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(Witness excused)

MR. BOTTINI: Call ^{TERI}~~Terry~~ Carns, Your Honor.

(Pause)

THE CLERK: Would you please stand before me here to be sworn. Raise your right hand.

~~TERESA~~ W. CARNS, PLAINTIFF'S WITNESS, SWORN

THE CLERK: Would you please be seated in the witness box, right over there. Yes. And we are recording, so I'll need for you to position the microphones in front of you. Thank you. For the record, would you please state your full name, your address, and spell your last name.

THE WITNESS: My name is ~~Theresa~~ Theresa White Carns, C-a-r-n-s. 1753 Bannister Road, Anchorage, Alaska, 99508.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. BOTTINI:

Q Ms. Carns, what is your present occupation?

A I'm the senior staff associate for the Alaska Judicial Council.

Q All right. How long have you been associated with the Alaska Judicial Council?

A I've been working there most of the last 20 years.

Q Could you explain what the purpose of the Alaska Judicial Council is?

A The Constitution established the Council -- the state's

1 Constitution -- to nominate applicants for judgeships and to
2 do research and make recommendations to the Legislature and
3 Supreme Court, to improve the administration of justice.

4 Q And specifically, what are your duties presently with the
5 Alaska Judicial Council?

6 A I supervise most of the Council's research projects; I
7 write many of the Council's reports; I fill in for the direc-
8 tor in his absence; testify before the Legislature, and so
9 forth.

10 Q All right. Are you also a member of the Joint Federal-
11 State Court Gender Equality Task Force?

12 A I am.

13 Q Now, let me direct your attention to June 29th of this
14 year. Was there a meeting of the task force scheduled to be
15 held in Judge Singleton's chambers here in the Federal Build-
16 ing?

17 A Yes.

18 Q And did you attend that meeting?

19 A I did.

20 Q All right. What time was the meeting going to start?

21 A Seven-fifteen a.m.

22 Q Do you know Theresa Obermeyer?

23 A I do.

24 Q Could you tell us how you know her?

25 A I met her some years ago through school and church. Our

1 children have some -- are -- are at the same school.

2 Q Is she here in the courtroom today?

3 A Yes.

4 Q Is she seated at the table here to my left, next to Ms.
5 Geddes?

6 A Yes.

7 THE COURT: Record may so show.

8 BY MR. BOTTINI:

9 Q Now, to your knowledge, is Dr. Obermeyer a member of the
10 task force?

11 A No, she is not.

12 Q Did she show up to attend the meeting that morning on June
13 29th?

14 A Yes.

15 Q All right. Why was she there, do you know?

16 A She and I had talked the previous afternoon, and she had
17 asked me when the next meeting of the task force was. I said
18 the next morning. She asked if she could attend. I said I
19 thought that it was a public meeting and that she could.

20 Q Was she allowed to attend the meeting?

21 A Yes, mm-hm (affirmative).

22 Q Now, were there any incidents during the meeting, that you
23 recall?

24 A No.

25 Q What time did the meeting conclude?

1 A Approximately eight o'clock.

2 Q Could you tell us what happened after the meeting was
3 over?

4 A As I recall, we stood up and Dr. Obermeyer stood up and
5 said that it was a public meeting and she had hoped to be able
6 to speak, or words to that effect. And Judge Singleton said
7 that she could speak briefly.

8 Q Okay. And then what happened?

9 A As I recall, she began to talk about having her husband
10 admitted to the Bar, and said to Judge Singleton that he
11 should have his license by five o'clock that evening. And
12 then she addressed some remarks to Judge Fabe.

13 Q All right. Now, in what tone of voice was Dr. Obermeyer
14 speaking when she made these comments?

15 A She seemed somewhat upset that she hadn't testified during
16 the meeting or talked during the meeting.

17 Q Are -- you're familiar with her normal speaking voice, I
18 take it?

19 A Yes.

20 Q Does she speak normally in a tone of voice that would be
21 louder than your average person?

22 A I would say somewhat, yes.

23 Q When she was making these comments, was her voice tone
24 louder than it normally is?

25 A Yes.

1 Q Did she appear upset?

2 A Yes.

3 Q Now, she made -- let me just back up just a little bit.
4 She made some comments about -- well, tell us again what she
5 said; I'm sorry.

