief counsel. If I had been an LGBT advisor  
16 full-time, my responsibilities would have been much  
17 broader. Because I was chief counsel most of the  
18 time, my responsibilities were far narrower, so I  
19 would not necessarily know who has an LGBT liaison in  
20 their department.

21 Q. Okay. But now as far as this goes, you're  
22 sending a letter to every single member of the AFRD,  
23 you obviously are involved in this process, correct?

24 A. And I was directed to do that by the  
25 mayor.

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1 Q. Okay. What was the intention of this  
2 project?

3 A. Well, the intention of my involvement --  
4 when you say this project, so there was this whole  
5 study that was done that was not a project that I was  
6 involved with on the -- I mean, I was a little bit  
7 involved looking at things and giving some feedback,  
8 but that was not my project, so to speak.

9 In terms of my work with Chief Baker, we  
10 determined that it was very important to allow  
11 members of the fire department to express opinions  
12 without fear of retaliation. The purpose of my  
13 letter was to say, you may contact me and it will be  
14 confidential, and so that was my main role at that  
15 time. No one did contact me.

16 Q. Do you recall what the outcome of the  
17 survey was?

18 A. I recall seeing the results. I mean, I  
19 recall seeing the answers and maybe some tabulations.

20 Q. Did you have any input in the questions  
21 that were asked?

22 A. I remember looking at the answers. I may  
23 have looked at the questions, but I don't know. I  
24 think Jerry Solomon, who had been there probably as  
25 long as I had with the City, was involved with the

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1 study. And we've known each other for so long. I  
2 worked with him back in my litigation days, so we  
3 would have had some informal conversation, so I just  
4 don't -- what I recall most is looking at the answers  
5 to get an sense of what was going on.

6 Q. What was Jerry Solomon's title?

7 A. I don't know.

8 Q. Was he a lawyer?

9 A. Oh, no, he was with HR, human resources.  
10 Well, let me go back. When I worked with him, he was  
11 in human resources. Back in the day, he was  
12 responsible for creating I think and implementing the  
13 promotional tasks for police and fire, so I worked  
14 with him because I was dealing with a lot of  
15 discrimination cases out of those two departments.

16 Q. So was he the one who pushed the survey  
17 out to AFRD members?

18 A. I don't know.

19 (Exhibit 60 was marked for  
20 identification.)

21 BY MR. CONNELLY:

22 Q. The court reporter has handed you what's  
23 been marked as Plaintiff's Exhibit 60. It appears to  
24 be an e-mail from Joel Baker to some members of the  
25 mayor's cabinet, Robert Godfrey, yourself, and then

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1 above that, you respond to Chief Baker. Do you  
2 recognize that e-mail?

3 A. Uh-huh, I do.

4 Q. You said in that first paragraph, "I found  
5 the results very interesting and think they will be  
6 helpful in your efforts to identify and implement  
7 beneficial departmental changes."

8 A. Uh-huh.

9 Q. "I reviewed the information in my  
10 capacity" -- is a little lower down in that second  
11 paragraph. "I reviewed the information in my  
12 capacity as Mayor Reed's advisor on LGBT issues and  
13 (in that capacity) am ready to proceed with your next  
14 steps."

15 What were those next steps as you  
16 understood them as the LGBT advisor?

17 A. Looking down at what he wanted, I think  
18 the next step was to meet, I think. To meet, to  
19 review the survey, and make some plans.

20 Q. Well, did you think that was a necessity  
21 or -- did you think there was some failing from Chief  
22 Cochran's previous regime that needed to be addressed  
23 in Chief Baker's regime? You said --

24 A. When I --

25 Q. Go ahead. Sorry.

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1           A.       When I read the survey results, I was not  
2 looking for a retroactive analysis. I was looking  
3 for the state of the fire department then, right  
4 then. The thing that struck me was the issue of  
5 racial divide in the department. So in terms of next  
6 steps, what I -- and I don't believe I ever met with  
7 the chief after this, but if we were to have taken  
8 next steps, I had assumed that we would be focusing  
9 actually on racial issues, not LGBT issues.

10                   What I was trying to say to him in this  
11 e-mail is that he was getting ahead of himself  
12 because he needed to first go work with the HR  
13 commissioner and the law department before he would  
14 be working with me as the LGBT advisor.

15           Q.       Do you recall what is -- so you don't  
16 recall meeting with him after this e-mail, so would  
17 that mean that there were no -- when you said you  
18 were ready to meet with him as an LGBT advisor, you  
19 didn't meet with him after that?

20           A.       I have no recollection of meeting with him  
21 after that about the survey.

22           Q.       Did you meet with him after that when you  
23 mentioned that you thought you could take -- let me  
24 get the letter -- you said "helpful in your efforts  
25 to identify and implement beneficial departmental

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1 changes." What did you view as informing that?

2 A. I read the results of the survey.

3 Q. Okay.

4 A. What was over -- what I found to be the  
5 overwhelming sentiment in the survey results was that  
6 there were issues of racial divide that needed to be  
7 addressed so that the department could operate  
8 cohesively.

9 Q. And what did you understand those racial  
10 issues to entail? Do you recall?

11 A. I believe they had to do with assignments,  
12 and in a system that had been set up where  
13 essentially -- I'm not going to use the right lingo  
14 because I don't deal with the fire department a lot,  
15 but essentially working groups, whether it be in the  
16 firehouses or however they're arranged, what had been  
17 permitted was a system that allowed for teams to be  
18 predominantly all African-American or all white, and  
19 that that had become an issue of tension in the  
20 department.

21 Q. You said before I think, and again,  
22 correct me if I am wrong, I'm characterizing your  
23 testimony, that you didn't have a lot of involvement  
24 with AFRD per se, correct?

25 A. Not for years.

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1 Q. And you were the LGBT advisor to the mayor  
2 for, I think you said you couldn't recall, but maybe  
3 a few years prior to this?

4 A. Yes.

5 Q. Why were you going to be involved with  
6 this race issue if you hadn't had involvements with  
7 the AFRD and you were the LGBT advisor?

8 A. What Mayor Reed said in his press  
9 conference was that he was tasking Chief Baker and me  
10 with looking at equality issues, and I don't remember  
11 his exact language.

12 One of the things that I believe Chief  
13 Baker did in response to that was to do a study. So  
14 the study, as I understood it -- well, my assumption  
15 was that the study grew out of the directive at the  
16 press conference. I was shown the results of the  
17 study because of the charge that the mayor gave at  
18 the press conference.

19 When I looked at the results, I was struck  
20 by the issue of a racial divide. And part of why I  
21 end up on special projects is because when I see  
22 something that concerns me, I will often -- I don't  
23 typically say, oh, talk to so-and-so. I mean, I may,  
24 but if it's something -- I mean, this involves  
25 equality issues, and I didn't anticipate rolling up

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1 my sleeves and being in there to solve the problem,  
2 but I certainly thought it would be appropriate for  
3 me to sit in a meeting and talk with them about what  
4 was going on and some potential solutions.

5 (Exhibit 61 was marked for  
6 identification.)

7 BY MR. CONNELLY:

8 Q. The court reporter has handed you what's  
9 been marked as Plaintiff's Exhibit 61. Appears to be  
10 an e-mail from you to Ms. Hampton, Ms. Mullinax,  
11 Ms. Torres, Ms. Byrd, and Ms. Yancy, and cc'ing Karen  
12 Thompson about a press interview you had with --  
13 press contact you had with a New York Times reporter;  
14 is that correct?

15 A. Yes.

16 Q. Can you tell me a little bit about this  
17 conversation you had with the New York Times reporter  
18 and how it came about?

19 A. Yes. So first of all, this is the -- an  
20 example of what I was referring to earlier in terms  
21 of notifying supervisors of an issue which is  
22 important for them to be aware of and give them --  
23 have an opportunity to talk about it.

24 So the purpose of this was to let them  
25 know that something had come up in my personal

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1 capacity, and I was aware that -- as I say here, "I'm  
2 aware that I am a visible figure in Atlanta city  
3 government" and wanted to be clear about what my  
4 expectations were for how I would conduct myself, but  
5 also wanted to be clear that I was open to talking  
6 about it if they had concerns or questions. So that  
7 was the purpose of this.

8 Q. And you said you spoke with him -- I'm  
9 looking at the second line -- spoke with him, meaning  
10 the New York Times reporter, on the record in my  
11 individual capacity regarding Michael Bowers's  
12 working with Georgia Equality?

13 A. Yes.

14 Q. Who is Michael Bowers again?

15 A. Michael Bowers is the former Attorney  
16 General of the State of Georgia. He was the  
17 defendant along with the State of Georgia in my  
18 earlier lawsuit.

19 Q. So you had already spoken to the New York  
20 Times reporter in your individual capacity prior to  
21 sending this e-mail?

22 A. I had spoken to Cathy, my immediate boss.

23 Q. Prior to speaking with the New York Times  
24 reporter?

25 A. Likely so. This was a follow-up e-mail to

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1 Melissa and -- like, well, you can see who else it's  
2 to. I said I had already spoken to Cathy. I was  
3 aware -- I'm just reading this for a second. I was  
4 contacted by Georgia Equality directly the night that  
5 their board voted to engage Michael Bowers as a  
6 consultant to work on the RFRA bill on their behalf,  
7 so I likely would have -- and I -- and I -- so I was  
8 aware that this was going to bubble up and would have  
9 informed Cathy, my boss.

10 Q. And were you doing so because you were  
11 opposing the RFRA bill, or religious freedom bill?

12 A. I wasn't -- the issue was not whether I  
13 opposed the RFRA bill. Actually it was not about  
14 that.

15 Q. Okay. What was it about?

16 A. Yeah. No, it wasn't. It was about --  
17 Michael Bowers had taken public positions in the past  
18 that were -- well. So Michael Bowers, Bowers in the  
19 Bowers versus Hardwick. He then terminated my job  
20 after I had a religious ceremony with my partner  
21 Fran, and so now I guess -- let's see. So 20 some  
22 years later, he actually came out and was opposing  
23 RFRA, the RFRA bill, was talking about it as an  
24 avenue for discrimination. He was asked about having  
25 terminated me, and he talked publicly about wishing

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1 it had not happened. So I was being asked about my  
2 response to his comments.

3 My response was that I genuinely  
4 appreciated his willingness to talk about his changed  
5 views. I thought it was courageous to do so  
6 publicly. And so while I did not see that as in any  
7 way impairing my work for the City. Because my name  
8 would be showing up in the press, I wanted them to  
9 have advance notice of what was going on and  
10 certainly be able to express concerns and talk about  
11 it so we could be on the same page with what I was  
12 saying.

13 (Exhibit 62 was marked for  
14 identification.)

15 BY MR. CONNELLY:

16 Q. The court reporter has handed you what's  
17 been marked Plaintiff's Exhibit 62. I'll give you a  
18 chance to review that. It looks to be an e-mail from  
19 Jeff Graham with Georgia Equality to you on January  
20 16th, 2015. Like I said, I'll give you a little time  
21 to review it.

22 A. Okay.

23 Q. The first question I have is just really  
24 just a logistical one. He starts off the e-mail --  
25 looks like it's sent just to you in your work e-mail,

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1 but then it says, "Happy New Year to everyone." Do  
2 you know who he's talking about when he says  
3 "everyone"?

4 A. I'm thinking that Georgia Equality, I  
5 think I mentioned earlier, spearheaded a lot of the  
6 work opposing the RFRA bill, Religious Freedom  
7 Restoration Act, and they had a team of people  
8 working with them, so he would send out updates. I  
9 mean, he -- you know, Georgia Equality is over in the  
10 Georgia legislature dealing with many bills, one of  
11 whom is RFRA, and RFRA is clearly a very visible bill  
12 that they were working on. So I would imagine this  
13 was an update for people who were part of his  
14 committee of folks assisting with the work that they  
15 were doing with the Georgia legislature.

16 Q. Down on number three it says, "Our  
17 colleagues in faith and public life." You spoke a  
18 little about a team of people. Who did you mean a  
19 team?

20 A. I don't know because I did not want to  
21 participate on the team, so Megan Middleton was  
22 definitely part of the team, and Chris Walker from my  
23 office, who's not there anymore, but he also -- he  
24 was I think the law department liaison to the Georgia  
25 legislature, whereas Megan was I think like the

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1 mayor's -- like the City's liaison, so they  
2 participated in that team.

3 Q. Why didn't you want to participate in it?

4 A. I try to avoid situations where my role as  
5 lawyer and my role as LGBT advisor get intertwined,  
6 and I also think -- so it just -- it seemed cleaner  
7 just to let other people who are clearly on the  
8 political lobbying side deal with this. I didn't  
9 need to be involved, and I thought it was cleaner  
10 just to stay separate from it.

11 Q. How did you --

12 A. Let me give you one other piece about  
13 that. As the mayor's advisor, I do not want to lobby  
14 on behalf of or opposed -- or against anything unless  
15 he directly said to me, "I want you to do this." I  
16 didn't know his position, like how he would want to  
17 handle the situation. If I am there, I am there as  
18 the mayor's advisor, and I've overstepped. You know,  
19 I would feel like I had overstepped by being in a  
20 place where I am representing him without being sure  
21 every day how he wants to handle a situation. I  
22 didn't want to put myself in that situation or put  
23 him in that situation.

24 (Exhibit 63 was marked for  
25 identification.)

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1 BY MR. CONNELLY:

2 Q. The court reporter has handed you what's  
3 been marked as Plaintiff's Exhibit 63. Do you  
4 recognize that e-mail?

5 A. Yes.

6 Q. We talked a little bit I think about when  
7 we broke down your job responsibilities on the  
8 advisor side about attending meetings and events.  
9 This appears to be that type of situation. The  
10 subject line is "Human Rights Campaign Gala, can you  
11 attend." It's an e-mail from you to Joel Baker. Do  
12 you recall sending this e-mail to Chief Baker?

13 A. Yes.

14 Q. What was your involvement in this gala?

15 A. The mayor purchased a table of ten seats  
16 and tasked me with filling it.

17 Q. How did -- did he purchase it in his  
18 personal capacity? His official capacity?

19 A. I think his campaign purchases it.

20 Q. Okay.

21 A. It never -- I was never part of the -- it  
22 was not the City, and I was never part of the payment  
23 process.

24 Q. Okay.

25 A. I was purely part of finding it, inviting

1 people and giving them the details of where to be and  
2 when.

3 Q. Why were you inviting Chief Baker?

4 A. Chief Baker wanted to attend. I mean, I  
5 think he approached me long before this about wanting  
6 to attend. He had heard about it and wanted to be  
7 there.

8 Q. Why did he want to attend?

9 MS. HINTON: Object to form.

10 THE WITNESS: You'd have to ask him.

11 BY MR. CONNELLY:

12 Q. Did he tell you why he wanted to attend?

13 A. He just said he wanted to attend.

14 Q. Is attendance at the HRC Gala encouraged  
15 by the City?

16 A. No. It was only ten seats. I mean, it's  
17 expensive.

18 Q. Okay. When Chief Baker goes, is he  
19 attending in his official capacity or his personal  
20 capacity?

21 MS. HINTON: Object to form.

22 THE WITNESS: He shows up in his  
23 chief attire.

24 BY MR. CONNELLY:

25 Q. So he shows up in uniform?

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1 A. He shows up in uniform.

2 Q. In your experience as chief counsel having  
3 been at the City for decades and the LGBT advisor,  
4 would a top-level official like Chief Baker be able  
5 to show up in uniform at say a rally for biblical  
6 marriage?

7 MS. HINTON: Object to form.

8 THE WITNESS: I don't know what a  
9 rally for biblical marriage would be.

10 BY MR. CONNELLY:

11 Q. Well, I think you stated before that you  
12 had some involvement in some of these issues  
13 personally when you talked to the New York Times  
14 reporter. During the time when same sex marriage was  
15 being deliberated in the states, if there were  
16 competing rallies, one that said there should be same  
17 sex marriage, one that said, we believe in biblical  
18 marriage, marriage is only the union of one man and  
19 one woman, would it have been permissible for Chief  
20 Baker to show up in his chief uniform to that rally?

