

1
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 COUNTY OF SAN FRANCISCO

4 ELIEZER WILLIAMS, a minor, by SWEETIE WILLIAMS,
5 his guardian ad litem, et al., each individually
6 and on behalf of al others similarly situated,

7
8 Plaintiffs,

9
10 -vs-

11
12 STATE OF CALIFORNIA, DELAINE EASTIN, State
13 Superintendent of Public Instruction; STATE
14 DEPARTMENT OF EDUCATION; STATE BOARD OF
15 EDUCATION,

16
17 Defendants.
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March 7, 2003

2:05 P.M.

Continued deposition of MICHELLE FINE, Ph.D.,
taken by Defendants, pursuant to Notice, at the
offices of O'Melveny & Meyers, 153 East 53rd
Street, New York, New York, before Linda J.
Greenberg, a Certified Shorthand Reporter and
Notary Public of the State of New York.

1 APPEARANCES:
 2
 3 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
 4 Attorneys for Plaintiffs
 5 1616 Beverly Boulevard
 6 Los Angeles, California 90026-5752
 7 BY: CATHERINE E. LHAMON, ESQ.
 8
 9 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
 10 OFFICE OF THE ATTORNEY GENERAL
 11 1300 I Street, Suite 1101
 12 P.O. Box 944255
 13 Sacramento, California 94244-2550
 14
 15 BY: ANTHONY V. SEFERIAN, ESQ.
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1 MICHELLE FINE, Ph.D.
 2 Exhibit 3.
 3 (Fine Exhibit No. 3 - First page of letter
 4 dated 1/17/03 from Mr. DeBorde to Mr. Egan - was
 5 marked for identification.)
 6 (Fine Exhibit No. 4 - List of materials
 7 provided to Dr. Fine - was marked for
 8 identification.)
 9 MS. LHAMON: I had just shown
 10 Dr. Fine that letter in one of the preparation
 11 sessions before the deposition, so we hadn't yet
 12 produced it yet as part of the expert
 13 production.
 14 MICHELLE FINE, Ph.D.,
 15 having been previously duly sworn, was examined
 16 and testified as follows:
 17 CONTINUED EXAMINATION
 18 BY MR. SEFERIAN:
 19 Q. Dr. Fine, which was the focus group
 20 that, due to technical difficulties, could not
 21 be transcribed?
 22 MS. LHAMON: Mischaracterizes the
 23 previous testimony. There were two focus groups
 24 that were not transcribed.
 25 A. There was one focus group in

1
 2 MS. LHAMON: I just want to correct
 3 two things from yesterday.
 4 One is, I made a representation
 5 about the names of the groups that arrange the
 6 focus groups, and one of them I think I said was
 7 Fleischman Hillard and I was mistaken. It was
 8 actually Fleischman Field Research.
 9 The other point is, Dr. Fine,
 10 yesterday, when you were asked about the
 11 protocol for selecting focus group participants,
 12 you testified, am I correct, that you had seen a
 13 letter that you believed was from Jury Scope
 14 about the protocol?
 15 THE WITNESS: Yes.
 16 MS. LHAMON: Is this the page that
 17 you had seen?
 18 THE WITNESS: It is.
 19 MS. LHAMON: I'd like to mark that
 20 as Exhibit 3; and just to make clear for the
 21 record, it's the first page of a January 17,
 22 2003 letter from Kevin DeBorde to Joseph Egan,
 23 and I'll make a representation that I hadn't
 24 shown Dr. Fine the other pages of this letter,
 25 so just this first page will be the first,

1 MICHELLE FINE, Ph.D.
 2 California conducted at one of the marketing
 3 research firms where the tape-recorder somehow
 4 didn't capture the essence of the tape. I don't
 5 know which date, time it was.
 6 Q. On page 57 of your expert report in
 7 the last paragraph in the first sentence where
 8 it says, "Due to technical difficulties one
 9 group could not be transcribed," is that the
 10 group you're referring to?
 11 A. That's the group I'm referring to.
 12 Q. And that was a group that was
 13 conducted by your assistants, correct?
 14 A. Yes.
 15 Q. What documents were generated in
 16 connection with the focus group that could not
 17 be transcribed?
 18 MS. LHAMON: Assumes facts not in
 19 evidence.
 20 A. There were no documents. We had a
 21 series of conversations about the kinds of
 22 issues that emerged.
 23 Q. You and your assistants had
 24 conversations?
 25 A. Yes.

