

CICCHETTI CASE

Fayette's task: Develop policy on harassment

By Jim Cuddy Jr. and Debra Erdley
TRIBUNE-REVIEW

When President Judge Richard Cicchetti officially leaves the bench later this month, his departure will not end the discussion of sexual harassment in Fayette County courts and government.

Despite nine months of lurid headlines about Cicchetti's alleged antics, neither Fayette County government nor its court has adopted a written policy against sexual harassment.

"That may be why all this happened," said Samuel Cordes, the Pittsburgh attorney who sued Cicchetti in U.S. District Court on behalf of two female court employees. "This is 1995. That a government agency does not have such a policy is amazing."

The Tribune-Review revealed Saturday that Cicchetti, 60, of Brownsville agreed to resign Dec. 31 to settle

the sexual harassment lawsuits filed by court stenographer Deborah DeFranks, 42, of Uniontown and probation officer Heather Glover Brueggman, 25, of Markleysburg.

The settlement calls for DeFranks and Brueggman to each receive \$125,000 from a special state fund. DeFranks, who took an unpaid leave in March, and Brueggman, who quit in February 1994, also will return to their jobs without fear of retaliation.

Details of the settlement were supposed to be confidential. But Cordes agreed to discuss the case after learning that Cicchetti's legal team of Uniontown attorney James T. Davis and Pittsburgh lawyer Joseph Selep had discussed the deal in the news media.

The settlement also requires Fayette County to adopt a policy against sexual harassment.

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Cicchetti

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Fayette looks to harassment policy

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"If there is no policy against sexual harassment, then there are no means to complain about it," Cordes said. "Women have a difficult enough time talking about it and dealing with regular workplace issues."

"A lot of people don't complain even when there is a policy because there are so many disincentives, like working next to the guy after filing the complaint," he continued.

Cordes said the situation involving his clients and Cicchetti was particularly difficult. As president judge since 1978 of a relatively small court, Cicchetti ruled the offices that employed DeFranks and Brueggman.

"You add to that a situation where you have someone openly bragging about their power, it creates a very bad situation," Cordes said.

In her lawsuit, DeFranks claimed Cicchetti bragged about his sexual conquests while demanding sex from her a number of times between 1989 and 1994. When she refused, she claimed Cicchetti initiated investigations of her billing practices.

Brueggman claimed Cicchetti threatened her job and her father's PennDOT job unless she submitted to his advances. The jurist's seven-month litaney of love led to her resignation in February 1994, according to the lawsuit.

In a 1991 study, law professor Marina Angel of Temple University found that sexual harassment by judges is not rare.

A 1989 survey in Massachusetts revealed that 15 percent of attorneys had witnessed a judge sexually harass a female attorney with inappropriate comments. Six percent of the lawyers saw a male judge touch a female attorney inappropriately.

When complaints are pursued, Angel concluded, the offending judges rarely face serious sanctions.

"The way it goes is most of these cases are not made public. The disciplinary proceedings against judges are usually secret," Angel told the Tribune-Review.

In Pennsylvania, disciplinary proceedings enter the public domain once the Judicial Conduct Board files a formal complaint.

In the Cicchetti case, investigators have interviewed DeFranks and Brueggman but no formal action has been taken. The case has drawn the scrutiny of the statewide investigating grand jury in Harrisburg.

The absence of sanctions against judges who sexually harass employees, defendants and others

Attorney again strikes blow for civil rights

By The Tribune-Review

When Fayette County President Judge Richard Cicchetti agreed last week to resign to settle a pair of lurid sexual harassment lawsuits against him, it marked another victory for a Pittsburgh attorney who specializes in civil rights litigation.

In the past two years, attorney Samuel Cordes has won monetary awards and headlines for a sexually harassed barmaid, a job applicant asked about a disfigured eye and a woman who lost her job when she became pregnant.



Samuel Cordes

Cordes was the first attorney in the region to sue under the Americans with Disabilities Act shortly after it became law two years ago. He also successfully challenged the City of Pittsburgh's police hiring guidelines in a reverse discrimination action.

"He's excellent, one of the best," Ken Gormley, a Duquesne University law professor, said of Cordes. "He's an extremely creative lawyer, which makes him dangerous for the opposition."

Litigation arising out of civil rights abuses is rarely lucrative and always demanding. A client may win a verdict, for example, only to go home empty-handed because the company has gone out of business, Gormley said.

As such, civil rights cases offer little for lawyers, whose livelihoods often hinge on the fees generated from verdicts.

As a result, Congress included a provision in the 1964 Civil Rights Act that allows attorneys to seek "reasonable" fees from

defendants in civil rights cases, Gormley said.

The nature of discrimination has changed in the past three decades and is far more difficult to prove today, the professor said.

"It's very subtle," Gormley said. "In the old days, you could find the proverbial 'smoking gun' and win. Today you have to prove it indirectly. It takes a lot of digging, a lot of hours and a lot of creativity by lawyers."

Cordes, 43, of Mt. Lebanon, became a lawyer only seven years ago. He worked as a newspaper reporter and in public relations before deciding to attend the University of Pittsburgh School of Law.

"It was just something I decided to do," said Cordes, a partner in the Downtown law firm of Ogg, Jones, DeSimone & Ignelzi. "I always had an interest in law."

His interest in civil rights stems from a blue-collar background. Cordes grew up in McKeesport, where his late father, Robert, was a member of the United Auto Workers Union. His mother, Gerry, still resides in McKeesport.

Cordes' more notable victories include:

■ An \$85,000 jury award to Cynthia Ventrone, 33, of Pittsburgh's Beechview section, whose complaints about sexual harassment by a bartender at the former Pittsburgh Sports Garden were ignored by managers.

■ A federal jury award last month of \$53,000 to Lisa Fischer, 27, of Green Tree, who was fired from the former Pittsburgh Press in 1992 soon after she disclosed her pregnancy to coworkers.

■ The \$70,000 in punitive damages won by Stephen Burke, 50, of Baldwin Borough, who was rejected for a job at Whemco after a company official asked about Burke's eye, which was disfigured in childhood.

sends the wrong message, Angel said.

"It sends a message that the old boys are continuing to protect each other. That's absolutely outrageous," she said.

Cordes said he hopes the Fayette County policy on sexual harassment will lead to a new atmosphere

at the courthouse.

"Hopefully there will be training on just what the law is," Cordes said. "It doesn't mean you can't joke around or anything like that. It means people must be treated with basic human decency."

"And that's what was lacking here."