21 MS. HINTON: Object to the form.

22 THE WITNESS: So what I can tell you  
23 is that the HRC dinner was not about -- it  
24 wasn't a political rally. It was an  
25 organization -- they're not equivalent.

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1 BY MR. CONNELLY:

2 Q. So are you saying that the HRC Gala  
3 doesn't express a message then?

4 A. It expresses -- I mean, it expresses a  
5 belief in LGBT equality.

6 Q. Okay. So then wouldn't attendance at that  
7 event express support for that message?

8 A. I think that's a reasonable assumption.

9 Q. And the chief showed up in uniform at that  
10 event?

11 A. I believe he did.

12 Q. I want to talk a little bit about another  
13 event. I think what you said you were involved in  
14 the Pride parade or the Pride --

15 A. Yes.

16 Q. -- event. Is that a parade and an event?  
17 I don't want to call it the wrong thing.

18 A. It is a festival and it is -- there's the  
19 festival, and then there's the parade.

20 Q. Similar to HRC, would you agree that the  
21 parade, the event, expresses a message?

22 A. I would say that the parade is far more of  
23 a First Amendment protected activity. The HRC dinner  
24 is not a First Amendment protected activity.

25 Q. But did you -- what involvement you have

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1 in Pride parade as far as the LGBT advisor role?

2 A. Yeah. Like so there is a team of  
3 people -- actually it's the human -- it's  
4 Commissioner Yancy who spearheads the City's  
5 participation in the Pride parade. And I participate  
6 with a team of others to, you know, put together a  
7 float, that type of thing.

8 Q. When you say a float, who would be on the  
9 float?

10 A. This year the mayor was on the float.

11 Q. Okay.

12 A. There are people who march. There are  
13 people on the float.

14 Q. Any uniform personnel?

15 A. On the float? I don't recall any uniform  
16 personnel on the float.

17 Q. Do you recall whether the chief of police  
18 or Chief Baker has appeared at the --

19 A. Yes, Chief Baker has. I have not seen  
20 Chief Turner. So it doesn't mean he hasn't, but not  
21 since I've been there have I seen Chief Turner. I've  
22 seen Chief Baker.

23 Q. The new chief of police, have you seen her  
24 or has she not been on the job long enough to --

25 A. Chief Shields? I have seen her at the

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1 march.

2 Q. Same question as the HRC Gala. Are  
3 employees and/or top officials permitted to appear in  
4 uniform?

5 MS. HINTON: Object to form.

6 THE WITNESS: I -- when you say  
7 permitted, I --

8 BY MR. CONNELLY:

9 Q. Do they appear in uniform? I'll check  
10 that.

11 A. So Chief Cochran was -- not Chief --  
12 Chief -- scratch that. Chief Labat was there this  
13 past year. He was -- I don't remember what he was  
14 wearing. There are police -- people -- I don't -- I  
15 don't recall who's wearing what.

16 Q. In what capacity would you understand them  
17 attending the event?

18 A. Official.

19 Q. You say that --

20 A. Well, let me -- actually let me just --  
21 let me back up for a second because if they're  
22 totally in their official capacity, they wouldn't  
23 have a glass of wine. I mean, it's a gala.

24 Q. We're speaking about the HRC?

25 A. Yes.

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1 Q. Okay. Well, we'll move from that to the  
2 parade.

3 A. Oh, to the parade?

4 Q. Yes, the parade.

5 A. Oh, do people show up in uniform?

6 Q. Let's go back to make sure we have clear  
7 testimony.

8 On the HRC gala.

9 A. What?

10 Q. Which capacity are they?

11 A. Now, I'm -- I actually am not sure. I  
12 mean, clearly --

13 Q. Is that because of the glass of wine?

14 A. It causes me pause. I've never given  
15 it -- I'm just trying to think. I don't know the  
16 answer to that question. What I can tell you is  
17 Chief Baker wore his uniform.

18 Q. To the HRC Gala?

19 A. Yes.

20 Q. Moving to the Pride parade --

21 A. Yes.

22 Q. -- is it your understanding that they're  
23 appearing in their official or their personal  
24 capacity?

25 MS. HINTON: Object to form.

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1 THE WITNESS: What I can tell you is  
2 that certain people wear their uniforms.

3 BY MR. CONNELLY:

4 Q. Are you familiar with a video called It  
5 Gets Better?

6 A. Yes.

7 Q. Did you have any involvement in producing  
8 that?

9 A. Nope.

10 Q. What is that video, if you can just tell  
11 me?

12 A. It is a video that -- well, It Gets Better  
13 campaign is directed at I think primarily youth, who  
14 are perhaps struggling with thoughts of suicide, many  
15 of them LGBT. And the purpose of the campaign is to  
16 let these youth know that it gets better, that you  
17 can live a full life as an LGBT person. And in the  
18 police video, there were openly LGBT people from the  
19 department who were saying I'm gay, I am a police  
20 officer for the City of Atlanta, and it gets better,  
21 like you're not -- don't -- don't kill yourself, it's  
22 going to be better.

23 Q. Do you know who created that video? Was  
24 that a City project? Do you know how that came to  
25 be?

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1           A.     I have no idea. I want to back up for a  
2     second. All the things that you are talking about  
3     are completely consistent with the city laws. In  
4     other words, the city laws protect equality from all  
5     types of discrimination. So when you talk about the  
6     It Gets Better video, for example, I'm a bit taken  
7     aback. I'm not sure why you're bringing that up, but  
8     support LGBT youth who are feeling suicidal is  
9     certainly consistent with a message of equality.

10          Q.     You spoke about city laws. Do the city  
11     laws you're referring to protect against  
12     discrimination based on religion as well?

13          A.     Yes.

14          Q.     If I could just have you refer back to  
15     that first exhibit I showed you. It was that first  
16     e-mail to Ms. Yancy. Just one quick question on  
17     this. There's a reference to in your -- on the LGBT  
18     advisor side to a rainbow sidewalks --

19          A.     Yes.

20          Q.     -- issue.

21          A.     Uh-huh.

22          Q.     I can't find the page right now.

23          A.     I know where it is.

24          Q.     We don't have to get to the page.

25                    There was a notation with regards to your

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1 involvement in the First Amendment issue.

2 (Exhibit 64 was marked for  
3 identification.)

4 THE WITNESS: I want to back up and  
5 say one other thing. Whether it's the HRC  
6 dinner or the Pride parade, these are items  
7 that the mayor was aware of. None of this  
8 was done without a conversation with him.  
9 So when you ask about someone appearing in  
10 their official capacity, he was there as  
11 well. This was not something that was done  
12 and then a surprise to him down the road.  
13 He was part of the conversation along the  
14 way.

15 BY MR. CONNELLY:

16 Q. Thank you for that.

17 Turning to Plaintiff's Exhibit 64. It  
18 appears to be an e-mail from Robert Sepulveda, Jr. to  
19 you February 26th of 2015 with the subject line  
20 "Atlanta rainbow crosswalks."

21 A. Yes.

22 Q. The fourth paragraph down, Mr. Sepulveda  
23 says, "The mayor recently showed a solidarity on  
24 nondiscrimination with the LGBT community with the  
25 firing of Fire Chief Kelvin Cochran and these

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1 crosswalks with" -- he says with -- I'm assuming he  
2 meant will -- "will only confirm and continue to show  
3 support that not only the City but the mayor has for  
4 this community."

5           What's this issue about? What are these  
6 Atlanta rainbow crosswalks?

7           A.     So there are -- it's an interesting issue,  
8 and actually it's a great example of my having two  
9 roles, because ultimately I had to push back against  
10 the gay community because I opposed what they wanted  
11 to do from a First Amendment perspective. So  
12 Mr. Sepulveda wanted to take crosswalks near Piedmont  
13 Park and paint them rainbow colors I guess  
14 particularly with -- initially in association with  
15 the Pride parade.

16           I was concerned that if you allow someone  
17 to paint a crosswalk as part of a festival, that you  
18 must grant that same permission in the future to  
19 anyone who wants to paint the crosswalk. You are  
20 now -- you're going to end up in a situation where  
21 you have to make content-neutral decisions, so you  
22 got to understand that if you're going to say yes to  
23 him, you're saying yes to everyone.

24           And now, Mr. Sepulveda didn't like that  
25 answer. So that's the bulk of it. He was angry, and

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1 I certainly got calls, and I explained to members of  
2 the LGBT community who pushed back on me, you know, I  
3 hear you, but, you know, this is a First Amendment  
4 issue and this is how it is.

5 Q. Was the proposal as far as painting the  
6 sidewalks, was that -- when you said it was related  
7 or connected somehow to the Pride, was that supposed  
8 to be -- were they supposed to be temporary and then  
9 they'd by whitewashed, or was he proposing --

10 A. First it was temporary. I mean, what --  
11 how that then played out then gets into  
12 attorney-client privilege and attorney work product,  
13 but the bottom line is I said no.

14 Q. But in other words, his initial proposal  
15 was for temporary, and then it may have turned into  
16 something more permanent?

17 A. Essentially, yes.

18 Q. But the long and short of it is, you told  
19 him in your capacity as chief counsel?

20 A. My advice to the -- what I advised on the  
21 issue in my capacity as chief counsel.

22 Q. And you told them?

23 A. I gave advice.

24 Q. Okay. A couple of more questions.

25 As a City employee, you hold two -- you

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1 have two hats, I guess we could say.

2 A. Yes.

3 Q. Were you issued city equipment in your  
4 positions?

5 A. A BlackBerry. Well, it's not only a  
6 Black -- I believe it's a Samsung now, and then of  
7 course I have stuff like, you know, on my desk.

8 Q. A desktop --

9 A. Yes.

10 Q. Or a laptop?

11 A. Desktop, old desktop.

12 Q. City e-mail account, I'm assuming?  
13 Obviously unless something has changed.

14 A. I'm sorry?

15 Q. City e-mail account?

16 A. Yes, sir.

17 Q. Have you ever used any City-issued  
18 equipment to take or receive a phone call from family  
19 members?

20 A. I can't use my -- I don't even have a  
21 voice mail set up on my City phone, so no.

22 Q. You carry two phones?

23 A. Yes.

24 Q. So have any of your children or your  
25 spouse ever called you on that City phone and you

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1 took the call?

2 A. Never. I don't even know the number.

3 Q. Have you ever paid a bill on your City  
4 laptop or desktop?

5 A. No.

6 Q. Never, not once?

7 A. Paid a bill, no.

8 Q. Have you ever accessed an Internet site to  
9 check on news that wasn't necessarily related to work  
10 from your City computers?

11 A. News, but probably -- I mean, are you  
12 going to -- I will tell you, I am more likely -- it  
13 is rare for me to have City -- to have non-City items  
14 show up on my desktop. But that's where it would  
15 show it. It wouldn't show up on my Samsung. It  
16 would show up on my desktop or -- so I could get an  
17 e-mail from the kids' school.

18 Q. So that -- occasionally that could happen?

19 A. Yes.

20 Q. You'd get an e-mail from the kids' school?

21 A. Yes.

22 Q. Would you occasionally buy something say  
23 online, say on Amazon if you were sitting at your  
24 desktop?

25 A. On my desktop?

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1 Q. Yes.

2 A. No.

3 Q. Where would you buy that from?

4 A. I would do it -- I'd probably do it at  
5 home with my iPad.

6 Q. Your personal iPad?

7 A. Yeah.

8 Q. Okay.

9 A. I mean, if I had to do it at work, I'd do  
10 it on my iPhone.

11 Q. In your time as chief counsel and LGBT  
12 advisor, which I'll call extensive in some way at the  
13 end, have you ever been aware of anybody being  
14 disciplined for personal use of City equipment?

15 A. Way back when, under the Campbell  
16 administration maybe once.

17 Q. What did that involve; do you recall?

18 A. It was the city attorney at the time, and  
19 I think that he -- I think like cell phones were like  
20 a new thing, and he was getting a fair number of  
21 personal calls on his City cell phone.

22 Q. So this may have been when minutes were  
23 not fungible like they are today, or there was an  
24 actual charge per minute or something like that?

25 A. I don't -- I am not going to get into what

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1 the issue was, but that was the -- that was -- you're  
2 asking about.

3 Q. It sounds like it was long enough ago,  
4 though, that cell phones have changed a little bit?

5 A. Oh, yeah. I mean, I think they were brand  
6 new at that time.

7 Q. Right.

8 MR. CONNELLY: Why don't we take five  
9 minutes and I think we can wrap it up.

10 MS. HINTON: Sure.

11 MR. CONNELLY: Go off the record.

12 THE VIDEOGRAPHER: The time is  
13 1:07 p.m. We're off the record.

14 (A recess was taken.)

15 THE VIDEOGRAPHER: This is the of  
16 beginning Media Number 3 in the deposition  
17 of Robin Shahar. We're back on the record  
18 at 1:15 p.m.

19 BY MR. CONNELLY:

20 Q. Ms. Shahar, we spoke a little bit before  
21 about around the time of that circle up meeting on  
22 November 24th that there was some media buzz  
23 around -- those are my words -- media buzz around the  
24 book, and that it had already been out there. That's  
25 one of the reasons I think you said you spoke about a

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1 communications plan or it was discussed at that  
2 meeting.

3 From that time when the book somehow got  
4 into the media to the time of Chief Cochran's  
5 termination, did any what I'll call LGBT groups  
6 contact you as the LGBT advisor?

7 A. Any group?

8 Q. And I'm going to be specific. I'm sorry  
9 to cut you off. Did the HRC contact you from that  
10 time that the book -- the contents of the book or the  
11 book's existence became known to the time of  
12 termination, did HRC contact you during that time  
13 window?

14 A. Two local people from HRC contacted me.

15 Q. Who were they; do you recall?

16 A. Yeah. Interesting. So Ames Simmons, and  
17 the second person, I don't know if he's out, so I'd  
18 rather not say his name.

19 Q. What were those discussions?

20 A. They were -- they were concerned about the  
21 book.

22 Q. You say they were concerned about the  
23 book. What did they say to you?

24 A. They were calling about two issues of  
25 concern, and they were pretty short. The

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1 call -- they expressed their concern. And again,  
2 when people spoke with me, it was not that they  
3 expected me to act, but they wanted me to know their  
4 opinion so that I could have that in my own brain as  
5 I was evaluating a situation.

6 Q. Anybody from Georgia Equality contact you  
7 during this time period?

8 A. In their capacity as representing Georgia  
9 Equality?

10 Q. Or if you knew them to be involved in  
11 Georgia Equality.

12 A. There were two issues going on  
13 simultaneously, and I'm inclined to say -- well,  
14 there was -- I was in contact with Georgia Equality,  
15 but the City was going to be having a community  
16 meeting with the transgender community. But the  
17 Ferguson protest happened and every -- all of  
18 people's schedules were thrown about, so we had to  
19 put off the meeting with the transgender community,  
20 so I was involved with Georgia Equality over that.  
21 So there was just sort of a swirl of communications,  
22 but in terms of Chief Cochran, no, I don't think I  
23 spoke with Georgia Equality about that.

24 Q. Any other groups here in Atlanta that have  
25 any connection to the issues? Lambda Legal?

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1 A. No.

2 Q. ACLU?

3 A. Not that I recall.

4 Q. So you can't recall any other contact from  
5 any other groups during that time window we spoke  
6 about?

7 A. I don't think so, not about Chief Cochran.

8 Q. Or the book?

9 A. Or the book, no.

10 MR. CONNELLY: I have no further  
11 questions.

12 MS. HINTON: I have no questions.

13 MR. CONNELLY: Thank you.

14 THE WITNESS: Thank you.

15 THE VIDEOGRAPHER: This concludes  
16 Media Number 3 in the video deposition of  
17 Robin Shahar. We are off the record at  
18 1:19 p.m.

19 (Deposition was concluded at 1:19 p.m.)

20

21

22

23

24

25

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1 A. Yes.

2 Q. And what did that involve; do you recall?

3 A. Yes. I was held up at gunpoint, so I  
4 testified against a defendant who was convicted.

5 Q. Have you ever been a party to a lawsuit?

6 A. Yes.

7 Q. Can you tell me what that was about?

8 A. I was a plaintiff in the case of Shahar  
9 versus Bowers, which was a case brought under 42 USC  
10 Section 1983 based on the First and Fourteenth  
11 Amendments against State of Georgia and Michael  
12 Bowers, then attorney general.