6 A She asked -- or she addressed some remarks to Judge
7 Singleton about her husband's admission to the Bar and said
8 that she expected Judge Singleton to have a license for him by
9 five o'clock, or words to that effect.

10 Q All right. Then I think you indicated she made some
11 comments to Judge Fabe as well; is that correct?

12 A Right.

13 Q And what did she say to Judge Fabe?

14 A I don't remember the -- the comments to Judge Fabe, as I
15 recall, were directed to some other case, or some case. And
16 then she made an allusion to her being a dumb blonde and Judge
17 Fabe being seen as a dumb blonde as well.

18 Q Now, did -- when she made this comment to Judge Singleton
19 about her husband and expecting that he was going to get a
20 license to practice law by five o'clock that evening, did
21 Judge Singleton say anything in response to that?

22 A I don't recall.

23 Q Do you recall Judge Fabe saying anything in response to
24 the comment -- the "dumb blonde" comment?

25 A I don't recall a response from Judge Fabe either.

1 Q Did you hear Judge Singleton ask Dr. Obermeyer to leave
2 his chambers?

3 A Yes.

4 Q Did she leave when he asked her to?

5 A Yes.

6 Q What about Judge Fabe; did she depart Judge Singleton's
7 chambers at some time?

8 A I don't recall what -- when she left in relationship to
9 everything else that was going on.

10 Q Now, this conversation that was taking place, the comments
11 about her husband being issued to practice -- or a license to
12 practice law and the "dumb blonde" comment, where in Judge
13 Singleton's chambers was this conversation taking place?

14 A We were all standing more or less in positions where we
15 had been seated, so we were around -- more or less around the
16 table in Judge Singleton's office.

17 Q So that's his inner office, basically?

18 A Yes. Mm-hm (affirmative).

19 Q Okay. Now, you said that Dr. Obermeyer did begin leaving
20 Judge Singleton's chambers; is that correct?

21 A Yes.

22 Q All right. Now, where were you when she started to leave?

23 A I was standing at the end of the table closest to the door
24 to the other office.

25 Q Okay. So you were still in Judge Singleton's inner

1 office --

2 A Yes.

3 Q -- at that time?

4 A Yes.

5 Q All right. Could you see out the door into --

6 A Yes.

7 Q -- the outer office where Ms. Burritt's work space was?

8 A Right.

9 Q Okay. What happened as Dr. Obermeyer started to leave?

10 A As -- as she was leaving, I turned my attention away and
11 was talking to the people in the room.

12 Q All right. And then what happened?

13 A And then I noticed, out of the corner of my eye, some
14 movement over by the door. So I turned to look over there,
15 and I saw Dr. Obermeyer coming back into Judge Singleton's
16 chambers. And I -- she put her hand on Ardel and pushed her
17 apparently towards the wall, and then came back into the room
18 where we were still standing.

19 Q What happened after she came back in?

20 A She began talking to us again, but I really don't remember
21 exactly about what subject.

22 Q At some point, did a court security officer arrive?

23 A Two security officers came in fairly shortly after Dr.
24 Obermeyer came back into the chambers.

25 Q When she came back in, Ms. Carns, did she appear to be

1 upset?

2 A Yes.

3 Q Was she speaking?

4 A Yes.

5 Q Do you recall what she was saying at this time?

6 A I -- I don't recall what she was saying.

7 Q In what tone of voice was she speaking?

8 A She was speaking in a somewhat angry voice.

9 Q What happened after the court security people got there?

10 A Two security officers came in and began talking to her,
11 and I was standing right next to the three of them, and I
12 heard them ask her to leave with them and I heard her say that
13 she wanted their, I believe names and -- and card numbers or
14 something. And they said that they would be happy to provide
15 those as soon as she was out of the building.

16 Q Were they being polite to Dr. Obermeyer?

17 A Yes.

18 Q And did she eventually agree to go with them?

19 A A third person came into the room who I believe was a
20 security officer, and he also asked her to leave and then she
21 did leave with the three of them.

