

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

TERESA R. WAGNER,)	
)	
)	
Plaintiff,)	NO. 3-09-CV-00010-CRW-TJS
)	
vs.)	DEPOSITION OF
)	CAROLYN JONES
CAROLYN JONES, DEAN)	
IOWA COLLEGE OF LAW ,)	
)	
Defendant.)	

ORIGINAL

DEPOSITION OF CAROLYN JONES, taken in
the Mason Ladd Conference Room, University of
Iowa College of Law, 280 Boyd Law Building,
Iowa City, Iowa, on Wednesday, February 3,
2010, commencing at 9 AM, before Donna M.
Kelly, a Certified Shorthand Reporter, licensed
in the States of Illinois and Iowa, pursuant to
notice of the parties in the above-entitled
action. Also present: Teresa Wagner.

1 **CAROLYN JONES,**
 2 being first duly sworn, was examined and
 3 testified as follows:
 4 EXAMINATION
 5 BY MR. FIEWEGER:
 6 **Q.** Please state your name.
 7 **A. Carolyn Jones.**
 8 MR. FIEWEGER: Dean Jones, my name
 9 is Steve Fieweger, and I represent Teresa
 10 Wagner in this case.
 11 Have you ever had your deposition
 12 taken before?
 13 THE WITNESS: No.
 14 MR. FIEWEGER: If you don't understand
 15 my question, let me know.
 16 THE WITNESS: I will.
 17 MR. FIEWEGER: If we ask you a
 18 question, I will assume that you can answer it.
 19 If you can't, let me know.
 20 THE WITNESS: Okay.
 21 MR. FIEWEGER: Answer verbally.
 22 THE WITNESS: I know that.
 23 MR. FIEWEGER: If I'm asking a
 24 question that you probably know the answer to,
 25 wait for me to finish, anyway.

1 correct?
 2 **A. I think it was -- let's see here. I**
 3 **think it was actually just, basically, a year.**
 4 **Q.** Okay. Then taught at St. Louis
 5 University School of Law '82 to '90?
 6 **A. Correct.**
 7 **Q.** Then looking at your resumé, are
 8 you still on faculty at the University of
 9 Connecticut?
 10 **A. No.**
 11 **Q.** It appeared that --
 12 **A. There is an error.**
 13 **Q.** All right. Did that cease once you
 14 came back to the University of Iowa?
 15 **A. Yes. I resigned my tenured position**
 16 **there in 2004.**
 17 MR. CARROLL: You need to be careful.
 18 Let him finish.
 19 THE WITNESS: I'm sorry.
 20 MR. CARROLL: That's okay. You have a
 21 little bit of a pause, but that's okay.
 22 MR. FIEWEGER: I do. Sometimes it
 23 sounds like I'm done with my question, and I'm
 24 still finishing it.
 25 THE WITNESS: Okay.

1 THE WITNESS: Sure.
 2 MR. FIEWEGER: I had some problems
 3 with some other witnesses knowing the answer
 4 and then interrupting it. The court reporter
 5 can't take that down; okay? Yes.
 6 THE WITNESS: Yes.
 7 MR. CARROLL: I'm going to show you
 8 what we are going to mark as Exhibit 124.
 9 (Exhibit 124 was marked for
 10 identification.)
 11 BY MR. FIEWEGER:
 12 **Q.** Showing you Exhibit 124, is this a
 13 true and correct copy of your CV or resumé?
 14 **A. Yes.**
 15 **Q.** Is it up to date?
 16 **A. Let me check here. Yes.**
 17 **Q.** And you graduated from the University
 18 of Iowa with a juris doctorate in 1979; is that
 19 correct?
 20 **A. Correct.**
 21 **Q.** Went to work as a city attorney for
 22 Sioux City, Iowa, from '79 to '80; correct?
 23 **A. Yes.**
 24 **Q.** Then was an associate in a private
 25 law firm for two years in '81, '82; is that