13 Q. And what was it for? What was the nature  
14 of the claim?

15 A. Sure. I was terminated after Mr. Bowers  
16 learned that I was going to engage in a religious  
17 ceremony with my partner at the time, female partner  
18 at the time, Fran Shahar.

19 Q. What was the outcome of that case?

20 A. The outcome was that we lost at the 11th  
21 Circuit Court of Appeals <sup>en banc</sup> on bond. We petitioned for  
22 cert to the U.S. Supreme Court, and they denied cert.

23 Q. Just a little bit about your preparation  
24 in this deposition. Did you review any documents in  
25 preparation for this deposition?



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1 I've got my bachelor's from Tufts University.

2 Q. And again, if you could give me sort of a  
3 thumbnail sketch of your employment industry since  
4 you graduated from Emory. *history*

5 A. Okay. I worked for two years as an  
6 independent contractor for a small firm in Atlanta  
7 just doing work for five or six lawyers who worked  
8 there. And then I began working with the City of  
9 Atlanta in '93, and I've been with the City of  
10 Atlanta law department since then.

11 Q. What kind of, again thumbnail, it doesn't  
12 need to be, you know, super detailed, but what type  
13 of roles have you had with the City of Atlanta --

14 A. Numerous.

15 Q. -- up until now? You don't have to give  
16 me now. We'll talk about that in a second.

17 A. Well, I have -- well, for a while I  
18 focused on employment discrimination litigation. I  
19 represented the Office of Contract Compliance doing  
20 work on their equal business opportunity ordinance.  
21 I was chief lawyer at the airport. At this point,  
22 I'm doing special projects, so I was the key lawyer  
23 for pension reform. I guess a few years ago in  
24 addition to my job in the law department, Mayor Reed  
25 asked if I would serve as his advisor on LGBT issues,



1 needed for the City.

2 Q. If you look down to page 112, Borders v.  
3 City of Atlanta --

4 A. Yes.

5 Q. -- pension reform challenge. And up on  
6 the page -- sorry, I didn't mean to --

7 A. Go ahead.

8 Q. On the top of page 113 where it says  
9 "Advise on City response to ongoing public (safely)  
10 employees' mischaracterizations regarding pay raise  
11 and baseless accusations of retaliation."

12 What did that particular portion of your  
13 job entail? What did you mean by  
14 mischaracterizations and baseless accusations?

15 A. I don't want to get into attorney-client  
16 privileged information. What I'll tell you is that I  
17 was the lead attorney to draft pension reform. I was  
18 the lead attorney to defend it up to the Georgia  
19 Supreme Court where we got a unanimous decision  
20 upholding it. And I could very -- I mean, I was  
21 intimately familiar with what the law did, what the  
22 law said, and if there were misrepresentations, I  
23 would correct those.

24 Q. So basically that's just -- I mean,  
25 without getting into privilege, you were just saying

*Please use actual document for exact wording*

*safely safety*



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1 remedial measure where I decided the  
2 program should go in a different part of  
3 the city government so we could be more  
4 responsive to the public.

5 BY MR. CONNELLY:

6 Q. Turning to page 116, just a few more  
7 questions about this portion of your job. On  
8 Section 10 there, number ten, services provided upon  
9 request.

10 A. Yes.

11 Q. Top part there, "Draft and/or edit press  
12 statements on LGBT issues" --

13 A. Yes.

14 Q. -- "and draft and/or educate written  
15 communication regarding LGBT issues." *edit*

16 A. Yes.

17 Q. I'd like to ask you a question about both  
18 of those, but first if it's more efficient, are both  
19 of those essentially the same, or is there some  
20 significant difference between those two?

21 A. There's a difference.

22 Q. Well, let's take the first one then, if  
23 you will.

24 A. Sure.

25 Q. So what's -- I guess my first question



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1 there would be more of a back and forth. Now that we  
2 know each other's styles, typically I'll just make  
3 edits and send them back.

4 Q. And who are your points of contact on  
5 those?

6 A. Yeah. It would be Jenna Garland and  
7 Anne Torres.

8 Q. And can you just tell me what they do, to  
9 your understanding? Jenna Garland works for who?

10 A. You'd have to ask them. I don't -- I  
11 mean, they work in the office of communications. I  
12 don't know who they report to.

13 Q. Do you know if there's a specific  
14 breakdown, one handles -- so you don't know if one  
15 handles one?

16 A. I think there is, but I don't know it.

17 Q. Second portion of that, "Draft and/or  
18 edit, written communication regarding LGBT issues."  
19 Is that something where you're more independent?

20 A. No.

21 Q. What does that entail?

22 A. So for example, when gay pride parade is  
23 here each year, they have a booklet. They like to  
24 have a welcoming letter from the mayor ~~(that goes to)~~ <sup>and</sup> I  
25 think John Lewis and a couple of other elected



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1 officials. It's typically -- and actually there --  
2 now that I think about it, there are some other  
3 people in that office, in the office of  
4 communications, who may do drafting as well of that  
5 sort of -- for that type of thing. And they'll send  
6 it to me, and I will edit as appropriate and send it  
7 back.

8 Q. Lastly, I just want to talk about real  
9 quickly is "Attend meetings and events." What did  
10 you mean? Just give me a couple of examples, if you  
11 would, about that.

12 A. So the <sup>Mayor and</sup> Atlanta Police Department, after  
13 the Orlando massacre had a meeting with a group of  
14 leaders in the LGBT community, leaders and business  
15 owners to talk about safety, and I was there for that  
16 meeting.

17 Q. I want to talk a little bit about what's  
18 at the heart of this case, and that's Chief Cochran's  
19 book. When was the first time you became aware of  
20 the book?

21 A. It seemed like his book came into the  
22 public knowledge sphere in a way that a lot of people  
23 heard about it all at once. I would have heard about  
24 it during that time period.

25 Q. Do you recall when that was?



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1 BY MR. CONNELLY:

2 Q. The court reporter has handed you what's  
3 been marked Plaintiff's Exhibit 49. This document I  
4 think might help a little bit, and you can correct me  
5 if I'm wrong. It looks like the subject line says  
6 "Circle up."

7 A. Yes.

8 Q. It looks to me at some point, you are an  
9 addressee on this.

10 A. I was at some point, yes.

11 Q. It looks to me like the first time you  
12 were an addressee is on November 24th. You can  
13 correct me if I am wrong on that.

14 A. Let me look at the document. That appears  
15 to be correct.

16 Q. And it looks like, if you'll look down on  
17 November 24th at 10:31 a.m., Melissa Mullinax sends  
18 this e-mail to Yvonne Yancy, Anne Torres, and Cathy  
19 Hampton, and you were cc'd.

20 She says, "Perhaps we should all sit down  
21 together."

22 You respond right above that at 10:39 and  
23 say, "I know we will likely meet soon, but wanted to  
24 mention this because I think it's important. I would  
25 not state anything about disciplinary action or

*Please  
Use  
document  
exactly  
wording*



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1 ensuring it doesn't happen again. We can talk about  
2 why in person, but request those types of phrases be  
3 omitted."

4 Why did you lend that counsel to the  
5 group?

6 A. That's attorney-client privilege.

7 MS. HINTON: I have to agree. I  
8 mean, she's chief counsel for the law  
9 department. She's in this meeting with Bob  
10 Godfrey and Cathy Hampton, so.

11 THE WITNESS: And let me -- let me  
12 clarify it. Let me clarify. I straddle  
13 two positions. I attended this meeting in  
14 my capacity as LGBT advisor. I can talk  
15 about non-privileged conversation that took  
16 place during the meeting. This particular  
17 note was informed by over a decade of  
18 employment discrimination work as a lawyer,  
19 and that's why this particular note in  
20 terms of the reasoning of it would be  
21 attorney-client work product and  
22 attorney-client privilege.

23 BY MR. CONNELLY:

24 Q. So then in your capacity as LGBT advisor,  
25 which you said you attended the meeting, what was

Phrase used  
document for  
exact  
wording



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1 it have been sometime that morning or early  
2 afternoon?

3 A. It looks like it would have been -- I  
4 mean, I'm saying, "At 10:41<sup>AM</sup> I'm available."

5 Q. Okay. So at that point when you said  
6 there were a number of disciplinary sort of  
7 possibilities entertained, would it be correct for me  
8 to assume that suspension had not yet been agreed  
9 upon at that meeting?

10 A. Nothing was agreed upon at that meeting.

11 Q. Okay.

12 A. Suspension was discussed.

13 Q. So back to my earlier question when we  
14 talked about what you were concerned about. Did you  
15 event -- what was your eventual -- if you made an  
16 eventual recommendation, what was it?

17 MS. HINTON: Now, we have to be  
18 careful because --

19 THE WITNESS: Yes.

20 MS. HINTON: -- if you're speaking as  
21 LGBTQ advisor, that's one thing. If you're  
22 speaking as an attorney for the City,  
23 that's another. So do you understand --

24 THE WITNESS: Yes.

25 MS. HINTON: -- the line?



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1 Q. Okay. Thank you for that.

2 Do you recall if anyone else made  
3 recommendations or at least threw out recommendations  
4 to that group that day about what they thought should  
5 happen with Chief Cochran?

6 A. I don't believe we were talking about  
7 recommendations. I believe we were discussing -- it  
8 wasn't at that level. We were talking about what had  
9 occurred, what might seem appropriate, but that's  
10 different from saying, here's the recommendation that  
11 we're going to take to the mayor.

12 Q. I'm handing you what's been previously  
13 marked as Plaintiff's Exhibit 8. I just have a quick  
14 question. When you heard about the book, did you  
15 eventually get a copy of it from someone?

16 A. No, *(I did not get a copy for myself, but  
may have borrowed one*

17 Q. Did you ever read the book?

18 A. No *(~~can~~ not the entire book)* *so that I could  
see it and make*

19 Q. Did you ever read portions of the book? *copies of pages  
for myself)*

20 A. Yes.

21 Q. How did you get those portions?

22 A. You know, I may have -- I may have seen  
23 the book and made copies of -- I may have -- I don't  
24 know if I received copies, a copy, a photocopy or the  
25 book. I don't know, but what I do know is that I had



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1 surprising. You know, I come into contact with LGBT  
2 discrimination all the time. Not all the time, but  
3 often enough that there's a lot of education that  
4 needs to be done. So from that perspective, that was  
5 an area where I felt that education was important.

6 Q. And did you voice these concerns at that  
7 meeting?

8 A. No.

9 Q. Why not?

10 A. Because they were my personal. Well, what  
11 I -- I'll tell you, I voiced them as a group. What  
12 I'm telling you now is a personal response. That's  
13 one thing.

14 What I said in the group is that the book  
15 takes non-Christians, Jews, Muslims, women, and LGBT  
16 individuals, and it speaks of them as a lesser class.  
17 I was concerned about the leader of the department  
18 making a clear statement that some members of his  
19 department are of a lesser class.

20 It was very interesting to me sitting  
21 through Chief Cochran's deposition, looking at  
22 writings that he had authored about leadership and  
23 cohesiveness in the department and how that  
24 cohesiveness can have life or death implications when  
25 you're out doing your work.

*Incorrect*  
*I would need to hear the video recording to know the accurate content*



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1 you don't look at pretext. You know, is what the  
2 employer is saying a lie.

3           What I was saying to my dad is -- let's  
4 say -- I mean, if you're a business and you say, we  
5 don't want to treat -- we don't want to work with  
6 LGBT people. You know, Chief Cochran talks about  
7 that there aren't gradations of naked and clothed.  
8 Either you are or you aren't. And he lists a whole  
9 bunch of examples like adultery. So I said to my  
10 dad, you know, so if a business is willing to serve  
11 adulterers but not people from the LGBT community, to  
12 me you're looking at pretext. There's an  
13 inconsistency there, that what's driving the  
14 situation is not their religious beliefs. What's  
15 driving the situation is discrimination.

16           (Exhibit 56 was marked for  
17 identification.)

18 BY MR. CONNELLY:

19           Q.     Thankfully this is a much shorter one. Do  
20 you recall this e-mail?

21           A.     Yeah.

22           Q.     Who's Donna Dobbs?

23           A.     She's the assistant for the chief of  
24 staff, Candace Byrd.

25           Q.     Candace Byrd. Do you recall talking --



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1 things with his life, and as far as I'm concerned,  
2 when you're done with him, you'll be done with him.  
3 This is not about his religious freedom. It's not  
4 about him. It's about you.

5 Q. And on what basis do you draw those  
6 conclusions?

7 A. About you?

8 Q. About me, about my organization, about  
9 groups that represent people in religious freedom  
10 matters.

11 A. Because when you stand up and you make it  
12 sound like Christians need to be worried about their  
13 religious freedoms being trampled on, and I'm a Jew,  
14 I don't think your views <sup>are</sup> a Christian views the way I  
15 understand <sup>them--</sup> people who care about other people and  
16 love other people. I think your views end up <sup>hunting</sup> ~~with~~  
17 people like my people, Jewish people. I mean, look  
18 what's going on around this country. Look at the  
19 attacks on Jews and Muslims. In the name of what?  
20 Christianity? That's religious? -- That to me is what  
21 these religious freedom bills are about. <sup>(You are saying: "We are</sup>  
22 superior. We're going to say what religious freedom  
23 is. That's ours to define, and anyone who thinks  
24 that ours <sup>[view of "religious freedom"]</sup> is wrong, you're trampling on our religion. <sup>"</sup>  
25 So that means then that you can treat Jews and



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1 Muslims the way you want in the name of Christianity.

2 That's my opinion. That's not my  
3 religious belief. I disagree with the way you  
4 approach what you're doing. I am saddened by what  
5 has happened with Chief Cochran, that I think you all  
6 have motivated.

7 Q. When Lee Schreter is talking in that third  
8 paragraph down, she says -- or you say to Lee, "I  
9 agree that it is irresponsible to base decisions on  
10 media coverage alone. The book is definitely the  
11 most reliable source of information. Given that it  
12 will take a couple of days for you to receive it, I  
13 thought it may be helpful to provide a sense of the  
14 content now."

15 What did you mean by irresponsible to base  
16 decisions based on media coverage alone?

17 A. I need to take a break. I need five  
18 minutes.

19 Q. Can we get a response to that question?

20 A. No. I need a five-minute break.

21 MS. HINTON: Your question can be  
22 pending, and she'll answer when she gets  
23 back.

24 THE VIDEOGRAPHER: The time is  
25 12:10 p.m. We're off the record.



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1 looking at -- I don't remember his exact language,  
2 but essentially I felt it was my charge to be -- to  
3 help Chief Baker establish an ism-free work  
4 environment. Whether it <sup>(already)</sup> was or wasn't <sup>(ism-free)</sup> it was not  
5 part of it, this was a charge that we were going to  
6 be looking at. So I met with Chief Baker and  
7 Sergeant, then Sergeant Posey to talk a bit about  
8 what that might look like.

9 Q. And who is Sergeant Posey? Why was she  
10 involved?

11 A. She was the woman that Chief Baker  
12 appointed to be his LGBT liaison.

13 Q. Was that position already in existence, or  
14 was that created subsequent to Chief Cochran's  
15 termination?

16 A. I believe he created it subsequent to  
17 Chief Cochran. That was my understanding.

18 Q. Did you have any involvement in creating  
19 that position?

20 A. No.

21 Q. Just recall for me. When were you -- when  
22 were you named LGBT advisor? When did you begin that  
23 portion of your job, just ballpark?

24 A. It was like in August of some year, maybe  
25 a few years ago, three or four. I don't -- the time



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1 study. And we've known each other for so long. I  
2 worked with him back in my litigation days, so we  
3 would have had some informal conversation, so I just  
4 don't -- what I recall most is looking at the answers  
5 to get an sense of what was going on.

6 Q. What was Jerry Solomon's title?

7 A. I don't know.

8 Q. Was he a lawyer?

9 A. Oh, no, he was with HR, human resources.  
10 Well, let me go back. When I worked with him, he was  
11 in human resources. Back in the day, he was  
12 responsible for creating I think and implementing the  
13 promotional <sup>tests</sup> tasks for police and fire, so I worked  
14 with him because I was dealing with a lot of  
15 discrimination cases out of those two departments.