22 Q Were you still in Judge Singleton's office at this time?

23 A Yes, mm-hm (affirmative).

24 Q All right. Did you see what happened in the hallway after
25 she left with the security people?

1 A No, because I was in the office, so I couldn't see into
2 the hallway.

3 Q That's all the questions I have for you. Thanks.

4 THE COURT: You may inquire, ma'am.

5 MS. GEDDES: Thank you.

6 **CROSS-EXAMINATION**

7 BY MS. GEDDES:

8 Q Hi, Ms. Carns. Mary Geddes. Ms. Carns, isn't it true
9 that when Theresa Obermeyer indicated that she wanted to speak
10 as public -- part of a public comment period, that Judge
11 Singleton said to her that he was willing to listen to her,
12 albeit for a brief period?

13 A Yes, I -- there was not a public comment period. I had
14 talked to Dr. Obermeyer about the fact that it was a public
15 meeting but not a public hearing.

16 Q Mm-hm (affirmative). But he did indicate to her that he
17 was willing to listen to her?

18 A Yes.

19 Q Okay. And did he -- at this point he was seat -- still
20 seated from the meeting? Do you recall?

21 A I think he was standing.

22 Q Okay. Did he subsequently sit down and talk to her
23 briefly about the task force and its functions?

24 A No.

25 Q You don't recall that?

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A No.

Q But you do recall that she was provided an opportunity to speak to him?

A Yes.

Q And that both he and Judge Fabe were in the room along with you at -- during that period?

A Yes.

Q Okay. And also present were a couple of other individuals, two --

A Yes.

Q -- externs? Okay. That's Ms. Angstrom and Ms. Josephson?

A Yes.

Q Now, when -- did you -- I guess your -- I want to be clear about your status with the task force. You've been providing them with some staff support; is that a fair statement?

A Yes.

Q Okay. And at the same time, you've been in something of a chairing function as well; is that also correct?

A Well, I -- I was appointed as vice chair, elected as vice chair, at that particular meeting. But prior to that, Judge Singleton had asked me to prepare the agendas, and I had agreed to do that. That was acceptable in the context of my work and so forth. So I didn't really chair the meetings.

Q I see. You did the preparatory work for it?

A Yes. Mm-hm (affirmative).

1 Q Let me just ask you very briefly about the background of
2 this group. Is it true that prior to the decision to start
3 meeting in Judge Singleton's chambers, the working group
4 itself had met in -- down in the federal cafeteria --

5 A Yes.

6 Q -- for a period?

7 A Mm-hm (affirmative).

8 Q Okay. And is it also fair to say that following the close
9 of most of these task force meetings, there would usually be
10 some kind of, I guess residual discussion between people who
11 were actually physically present and attending the meetings in
12 Anchorage?

13 A It would be -- there might be some brief conversation.
14 Typically, people had meetings or trials or hearings to get
15 to. So it typically wasn't lengthy.

16 Q Five, 10 minutes' worth at the most?

17 A At the very most --

18 Q Okay.

19 A -- yes.

20 Q Now, on this particular occasion in Judge Singleton's
21 chambers, you remained with Judge Singleton throughout the
22 entire events that you've described here today; correct?

23 A Yes.

24 Q And at no juncture did you yourself leave, depart the
25 office -- offices and leave the Federal Building?

1 A Right.

2 Q You remained there the entire period?

3 A Yes.

4 Q Okay. And you remained actually during the discussions
5 between -- or during the intervention, I guess, of the secur-
6 ity officers; you were actually still physically present in
7 Judge Singleton's inner office at that juncture too --

8 A Yes.

9 Q -- isn't that correct? Okay. And at no time did -- prior
10 to Theresa Obermeyer speaking to Judge Fabe and speaking to
11 Judge Singleton about her husband's law license and making her
12 demand that he get his license, at no time prior to her
13 expressing that particular demand or request did you hear
14 Judge Singleton indicate to her that the meeting was over and
15 she had to leave?

16 A No.

17 Q At no time during the period when you were in Judge
18 Singleton's office observing these events did you observe
19 Judge Singleton leave the office, leave the premises, go
20 elsewhere? He remained within his inner office at all times;
21 correct?

22 A Yes.

23 Q And his approach with respect to Dr. Obermeyer was really
24 just to let her talk, let her vent; isn't that true? That he
25 seemed to be -- that seemed to be the tack that he was taking?

