

Former ADA's suit against Suffolk DA heats up

The gloves are off in an ex-prosecutor's lawsuit alleging sex discrimination, retaliation, and violation of federal and state equal-pay laws by the Suffolk County District Attorney's Office.

Christina E. Corda was fired from the DA's gang unit in September 2014 after a seven-year stint as an assistant district attorney. She responded with a U.S. District Court suit that claims the DA's Office retaliated against her for complaining about her salary to the DA's chief of staff, John Towle, during a colleague's going-away bash at a bar.

According to the defendant DA's Office, Corda was drunk at the party, used profanity, and disparaged a female colleague by stating that the woman received only a slightly lower salary despite several years less experience because she had campaigned for DA Daniel F. Conley.

In February, the DA's Office filed a motion for partial summary judgment, requesting that Corda's gender discrimination and retaliation claims under G.L.c. 151B and Title VII of the Civil Rights Act of 1964 be thrown out.

The office argues that Corda lacks evidence of gender bias, that ADAs are not "employees" under Title VII, and that Corda's actions at the bar were not protected activity under 151B, the state's anti-discrimination law. It cites an office policy that states staff members are "subject to scrutiny and standards" that may not apply to private sector workers.

"Plaintiff's outburst demonstrated a lack of professionalism, judgment, and self-control that was unbecoming of a public representative of an elected official and could lawfully subject her to discipline," the defendant's motion states.

The defendant goes on to claim that Corda "consumed at least six alcoholic beverages, consisting of two pumpkin beers, three vodka and soda mixed drinks, and a shot of liquor" during the evening in question and that she spoke to Towle in a "hostile and demeaning manner."

In the court filing, the defendant further alleges that Corda complained to Towle that she and a colleague were not fairly paid because she is a woman and the other ADA is black. According to the motion, Corda was paid the same as the only male ADA in the gang unit with similar seniority, experience and work performance — the black male Corda referenced in her confrontation with Towle.

Last month, Corda filed an opposition to the defendant's motion in which she drops the Title VII claims but argues that proof of a similarly situated comparator is not required to establish a prima facie discrimination case. She lists five male ADAs with the same or less seniority who earned a higher salary than she, including two who worked in the major felony unit, which she calls the entry-level division for new Superior Court prosecutors.

Concerning the retaliation claim, Corda disputes that she was hostile or made "demeaning" or "derogatory" comments about a colleague.

Her opposition also states that it was commonplace for ADAs and some senior staff to consume three or more drinks at an event, use profanity, and imbibe alcoholic beverages at lunch and in the office.

“While the defendant relies on the fiction that ADAs are expected to act at all times as if in refined company, there is evidence of a different reality,” her filing states, claiming an ADA escaped discipline despite carrying a weapon in violation of office rules and another was “given assistance” when “believed to be under the influence at work.”

Corda — who now practices at Bretta & Grimaldi in Medford — is being represented by Stephen S. Churchill of Boston. He declines to comment on the case.

In a written statement, Boston attorney Aaron R. White, who’s representing the DA’s Office, says Corda’s opposition “ignores the most crucial facts, distorts others, and seeks to focus attention on things that are inadmissible and irrelevant, all in an attempt to shift responsibility and attention away from her own actions.”

Plaintiffs’ employment lawyer Ellen J. Messing, who’s not involved in the case, says an employee generally can’t be punished for criticizing an employer unless it disrupts the workplace.

One piece of the analysis in the case could be whether the DA has fired any others for being rude and sassy or drunk and argumentative with their superiors, she says. That would determine whether the office policy the defendant cites is an actual rule or an afterthought and a pretext for retaliation, she says.

“I always find it amazing in my cases how many rules an employer has that no one has ever heard of,” the Boston lawyer says.

By: Sheri Qualters