16 Q. So was he the one who pushed the survey  
17 out to AFRD members?

18 A. I don't know.

19 (Exhibit 60 was marked for  
20 identification.)

21 BY MR. CONNELLY:

22 Q. The court reporter has handed you what's  
23 been marked as Plaintiff's Exhibit 60. It appears to  
24 be an e-mail from Joel Baker to some members of the  
25 mayor's cabinet, Robert Godfrey, yourself, and then



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1 in Pride parade as far as the LGBT advisor role?

2 A. Yeah. Like so there is a team of  
3 people -- actually it's the human -- it's  
4 Commissioner Yancy who spearheads the City's  
5 participation in the Pride parade. And I participate  
6 with a team of others to, you know, put together a  
7 float, that type of thing.

8 Q. When you say a float, who would be on the  
9 float?

10 A. This year the mayor was on the float.

11 Q. Okay.

12 A. There are people who march. There are  
13 people on the float.

14 Q. Any uniform personnel?

15 A. On the float? I don't recall any uniform  
16 personnel on the float.

17 Q. Do you recall whether the chief of police  
18 or Chief Baker has appeared at the --

19 A. Yes, Chief Baker has. I have not seen  
20 Chief Turner. So it doesn't mean he hasn't, but not  
21 since I've been there have I seen Chief Turner. I've  
22 seen Chief Baker.

23 Q. The new chief of police, have you seen her  
24 or has she not been on the job long enough to --

25 A. Chief Shields? I have <sup>not</sup> seen her at the



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1 ERRATA SHEET

2 Pursuant to Rule 30(e) of the Federal Rules of  
3 Civil Procedure and/or the Official Code of Georgia  
4 Annotated 9-11-30(e) any changes in form or substance  
5 which you desire to make to your deposition testimony  
6 shall be entered upon the deposition with a statement  
7 of the reasons given for making them.

8 To assist you in making any such corrections,  
9 please use the form below. If supplemental or  
10 additional pages are necessary, please furnish same  
11 and attach them to this errata sheet.

12 - - -

13 I, the undersigned, ROBIN JOY SHAHAR, do hereby  
14 certify that I have read the foregoing deposition and  
15 that to the best of my knowledge said deposition is  
16 true and accurate (with the exception of the  
17 following corrections listed below).

18

19 Page 9 Line 21 should read: "en banc", (not "on  
20 bond")

21 Reason for change: \_\_\_\_\_

22

23 Page 13 Line 3 should read: "history" (not "industry")

24 Reason for change: \_\_\_\_\_

25

26 Page 18 Line 9 should read: "safety" (not "safely")

27 Reason for change: transcript should be  
identical to document, p. 112

28

29 Page 25 Line 14 should read: "edit" (not "educate")

30 Reason for change: \_\_\_\_\_

31

32



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1 Page p. 27 Line 24 should read: "that goes to"  
 2 Reason for change: should be replaced with "and"  
 3 ↳ Not sure what my exact words were, but as written, the line is inaccurate  
 4 Page p. 28 Line 12 should read: add "Mayor and" before "Atlanta Police"  
 5 Reason for change: accuracy  
 6  
 7 Page p. 30 Line 25 thru p. 31 L. 3. should read: \_\_\_\_\_  
 8 Reason for change: Should be identical to document wording  
 9  
 10 Page 36 Line 4 should read: quotation mark goes before: "I'm"  
 11 Reason for change: \_\_\_\_\_  
 12  
 13 Page 38 Line 16 17-18 should read: "No, I did not get a copy that was mine to keep"  
 14 Reason for change: clarification.  
 15 I may have borrowed the book briefly from someone to make copies of pages for myself.  
 16 Page 41 Line 10-13 should read: \_\_\_\_\_  
 17 Reason for change: Currently incorrect. would need to hear the video to know accurate content.  
 18 p. 95 - L. 1 - Remove "don't"  
 19 Signature Reason: Fixing transcription error.  
 20 Sworn to and Subscribed before me  
 21 \_\_\_\_\_, Notary Public.  
 22 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 23 My Commission Expires: \_\_\_\_\_ ESB  
 24  
 25 p. 101-102 ↳ see attached pages with corrections on them. Reason = Adding punctuation + a couple clarifying clauses to accurately communicate meaning.  
p. 106, line 4  
↳ Reason = Adding clarifying clauses to help communicate meaning.



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C E R T I F I C A T E

G E O R G I A :  
F U L T O N C O U N T Y :

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 138 represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

Pursuant to Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as an independent contractor for Huseby, Inc.

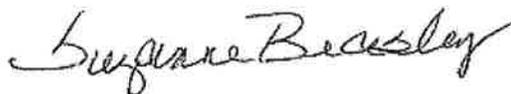
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1 I was contacted by the offices  
2 of Huseby, Inc. to provide court reporting  
3 services for this deposition. I will not  
4 be taking this deposition under any  
5 contract that is prohibited by O.C.G.A.  
6 15-14-37 (a) or (b).

7 I have no written contract to  
8 provide reporting services with any party  
9 to the case, any counsel in the case, or  
10 any reporter or reporting agency from whom  
11 a referral might have been made to cover  
12 this deposition. I will charge my usual  
13 and customary rates to all parties in the  
14 case.

15 This, the 6th day of March, 2017.

16  
17 

18 \_\_\_\_\_  
19 SUZANNE BEASLEY, B-1184  
20 My commission expires on the  
21 24th day of August, 2018.  
22  
23  
24  
25

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Robin Joy Shahar on 02/22/2017

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Robin Joy Shahar on 02/22/2017

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**From:** Shahar, Robin [rshahar@AtlantaGa.Gov]  
**Sent:** 10/20/2015 11:07:24 AM  
**To:** Yancy, Yvonne Cowser [yyancy@AtlantaGa.Gov]  
**Subject:** RE: follow up  
**Attachments:** project list- 9-30-2015.doc; proposedLGBT project list- 10-6-2015.doc; proposed Law dept project list- 10-6-2015.doc

Hi Yvonne,

Attached are three documents regarding my current and proposed projects as a Law Department Chief Counsel and as Mayor Reed's Advisor on LGBT Issues.

Fiscal Year 2015 Projects:

The first document presents the projects I performed in Fiscal Year 2015. Sections 1 through 17 are projects performed in my capacity as Chief Counsel. Sections 18 through 20 are projects performed in my capacity as LGBT Advisor. The last page includes my hours spent in each role during Fiscal Year 2015: 1,798.51 hours in my Chief Counsel role; 509.83 hours in my LGBT Advisor role; and 2,308.34 hours total.

Proposed Projects:

Before determining the division of time between my two roles, I would like to clarify Mayor Reed's expectations for the Advisor position. Specifically, does the Mayor want me to identify opportunities for and demonstrate Atlanta's leadership on LGBTQ equality issues (a "proactive" Advisor), or would he prefer that I advise on LGBTQ-related issues only when they arise (a "reactive" Advisor). The "proactive" role would include "reactive" responsibilities (i.e. advising on LGBTQ issues as they arise).

LGBT Advisor: Proposed Project List:

The second document presents a proposed list of LGBT Advisor projects. Rather than discussing a theoretical question about proactive versus reactive responsibilities, I prepared a list of potential "proactive" projects to help clarify the work being considered. This list assumes that approximately 50% of my time would be dedicated to LGBT Advisor responsibilities. That said, these responsibilities include supporting the Law Department as needed. During Fiscal Year 2015, I spent a significant amount of my LGBT Advisor hours supporting the Department of Law.

Chief Counsel: Proposed Project List:

The third document is a revised list of my current Chief Counsel projects. The revised list proposes a half-time Chief Counsel position. This list would need to be developed with the City Attorney, but presents a starting point for that discussion.

Please let me know if you need any additional information.

Thank you.

Robin

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----- Original message -----

From: "Yancy, Yvonne Cowser" <yyancy@AtlantaGa.Gov>  
Date: 10/19/2015 2:53 PM (GMT-05:00)



To: "Shahar, Robin" <[rshahar@AtlantaGa.Gov](mailto:rshahar@AtlantaGa.Gov)>

Subject: Re: follow up

Hi. Pls send me the options we discussed.

Y

Yvonne Cowser Yancy

Commissioner, Human Resources

City of Atlanta

O: 404-330-6408

E: [yyancy@atlantaga.gov](mailto:yyancy@atlantaga.gov)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Shahar, Robin

**Sent:** Wednesday, October 7, 2015 4:04 PM

**To:** Yancy, Yvonne Cowser

**Subject:** follow up

Hi Yvonne.

Thanks for meeting with me Monday. I stopped by your office a few minutes ago to bring you a document I prepared. Sorry that you are not feeling well. Please let me know if you want me to stop by when you are in, or if you want to talk by phone.

Hope you feel better.

Robin

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**CURRENT PROJECTS**

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**TO:** MARC GONCHER  
**FROM:** ROBIN SHAHAR  
**DATE:** SEPTEMBER 30, 2015

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**Projects Performed in my Capacity as Atlanta Law Department Attorney**  
**(Items 1 through 17 below)**

1) Chief Counsel Responsibilities

- a) Train junior attorneys through hands-on project supervision
  - Work collaboratively with supervisees to teach analysis of applicable case law, persuasive writing techniques and creative approaches to legal challenges
  - Offer detailed feedback to my supervisees on their written work product so that they will understand and learn from my edits
  - Provide detailed feedback to my supervisees regarding oral presentation skills after they present an oral argument or continuing legal education seminar
- b) Assign increasingly challenging projects to junior attorneys, and provide supervision in a manner that fosters the following:
  - Commitment to excellence
  - Pride in work-product
  - Long-term interest in municipal law
  - Appreciation for the unique opportunities offered by the Atlanta Law Department
- c) Counsel my supervisees on career development at the City, including discussion of projects and Continuing Legal Education (“CLE”) courses that will aid in achieving their goals
- d) Perform Continuing Legal Education courses:
  - Co-led pension seminar at Law Department CLE (February 2015)
  - Co-led pension seminar at midyear IMLA conference (April 2015)
  - Led in-house lunch-and-learn class for all Law Department attorneys and paralegals regarding the two First Amendment cases decided by the US Supreme Court in June 2015 (July 2015)
  - Co-led First Amendment seminar at City & County Attorneys CLE (September 2015)

- e) Performed lead role with the Chief Counsel team to create a written office-wide training plan to ensure meaningful use of available CLE funds
- f) Implement (with other Chiefs Counsel) the office-wide training plan
- g) Participate (with other Chiefs Counsel) in the organization of the annual CLE offered by the Atlanta Law Department
- h) Monitor legal developments and current events that may affect the City of Atlanta and/or the work of the Atlanta Law Department
- i) Provide guidance, upon request, to any attorney, paralegal or support staff seeking my input on complicated projects, legal analyses or general matters

2) Reed v. Town of Gilbert - First Amendment Task Force

- a) Organized a team of Law Department attorneys, one paralegal and the Department's legal extern (the "Team") to evaluate and address the impact of the June 2015 Supreme Court ruling, *Reed v. Town of Gilbert*, on City of Atlanta ordinances, regulations and practices
- b) Lead the team in a critical analysis of: the *Reed v. Town of Gilbert* decision, including each concurring opinion; the Supreme Court's previously-decided First Amendment rulings that offer insight about the application of *Reed v. Town of Gilbert*; and every new judicial opinion, from across the country, that analyzes and applies *Reed v. Town of Gilbert*
- c) Lead the team in a systematic review of every Atlanta ordinance/policy/rule that involves regulation of expression, including tangential regulation, to determine whether revision is needed to meet constitutional scrutiny
- d) Implement the following procedure for each regulation that may need revision:
  - Lead Team discussion to fully vet the constitutional analysis of the regulation. Reach consensus on a Team recommendation regarding the need for revision. Where consensus cannot be reached, present the different analyses to the Deputy City Attorneys and request their guidance on how to proceed.
  - Upon identifying a regulation that should be revised, draft a recommended revision prior to discussing the issue with the Law Department senior staff, and (after obtaining senior staff approval) with the client/City policy makers
  - Meet personally with the client (operational department and/or policy makers) to explain *Reed v. Town of Gilbert* and present the recommended remedial law

- Work with the client to modify the recommended remedial law as needed to address operational concerns, identifying solutions that protect departmental needs while remaining compliant with First Amendment requirements
- Draft authorizing legislation to codify the remedial law

e) Laws being evaluated include:

- Murals/Private property art facing the right-of-way
- City-wide advertising
- Monetary solicitation
- Crosswalk art
- Conduct rules for Streetcar, parks and other public places

3) Borders v. City of Atlanta: Pension Reform Challenge

a) Respond to pension-related issues as needed, for example:

- Worked with the Administration to prepare an *Infographic* regarding Mayor Reed's investments in public safety and employee pay raises
- Advise on City response to ongoing public safety employees' mischaracterizations regarding pay raises and baseless accusations of retaliation

b) Draft communication with clients as needed

c) Draft press communication as needed

d) Brief and argue Atlanta's Motion for Attorneys' Fees (early 2016)

4) Outdoor Events Task Force

a) Represent Law Department in a Task Force led by Councilmembers Hall and Wan. The purpose of the Task Force is to review and modify (as needed) the Outdoor Events Code

b) Provide constitutional explanations, drafting assistance and other legal support to the Task Force. Remain cognizant of the presence of citizens and community leaders at the meetings, and be careful not to inadvertently offer legal advice or legal opinions about the current outdoor events law

5) Law Department Pension Working Group

Participate in the evaluation and recommendation of potential changes to Atlanta's Pension Plans and the composition of Atlanta's Pension Boards

- 6) Atlanta Public Schools (APS) Working Group
  - a) Prepare final drafts of written communications for review by City Attorney
  - b) Participate in internal discussions regarding large variety of APS issues
- 7) Mims Park
  - a) Work with the Law Department attorney representing the Department of Watershed Management to identify challenges and solutions to utilizing Mims Park for watershed and park purposes
  - b) Participate in contract negotiations and drafting
- 8) Tree Ordinance
  - a) Draft comprehensive Tree Ordinance re-write, pursuant to policy decisions of the Departments of Planning and Parks
  - b) Provide legislative support during the Atlanta City Council's consideration of the proposed re-write
- 9) Serve as Lead Attorney to the Following Departments and Offices:
  - a) Mayor's Office of Special Events
  - b) Mayor's Office of Cultural Affairs
  - c) Arborist Division, Departments of Planning
  - d) Arborist Division, Department of Parks
  - e) Mayor's Office of Film: supervise Keisha Burnette and Chris Walker
  - f) Civic Center: supervise Keisha Burnette
  - g) Office of Parks and Recreation: support Mariangela Corales on complex issues as needed
- 10) Music Midtown
- 11) Lakewood Amphitheater
- 12) Chastain Amphitheater
- 13) Emerald Corridor

- 14) Super Bowl Committee
- 15) E-Verify
- 16) Special Projects: Continuous
  - a) Draft and/or edit written work-product (correspondence with opposing counsel, correspondence to clients, press statements, opinion letters, briefs, etc.) on high-profile projects
  - b) Advise on Ethics Code issues
  - c) Advise on First Amendment issues
- 17) Special Projects: Limited Duration  
*(April 1, 2015 through present)*
  - a) Sign ordinance re-write (in response to *Reed v. Town of Gilbert*)
  - b) 2015 Atlanta Summit of Nobel Laureates
  - c) Amendment to Monetary Solicitation law
  - d) Cabinet presentation regarding Monetary Solicitation law
  - e) ATT locations for new network fiber huts (assisted Deputy Chief Operating Officer with negotiations and resolution of impasse)
  - f) Real estate transactions involving parkland swaps
  - g) NPU-R: Open Meetings issue
  - h) Mock argument participation (example, annexation)
  - i) Employee Assistance Program's research proposal
  - j) Intergovernmental Agreements regarding BeltLine Parks
  - k) Park sound-levels (advised Councilmember Smith and drafted legislation)
  - l) Issues related to Dan Grossman litigation
  - m) First Amendment issues regarding "Atlanta Rainbow Crosswalks" art project
  - n) First Amendment issues regarding flyer of burning police car (supervised Rhonda Sadler-Collins)