1 MICHELLE FINE, Ph.D.

2 Q. With regard to the focus group that
3 you just mentioned that could not be
4 transcribed, did your assistants give you their
5 handwritten notes regarding that session?

6 MS. LHAMON: Assumes facts not in
7 evidence that there were handwritten notes.

8 A. In fact, there were no handwritten
9 notes during the sessions except for when I did
10 my session.

11 Q. Do you know whether during the
12 focus group sessions that your assistants
13 conducted in this case they took handwritten
14 notes?

15 A. I believe not.

16 Q. Do you recall if any of the quotes
17 in your report from the focus groups came from
18 that focus group session that could not be
19 transcribed?

20 A. They did not. The quotes either
21 came from the transcripts or the tapes or my
22 notes on the group that I facilitated.

23 Q. In the second to last sentence on
24 page 57 of your report, "the first two critical
25 moments in the focus group conversation," what

1 MICHELLE FINE, Ph.D.

2 and then I received a list of -- in addition, a
3 list of graduates from high school who weren't
4 familiar; and thirdly, from the Watsonville
5 group, I got the name of a recent graduate.

6 Again, we chose not to interview
7 graduates who were familiar with the lawsuit and
8 made an attempt to contact those, I believe it
9 was 14, who were not familiar with the lawsuit
10 about their experiences, and I think we ended up
11 with 10 of those and then the Watsonville.

12 Q. Who provided you with a list of
13 graduates from which you selected the graduate
14 interviewees?

15 A. Catherine Lhamon.

16 Q. Was one of the graduate students a
17 student who graduated in Watsonville?

18 A. Yes.

19 Q. Which high school was that?

20 A. Watsonville High School.

21 Q. Who provided you with the name of
22 the Watsonville High School graduate?

23 A. The group that I had met with in
24 Watsonville. They gave me the names of two.

25 Q. Which group are you referring to?

1 MICHELLE FINE, Ph.D.

2 are the critical moments?

3 MS. LHAMON: I'm sorry, can you say
4 where it is again, what page?

5 MR. SEFERIAN: The second to last
6 sentence on page 57.

7 A. I'm going to take a minute to read
8 the whole section.

9 Well, as I indicate in the text
10 here, for example, when a student would blame
11 themselves for an academic problem, often the
12 tone would shift in the room; or when a student
13 would represent a very low level of despair, the
14 tone would shift in the room, so we were looking
15 for those kind of particularly difficult or
16 unsettling moments in the conversation, to look
17 at the context around the quote as well as the
18 quote itself.

19 Q. What was the process by which
20 students were selected for the graduate
21 interviews?

22 A. The eleven graduate interviews?

23 Q. Yes.

24 A. Originally, I had received a list
25 of graduates who were familiar with the lawsuit,

1 MICHELLE FINE, Ph.D.

2 A. The focus group that I conducted in
3 Watsonville, those young people provided me with
4 the names of two graduates from the high school.
5 It was either the young people or their
6 families.

7 Q. Did Ms. Lhamon send you the list of
8 graduates in writing?

9 A. In writing? Like, handwritten, is
10 that what you mean?

11 Q. Did Ms. Lhamon give you the list of
12 graduates over the telephone or in an e-mail or
13 in a letter or in some other way?

14 A. I don't remember. I think it was
15 on a piece of paper, but I don't recall.

16 Q. Did Ms. Lhamon ever tell you how
17 she compiled the list of names of graduates?

18 A. I believe they were identified by
19 an educator at one of the named schools.

20 Q. Which educator were you referring
21 to?

22 A. I believe they were identified by
23 Shane Safir.

24 Q. Do you know Shane Safir?

25 A. I don't believe we've actually met.

1 MICHELLE FINE, Ph.D.
 2 She does a lot of work in the small schools in
 3 California, so I know her name. She knows my
 4 name, but I don't think we've ever met.
 5 Q. How are you familiar with her name?
 6 A. Because she does the small schools
 7 work in California, and I do small schools work
 8 all over the country.
 9 Q. When you say "small schools work"
 10 that she does, what are you referring to?
 11 A. Well, I don't really know, except I
 12 know that there were a group of educators from
 13 small schools in California who wanted to come
 14 to New York and see small schools and her name
 15 was associated with that group that had
 16 contacted me to try to find some small schools
 17 to visit.
 18 Q. So the graduates that were
 19 ultimately interviewed came from a list provided
 20 by Ms. Safir, is that correct?
 21 MS. LHAMON: Mischaracterizes the
 22 testimony.
 23 A. Yes. I wouldn't say it that way.
 24 I believe Ms. Safir identified a
 25 group of graduates from her school. Ms. Lhamon