1 A I wouldn't use those terms. I would say --
2 Q Those are my verbs.
3 A Well, Judge Singleton said that Dr. Obermeyer could speak
4 briefly --
5 Q Okay.
6 A -- to the group.
7 Q All right, fine. Now, during the time that Theresa
8 Obermeyer, you said was getting upset, and -- you said some-
9 what upset --
10 A Mm-hm (affirmative).
11 Q -- did you -- you observed Judge Singleton attempting to
12 respond to her emotional state, didn't you? Making some
13 response? He didn't close the door on her? He was --
14 A Yes.
15 Q -- trying to --
16 A No.
17 Q Okay. He was making some effort to interact with her?
18 A Yes.
19 Q Okay. And some attempt, I guess, to have a dialogue of
20 sorts?
21 A Yes.
22 Q Okay. And when the Marshals came in or security people,
23 whatever name we want to use, the men who came in the office,
24 you observed that two of them entered --
25 A The first --

1 Q -- initially?

2 A Yes, mm-hm (affirmative).

3 Q Okay. And these individuals said to -- addressed Dr.

4 Obermeyer at that point; isn't that correct?

5 A Yes.

6 Q And they said to her, "Dr. Obermeyer, you should come with

7 us"?

8 A I don't remember the exact words, but words to that

9 effect.

10 Q They told her that they would be escorting her out, or

11 escorting her somewhere?

12 A Again, I don't remember the exact words, but that was

13 certainly the impression.

14 Q Okay. So what you -- what -- the impression that you got

15 or the recollection that you have from this day, and it is a

16 little while ago now, was that they were saying that together,

17 they should leave Judge Singleton's office?

18 A Yes. Yes.

19 Q Okay. When the third individual arrived, did you notice

20 anything in particular about these three individuals who were

21 in Judge Singleton's office? Was there anything about their

22 physical appearance that struck you?

23 A The third gentleman who came in was considerably larger

24 than the first two. But otherwise, the three of them seemed

25 relatively calm and --

1 Q Okay. The third individual was a large gentleman in
2 particular?

3 A Yes.

4 Q Okay. And isn't it true that these gentlemen effectively
5 moved around Judge -- Dr. Obermeyer and surrounded her?

6 A I -- I couldn't say that. It seemed to me that Dr.
7 Obermeyer was standing here and they were, you know, here.
8 But I don't recall them surrounding her at that point.

9 Q Okay. You don't remember them grouping around her?

10 A No.

11 Q Okay. You remember, though, that they were in sort of a
12 physically confrontive type position? They were close to her,
13 weren't they?

14 A Yes. Mm-hm (affirmative).

15 Q Okay. Do you remember seeing whether or not any of the
16 gentlemen were armed at all?

17 A No.

18 Q Okay.

19 MS. GEDDES: If I could just have one moment, Your
20 Honor.

21 THE COURT: Sure.

22 MS. GEDDES: Thank you.

23 (Pause)

24 BY MS. GEDDES:

25 Q Ms. Carns, when Dr. Obermeyer -- you observed Dr.

1 Obermeyer leave the chambers twice; correct?

2 A Yes.

3 Q Leave -- I should say --

4 A Mm-hm (affirmative).

5 Q -- Dr. Obermeyer -- I should say Judge Singleton's inner
6 office, she left Judge Singleton's inner office --

7 A Right.

8 Q -- twice?

9 A Right.

10 Q Okay. On the second occasion when the Marshals had come
11 in and -- the three men; and she left in their company, didn't
12 she?

13 A She left in the company of the Marshals.

14 Q Yes.

15 A Actually, I think by the time she left, there were more
16 Marshals than three. But --

17 Q More than three. They --

18 A Yeah.

19 Q -- were all men?

20 A Yes.

21 Q Okay. So there were more than three men who were with
22 her --

23 A They hadn't -- there had only been three in Judge
24 Singleton's chambers, but the last I saw at the door, there
25 appeared to be more than three men, and Dr. Obermeyer.

1 Q So at that point, it -- what you observed was Dr.
2 Obermeyer exiting the chambers, exiting the offices of Judge
3 Singleton, in the company of more than three men?

