

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

PETER J. HAMMER,
Plaintiff,

vs.

CASE NO. 04-241 MK

HON. JAMES R. GIDDINGS

THE BOARD OF REGENTS OF THE
UNIVERSITY OF MICHIGAN, a body
politic,

Defendant.

DEPOSITION OF:

THOMAS GREEN

November 17, 2005
900 Victors Way
Ann Arbor, Michigan

Appearances - PHILIP GREEN, P-14316
Attorney for Plaintiff

RICHARD J. SERYAK, P-26152
Attorney for Defendant

Also Present - Evan Caminker

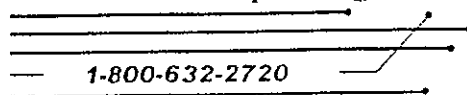
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Mary M. Rowley, CER-7598

I N D E X

PAGE

Examination by Mr. Green.	2
Examination by Mr. Seryak	37

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1 A I understand.
 2 Q Is that fair?
 3 MR. SERYAK: I'm going to object for lack of
 4 foundation. He said he can't remember the other cases.
 5 Q You can answer it.
 6 A Well, again, in that I can't remember I suppose it
 7 follows -- it may be that had I made a full study de novo I
 8 would know one way or the other and maybe we'd come out one
 9 way or the other.
 10 Q Well, when you were on the tenure committee you had eight
 11 applications for tenure. When you got Peter Hammer's 2002
 12 application and you reviewed all of the materials that went
 13 to support that application, all of the reviews, did you
 14 look at it and say, "Gosh, this is the weakest case I've
 15 seen"? I mean, was that your impression of it?
 16 A Probably not but the discussions in faculty that I don't
 17 remember specifically I remember as penetrating. And it
 18 did not shake my own vote in the end but I remember it as
 19 quite penetrating and did not seem as strong a case as it
 20 seemed going in as it were.
 21 Q Okay. And, again, that was based on Don Regan's comments
 22 and Sallyanne Payton's comments?
 23 A Well, comments of a lot of people. I don't remember
 24 precisely who they were. I do remember Don, I remember
 25 Sally speaking. I don't want to say that there were others

1 MR. SERYAK: Object for lack of foundation.
 2 A I--
 3 MR. GREEN: Wait. What's the foundation that's
 4 lacking for that question?
 5 MR. SERYAK: I don't want him to assume that that --
 6 that any of that happened.
 7 MR. GREEN: I asked him if it happened so what's the
 8 lack of foundation? He was present, that's the foundation.
 9 I don't understand your objection and you keep making that
 10 one.
 11 Q All right. Do you recall that?
 12 A No.
 13 Q All right.
 14 MR. GREEN: By the way, the foundation is also
 15 contained in the minutes from that meeting where it's
 16 indicated that that was discussed. I have no further
 17 questions.
 18 MR. SERYAK: I need to take a break.
 19 MR. GREEN: Okay.
 20 (Off the record)
 21
 22
 23
 24
 25

1 who were -- who affected me also a good deal but I'm not --
 2 I'm sorry to say I simply do not recall the discussions at
 3 that meeting although I do recall there being a lot of
 4 penetrating criticism.
 5 Q As I recall the minutes indicated there was a straw vote
 6 taken at some time prior to the end of the meeting. Do you
 7 recall that?
 8 A Yeah.
 9 Q Do you recall?
 10 A I guess I recall it; it always happens so it's -- yeah;
 11 yeah.
 12 Q Do you actually recall it happening or are you just relying
 13 on --
 14 MR. SERYAK: Yeah.
 15 Q -- what normally --
 16 MR. GREEN: Let me finish my question.
 17 Q -- what normally takes place?
 18 A I guess I'm relying on what normally takes place.
 19 Q Okay. So you don't have an independent recollection as you
 20 sit here today?
 21 A No.
 22 Q Do you recall at the end of the meeting after the vote had
 23 been taken against tenure there being any discussion about
 24 offering a terminal year or a final year contract of
 25 employment to Peter Hammer?

1 EXAMINATION BY MR. SERYAK:
 2 Q Professor, from your experience on these tenure evaluation
 3 committees, is it the chair who interacts with the
 4 candidate regarding the selection of external reviewers?
 5 A Yes.
 6 Q So if the candidate submits a list of desirable reviewers
 7 or individuals the candidate would not want to be
 8 contacted, the candidate can do that to the chair of the
 9 committee?
 10 A Yes.
 11 Q Okay. In any of the committee meetings on Peter Hammer's
 12 case or in the faculty meetings that you attended, did you
 13 hear any comments regarding Peter Hammer's homosexuality?
 14 A No.
 15 Q And as we sit here today do you remember hearing any gay
 16 jokes, jokes about gays or homosexuals, at the law school?
 17 A No.
 18 Q Or any anti-gay comments?
 19 A No, I don't.
 20 MR. SERYAK: That's all I have.
 21 MR. GREEN: I have nothing further. Thank you, Tom.
 22 (Deposition concluded at approximately 2:39 p.m.)
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10 (Pages 34 to 37)

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