1 MICHELLE FINE, Ph.D.
 2 then offered us a list of 18 graduates who were
 3 connected to the lawsuit, 14 who were identified
 4 by educator or educators, and we then opted to
 5 contact those 14 plus two names that I had
 6 received from Watsonville.
 7 Q. Based on what you were told, were
 8 the 14 names that you referred to names that
 9 were provided by Ms. Safir to Ms. Lhamon for the
 10 graduate interviews?
 11 MS. LHAMON: Lacks foundation.
 12 A. I believe they were provided by
 13 educators, and I know Ms. Safir was among them,
 14 but you're making it much more linear than my
 15 memory is allowing me to make it.
 16 Q. Is it true that the students that
 17 were ultimately interviewed in the graduate
 18 interviews came from the list of 14 students who
 19 were not familiar with the lawsuit?
 20 MS. LHAMON: Mischaracterizes the
 21 testimony. Again, she's talking about
 22 Watsonville students as well.
 23 A. Ten of the graduate interviews came
 24 from the list of young people not connected to
 25 the lawsuit.

1 MICHELLE FINE, Ph.D.
 2 Q. The list of 14?
 3 A. The list of 14.
 4 Q. Did Ms. Lhamon ever tell you what
 5 criteria were used to compile that list of 14
 6 names of graduates?
 7 A. That they were graduates who were
 8 currently in some kind of higher educational
 9 facility. Community college or four-year
 10 college or had gone to college after high
 11 school.
 12 Q. In the last paragraph of page 58 of
 13 your report, which goes over to page 59, what
 14 were you referring to as "appendix C"?
 15 A. I don't know where you are, sorry.
 16 The last full paragraph of page 58?
 17 Q. Yes, it goes over to page 59.
 18 A. I don't have it. It's a copy of
 19 the survey instrument -- oh, it says "B." It
 20 might be a typo that that should be "appendix
 21 B."
 22 It should say appendix B on page
 23 59, I believe, unless there are two appendix
 24 B's, but I don't think so.
 25 Q. How many of the graduate interviews

1 MICHELLE FINE, Ph.D.
 2 did you conduct?
 3 A. I believe I conducted two.
 4 Q. Are there any documents that relate
 5 to the two graduate interviews that you
 6 conducted?
 7 A. You have the summaries of -- I
 8 provided the summaries of all of the graduate
 9 interviews. They're not segregated by who
 10 conducted the interview.
 11 Q. When you conducted the two graduate
 12 interviews, did you take any handwritten notes
 13 of those interviews?
 14 A. No. I was sitting in front of a
 15 computer. I think all of the graduate
 16 assistants -- we were just typing up the summary
 17 of the conversation while we were having it.
 18 Q. So as far as you know, all of the
 19 summaries of the graduate interviews were typed
 20 roughly contemporaneously with the conversations
 21 themselves?
 22 A. That's my understanding.
 23 Q. Do you recall which two graduate
 24 interviews you conducted?
 25 A. I don't.

1 MICHELLE FINE, Ph.D.

2 Q. Was the standardized interview
3 protocol for the graduates put in writing?

4 A. We came up with three questions
5 that we all agreed to ask, and as indicated in
6 the report, we asked that the attorneys not
7 contact the people so that we contacted them
8 cold. We didn't want them primed for the
9 lawsuit or thoughts about the lawsuit, so the
10 three questions were about current educational
11 work, how well prepared they felt for higher ed,
12 and then comments they'd like to relay to a
13 judge about the lawsuit and their school.

14 Q. As far as you know, did the
15 students who were interviewed have any prior
16 knowledge that they were going to be
17 interviewed?

18 A. To the contrary. They did not
19 know, and we had explicitly said to Catherine
20 Lhamon, "Don't call them. We don't want the
21 educator to call them. We don't want the
22 lawyers to call them."

23 So to my understanding, they were
24 not informed of anything. They certainly didn't
25 expect our calls. We had to kind of track them

1 MICHELLE FINE, Ph.D.

2 writing before the interviews?

3 A. You know, I don't remember; but if
4 it was and we have it, you have it. But these
5 were the three questions. I remember sitting at
6 the meeting saying, "Let's keep it real brief.
7 Let's just ask them about what they're doing
8 now, how they viewed their preparation, and
9 then, as in the focus group, what they would say
10 to the judge."