4 A Yes.

5 Q And at that point, at the point where she was going out of
6 the chambers, she was effectively being surrounded by --

7 MR. BOTTINI: Objection; it's --

8 MS. GEDDES: -- those gentlemen?

9 MR. BOTTINI: -- argumentative.

10 THE COURT: No. I'll note your objection, I'll
11 overrule it. Is that correct? If it's not, you can answer it
12 yes, no, I don't know, and qualify your answer as you like.

13 BY MS. GEDDES:

14 A I -- I didn't see that she was surrounded.

15 Q Okay.

16 THE COURT: Okay.

17 BY MS. GEDDES:

18 Q Did you talk to Cheryl Cline of my office?

19 A I did.

20 Q Okay. And you talked to her relatively close in time to
21 when this incident occurred?

22 A I talked to her in August, perhaps, late August.

23 Q Did you also talk to her in early July as well?

24 A Oh. Well, I talked to her the day of the incident, in the
25 afternoon, yes.

1 Q Okay. Do you think it's possible that you would have told
2 Ms. Cline that she -- you viewed Dr. Obermeyer as being
3 surrounded by these security people?

4 A It's certainly possible.

5 Q Okay. All right. It's just that you don't recall that
6 right now; is that correct?

7 A Well, when she was in the chambers, I don't recall that
8 she was necessarily surrounded. By the time she was leaving
9 the chambers, there was a large group of men and Dr.
10 Obermeyer. So I guess you could say that she was surrounded.
11 But --

12 Q Okay. Ms. Carns, let me just ask you very briefly, as
13 Theresa Obermeyer was going out of Judge Singleton's office,
14 you remained in Judge Singleton's inner office; correct?

15 A Yes.

16 Q And the externs, did they remain in the office as well?

17 A As far as I recall. Little hard to keep track of where
18 each person was at each point in time, but yes.

19 Q You think that they were. And did you remain for a
20 period, talking with Judge Singleton about the events that had
21 just occurred?

22 A Yes. And also with a Marshal who came in and so forth.

23 Q Okay. You were interviewed by a Marshal?

24 A Yes, very briefly.

25 Q Okay. And he interviewed you right there in Judge

1 Singleton's --
2 A Yes.
3 Q -- chambers?
4 A Yes.
5 Q And --
6 A Actually in the outer office, but --
7 Q Okay. All right. During the time that the Marshal came
8 in and spoke with you, did you make any observations about the
9 activities of the individuals within the office? Did you have
10 an opportunity?
11 A I don't understand the question.
12 Q It's very vague. Let me just rephrase it. You had --
13 while you were in the outer office speaking to the Marshal --
14 A Mm-hm (affirmative).
15 Q -- were you able to visually observe -- were you in a
16 position to visually observe the activities of the people in
17 the outer office?
18 A Oh. Yeah, to the extent that I was paying any attention
19 to --
20 Q Okay.
21 A -- you know, I was talking to him, so I wasn't necessarily
22 being attentive to --
23 Q Okay. So you didn't notice that; okay. And with respect
24 to Judge Singleton, was he in on your interview with the
25 United States Marshal?

1 A I don't recall. I mean, he wasn't a part of it. I was
2 just talking to the Marshal, explaining that I was leaving
3 town, and -- and it was a very brief interview, really.

4 Q Okay. And the time over which these events took place,
5 not the interview with the Marshal, but from the end of the
6 meeting to Dr. Obermeyer's finally leaving the offices, took
7 place over a period of approximately --

8 A Ten minutes, 15 --

9 Q Ten minutes.

10 A -- minutes.

11 Q Okay.

12 MS. GEDDES: I don't have any further questions.
13 Thank you, Your Honor.

14 THE COURT: Anything further, Mr. Bottini?

15 MR. BOTTINI: No, Your Honor. Thank you.

16 THE COURT: Let me ask you -- I have a couple of
17 questions.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q How long have you known the defendant, ma'am, approxi-
21 mately?

22 A Six or seven years.

23 Q And it's been primarily a social relationship?

24 A Yes. Mm-hm (affirmative).

25 Q And that's been in both -- did you say church and other

1 related social activities?

