

COURT & JUSTICE

Former Cuyahoga County prosecutors sue Michael O'Malley after being forced out over juvenile case problems

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Cuyahoga County Prosecutor Michael O'Malley is being sued by two former assistant prosecutors forced out last year. Both are alleging discrimination.(Joshua Gunter/cleveland.com)

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By **Eric Heisig, cleveland.com**

CLEVELAND, Ohio -- Two former Cuyahoga County prosecutors filed a federal lawsuit Thursday alleging Prosecutor Michael O'Malley and his staff forced them to resign last year and treated them as scapegoats when O'Malley' it uncovered dozens of uncharged sexual assault cases in the juvenile justice unit.

Laura Hoffman and Linda Herman say their resignations were tantamount to being fired and are problematic to O'Malley and four of his assistant prosecutors -- Lisa Williamson, Gregory Mussman, Joanna Whinery and Jennifer Driscoll -- discriminated against them in the process because of their age or disability.

Hoffman is visually impaired and Herman was 52 years old when she was let go.

(You can read the lawsuit [here](#) or at the bottom of this story.)

Both women, along with their supervisor Robin Belcher, were forced to resign in February 2017 after a team of in the prosecutor's office found more than 70 rape and sexual assault cases dating back to 2014 that sat dormant years, O'Malley has said. Some cases included victims as young as 3 years old, suspects who had already confessed their crimes and suspects who later went on to commit more crimes.

O'Malley, [who defeated Timothy J. McGinty in a 2016 election](#), said his team found the issues not long after he took office the following year.

In addition to the forced resignations of Hoffman, Herman and Belcher, O'Malley said he disciplined four more prosecutors through suspensions, demotions and reassignments.

Hoffman and Herman's lawsuit says that of the 76 cases cited by O'Malley as problematic, the pair only worked on combined six of them, according to the lawsuit.

"The notion that these two low level employees who only ever touched (a few) of these cases are responsible for the malfeasance is ridiculous," Peter Pattakos, an attorney representing the pair in the lawsuit, said.

The suit says other prosecutors were also involved in issues in the juvenile unit, but they were not punished or allowed to keep their jobs.

O'Malley and the other defendants also made misleading statements to reporters about the cases, according to the lawsuit. The story was manufactured "to portray Defendant O'Malley in a better light than his predecessor and to create pretext for the discriminatory termination of Plaintiffs' employment," according to the suit.

The county, O'Malley and the four other defendants violated the Age Discrimination in Employment Act, the Americans with Disabilities Act, and defamed the women, the suit says. Hoffman and Herman are asking for unspecified damages.

Both applied for unemployment benefits from the state after resigning, and the state unemployment office de that they "were discharged without just cause," according to the suit.

Prosecutor's Office spokesman Ryan Miday said in an email that "this lawsuit is without merit.

"Both of these individuals voluntarily resigned when confronted with evidence of their performance," Miday w decline to comment further."

Duane Deskins, who now works in Cleveland Mayor Frank Jackson's administration as the city's chief of prever intervention and opportunity for youth and young adults, led the Prosecutor's Office's juvenile unit under McG

He has disputed the idea that there were widespread issues within the unit, though said he was deeply sorry if fell through the cracks.

The prosecutors also uncovered more than 1,900 additional cases that assistant prosecutors in the juvenile u have incorrectly categorized as "inactive" in the office's computer system since 2012, though O'Malley's office many of those were duplicates of files on the office's "active" list.

Hoffman and Herman's lawsuit says O'Malley's statements to reporters show that the whole situation was "liti than reasonable differences between administrations regarding how to classify cases and allocate limited resc

The case is assigned to U.S. District Judge Christopher Boyko.

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