11 Q. You're referring to the first
12 paragraph on page 60 of your report?

13 A. I am.

14 Q. If you'll refer to page 3 of your
15 report, please.

16 Under section 2 on page 3 of your
17 report, what do you mean by "structural
18 facilities problems"?

19 A. Structural facilities problems
20 refers to the broad range of building, issues in
21 the building: overheating, underheating, paint
22 chips, broken windows, lack of hygiene, toilets
23 that aren't working, no toilet paper, no toilet
24 seats, not enough desks, having to have classes
25 outside, having rain pour in in classrooms and

1 MICHELLE FINE, Ph.D.

2 down and find them.

3 Q. In the two graduate interviews that
4 you conducted when you first made contact with
5 the person, at the outset, did you explain what
6 you were doing and what the purpose of your call
7 was?

8 A. I explained that I had some
9 questions about their high school, that I was
10 calling from City University in New York; and
11 then as the conversation evolved, we got closer
12 to the question of the lawsuit.

13 Q. In the two graduate interviews that
14 you conducted, did you mention that you were
15 working with the attorneys for the plaintiffs in
16 an education lawsuit?

17 A. I believe by the end of the call
18 everybody knew that.

19 Q. In the two graduate interviews that
20 you conducted, did you tell the interviewees at
21 the very beginning of the call who you were
22 working with with regards to the interview?

23 A. I don't recall.

24 Q. Was the list of questions that was
25 to be used in the graduate interviews put in

1 MICHELLE FINE, Ph.D.

2 destroying student work.

3 Q. What do you mean on page 3 of your
4 report under section 2, "high levels of
5 undercredentialed teachers"?

6 A. A disproportionately high
7 percentage of educators who have either no
8 credential in education or no credential in the
9 field in which they are teaching, the discipline
10 in which they are teaching.

11 Q. When you say, "a disproportionately
12 high number," what do you mean by that?

13 A. Higher than children in well
14 resourced schools.

15 Q. Can you be more specific than that?
16 Did you have a figure that children in well
17 resourced schools are exposed to?

18 A. Well, in New York City, in the
19 nation and in California, there's a direct
20 relationship between the poverty in the school
21 and the percent of educators who are either
22 uncredentialed or teaching out of placement.

23 In some of your schools, as you
24 know better than I, you can have 20, 30, 40
25 percent, so those are high levels.

1 MICHELLE FINE, Ph.D.

2 The work of Richard Ingersoll
3 demonstrates the dramatic impact that teacher
4 quality has on student preparation. So these
5 were schools that were deemed, because they were
6 in the plaintiff class, to have a minimum of
7 some combination of these conditions, but higher
8 levels of undercredentialed teachers than the
9 well resourced schools.

10 Q. When you were doing your work on
11 this case, did you have in mind a specific
12 percentage of teachers at a given school who
13 were undercredentialed that would be considered
14 a high level of undercredentialed teachers?

15 A. No. I was interested in what's the
16 impact of undercredentialed teachers on youth
17 attending these schools.

18 Q. What is "substantial teacher
19 turnover," as used on page 3 of your report?

20 A. Again, it signifies high rates of
21 year to year and within year turnover of
22 teachers, which usually accommodates the heavy
23 uses of long-term substitutes.

24 Q. Can you quantify at all what you
25 meant by "substantial teacher turnover" on page

1 MICHELLE FINE, Ph.D.

2 in this lawsuit, but I was really focused on the
3 psychological and academic consequences of that
4 for the kids. It certainly wasn't a foreign
5 notion to them.

6 Q. Would you agree that in your study,
7 you did not determine how many undercredentialed
8 teachers each of the study participants had?

9 A. What I was able to determine is the
10 impact of undercredentialed teachers on youth.
11 Not the distribution of undercredentialed
12 teachers.

13 Q. With regard to any particular
14 student that you studied in this case, did you
15 determine how many undercredentialed teachers
16 that student had?

17 A. No. I was interested in the extent
18 to which young people experienced teacher
19 turnover as an issue that affected their
20 academic and psychological well-being in school.

21 Q. Was demographic data about the
22 graduates who were interviewed compiled by you
23 and your assistants?

24 A. The demographic data -- one more
25 time?

1 MICHELLE FINE, Ph.D.

2 3 of your report?