2 A Church and school. They're separate.

3 Q And to your knowledge, it has been a friendly association
4 during those period -- that period of time?

5 A Yes. Mm-hm (affirmative).

6 Q How long before the meeting at 7:15 did you have your
7 conversation with the defendant about this particular meeting?

8 A It was the previous afternoon.

9 Q Did she call you?

10 A Yes, mm-hm (affirmative).

11 Q And as best you can recall, can you just tell me what was
12 said and the sequence it was? Just your best memory.

13 A Oh, it was a long conversation.

14 Q I realize --

15 A She called me because the task force had sent out a
16 request for information about staff for the task force. And
17 she had sent a response to that request for information. So
18 we talked some about that and about how we weren't hiring
19 people but we were just going to take the information and
20 develop a proposal, get some funding, and then put out an RFP,
21 so that we weren't really hiring anybody at this point. We
22 talked about that; we -- I -- I'm sure that we talked about
23 our children, but I don't remember exactly what. And then she
24 brought up the subject of when was the next meeting. I said
25 it was the next morning. I said it was a public meeting and

1 not a public hearing.

2 Q Was that in response to any inquiry she made, or you just
3 completed that thought?

4 A Well, she had appeared at the Judicial Council meeting the
5 day before that. And again, it had been a public meeting but
6 not a public hearing kind of situation. And I -- I wanted to
7 make sure that it was clear that the Gender Equality Task
8 Force meeting was in the same category, not a public hearing.
9 So I guess yes, it was based on recent experience. And --

10 Q Had she made public comment at that particular hearing?

11 A Yes. Mm-hm (affirmative).

12 Q And so you were advising her it was the same, that it --

13 A Right.

14 Q -- was not a hearing?

15 A Right. Right.

16 Q That -- then you -- she asked if she could attend, and you
17 said it was a public meeting, and she could?

18 A Right. Right.

19 Q Was that the way the conversation ended?

20 A Yeah. She said that she was interested in finding out
21 about the work of the task force. She thought it was an
22 important group, and that she thought it was important for her
23 to know about what its work was and what people were doing.

24 Q Did -- she said she had already sent in her application or
25 she was going to?

1 A She had already sent in her application.

2 Q And was she concerned that there was no response? Is that
3 part of the conversation?

4 A I don't think she was concerned that there was no response
5 yet, but I think she was concerned that I know that -- or that
6 the task force know that she had sent in her application.

7 Q Was there any discussion at all at the task force meeting
8 about staffing?

9 A Gosh. we talked about the number of responses to the
10 request for information. I said that I hadn't had time to
11 work on them, that one of the externs would be accumulating
12 that information while I was gone, and --

13 Q Any talk about funding for the staffing?

14 A We may have discussed funding briefly, but not signifi-
15 cantly.

16 Q In the conversation that she had with you that afternoon,
17 would you say the primary focus was on the application for a
18 position with this particular task force, or just in general
19 with the work of the task force, gender equality?

20 A The primary focus was on the request for information and
21 that process.

22 Q And that she felt it was an important function they were
23 involved in?

24 A Yes.

25 Q Would you tell me, as you recall -- when the meeting con-

1 cluded and you saw the defendant come back into the office or
2 into chambers, would you tell me as best you can recall what
3 you saw when she approached Judge Singleton's secretary?

4 A I -- I don't recall that I saw her actually approach Judge
5 Singleton's secretary. When I turned to look, what I saw was
6 her -- Ardel against -- with her back against the gate and
7 then against the wall and Judge -- or Dr. Obermeyer's hand on
8 her shoulder; her other arm had books or folders or something
9 in it. And then Dr. Obermeyer pushed on past Ardel and came
10 towards -- into the chambers.

11 Q Physically pushed her back?

12 A Yes.

13 Q Was this accompanied by any comment or anything?

14 A I -- I don't remember. If it was, it was not words that I
15 remember.

16 Q Since this incident, have you ever had occasion to discuss
17 the circumstances of that day with the defendant?

18 A She called me at one point and made a number of comments
19 about the incidents of the day and I basically said I didn't
20 think that I could talk with her about.

21 Q You still, as far as you know, still have a friendly
22 relationship with her?

23 A Yes.

24 THE COURT: Anything further of the witness, Ms.
25 Geddes?