1 BY MR. FIEWEGER:
 2 **Q.** So when I looked at Exhibit 124, it
 3 looked like you were still on staff at the
 4 University of Connecticut, but I'm mistaken; it
 5 ended in 2004; is that correct?
 6 **A. Yes.**
 7 **Q.** All right. And you have been dean of
 8 the law school since your return here in 2004;
 9 is that correct?
 10 **A. Correct.**
 11 **Q.** Your salary is about \$280,000 a year;
 12 is that correct?
 13 **A. No.**
 14 **Q.** What is it?
 15 **A. About \$300,000.**
 16 **Q.** Who approves that? Do you know?
 17 **A. The provost.**
 18 **Q.** Of the university?
 19 **A. Yes.**
 20 **Q.** All right. Do you teach as well as --
 21 **A. Yes, I teach in Sandy Boyd's nonprofit**
 22 **class, and I teach introduction to law.**
 23 **Q.** Have you done that consistently since
 24 you returned here in 2004?
 25 **A. The last -- I have done intro to law I**

1 **A. No.**
 2 **Q.** Who asked it?
 3 **A. I don't remember exactly, but I was**
 4 **there, and it was a pretty stunning moment.**
 5 **Q.** You believe that the Trior of Fact
 6 would believe that an applicant for an LAWR
 7 position, knowing that part of the job is
 8 teaching analysis, would come in and express to
 9 the faculty that she won't teach analysis?
 10 **MR. CARROLL:** I'm going to object
 11 as irrelevant and not likely to lead to
 12 admissible evidence or discovery.
 13 You're asking her what the Trior of
 14 Fact would do, and I will direct the witness
 15 not to answer that question.
 16 **MR. FIEWEGER:** You're not going to
 17 answer that question?
 18 **THE WITNESS:** I'm taking counsel's
 19 advice.
 20 **BY MR. FIEWEGER:**
 21 **Q.** During that interview -- how long did
 22 the interview last, by the way?
 23 **A. They usually start at 12:40 and run**
 24 **until 1:40 or slightly later than that.**
 25 **Q.** Okay. Did Professor Todd Pettys ask

1 any questions?
 2 **A. I think he may have.**
 3 **Q.** Did Professor Pettys ask Teresa Wagner
 4 what she thought was more important for this
 5 position, writing or analysis, and Ms. Wagner's
 6 response being both were important to the job?
 7 **A. I don't recall that at all.**
 8 **Q.** Is it possible that that was said and
 9 you just don't remember?
 10 **A. It doesn't seem right to me.**
 11 **Q.** Okay. If Ms. Wagner recalls being
 12 asked that question and answering that question
 13 in that manner, are you saying she is not
 14 telling the truth?
 15 **A. I'm saying that's not at all my**
 16 **recollection of what happened in the job talk.**
 17 **Q.** Okay. But you have no notes to say
 18 what happened in the job talk?
 19 **A. No, but this was a rather stunning**
 20 **flunk of a job interview, is what I'm saying.**
 21 **Q.** If it was such a stunning flunk of a
 22 job interview, why was she the second listed
 23 candidate out of the three?
 24 **A. Where?**
 25 **Q.** In the job justification document.

1 **A. I don't know. Was that a ranking of**
 2 **candidates?**
 3 **Q.** Right.
 4 **A. Where is the document? I don't know**
 5 **that she came out of the process ranked No. 2**
 6 **by the faculty.**
 7 **Q.** Let me show you Exhibit 54.
 8 **A. Okay.**
 9 **Q.** Have you reviewed this before?
 10 **A. I haven't seen this before, no.**
 11 **Q.** Okay. You're saying that her answer,
 12 basically, was dismal to that question; is that
 13 correct?
 14 **A. Yes.**
 15 **Q.** And that, therefore, she shouldn't
 16 be considered for this position; correct?
 17 **A. That's my position, yes.**
 18 **Q.** All right. And yet the justification
 19 says, "Ms. Wagner's on-campus interview was
 20 less successful than Mr. Williamson's, perhaps
 21 because Ms. Wagner was perceived to be less
 22 familiar with the legal analysis component of
 23 the college's LAWR program;" correct?
 24 **A. Correct.**
 25 **Q.** And that doesn't say that she said

1 that she would refuse to teach that.
 2 **A. I think it's a very nice depiction of**
 3 **the --**
 4 **Q.** Well, I don't care whether it's nice
 5 or not. It doesn't say whether she refused to
 6 teach that, does it?
 7 **A. No, it doesn't say that, but that's**
 8 **what happened.**
 9 **Q.** Why didn't you correct this document?
 10 You're the dean of students.
 11 **A. No, I'm not the dean of students.**
 12 **Q.** You're the dean of the law school.
 13 **A. This captures what happened; that**
 14 **she didn't do well on the legal analysis**
 15 **component.**
 16 **Q.** Well, it's inconsistent with what you
 17 said?
 18 **A. Pardon?**
 19 **Q.** It's inconsistent with what you said
 20 happened?
 21 **A. No, I don't think it is.**
 22 **Q.** And this provided that she would
 23 benefit from an opportunity to teach as an
 24 adjunct; correct?
 25 **A. Yes, it does say that.**