3 A. No. Again, my work really focused
4 on to what extent does teacher turnover affect
5 students' psychological, social and academic
6 outcomes, so these are the kind of broad
7 conditions defining the plaintiff class; and
8 then I was entering the question as, "How do
9 these conditions affect the kids?"

10 Q. Did the work that you performed in
11 this case and the conclusions that you drew
12 depend on, with regard to teacher turnover, the
13 extent of teacher turnover that a group of
14 students was exposed to?

15 A. No.

16 My question wasn't documenting to
17 what extent they experienced it. My question
18 was examining to what extent does the condition
19 of having multiple teachers in a year or
20 different teachers over years affect children,
21 so I was interested in how the children connect
22 teacher turnover to their psychological and
23 academic outcomes rather than documenting the
24 percentage of teacher turnover.

25 I think that's somebody else's job

1 MICHELLE FINE, Ph.D.

2 Q. Was demographic data about the
3 graduates who were interviewed compiled by you
4 and your assistants?

5 A. To the extent that it was available
6 in the interview. We didn't ask a lot of
7 demographic information. To the extent that
8 they revealed it, we included it.

9 Q. In your work for this case, have
10 you compiled a separate compilation of the
11 demographic data of the students who were
12 interviewed, the graduates who were interviewed?

13 MS. LHAMON: Vague and ambiguous.

14 A. Again, to the extent that
15 demographic information came up, we had it, but
16 we weren't asking about race, ethnicity,
17 geography, gender, age, class.

18 We were interested in the extent to
19 which they felt prepared for higher ed.

20 Q. Would you agree that some of the
21 graduates interviewed are attending prestigious
22 universities?

23 A. I would.

24 Q. The parents of the students who
25 attended the focus groups knew before the focus

1 MICHELLE FINE, Ph.D.
 2 groups that the information that was to be
 3 generated would be used in an education lawsuit,
 4 correct?

5 A. They were informed that it might be
 6 used in an education lawsuit.

7 Q. Would you agree that as part of
 8 your study, you did not determine for each
 9 individual student the extent of teacher
 10 turnover experienced?

11 A. What we were able to do is, for the
 12 collective of 112 students, the impact of
 13 teacher turnover on their academic and
 14 psychological well-being.

15 Q. As part of your study, did you make
 16 any data compilation about how much teacher
 17 turnover any individual student experienced?

18 A. We were not investigating the
 19 question to the extent of which child did
 20 experience or did not experience teacher
 21 turnover.

22 We were investigating the academic
 23 and psychological impact of attending a school
 24 that had one or two or three or four of a set of
 25 named characteristics that included teacher

1 MICHELLE FINE, Ph.D.
 2 children in each focus group displayed the
 3 psychological affect of shame?

4 A. We were identifying themes across
 5 young people. The unit of analysis was young
 6 people in a school rather -- young people in the
 7 plaintiff schools rather than the
 8 characteristics of each individual.

9 The purpose of a focus group is to
 10 look at kind of shared experiences.

11 Q. Is it there a way to determine by
 12 reading the group transcripts how many children
 13 in each focus group displayed psychological
 14 affect of anger, alienation or civic
 15 disengagement?

16 A. You could look at the surveys and
 17 begin to assess what percentage of the students
 18 -- 6 percent of the students said they're
 19 buildings are clean. 17 percent of high school
 20 students said their teachers are well qualified.
 21 26 percent said they have good books to take
 22 home. 37 percent said, "My classes are too
 23 crowded." 3 percent said, "We all try to keep
 24 our school looking good." 17 percent said,
 25 "We're proud to belong to our school."

1 MICHELLE FINE, Ph.D.
 2 turnover, but certainly the teacher turnover
 3 question generated an enormous amount of
 4 conversation among the young people.

5 Q. On page 3 of your report in the
 6 second numbered outcome, what did you mean by
 7 "structural conditions of their schools"?

8 MS. LHAMON: Asked and answered.

9 A. "Structural facility problems," is
 10 that what you mean?

11 Q. On the last line of page 3 of your
 12 report --

13 A. Oh, it's equivalent to what I was
 14 referring to above, structural facilities:

15 Heat, temperature,
 16 air-conditioning, rain, bathrooms, the presence
 17 or absence of desks, science equipment.

18 Q. Would you agree that in your
 19 report, you discussed many more of what the
 20 students identified as difficult spots or
 21 problems than what the students identified as
 22 positive impressions of their schools?