**Projects Performed in my Capacity as Mayor's Advisor on LGBT Issues**  
**(Items 18 through 20 below)**

- 18) Law Department LGBT Projects- Performed at Request of City Attorney  
*(July 1, 2014 through present)*
- a) Supported Law Department litigation team on two lawsuits
  - b) Evaluated alleged claims of Bob Jamerson (aka "Baton Bob")
  - c) Respond to Corrections Lieutenant regarding hostile work environment claims; support City's response efforts (ongoing)
  - d) Supervised drafting of Marriage License memorandum by Emily Breece
  - e) Assist with Take-a-Stand initiative, upon request, to advise on LGBT inclusion in campaign
  - f) Evaluated and advised on specific employment-related social media issue
- 19) LGBT Projects Performed at Direction of Administration  
*(July 1, 2014 through present)*
- a) Participated in evaluation of Chief Cochran issues
  - b) Assisted Chief Baker with LGBT inclusion issues after his appointment to Acting Chief of the Atlanta Fire Rescue Department
  - c) Assisted with the preparation of Atlanta's response to the Supreme Court marriage equality ruling. Worked with the Mayor's Office of Communication.
  - d) Support Mayor Reed's participation in the Paris Declaration, whereby Atlanta is a "Fast Track City" dedicated to attaining AIDS-related education, treatment and prevention goals by 2020. Working with Commissioner Yancy and Megan Middleton.
  - e) Lead City-wide team of Atlanta employees preparing for the City's participation in the Atlanta Pride March. Reporting to Commissioner Yancy.
  - f) Draft and/or edit press statements on LGBT issues upon request
  - g) Draft and/or edit written communication regarding LGBT issues upon request
  - h) Attend meetings and events upon request

20) LGBT Projects that I initiated  
(July 1, 2014 through present)

- a) Drafted Atlanta Police Department Standard Operating Procedure regarding transgender interactions. Worked with the Atlanta Police Department and Amber Robinson. (complete)
- b) Assisted with the City's opposition efforts regarding the Georgia "Religious Freedom" Restoration Act
- c) Supported Mayor Reed in his capacity of Honorary Co-Chair of Mayors for Freedom to Marry and Honorary Co-Chair of Southerners for Freedom to Marry
- d) Prepared initial draft of an Atlanta Corrections Department Standard Operating Procedure for Interacting with Transgender Individuals. The policy was not implemented. A large percentage of the project became Law Department work, as discussed with the City Attorney during the project.
- e) Prepare and implement the Homeless Shelter LGBTQ Equality Education Project. The Project's purpose is to provide cultural competency training to Atlanta's emergency homeless shelter employees and volunteers, and to educate about the legally-mandated treatment protocols regarding transgender clients, as dictated by the Fair Housing Act. The Project training is currently scheduled for presentation at the November 2015 Atlanta Continuum of Care meeting.
- f) Worked with the Mayor's Office of Constituent Services and the Council Clerk's Office to develop and implement a new process for issuing Domestic Partnership certificates. The new process reflects the City's appreciation of and respect for the nature of the partners' commitment.

**Hours Worked Fiscal Year 2015:**

Hours in capacity of Law Department attorney: 1,798.51

Hours in capacity of LGBT Advisor: 509.83

**Total Hours Worked FY 2015: 2,308.34**

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**PROPOSED CHIEF COUNSEL PROJECT LIST**

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**FROM:** ROBIN JOY SHAHAR

**DATE:** OCTOBER 6, 2015

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**Chief Counsel: Proposed Revised Project List**  
(Proposed Half-Time Position)

1) Chief Counsel Responsibilities

- a) Train junior attorneys through hands-on project supervision
  - Work collaboratively with supervisees to teach analysis of applicable case law, persuasive writing techniques and creative approaches to legal challenges
  - Offer detailed feedback to my supervisees on their written work product so that they will understand and learn from my edits
  - Provide detailed feedback to my supervisees regarding oral presentation skills after they present an oral argument or continuing legal education seminar
- b) Assign increasingly challenging projects to junior attorneys, and provide supervision in a manner that fosters the following:
  - Commitment to excellence
  - Pride in work-product
  - Long-term interest in municipal law
  - Appreciation for the unique opportunities offered by the Atlanta Law Department
- c) Counsel my supervisees on career development at the City, including discussion of projects and Continuing Legal Education (“CLE”) courses that will aid in achieving their goals
- d) Monitor legal developments and current events that may affect the City of Atlanta and/or the work of the Atlanta Law Department
- e) Provide guidance, upon request, to any attorney, paralegal or support staff seeking my input on complicated projects, legal analyses, oral presentation or oral argument preparation, or general matters

2) Reed v. Town of Gilbert - First Amendment Task Force

- a) Develop an additional Law Department First Amendment specialist by co-leading a team of attorneys and paralegals (the “Team”) that will evaluate and address the impact of the June 2015 Supreme Court ruling, *Reed v. Town of Gilbert*, on City of Atlanta ordinances, regulations and practices

- b) Lead the team in a detailed analysis of: the *Reed v. Town of Gilbert* decision, including each concurring opinion; the Supreme Court's previously-decided First Amendment rulings that offer insight about the application of *Reed v. Town of Gilbert*; and every new judicial opinion, from across the country, that analyzes and applies *Reed v. Town of Gilbert*
  - c) Lead the team in a systematic review of every Atlanta ordinance/policy/rule that involves regulation of expression, including tangential regulation, to determine whether revision is needed to meet constitutional scrutiny
  - d) Implement the following procedure for each regulation that may need revision (My co-leader will perform these tasks under my supervision):
    - Conduct a Team discussion to fully vet the constitutional analysis of the regulation. Reach consensus on a Team recommendation regarding the need for revision. Where consensus cannot be reached, present the different analyses to the Deputy City Attorneys and request their guidance on how to proceed.
    - Upon identifying a regulation that should be revised, draft a recommended revision prior to discussing the issue with the Law Department senior staff, and (after obtaining senior staff approval) with the client/City policy makers
    - Meet personally with the client (operational department and/or policy makers) to explain *Reed v. Town of Gilbert* and present the recommended remedial law
    - Work with the client to modify the recommended remedial law as needed to address operational concerns, identifying solutions that protect departmental needs while remaining compliant with First Amendment requirements
    - Draft authorizing legislation to codify the remedial law
  - e) Laws being evaluated include:
    - Murals/Private property art facing the right-of-way
    - City-wide advertising
    - Monetary solicitation
    - Crosswalk art
    - Conduct rules for Streetcar, parks and other public places
- 3) *Borders v. City of Atlanta: Pension Reform Challenge*
- a) Respond to pension-related issues as needed, for example:
    - Worked with the Administration to prepare an *Infographic* regarding Mayor Reed's investments in public safety and employee pay raises

- Advise on City response to ongoing public safety employees' mischaracterizations regarding pay raises and baseless accusations of retaliation
- b) Draft communication with clients as needed
- c) Draft press communication as needed
- d) Brief and argue Atlanta's Motion for Attorneys' Fees (early 2016)
- 4) Supervise Junior Attorneys in their Representation of the Following Departments and Offices:
  - a) Mayor's Office of Film: supervise Keisha Burnette and Chris Walker
  - b) Civic Center: supervise Keisha Burnette
  - c) Office of Parks and Recreation: support Mariangela Corales on complex issues as needed
- 5) Super Bowl Committee
- 6) Special Projects: Continuous
  - a) Draft and/or edit written work-product (correspondence with opposing counsel, correspondence to clients, press statements, opinion letters, briefs, etc.) on high-profile projects
  - b) Advise on Ethics Code issues
  - c) Advise on First Amendment issues

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**PROPOSED LGBT PROJECT LIST**

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**FROM:** ROBIN JOY SHAHAR

**DATE:** OCTOBER 6, 2015

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**Mayor's Advisor on LGBT Issues: Current and Proposed Projects**  
(Proposed Half-Time Position)

1) **Paris Declaration**

**Current:** Support Mayor Reed's participation in the Paris Declaration, whereby Atlanta is a "Fast Track City" dedicated to attaining AIDS-related education, treatment and prevention goals by 2020.  
(Working with Commissioner Yancy and Megan Middleton)

**Proposed Addition:** Form partnerships with organizations throughout Atlanta that are performing AIDS-related services, research, etc. to create a comprehensive strategy and collaborative plan for meeting the Paris Declaration goals.

2) **LGBT Personnel Issues**

**Current:** Support the Administration's analysis of and response to LGBT personnel issues, and implementation of remedial measures where applicable.  
(Performed at request of City Attorney and Commissioner Yancey)

3) **Alternative Sentencing Program**

**Proposed:** Create and implement an alternative sentencing program for Atlanta Municipal Court defendants convicted of minor offenses. Though the impetus for the project arises from requests by the transgender community, the program would serve *all* eligible defendants, not merely LGBT defendants. My work would be performed in collaboration with the City Solicitors and Public Defenders Offices, the Departments of Police and Corrections, and select private sector subject-matter specialists.

4) **Transgender Employment Program**

**Proposed:** Work with the Atlanta Workforce Development Authority to develop and implement a program that assists transgender individuals with finding employment.

5) **Equality Act of 2015**

**Proposed:** Identify opportunities for Mayor Reed to serve as a leader in the passage of The Equality Act of 2015 (comparable to his leadership in the Marriage Equality movement), and support the Mayor in these leadership roles. The Equality Act was introduced in the United States House of Representatives and Senate on July 23, 2015. The Act would amend the Civil Rights Act of 1964 by extending non-discrimination protections to include sexual orientation and gender identity. The Equality Act would ban LGBT discrimination in the areas of employment, housing, public accommodations, public education, federal funding, credit and the jury system.

6) **Shelter LGBTQ Equality Education Project (“SLEEP”)**

**Current:** Implement the Homeless Shelter LGBTQ Equality Education Project. The Project’s purpose is to provide cultural competency training to Atlanta’s emergency homeless shelter employees and volunteers, and to educate about the legally-mandated treatment protocols regarding transgender clients, as dictated by the Fair Housing Act. The Project training is currently scheduled for presentation at the November 2015 Atlanta Continuum of Care meeting.

(Currently coordinating with Stacy Horn Koch)

7) **Atlanta Pride March**

**Current:** Lead City-wide team of Atlanta employees preparing for the City’s participation in the Atlanta Pride March. My primary role is to identify the needed preparatory tasks, delegate, and organize volunteer efforts of numerous employees.

(Reporting to Commissioner Yancy)

**Proposed Addition:** Present LGBTQ educational programs at City Hall during Pride week, such as: Atrium displays of biographies of LGBTQ individuals and allies; photographs of historical moments in the LGBTQ equality movement; and a lunch series author from the LGBTQ community.

8) **Transgender Day of Remembrance**

**Current:** Participate in the Atlanta LGBTQ community’s ceremony honoring Transgender Day of Remembrance (November 20<sup>th</sup>, annually).

**Proposed Addition:** Provide Atrium educational displays and/or other transgender-related programming at City Hall to honor the annual Transgender Day of Remembrance.

9) **Take-a-Stand Initiative**

**Current:** Assist with Atlanta's Take-a-Stand initiative, upon request, to advise on LGBT inclusion in campaign.  
(Performed at request of City Attorney)

10) **Services Provided upon Request**

**Current Examples:**

- Draft and/or edit press statements on LGBT issues
- Draft and/or edit written communication regarding LGBT issues
- Attend meetings and events
- Serve as resource to other governmental entities regarding LGBT issues
- Serve as resource to Atlanta's LGBT citizens with questions about: Atlanta's equal protection laws; domestic partnership services; local health care providers who accept transgender patients; Atlanta's Human Relations Commission; etc.
- Support efforts of Human Relations Commission

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

From: Shahar, Robin  
Sent: Monday, November 24, 2014 10:41 AM  
To: Torres, Anne; Mullinax, Melissa; Yancy, Yvonne Cowser  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace; Godfrey, Robert  
Subject: RE: Circle Up

I can meet now - please let me know if we are doing so.

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

From: Torres, Anne  
Sent: Monday, November 24, 2014 10:40 AM  
To: Shahar, Robin; Mullinax, Melissa; Yancy, Yvonne Cowser  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace; Godfrey, Robert  
Subject: RE: Circle Up

I am in my office. If anyone on this email is available, can we meet now in Communications?

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

From: Shahar, Robin  
Sent: Monday, November 24, 2014 10:39 AM  
To: Mullinax, Melissa; Yancy, Yvonne Cowser; Torres, Anne  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace; Godfrey, Robert  
Subject: RE: Circle Up

I know we will likely meet soon, but wanted to mention this because I think it's important. I would not state anything about disciplinary action or ensuring it doesn't happen again. We can talk about why in-person, but request that those types of phrases be omitted.

("If disciplinary action is recommended as a result of the investigation, the Administration will take action to ensure that this does not happen again.")

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

From: Mullinax, Melissa  
Sent: Monday, November 24, 2014 10:31 AM  
To: Yancy, Yvonne Cowser; Torres, Anne; Hampton, Cathy D.  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace; Shahar, Robin; Godfrey, Robert  
Subject: RE: Circle Up

Anne, YY, Katrina, Bob - any others who are in...perhaps we should all sit down together?

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

From: Yancy, Yvonne Cowser  
Sent: Monday, November 24, 2014 10:30 AM  
To: Torres, Anne; Hampton, Cathy D.; Mullinax, Melissa  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace  
Subject: RE: Circle Up

Calling in 2 min.



Y

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

From: Torres, Anne  
Sent: Monday, November 24, 2014 10:21 AM  
To: Yancy, Yvonne Cowser; Hampton, Cathy D.; Mullinax, Melissa  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace  
Subject: RE: Circle Up

YY-

Call me when you can. I'm on my cell.

~Anne

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

From: Yancy, Yvonne Cowser  
Sent: Monday, November 24, 2014 10:12 AM  
To: Torres, Anne; Hampton, Cathy D.; Mullinax, Melissa  
Cc: Geisler, Michael; Taylor, Katrina; Byrd, Candace  
Subject: RE: Circle Up

This is not accurate. We have been told by employees it was distributed in a command staff meeting. I stopped investigating based on the feedback meeting from last week. We should not say it was not distributed given that he apparently autographed copies.

YY

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

From: Torres, Anne  
Sent: Monday, November 24, 2014 10:01 AM  
To: Hampton, Cathy D.; Mullinax, Melissa  
Cc: Geisler, Michael; Taylor, Katrina; Yancy, Yvonne Cowser; Byrd, Candace  
Subject: RE: Circle Up

Hi Everyone-

I have been in contact with the Mayor this morning. As you know, WSB is working on a story about the book for today's evening newscast. Aaron Diamant will be here at City Hall shortly to interview Councilmembers, specifically Alex Wan. I have denied their request to interview Chief Cochran. I am planning on doing a short interview to state the Administration's position. Points include:

- The Administration is currently looking the facts surrounding a book that was published by Chief Kelvin Cochran.
- At this time, there is no evidence to show that the book has been distributed to employees.
- The Administration has a no-tolerance policy on discrimination of any kind.
- If disciplinary action is recommended as a result of the investigation, the Administration will take action to ensure that this does not happen again.

If you have anything to add, please let me know as soon as possible.

Thanks,  
Anne

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

From: Hampton, Cathy D.  
Sent: Thursday, November 20, 2014 10:55 AM  
To: Mullinax, Melissa  
Cc: Torres, Anne; Hampton, Cathy D.; Geisler, Michael; Taylor, Katrina; Yancy, Yvonne Cowser; Byrd, Candace  
Subject: Re: Circle Up

I am heading to the second floor.

> On Nov 20, 2014, at 10:38 AM, "Mullinax, Melissa" <MJMullinax@AtlantaGa.Gov> wrote:

>

> I am leaving a meeting at the airport. I can be there at 11.

>

> Sent from my iPhone

>

>> On Nov 20, 2014, at 10:29 AM, "Torres, Anne" <amtorres@AtlantaGa.Gov> wrote:

>>

>> I am home today with a sick kid, but available my phone at any time.

>>

>> Sent from my iPhone

>>

>>> On Nov 20, 2014, at 10:28 AM, Hampton, Cathy D. <cdhampton@AtlantaGa.Gov> wrote:

>>>

>>> How quickly can we circle up on a time-sensitive employment matter? Thank you.

