

HE SAID - SHE SAID



A NOVEL BY
**FREDERICK
BLUMBERG**



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This book is dedicated to my dear wife, Gail, whose intelligence and patience contributed richly to creative ideas and for her meticulous editing.

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CHAPTER 1

S shafts of light pierced the shroud of darkness, as the impatient day pushed aside the silence of night. There were stirrings, then movement and, finally, the rush of a persistent alarm, signaling to Joshua the start of another workday. Bad enough it was a workday, but it was Monday, and the endless landscape of a workweek stretched before him. Joshua always set his alarm for 6:42 a.m. It was a mark of his regularity or, perhaps, his incongruity. The early hour gave him enough time to scan the *Wall Street Journal*, listen to the news on FOX and arrive at his center-city office by 8 a.m.

Joshua Adams was a serious, Harvard-trained, corporate and real estate lawyer, recently elected managing partner of the prestigious 300-person law firm of White & Marks. Today was not a usual day on his legal calendar. It was the start of the annual process of making new partners, new lives, and, for some, a near-death experience.

The air was charged with intrigue. The elite partners comprising the Executive Committee assembled in the conference room. They were a motley group, sharing little

in common but the status of “partner.” Such a status is not only one of the last vestiges of class in a classless society, but also the hallmark of achievement and success in a law firm. It means not only status, but also dollars, power and acceptance in the world of lawyers. Joshua always approached the annual rites of partner selection with gravity and a tinge of despair. Selection implies rejection, and choosing means judging, and judging means acting like G-d. Somehow, in spite of his success, he didn’t feel touched by infinite wisdom or superiority. He worked hard at every rung of the ladder and felt lucky that he neither slipped nor was pushed off.

Jay Oran, on the other hand, approached the task with zest and confidence. The intangibles and complexities that plagued Joshua eluded him. He merely started with a fixed ration of openings and had ready answers, opinions and rebuttals. His mathematical imperatives were twofold – the number of partners to be chosen and the adjournment time of the meeting. He worked easily within these linear confines and was impatient with interruptions or tedious discussions. He was ill-tempered and ill-mannered, and did not suffer fools lightly; but he regarded himself, if not fuzzy-warm, fair.

Solomon Switzsky, alias Sol, was the eldest member of the group and, with Joshua’s blessing, still acted as the presiding officer of the committee. He approached the task with the solemnity of a Cardinal at High Mass. Form was as critical as substance, and he was a master of procedural niceties. He reacted to the vulgarities enjoyed by Jay like a high priest accosted by a prostitute. He viewed the world

in blacks and whites. Good or bad, acceptable or unacceptable. And he had the immodesty to believe that he was on the side of the angels. But he was a good man, even though he thought it was mandatory to impose his true “moral compass.” He was as bald as a light bulb, which, combined with his knife-thin figure and wrinkled brow, added to his severity and authority.

Benjamin Prattis was the only black member of the Committee. At 6’6”, he was a big man who, when asked how tall he was, proclaimed loudly, “Exactly 5 foot, 18 inches.” He believed in “living large and loving life.” He had chiseled features and thin lips, hardly the usual stereotype. Even though he had a lovely wife, he had the reputation of liking the ladies. He was a former aide to Governor Ranton and President of the prestigious Fine Arts Museum. He used all his charm and imposing presence as a crack litigator to lead the trial lawyers of the firm. He also had the unhealthy habit of accusing people who differed with him or who didn’t advance him quickly enough of being “bigots” or “racially motivated.” He was a “Clarence Thomas” type of Republican and didn’t believe in affirmative action, except for himself.

Michael McDevitt had recently been added to the Committee. Clearly Irish, he was a product of the parochial school system and was thoroughly imbued with all its imperatives. He had seven children of all ages and sizes, and was the pillar of his Church. He served on all the appropriate lay bodies, but he never quite got over the fact that he went to Notre Dame. To him, football was not a game, but an adjunct of his religion. However, other than

football, he was a mild-mannered, moral man trying to do right, and he diligently served the firm and his clients.

Joshua, Jay, Ben, Michael and Solomon constituted the Executive Committee of the firm, and their recommendations usually determined the outcome of any serious matters. The fact that they also determined the sharing of profits enhanced their power.

Just as Joshua settled in for a long meeting, his faithful secretary, Marge, gently knocked on the conference room door, then, politely tiptoed in.

“Mr. A, there is someone on the phone who must talk to you and Mr. Prattis. He says that it’s urgent.”

They filed out into the hallway. “Now what?” Joshua declared, visibly upset.

“It’s Bill Lane, your reporter friend from the *Philadelphia Star*. He is about to break a story about the firm and Mr. Prattis, and he needs your input.”



The next morning the headline from the *Philadelphia Star* screamed: “Attorney’s Suit Accuses Top Lawyer of Sexual Harassment.” The article indicated that a former associate with the law firm of White & Marks filed a sex discrimination suit against the firm and partner Benjamin Prattis, who, she said, fired her when she refused his sexual advances. Prattis, President of the Fine Arts Museum, which oversees a prestigious art collection, dismissed the allegations as “an extortionist lawsuit by a disturbed women.”

Linda Pruitt of Ardmore, who worked as an associate

lawyer for the firm from October 2002 to February 2005, said she did most of her work under Prattis's supervision. She claims in the suit that Prattis "engaged in a pattern of sexual harassment."

Prattis said he was "totally professional" in dealing with Pruitt and "had absolutely nothing to do with Ms. Pruitt's termination."

The suit, filed in U.S. District Court in Philadelphia, states that, on several occasions in 2003, Prattis made "sexually explicit remarks to Pruitt, which indicated his desire to have a sexual relationship."

Pruitt rejected his advances, which continued into 2004, according to the suit. Prattis "began to act angry," and limited her assignments, in order to punish her.

Furthermore, the suit states, "In late 2004, believing that, if she refused to accept Prattis's demands for a sexual relationship, there would be little or no new work assigned to her and that her position at the firm would be jeopardized, she finally agreed to Prattis's demands."

In January 2005, Pruitt says she decided to end the relationship, which was "causing her emotional pain."

In the middle of February, Joshua Adams, the managing partner of White & Marks, told Pruitt she would not make partner and, ten days later, fired her, the suit says.

Pruitt alleges the firm condoned Prattis's behavior by refusing to hear her complaints, dismissing her and denying her any references to seek other employment.

Pruitt filed complaints with the Pennsylvania Human Relations Commission and the Equal Opportunity Employment Commission.

Prattis called the sexual harassment allegations “a concocted story” and said his law firm had contacted the U.S. Attorney’s office about a possible criminal investigation into the behavior of Pruitt and the law firm representing her.

“This is an extortionist lawsuit by a disturbed woman and a law firm that is reported to be in financial trouble, based upon reports in the newspapers,” Prattis said.

Adams said the only true factual items in the Complaint were “that she was employed and that she was terminated.”

Adams said Prattis “had nothing to do with her being terminated. She was fired for poor performance.”

“Pruitt and her husband are both plaintiffs in the lawsuit.”