1 **A. I don't remember that.**
 2 **Q.** One way or the other?
 3 **A. Offhand I don't remember specifically.**
 4 **Q.** Okay. In Exhibit 40 it says, "A
 5 motion was made and seconded to table the
 6 discussion of Teresa Wagner's candidacy?"
 7 **A. Right.**
 8 **Q.** What did it mean, that it was tabled?
 9 **A. It, basically -- often when we table
 10 the discussion, it means that the candidate is
 11 unsuccessful.**
 12 **Q.** Did you take a vote?
 13 **A. Yes.**
 14 **Q.** What's the vote?
 15 **A. The motion passed. I don't know what
 16 the precise vote was.**
 17 **Q.** I'm sorry. Did you take a vote on
 18 whether she would be extended a full-time
 19 position?
 20 **A. There would have been a straw vote,
 21 which is our process.**
 22 **Q.** What was the straw vote results?
 23 **A. I don't know that precisely.**
 24 **Q.** Did anybody record what the straw vote
 25 was?

1 **A. We don't record straw votes.**
 2 **Q.** Okay. Do you record the formal
 3 faculty votes?
 4 **A. We do if there is -- if it's something
 5 other than a voice vote, so we have a number of
 6 things that we do by voice vote, so we don't
 7 have a tally.**
 8 **Q.** Well, when you selected
 9 Mr. Williamson, do you have any record as
 10 to who voted for him and who didn't?
 11 **A. No. We generally hire on a secret
 12 ballot.**
 13 **Q.** Well, do you have any record as to
 14 what the vote was for Mr. Williamson?
 15 **A. No.**
 16 **Q.** Who made the motion to table her
 17 candidacy?
 18 **A. I don't know.**
 19 **Q.** Who seconded it?
 20 **A. Don't know.**
 21 **Q.** I'm going to show you Exhibit 41. Did
 22 you inquire in the January 25 meeting whether
 23 or not Teresa would be willing to teach as an
 24 adjunct?
 25 **A. Did I inquire?**

1 **Q.** Yes.
 2 **A. No, I don't believe I did at that
 3 meeting.**
 4 **Q.** Was there no -- at that stage were you
 5 not willing to offer her an adjunct position?
 6 **A. I think it came up in the faculty
 7 meeting, and then -- and, actually, the minutes
 8 were corrected here in Exhibit 40, but I've
 9 learned with this faculty that they generally
 10 like to have a pool of people from whom to
 11 choose, so I think the idea was we didn't
 12 need to move ahead on the adjunct question
 13 immediately, and so we decided to develop a
 14 pool.**
 15 **Q.** I'm going to show you Exhibit 42.
 16 **A. Okay.**
 17 **Q.** Would you look at page 2.
 18 **A. Yes.**
 19 **Q.** Do you know whose writing that is?
 20 **A. That's Julie Kramer's.**
 21 **Q.** Including the amendment in it?
 22 **A. Yes, that's Julie's writing.**
 23 **Q.** Okay. When was that done?
 24 **A. Offhand I don't know, but her note
 25 says that it was done by a friendly amendment**

1 **at the February 15th meeting, so I suspect
 2 that's true.**
 3 **Q.** You were the ultimate decision-maker
 4 with respect to the full-time writing
 5 instructor position, weren't you?
 6 **A. There are different decision-makers
 7 as it moves through the process, so I, under
 8 the rules of this faculty hiring, I can't hire
 9 someone unless I'm authorized to do so by the
 10 faculty.**
 11 **Q.** So you're basically a rubber stamp for
 12 the faculty's recommendation?
 13 **A. Yep, unless I have -- you know, money
 14 runs out or something like that.**
 15 **Q.** So you have no authority whatsoever
 16 to do anything but authorize the faculty
 17 recommendation?
 18 **A. I would imagine if there were some
 19 unusual circumstances, but, basically, I work
 20 at the authorization of the faculty if the
 21 process is working.**
 22 **Q.** I'm going to show you Exhibit 43. Are
 23 there rules for faculty hiring in writing?
 24 **A. There are for tenure track faculty.
 25 This was a new position, but the faculty**