---

**From:** Mullinax, Melissa  
**Sent:** Monday, November 24, 2014 10:32 AM  
**To:** Shahar, Robin  
**Subject:** RE: need your approval - confidential- atty client priv. Atty wk product

yes

---

**From:** Shahar, Robin  
**Sent:** Monday, November 24, 2014 10:12 AM  
**To:** Mullinax, Melissa  
**Subject:** need your approval - confidential- atty client priv. Atty wk product  
**Importance:** High

Hi. I want to ask Ms. Thompson to come in so that I can hear the information she has- I will not give any information out.

**Want to get your approval first.**

Are you ok with that?

Robin

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

To: [cdhampton@AtlantaGa.Gov](mailto:cdhampton@AtlantaGa.Gov)

To: [MJMullinax@AtlantaGa.Gov](mailto:MJMullinax@AtlantaGa.Gov)

Subject: Fw: Book authored by Atlanta Fire Chief Kelvin Cochran- confidential- atty client priv. Atty wk product

Sent: Nov 23, 2014 11:27 PM

Important- Please see below...

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



From: Cindy Thompson

To: Robin Shahar

Subject: Book authored by Atlanta Fire Chief Kelvin Cochran

Sent: Nov 23, 2014 7:58 PM

Ms Shahar,

I am a retired Fire Batt Chief/ Captain with Atlanta Fire and Rescue. I worked for close to 30 yrs, mostly as an open Lesbian. I think we met some time in the past, I do not remember the circumstances.

I have been contacted in reference to a book written by Fire Chief Cochran. A number of employees have knowledge of the book, one even said he was given a autographed copy! The handful of LGBT firefighters I know, and others, are extremely insulted and saddened by the discriminatory text in the book. The employees are not comfortable coming forward from fear of retaliation from the Fire Chief and his inner circle.

I would like very much to speak with you in person. I can meet almost anytime mon, tues or wed. I will only be intown until Friday morn. I live almost full time in California now that I am retired.

I have a copy of the book and would like you to see it first hand. I believe that Chief Cochran would have had to have this book approved by the Mayor before publishing, as it states that he is the Fire Chief of the City of Atlanta. This book reflects horribly on a city with such a progressive anti-discrimination policy.

Please contact me at your earliest convenience, I have employees waiting for a reply!

Thank you in advance for your time!

Cindy Thompson

404-606-1041

[cgthomp@gmail.com](mailto:cgthomp@gmail.com)

**From:** Shahar, Robin  
**To:** Cindy Thompson  
**Sent:** 1/6/2015 8:28:18 PM  
**Subject:** RE: Chief Cochran

Hi Cindy. I appreciate your note. Thanks so much for taking the time to write me.

As you heard, I will be working with Chief Baker to establish an LGBT liaison or affinity group in the Fire Department. You can be of great assistance if you encourage your AFRD colleagues to communicate with the future liaison and/or me about non-discrimination suggestions, issues, challenges and successes.

I hope you had a wonderful holiday season. Happy New Year.

Robin

*NOTE: My office address and phone number has changed.*

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
55 Trinity Ave. Suite 5000  
Atlanta, Georgia 30303  
[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)  
Office: (404) 546-4171  
Fax: (404) 546-8580

**From:** Cindy Thompson [mailto:cgthomp@gmail.com]  
**Sent:** Tuesday, January 06, 2015 3:08 PM  
**To:** Shahar, Robin  
**Subject:** Re: Chief Cochran

Robin,

I just watched Mayor Reed's press conference. It is probably the first time I really like what I heard him say! :)

Thank you for your diligence and time with this issue! I think this is a huge victory and reconfirms Atlanta's dedication to its own Discrimination Policy. Also, it gives employees faith that all employees are held to the same disciplinary standard.

Thank you so much! Please let me know if I can ever be of any assistance to you.

Cindy

404-606-1041

On Tue, Dec 9, 2014 at 9:50 AM, Shahar, Robin <[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)> wrote:

Hi Cindy.

Thanks for contacting me.

The only information I have is that an investigation is on-going. I am not participating in that process and have not been provided with (nor requested) updates. Because investigations must remain independent, it would be improper for me to inquire about the findings prior to completion of the work. I am happy to talk with you about the outcome



once it becomes public.

Sorry I can't be of more assistance right now.

Sincerely,

Robin

---

**From:** Cindy Thompson [mailto:[cgthomp@gmail.com](mailto:cgthomp@gmail.com)]

**Sent:** Tuesday, December 09, 2014 12:22 PM

**To:** Shahar, Robin

**Subject:** Chief Cochran

Hi Robin,

I am getting so many calls to see if I have any updated information with the Chief Cochran issue!!

I have to ask if there is any update that you can share? Employees ( not just LGBT) are hoping this will allow a change in leadership, but fear that Chief Cochran's executive staff will remain. Employees believe that the executive staff have been extremely influenced by the Chief's views and basically nothing will really change. They are still fearful of retaliation.

Hope all is well with you!

Cindy

---

**From:** Shahar, Robin  
**Sent:** Wednesday, November 26, 2014 1:24 PM  
**To:** Hampton, Cathy D.; Mullinax, Melissa  
**Subject:** Fw: Concern about Chief Cochran

Fyi. I will follow up with each of you.  
Robin

---

**From:** Jim Burress [mailto:jburress@gmail.com]  
**Sent:** Wednesday, November 26, 2014 08:21 AM  
**To:** Shahar, Robin  
**Subject:** Concern about Chief Cochran

Robin:

I should disclose upfront I'm a local reporter who covers Atlanta. I'm writing this from my personal account, not as a journalist, but as a gay Atlanta resident.

While I want to believe Mayor Reed when he says the city doesn't tolerate discrimination of any kind, I'm deeply troubled over the mayor's decision to issue a Chief Cochran a 30-day suspension.

While Chief Cochran is entitled to his own beliefs, public officials (elected or appointed) are absolutely held to a higher standard. Chief Cochran not only stated publicly his personal beliefs, but he published them with full knowledge of the weight such a move carries. By doing so, Cochran went beyond his right to hold his own, personal beliefs. He took a stance that's so clear, no rational person could believe he feels otherwise. His beliefs are so engrained, so essential to him, he wrote them into a book. That's a bold move. That's no longer a personal belief. That's a call to action.

While everyone has a right to think what she/he wants, Cochran, as a public official, has an obligation to treat everyone the same. How can a rational person believe Cochran will act with anything but disdain toward a gay person -- be it a fire department employee or Atlanta resident? He's in no uncertain terms called me and those who are like me unclean, perverse, vile and vulgar.

That's simply not OK.

Mayor Reed's 30-day suspension does nothing to address Cochran's beliefs and choice to publish them. If Cochran made similar comments concerning any other protected class (religion, race, gender, national origin, etc.), he would have been immediately terminated. And rightfully so.

What Mayor Reed has said, in essence, is that no discrimination will be tolerated, but some discrimination will be more tolerated than others.

I hope you'll share this message with Mayor Reed.

Thank you,  
Jim Burress



**From:** Rose, Shelley  
**To:** Shahar, Robin  
**Sent:** 12/4/2014 4:02:58 PM  
**Subject:** RE: Scanned from a Xerox Multifunction Device

Thanks. We'll look into and get back to you.

Shelley Rose |Senior Associate Regional Director  
Anti-Defamation League | 3490 Piedmont Road; Suite 610 | Atlanta, Georgia 30305  
Phone: 404-262-3470 | Fax: 404-262-3548 | Cell: 678-938-1399 | srose@adl.org

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

**From:** Shahar, Robin [mailto:rshahar@AtlantaGa.Gov]  
**Sent:** Thursday, December 04, 2014 9:49 AM  
**To:** Rose, Shelley  
**Cc:** Mullinax, Melissa  
**Subject:** FW: Scanned from a Xerox Multifunction Device

Hi Shelley,

Attached are portions of the book we spoke about. A link to a Washington Post article about it is also below. To be clear, this request is not coming from the Mayor himself. Melissa Mullinax, the Mayor's Special Advisor, and I are requesting that this issue be looked at by other faith-based leaders and organizations.

According to the media coverage, it appears that Chief Cochran's suspension occurred on November 24th (This info is from the Washington Times on November 25, 2014).

Atlanta Fire Chief Kelvin Cochran has been suspended without pay for one month and must undergo sensitivity training for authoring a Christian book in 2013 that described homosexuality as a "sexual perversion."

Mayor Kasim Reed's spokeswoman Anne Torres said the administration didn't know about book, titled "Who Told You That You Are Naked?" until employees came forward with complaints last week, the Atlanta Journal-Constitution reported.

The book identifies Mr. Cochran as Atlanta's fire chief and says it's his first priority as chief is to run the department "to cultivate its culture to the glory of God," a local ABC affiliate reported.

The mayor's office has opened an investigation to determine whether the chief's actions violated city policies or discriminated against employees.

The Washington Post Link:

<http://www.washingtonpost.com/news/post-nation/wp/2014/11/26/atlanta-fire-chief-suspended-after-distributing-his-religious-book-to-employees/>

I am available to answer any questions. Thanks for your time and consideration.

Robin

NOTE: My office address and phone number has changed.

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
55 Trinity Ave, Suite 5000  
Atlanta, Georgia 30303  
rshahar@atlantaga.gov  
Office: (404) 546-4171  
Fax: (404) 546-8580



**From:** Rose, Shelley  
**To:** Shahar, Robin  
**CC:** Moskowitz, Mark  
**Sent:** 12/22/2014 8:28:39 PM  
**Subject:** RE: Letter for Mayor Reed

Robin,

Thanks for your help in arranging a meeting with Mayor Reed. We have put the original letter in the mail today.

**Shelley Rose** | *Senior Associate Regional Director*  
Anti-Defamation League | 3490 Piedmont Road; Suite 610 | Atlanta, Georgia 30305  
Phone: 404-262-3470 | Fax: 404-262-3548 | Cell: 678-938-1399 | srose@adl.org



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**From:** Shahar, Robin [mailto:rshahar@AtlantaGa.Gov]  
**Sent:** Monday, December 22, 2014 3:23 PM  
**To:** Rose, Shelley  
**Cc:** Moskowitz, Mark  
**Subject:** RE: Letter for Mayor Reed

Hi Shelley.

Thank you for sending ADL's thoughtful letter. I hand-delivered a copy to the Mayor and communicated that an original will be sent later this week.

Warm regards,  
Robin

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
55 Trinity Ave, Suite 5000  
Atlanta, Georgia 30303  
[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)  
Office: (404) 546-4171  
Fax: (404) 546-8580



**From:** Rose, Shelley [mailto:SRose@adl.org]

Sent: Monday, December 22, 2014 11:21 AM

To: Shahar, Robin

Cc: Moskowitz, Mark

Subject: Letter for Mayor Reed

Robin,

Please see the attached letter for Mayor Reed from the Anti-Defamation League. Please let me know if you need further information. Thank you for your assistance.

**Shelley Rose** | *Senior Associate Regional Director*

Anti-Defamation League | 3490 Piedmont Road; Suite 610 | Atlanta, Georgia 30305

Phone: 404-262-3470 | Fax: 404-262-3548 | Cell: 678-938-1399 | [srose@adl.org](mailto:srose@adl.org)



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**From:** Shahar, Robin  
**To:** robinshahar@gmail.com  
**Sent:** 1/8/2015 9:52:11 PM  
**Subject:** Thought you might find this interesting  
**Attachments:** Mayor Reed - Fire Chief 12-22-14 final.pdf

Hi Dad and Susan,

I figure you have some down time right now, so decided to share this with you.

Below is a link to a video of the Mayor's announcement/ press conference regarding his dismissal of the Atlanta Fire Chief. (I spoke with Susan about the issue a bit last night.) I think you may find it interesting.

The background regarding the dismissal is that the Chief wrote a book based on his religious beliefs and is selling it on Amazon.com. In the book, he identifies himself as the Atlanta Fire Chief. The book contains inflammatory comments that are contrary to Atlanta's non-discrimination laws.

Below is a piece from the Atlanta newspaper containing quotes from the book (Atlanta Journal Constitution, Your daily jolt). I have also pasted two pictures of actual pages from the book with additional inflammatory statements (I did not take these photos- they were published in another local newspaper).

The issue has exploded in Georgia and nationally (it was in the New York Times, Washington Post and USA Today yesterday). The situation is being painted as a religious freedom issue by the Southern Baptist community, and is being used to support a pending "Religious Liberty" bill in the Georgia legislature which would allow individuals to violate State and local laws if those laws are contrary to the individual's religious beliefs. I pasted below an opinion column from Sunday's Atlanta paper addressing this part of the story (Atlanta Journal Constitution, My Opinion, Religious Liberty at Stake).

The link to the press conference is <http://www.myfoxatlanta.com/story/27772986/mayor-holds-news-conference-on-fire-chiefs-future>. When you open the link, click on the video entitled "Mayor Reed discusses Atlanta Fire Chief". The video is approximately 30 minutes long. There's no need to watch all of it (unless you want to), but you should watch the beginning to get a sense of the situation, and then be sure to scroll forward to minutes 20-22 of the video.

As an FYI, three of the people standing with the Mayor at the conference are from the Anti-Defamation League. They wrote a letter about the situation to the Mayor, and I have attached it. Thought you would be interested in seeing the ADL's position.

Love you,  
Robin

### The Pasted News Clips:



### **Atlanta Journal Constitution**

**Your daily jolt** by Greg Bluestein, Daniel Malloy and Jim Galloway

December 29, 2014

<http://politics.blog.ajc.com/2014/12/29/has-religion-made-a-conservative-wimp-out-of-erick-erickson/>

...

You know that Atlanta Fire Chief Kelvin Cochran is catching a lot of heat for authoring a book in which he describes homosexuality as a "sexual perversion." But leaf through the rest of the tome – called "Who Told You That You Are Naked?" – and you'll find a few other head-turning comments.

Here's what he had to say about Judaism:

*Jewish leaders had made up their mind that the message of righteousness by faith through grace was a message of heresy. They believed in God but they rejected His Salvation, His Son and His message..."*

In another passage, he makes clear that he views his job as a public servant through a religious prism:

*"Personal Life Application: God gave me my fire service land, field, career. He gave me the job of being a fire service leader, Fire Chief of Atlanta Fire Rescue. He also made me the head- United States Fire Administrator. My job description as a fire chief of Atlanta Fire Rescue Department is:  
– To cultivate its culture for the glory of God;  
– To keep it focused on its mission of saving lives and property;  
– To sustain its culture, its members and its capabilities both now and for future generations."*

And in another section, Cochran muses about how the world would have been better off if Eve had insisted that the serpent bearing forbidden fruit talk to her husband first.

*'Adam! Adam! Come over here right now. This snake can talk! He just called God a liar! He's trying to convince us to eat from the one tree the God told us not to eat from lest we die. He told me "We shall surely not die!"*

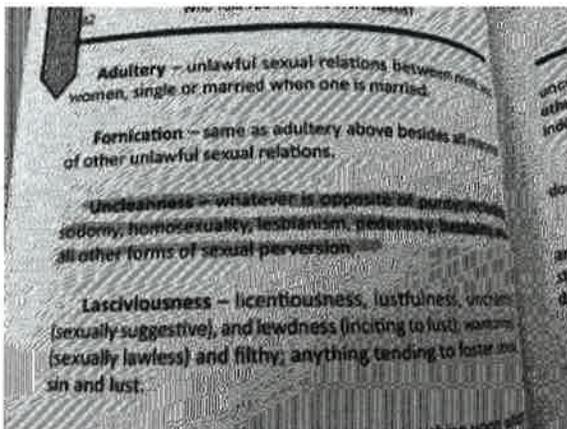
*I believe these words coming from Eve would have empowered and emboldened Adam as the protector of Eve and the Garden. He would have responded with righteous indignation and killed the serpent on the spot – even cut off his head. The scriptural account could have possibly been 'And the Spirit of the Lord came upon Adam and he cut off the serpent's head and they lived happily ever after.'*

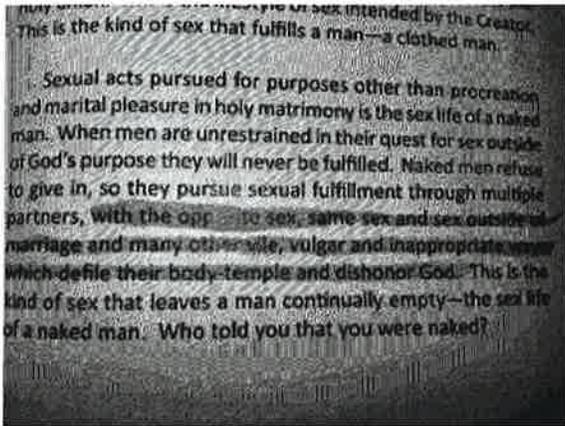
Cochran has become something of a cause celebre for conservative groups urging members to bombard Atlanta Mayor Kasim Reed with messages of support for the chief. Reed suspended Cochran on grounds that he didn't clear the book with his administration before publishing it.

Cochran has also attracted the attention from folks on both sides of the debate over the so-called "religious liberty" proposals, which supporters say is designed to prevent government interference on faith-based activities but critics fear could give businesses a license to discriminate.

Better Georgia, the left-leaning guerilla group which has scoured his book for incendiary comments, waded into the battle this morning. Says Better Georgia director Bryan Long:

*"Chief Cochran's discriminatory beliefs and his clear intent to impose them in the workplace belittle women and illustrate exactly why [the] bill is so dangerous."*





---

## ***Atlanta Journal Constitution***

### **My Opinion**

#### **Religious liberty at stake**

Jay Bookman

January 4, 2014

<http://tablet.olivesoftware.com/Olive/Tablet/AtlantaJournalConstitution/SharedArticle.aspx?href=AJC%2F2015%2F01%2F04&id=Ar02000>

Debate over “religious liberty” legislation promises to be harsh in this year’s General Assembly, with social conservatives pushing to combat what they see as religious persecution and opponents fighting what they see as an effort to legalize discrimination against gay Americans.

I have two major problems with the legislation:

1.) Claims that Christians are being persecuted in this overwhelmingly Christian country — especially here in Georgia, a state that is more Christian than most — ought to be taken skeptically. When the majority sect cries persecution, it is generally not persecution at all but frustration that its majority status does not translate into the deference that they believe they deserve. There is a very important difference between the two, because that deference to the religious majority comes at the expense of the minority, which undercuts rather than protects religious liberty.

2.) I’d be a lot more comfortable with the bill if I understood more precisely what its supporters hope to accomplish. They deny they are seeking a religion-based exemption to justify anti-gay discrimination, and instead claim it is needed to address unrelated infringements on religious freedom. But in each of the cases that they cite, existing law appears to have resolved the issue appropriately.

Some groups are now seizing upon the case of Atlanta Fire Chief Kelvin Cochran to demonstrate why the legislation is needed. Cochran was placed on unpaid leave after a self-published Christian book came to light in which he equates homosexuality to bestiality and child sexual abuse, and after allegations that he had given copies of his book to subordinates.

“It is time for believers to stand up for their religious beliefs, biblical principles and fellow Christians who are punished or marginalized for their faith,” Dr. J. Robert White, executive director of the Georgia Baptist Convention, said in demanding that Cochran be reinstated and given back pay and an apology.

However, using Cochran’s case to demonstrate why the legislation is needed confirms rather than refutes the claim that it is intended to create legal space in which to discriminate against gay Georgians. And if we rearrange the facts a bit without altering the principles at stake, we can more clearly see the underlying problems in the bill.

If Cochran had instead written a pro-gay, anti-Christian diatribe and shared it with his employees, would practicing, devout Christians in his department feel confident that they would not be discriminated against? If he were an

adherent of Louis Farrakhan and the Nation of Islam, and if he distributed Black Muslim pamphlets to the men and women who work for him, would the Georgia Baptist Convention defend that action as religious liberty?

Under such circumstances, they would be more likely to see what they apparently cannot see under the current circumstances. When you are placed in a position of secular authority over others — Cochran has more than 1,000 employees under his command

— your expression of religious faith in the workplace can be experienced as an imposition on the beliefs of others. And I don't believe that Georgia law should be rewritten to encourage such actions.

Jay Bookman, an Opinion columnist, writes for The Atlanta Journal-Constitution. His column appears

Sunday and Wednesday. Reach him at [jbookman@ajc.com](mailto:jbookman@ajc.com).

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**From:** Shahar, Robin  
**Sent:** Tuesday, January 13, 2015 4:06 PM  
**To:** Dobbs, Donna  
**Subject:** RE: see below

Thanks.

---

**From:** Dobbs, Donna  
**Sent:** Tuesday, January 13, 2015 3:48 PM  
**To:** Shahar, Robin  
**Subject:** see below  
**Importance:** High

Ilanthe Metzger with the Human Rights Campaign called wanting to speak with you. Phone# 202-772-3899 re: Chief Cochran. Said urgent.



---

**From:** Shahar, Robin  
**Sent:** Thursday, January 08, 2015 12:44 PM  
**To:** 'Schreter, Lee'  
**Subject:** Book information



Hi Lee.

Thanks for taking the time to look into this issue further. This email contains information that we discussed on the phone. I am happy to provide any other documentation you would find helpful.

- Attached is the **letter** prepared for the Mayor by the **Anti-Defamation League**.
- The **link to the Mayor's Tuesday press conference** announcing his decision to fire Chief Cochran and his basis for the decision (and specifically why it is not a religious freedom issue) is: <http://www.myfoxatlanta.com/story/27772986/mayor-holds-news-conference-on-fire-chiefs-future>. When you open the link, click on the video entitled "Mayor Reed discusses Atlanta Fire Chief" (the video is approximately 30 minutes long).
- I pasted below a short piece from the **AJC** (*Your daily jolt*, second story in the column, December 29, 2014) which quotes non-LGBT related passages from Chief Cochran's book.  
I agree that it is irresponsible to base decisions on media coverage alone; the book is definitely the most reliable source of information. Given that it will take a couple of days for you to receive it, I thought it may be helpful to provide a sense of the content now.
- I also pasted below a piece from Sunday's **AJC** written by one of the paper's **opinion columnists**, Jay Bookman. His opinion addresses **whether the Chief Cochran matter is a religious liberty issue, and ties the discussion to the upcoming State-wide debate on the "religious liberty" bill**.
- I pasted excerpts from an article in the **Baptist Press**, written after the Chief was suspended but before he was terminated. This article was one of many, from various Baptist publications, **urging congregants to contact the Mayor** and urge that he reverse Chief Cochran's suspension
- Lastly, I pasted **two pictures of actual pages in Chief Cochran's book** which

contain some of the **anti-gay statements**. These pictures were published in the **Georgia Voice**. (I did not take these photos)

## The Pasted News Clips:

### **Atlanta Journal Constitution**

**Your daily jolt** by Greg Bluestein, Daniel Malloy and Jim Galloway

December 29, 2014

<http://politics.blog.ajc.com/2014/12/29/has-religion-made-a-conservative-wimp-out-of-erick-erickson/>

...

**You know that Atlanta Fire Chief Kelvin Cochran** is catching a lot of heat for authoring a book in which he describes homosexuality as a "sexual perversion." But leaf through the rest of the tome – called "Who Told You That You Are Naked?" – and you'll find a few other head-turning comments.

Here's what he had to say about Judaism:

*Jewish leaders had made up their mind that the message of righteousness by faith through grace was a message of heresy. They believed in God but they rejected His Salvation, His Son and His message..."*

In another passage, he makes clear that he views his job as a public servant through a religious prism:

*"Personal Life Application: God gave me my fire service land, field, career. He gave me the job of being a fire service leader, Fire Chief of Atlanta Fire Rescue. He also made me the head- United States Fire Administrator. My job description as a fire chief of Atlanta Fire Rescue Department is:*

*–To cultivate its culture for the glory of God;  
– To keep it focused on its mission of saving lives and property;  
–To sustain its culture, its members and its capabilities both now and for future generations."*

And in another section, Cochran muses about how the world would have been better off if Eve had insisted that the serpent bearing forbidden fruit talk to her husband first.

*'Adam! Adam! Come over here right now. This snake can talk! He just called God a liar! He's trying to convince us to eat from the one tree the God told us not to eat from lest we die. He told me "We shall surely not die!"*

*I believe these words coming from Eve would have empowered and emboldened Adam as the protector of Eve and the Garden. He would have responded with righteous indignation and killed the serpent on the spot — even cut off his head.*

*The scriptural account could have possibly been 'And the Spirit of the Lord came upon Adam and he cut off the serpent's head and they lived happily ever after.'*

Cochran has become something of a cause celebre for conservative groups urging members to bombard Atlanta Mayor Kasim Reed with messages of support for the chief. Reed suspended Cochran on grounds that he didn't clear the book with his administration before publishing it. Cochran has also attracted the attention from folks on both sides of the debate over the so-called "religious liberty" proposals, which supporters say is designed to prevent government interference on faith-based activities but critics fear could give businesses a license to discriminate.

Better Georgia, the left-leaning guerilla group which has scoured his book for incendiary

comments, waded into the battle this morning. Says Better Georgia director Bryan Long:  
*"Chief Cochran's discriminatory beliefs and his clear intent to impose them in the workplace belittle women and illustrate exactly why [the] bill is so dangerous."*

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**Atlanta Journal Constitution**

**My Opinion**

**Religious liberty at stake**

Jay Bookman

January 4, 2014

<http://tablet.olivesoftware.com/Olive/Tablet/AtlantaJournalConstitution/SharedArticle.aspx?href=AJC%2F2015%2F01%2F04&id=Ar02000>

Debate over "religious liberty" legislation promises to be harsh in this year's General Assembly, with social conservatives pushing to combat what they see as religious persecution and opponents fighting what they see as an effort to legalize discrimination against gay Americans.

I have two major problems with the legislation:

1.) Claims that Christians are being persecuted in this overwhelmingly Christian country — especially here in Georgia, a state that is more Christian than most — ought to be taken skeptically. When the majority sect cries persecution, it is generally not persecution at all but frustration that its majority status does not translate into the deference that they believe they deserve. There is a very important difference between the two, because that deference to the religious majority comes at the expense of the minority, which undercuts rather than protects religious liberty.

2.) I'd be a lot more comfortable with the bill if I understood more precisely what its supporters hope to accomplish. They deny they are seeking a religion-based exemption to justify anti-gay discrimination, and instead claim it is needed to address unrelated infringements on religious freedom. But in each of the cases that they cite, existing law appears to have resolved the issue appropriately.

Some groups are now seizing upon the case of Atlanta Fire Chief Kelvin Cochran to demonstrate why the legislation is needed. Cochran was placed on unpaid leave after a self-published Christian book came to light in which he equates homosexuality to bestiality and child sexual abuse, and after allegations that he had given copies of his book to subordinates.

"It is time for believers to stand up for their religious beliefs, biblical principles and fellow Christians who are punished or marginalized for their faith," Dr. J. Robert White, executive director of the Georgia Baptist Convention, said in demanding that Cochran be reinstated and given back pay and an apology.

However, using Cochran's case to demonstrate why the legislation is needed confirms rather than refutes the claim that it is intended to create legal space in which to discriminate against gay Georgians. And if we rearrange the facts a bit without altering the principles at stake, we can more clearly see the underlying problems in the bill.

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would not be discriminated against? If he were an adherent of Louis Farrakhan and the Nation of Islam, and if he distributed Black Muslim pamphlets to the men and women who work for him, would the Georgia Baptist Convention defend that action as religious liberty?

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Jay Bookman, an Opinion columnist, writes for The Atlanta Journal-Constitution. His column appears

Sunday and Wednesday. Reach him at [jbookman@ajc.com](mailto:jbookman@ajc.com).

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### ***Baptist Press***

#### **Atlanta fire chief gets Baptists' defense**

by Art Toalston, posted Tuesday, December 16, 2014

<http://www.bpnews.net/43920/atlanta-fire-chief-gets-baptists-defense>

**(Excerpts only, emphasis supplied)**

ATLANTA (BP) -- Georgia Baptist Convention leaders are rallying to defend Atlanta Fire Chief Kelvin Cochran, who has been suspended without pay for a month and ordered to undergo sensitivity training over a book he wrote that upholds a biblical view of sexuality.

Cochran is a deacon, Sunday School teacher and Bible study leader at Atlanta's Elizabeth Baptist Church, which is affiliated with the Georgia Baptist Convention.

A two-time Atlanta fire chief, Cochran also served as U.S. Fire Administrator under President Obama from 2009-10.

J. Robert White, executive director of the Georgia convention, said in a news release issued by the GBC Public Affairs Committee, "It is time for believers to stand up for their religious beliefs, biblical principles and fellow Christians who are punished or marginalized for their faith." White affirmed the Public Affairs Committee for its "call to action for all fellow believers to take a stand."

The news release called on Christians and people of faith across Georgia to:

-- sign a petition in behalf of Cochran at <http://gabaptist.org/petition> on the Georgia Baptist Convention's website;

-- support Cochran by purchasing his book on Amazon, "Who Told You That You Are Naked?" which is at the center of the firestorm; and

-- enlist as many churches and believers as possible to contact Atlanta Mayor

Kasim Reed to reverse his actions against Cochran.

To the mayor, the Georgia Baptist committee called on Reed to:

-- Acknowledge Chief Cochran's First Amendment Rights,

-- Make a public apology for the suspension and grief it has caused the Chief and his family, and

-- Restore Chief Cochran's pay and reputation as an honorable Fire Chief."

Reed suspended Cochran over such passages in the chief's 162-page self-published book as a definition of uncleanness being the "opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, and all other forms of sexual perversion."

Cochran's book stemmed from a series of men's studies at Elizabeth Baptist Church titled "A Quest for Authentic Manhood."

The Atlanta Journal-Constitution, in an article about Cochran's suspension, also cited a passage in which the chief compared sexual relations between a man and a women to the pursuit of "sexual fulfillment through multiple partners, with the opposite sex, same sex and sex outside of marriage and many other vile, vulgar and inappropriate ways."

The newspaper noted that Cochran defined his role as fire chief in the book as cultivating a culture "for the glory of God" as well as saving lives and property.

Mayor Reed, in a statement targeting Cochran's statements about biblical sexuality, declared, "I want to be clear that the material in Chief Cochran's book is not representative of my personal beliefs, and is inconsistent with the administration's work to make Atlanta a more welcoming city for all of her citizens -- regardless of their sexual orientation, gender, race and religious beliefs."

Gerald Harris, editor of state convention's newspaper, The Christian Index, wrote in an editorial about Cochran's suspension, "I realize that our churches are open and our religious institutions continue to function and everything on the religious front may look copacetic. But when you begin to look beneath the surface, acknowledge the threats and analyze them, you begin to realize that our religious liberty is under an organized and concentrated assault."

Cochran, as a layman, "never tried to market his self-published book, but has shared the book with his church and has given books to his colleagues at work," Harris wrote. "After work on Monday the Chief has hosted a Bible study for those who were interested. Other colleagues have frequently sought him out for spiritual counseling. He consistently provided counsel by sharing truths from the Word of God."

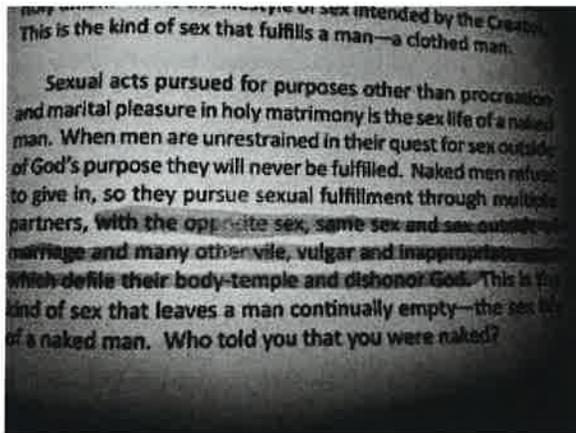
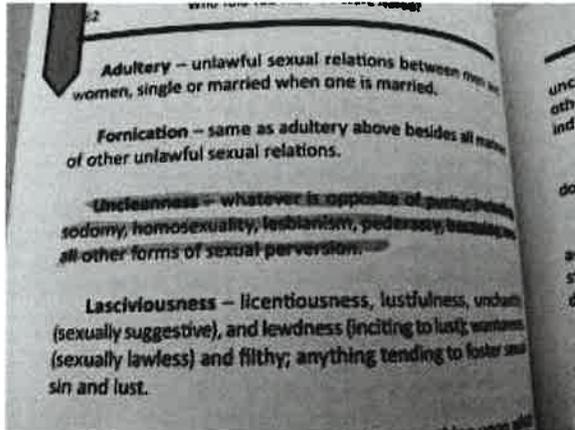
According to the Georgia Baptist Convention news release, Mayor Reed can be contacted by email at [mkreed@atlantaga.gov](mailto:mkreed@atlantaga.gov), by phone at 404-330-6100, or by mail at 55 Trinity Ave. Suite 2500, Atlanta, GA 30303.

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**From the *Georgia Voice***

November 24, 2014

<http://thegavoice.com/atlanta-fire-chief-goes-anti-gay-crusade-self-published-book/>



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Lee, thanks again. Please feel free to contact me if you wish to discuss this further.

Robin

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
55 Trinity Ave, Suite 5000  
Atlanta, Georgia 30303  
[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)  
Office: (404) 546-4171

Fax: (404) 546-8580



**CITY OF ATLANTA  
FIRE RESCUE DEPARTMENT**

**KASIM REED  
MAYOR**

**An Accredited Agency**  
226 Peachtree St., SW  
Atlanta, GA 30303-3749  
(404) 546-7000 \* FAX (404) 546-2930  
ICHIFFS ID - ATLFDIHQ

**JOEL G. BAKER  
INTERIM FIRE CHIEF**

**MEMORANDUM #3**

**TO:** All AFRD Personnel

**FROM:** Joel G. Baker, Interim Fire Chief

**DATE:** January 16, 2015

**SUBJECT:** AFRD Diversity and Workplace Equity

As a fire service organization, the Atlanta Fire Rescue Department (AFRD) has one of the most multi-cultural and diverse workplace environments in the country. I believe it is vital that as the Interim Fire Chief I do everything within my power and authority to protect the rights and liberties of all members of our department.

During my tenure as chief, I along with the support of the executive staff will concentrate an enormous amount of attention on ensuring an atmosphere that promotes the highest level of transparency, equity, and inclusion.

Throughout the coming days and weeks a series of meetings will be conducted to address the following concerns within AFRD:

1. Firefighter Safety
2. Diversity
3. Lesbian, Gay, Bisexual and Transgender (LGBT)
4. Race Relations
5. The Bid Policy
6. Quality of Life within AFRD Fire Stations

In addition AFRD is currently developing an anonymous survey related to the items listed above. At the conclusion of the survey all members will receive a copy of the results.

Attached to this memorandum is a letter from the Mayor's Advisor on LGBT Issues. This letter will provide members with a contact person within AFRD (Sergeant Latia Posey) and a person of contact inside the Mayor's office (Robin Shahar) related to LGBT issues and any forms of equality. It is imperative that you give this letter your attention.

I would like to assure all members that AFRD and the City of Atlanta is committed to creating a workplace environment that is safe and secure for all members and citizens.





## CITY OF ATLANTA

KASIM REED  
MAYOR

55 TRINITY AVENUE, S.W.  
ATLANTA, GEORGIA 30303-3520

ROBIN JOY SHAHAR  
MAYOR'S ADVISOR  
ON LGBT ISSUES

Tel (404) 330-6100

January 16, 2015

Good afternoon women and men of the Atlanta Fire Rescue Department,

I look forward to working with you in the coming weeks. I am Robin Shahar and serve as Mayor Reed's Advisor on LGBT Issues. Mayor Reed spoke with Chief Baker and me about implementing departmental measures to reinforce the City's commitment to non-discrimination in the workplace.

Earlier this week, I met with Chief Baker and AFRD Sergeant Latia Posey about the process of creating a work environment that meets AFRD's core value of being "ism-free". Sergeant Posey will assist with this process.

We all agreed that, as our first step, we want to hear from you. How do you feel about whether the Department is meeting its core value? Are there things you would change or implement to reassure that the Department is genuinely equal opportunity?

You may speak with me confidentially if you choose. My office is in City Hall; if we meet in-person, our meeting will be private. Chief Baker will allow you to meet with me during your on-time, and will discuss with supervisors how to arrange that. Though I am the Mayor's LGBT Advisor, my role in this process is not limited to LGBT issues, but rather will focus on all forms of equality.

If you prefer, you may speak with Sergeant Posey with your feedback and ideas. Conversations with her will also be confidential unless you state otherwise. The two of us will meet in two weeks to share what we have learned and prepare recommendations to discuss with Chief Baker.

I can be reached by email ([rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)) or at 404.546.4171. If you would like to talk in person or by phone, please let me know and we can arrange a time to do so. Sergeant Posey's email is [lpsey@atlantaga.gov](mailto:lpsey@atlantaga.gov).

Wishing you all a wonderful and peaceful MLK Jr., holiday,

  
Robin Joy Shahar  
Mayor's Advisor on LGBT Issues



**From:** Shahar, Robin  
**To:** Baker, Joel; Yancy, Yvonne Cowser; Godfrey, Robert  
**Sent:** 3/10/2015 6:36:53 PM  
**Subject:** RE: AFRD Climate Survey Link- confidential- atty client privilege

Hi Chief Baker. Thanks for sending me the information. I found the results very interesting, and think they will be helpful in your efforts to identify and implement beneficial departmental changes.

Regarding the scheduling of your meeting, I will defer to Commissioner Yancy and Bob Godfrey regarding timing. I reviewed the information in my capacity as Mayor Reed's Advisor on LGBT Issues, and (in that capacity) am ready to proceed with your next steps. The input of the HR Commissioner and Law Department are essential though. In particular, because there are numerous comments about pay raises and a compression study, I want Commissioner Yancey to decide if any other preliminary conversations should occur prior to releasing the study results (for example, notifying Anne Torres).

Please feel free to contact me if you have any questions. I look forward to discussing the study with you and your team.

Robin

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
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Atlanta, Georgia 30303  
[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)  
Office: (404) 546-4171  
Fax: (404) 546-8580

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**From:** Baker, Joel  
**Sent:** Monday, March 09, 2015 1:56 PM  
**To:** Yancy, Yvonne Cowser; Godfrey, Robert; Shahar, Robin  
**Cc:** Hampton, Cathy D.; Jamison, Lydia  
**Subject:** FW: AFRD Climate Survey Link

Yvonne, Robert & Robin:

The attachments are the results of AFRD's climate survey, which contains the survey highlights and comments. I am also including the survey link in case you would like to have a more detail look at the survey information:

<https://www.surveymonkey.com/results/SM-KFPKVCS7/>

It's my goal to meet with my team, as well as Ms. Lydia Jamison (HR) and Ms. Robin Shahar to review the survey, so we can develop our plan for improving the department's race relations and morale. In closing, I will wait to hear from Robin before I reschedule our planning meeting to review the data / survey.

Many Thanks,

Joel





Joel G. Baker, Interim Fire Chief  
Public Safety Headquarters  
226 Peachtree Street, SW  
Atlanta, Georgia 30303  
Cell: (404) 379 – 6269  
<http://www.atlantaga.gov>

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**From:** Baker, Joel  
**Sent:** Tuesday, March 03, 2015 4:38 PM  
**To:** Geisler, Michael (mgeisler@AtlantaGa.Gov)  
**Subject:** AFRD Climate Survey Link

Michael:

Below is the link to the survey. It allows for review of all comments. I'm attaching the two spreadsheet files, in case you wanted a quicker review of the data. After you have had an opportunity to review the documents and survey, you can give me a call to address any questions/concerns.

In closing, upon completion of your review you may want to forward the survey and documents to the following:

- Robert Godfrey            CoA Law Department
- Robin Shahar             Mayor's Office of LGBT
- Yvonne Yancy             CoA Human Resources

<https://www.surveymonkey.com/results/SM-KFPKVC57/>

Thanks,

JGB



Joel G. Baker, Interim Fire Chief  
Public Safety Headquarters  
226 Peachtree Street, SW  
Atlanta, Georgia 30303  
Cell: (404) 379 – 6269  
<http://www.atlantaga.gov>

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**From:** Shahar, Robin  
**Sent:** Monday, February 23, 2015 11:55 AM  
**To:** Hampton, Cathy D.; Mullinax, Melissa; Torres, Anne; Byrd, Candace; Yancy, Yvonne Cowser  
**Cc:** Thomas, Karen  
**Subject:** press questions to me in my personal capacity

Good Morning everyone.

I want to make you aware that I unexpectedly received a call from a NYT reporter this morning, and spoke with him on the record in my individual capacity, regarding Michael Bowers' working with Georgia Equality. They are working together to help defeat Georgia's pending "Religious Freedom" Restoration Act ("RFRA") bill (see AJC link below). I anticipate being contacted by other news outlets this week.

My purpose in writing is to see if you have any concerns or questions that you want to discuss with me. I have already discussed this matter with Cathy, but wanted to personally inform each of you about the situation as well.

Important information:

These news stories pertain only to my role as a former Plaintiff. That said, I am aware that I am a visible figure in Atlanta City government, and want to assure you that my comments are respectful and commend Mr. Bowers and Georgia Equality for their decision to partner on this issue.

I did not and will not answer any questions about the City, my work here (as attorney or as Mayor Reed's LGBT Advisor) or Mayor Reed. I did answer some questions about RFRA, within the context of why Mr. Bowers would choose to oppose the bill – addressing the dangers of the bill from a legal perspective as a reason why the Former Attorney General would have grave concerns about its passage.

Because these news stories arise from the RFRA bill, it is likely that some of them will discuss former Fire Chief Cochran. I will not answer any questions about Mr. Cochran or Mayor Reed's terminating him. Though the NYT reporter spoke a bit about his support for Mayor Reed's decision to fire former Fire Chief Cochran, I remained silent and simply listened.

It feels personally important to me to address the questions of reporters related to Mr. Bowers. My litigation against him was a major part of my life for many years. His decision to work with Georgia Equality is remarkable, in a positive way. Because of my history with him, I bring a unique perspective to the societal significance of his decision and want to share it.



COA-Cochran 002374

Please let me know if you want to talk with me about this issue.

Thanks.

Robin

<http://politics.blog.ajc.com/2015/02/21/a-one-time-foe-takes-on-religious-liberty-bills-for-gay-rights-group/>

**From:** Jeff Graham  
**To:** Shahar, Robin  
**Sent:** 1/16/2015 9:49:41 PM  
**Subject:** Georgia RFRA Update  
**Attachments:** 12 2014 GA RFRA Business Fact Sheet.pdf; 12 2014 RFRA Child Welfare fact sheet.pdf; 12 2014 RFRA public safety fact sheet.pdf; 12 2014 RFRA state and local fact sheet.pdf

Happy New Year to everyone!

I'm sorry that I was not able to get an update out last week, but as I'm sure most of you are aware, it's already been a very busy time for the battle over religious refusal bills here in Georgia.

Here are some quick updates:

- 1) Rep. Teasley has pre-filed HB 29 as his RFRA bill. We're still working on a full legal analysis of the major problems with it, but the short version is that: 1) If corporations are not specifically excluded from claiming a religious exemption, then under Georgia law and legal precedent, they would still be covered and 2) Lines 97 & 98 of the bill state that the only employees who could claim an exemption from an employer are those who work for government. This is extremely troubling as it would allow public employees at all level of government in Georgia to refuse to provide essential public services to someone if providing that service went against their religious beliefs.
- 2) We've heard conflicting rumors as to whether or not Sen. McKoon will introduce his version this week. It could come Monday with a hearing on Wednesday - or it may be delayed until later in the session. We'll see tomorrow.
- 3) Our colleagues at Faith in Public Life will have a press conference Tuesday morning with a group of moderate and conservative faith leaders who are opposed to a state RFRA. I'm still awaiting word from them on whether or not they would like anyone there to support them.
- 4) On Tuesday afternoon, proponents of RFRA (Faith and Freedom Coalition, Georgia Baptist Convention, etc..) will be having a rally inside the capitol rotunda with a march to Atlanta City Hall in protest of the firing of Atlanta Fire Chief Kelvin Cochran.
- 5) Until we can finalize overall talking points for the group, I have attached some specific talking points on how RFRA's have been used in other states that have been problematic to various groups and governmental entities.
- 6) Georgia Equality will be launching a campaign called Georgia Unites Against Discrimination. I had briefly mentioned this at our last meeting. If McKoon's bill drops this week, then we will launch this week. If the bill doesn't launch this week, then we will probably not launch the campaign until January 20th. Be on the look out for more information on this over the next few days.
- 7) Chara Fisher-Jackson has left ACLU of Georgia, so Jeff Willard will be representing them in this group. He is copied here.
- 8) We have several messages out to some child welfare organizations and hope that they will join us in opposing these bills.
- 9) I will try to find some time in the next week to schedule a meeting or conference call.

**Jeff Graham, Executive Director**  
Georgia Equality | Equality Foundation of Georgia  
Phillip Rush Center



1530 DeKalb Avenue, Suite A  
Atlanta, GA 30307  
404.523.3070 ext 2 voice  
404.688.2638 fax

Join our Action Alert Network

**From:** Shahar, Robin  
**To:** Baker, Joel  
**Sent:** 4/20/2015 7:19:40 PM  
**Subject:** Human Rights Campaign Gala- can you attend

Hello Chief Baker,

You and I spoke briefly about an upcoming gala hosted by the Human Rights Campaign ("HRC"). HRC is the largest LGBT civil rights organization in the United States, and they host a large fundraising banquet in Atlanta each year. As in past years, Mayor Reed is purchasing a ten-seat table at the event; I am inviting different City representatives to join the table.

I am hoping that you will be able to attend. The details are as follows:

**The event is Saturday May 2<sup>nd</sup> at the Hyatt Regency.**

Dinner begins at 7, though there is a nice silent auction starting at 6.

Regarding attire (quoting from the HRC website): "Black-tie encouraged. A wide range of festive attire is appropriate."

I am happy to provide additional information if that would be helpful.

**Please let me know as soon as possible whether you can join us. I am not certain if you have a spouse, but if so, please let me know if your spouse will join you.**

Unfortunately, because we have only ten seats, I am unable to invite others from AFRD. If we had more seats, I would have invited Sgt. Posey as well. I am limiting invites to people involved with the City's LGBT efforts. If some of these invitees are unable to attend and I have an unfilled seat, I will definitely invite Sgt. Posey. I won't know until later this week though.

Thanks for your consideration.

Robin

Robin Joy Shahar  
Mayor's Advisor on LGBT Issues  
55 Trinity Ave, Suite 5000  
Atlanta, Georgia 30303  
[rshahar@atlantaga.gov](mailto:rshahar@atlantaga.gov)  
Office: (404) 546-4171  
Fax: (404) 546-8580



**From:** Robert Sepúlveda Jr.  
**To:** Shahar, Robin  
**Sent:** 2/26/2015 6:54:04 PM  
**Subject:** Atlanta Rainbow crosswalks

Hello Robin,

I called you back and left a message. Thank you for getting back to me, this project means so much not alone to me, but LGBT community as a whole.

I do want to clear a few things up; This project will be privately funded. We already have companies on board willing to donate to this cause e.g. Delta, IGH Hotel group, local business. We also have the regional manager of Transpo (the paint company supplying the crosswalk paint), on board to supervise the painting as needed.

I spoke with Mr. Eddie Granderson, he directed me to Melissa Mullimax, which directed me to Judi Weber, then back to Mr. Granderson, who said, "I haven't heard anything and the final determination would have to come from above my pay grade".

That is why I am reaching out to you. I know the Mayor supports many LGBT activities and projects. The mayor recently showed his solidarity on non discrimination for the LGBT community with the firing of Chief Kelvin Cochran, and these crosswalks will only confirm and continue to show support that not only the city, but the Mayor has for this community.

These crosswalks will be a symbol of acceptance, unity and tolerance.

I hope you can help me find a way to make this dream come to fruition.

respectfully,

RSJ

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