23 A. I wouldn't agree with that.

24 Q. Is there a way to determine by
 25 reading the focus group transcripts how many

1 MICHELLE FINE, Ph.D.
 2 Those are individual level data.

3 On the citizenship question, 41
 4 percent said that they were committed to making
 5 their community better and only 23 percent said
 6 they would be interested in serving or
 7 supporting their country, and 56 percent
 8 indicated that they were interested in helping
 9 those less fortunate.

10 That suggests a deep commitment to
 11 local civic engagement and increasing distance
 12 from public institutions and the nation.

13 So the quantitative individual
 14 data, in combination with the focus group
 15 conversation, suggests that shame and anger and
 16 betrayal were widely shared within individuals
 17 and across the groups.

18 Q. The children who were speaking in
 19 the focus groups were not identified by name in
 20 the transcripts, is that correct?

21 A. That's correct.

22 Q. Is there any way to determine by
 23 just reading the focus group transcripts
 24 themselves how many children in each focus group
 25 displayed the five psychological affects of

1 MICHELLE FINE, Ph.D.
 2 shame, anger, alienation or civic disengagement?
 3 MS. LHAMON: Asked and answered.
 4 A. Why would you just want to look at
 5 the focus group data when we have three other
 6 sources of data? The only way to get individual
 7 level data is to look at the surveys, and there
 8 you have substantial evidence; and then in the
 9 focus group, if you've seen the transcripts, you
 10 see consistent collective substantial evidence
 11 of shame, anger, but also desire, connection to
 12 teachers, desire to be educated, yearning for
 13 quality books, rigor.
 14 These were not just interviews
 15 filled with alienation. They were filled with a
 16 desire to get the same kind of education that
 17 wealthier kids are getting in your state.
 18 Q. Are there questions on the focus
 19 group survey instrument that was used in this
 20 case that was designed to reveal the presence or
 21 extent of shame?
 22 A. There are items on the survey
 23 designed to identify shame and pride, so "The
 24 building is clean and in good shape." "Teachers
 25 are well qualified."

1 MICHELLE FINE, Ph.D.
 2 We mostly, you'll notice, phrase
 3 these questions in the positive to lean toward
 4 positive responses.
 5 "My classes are too crowded."
 6 "Students feel proud to be a part of the
 7 school." "How well prepared do you feel?"
 8 Those are the questions geared
 9 toward pride, but the absence of positive
 10 responses would suggest shame or feelings of
 11 educational inadequacy.
 12 Q. Are there questions on the focus
 13 group survey instrument that was used in this
 14 case that were designed to reveal the presence
 15 or extent of anger?
 16 A. No. You know what? We didn't
 17 expect the kids to be as angry as they were.
 18 We prepared this before we got there, so the
 19 anger is -- the anger analysis comes out of a
 20 combination of these data and the focus group
 21 data.
 22 Q. Are there questions on the focus
 23 group survey instrument that was used in this
 24 case that was designed to reveal the presence or
 25 extent of alienation?

1 MICHELLE FINE, Ph.D.
 2 A. Yes.
 3 Q. Which questions are those?
 4 A. Again, it's pride and shame.
 5 It's alienation and engagement.
 6 "Teachers listen to students'
 7 ideas." "Everybody tries to keep the school
 8 looking good." "All teachers are well
 9 qualified." "I'm interested in making my
 10 community better." "I'm interested in improving
 11 race relations." "I'm interested in serving my
 12 country." "I'm interested in getting more
 13 education."
 14 Q. With regard to the focus group
 15 survey in this case, did you prepare a
 16 compilation of the number of students in each
 17 age group whose survey results showed anger,
 18 shame, alienation and civic disengagement?
 19 A. We did it for middle school versus
 20 high school. Those were the responses that I
 21 just read to you off of table 1 and table 2 on
 22 page 13 and then on page 16.
 23 Then you'll see the items on "good
 24 books," "classes are too crowded," shift
 25 dramatically on page 14 -- shift dramatically

1 MICHELLE FINE, Ph.D.
 2 from middle school to high school.
 3 In middle school 60 percent of kids
 4 say, "We have good books to take home." In high
 5 school, 26 percent do. In middle school 25
 6 percent say, "My classes are too crowded." By
 7 high school, that jumps to 37 percent.
 8 In middle school 45 percent of the
 9 kids say, "We're a community in our school"; and
 10 by high school that drops to 6 percent.
 11 In middle school 45 percent of the
 12 kids say, "Our teachers are well qualified." By
 13 high school that drops to 17 percent.
 14 Again, elementary school students
 15 didn't take the survey.
 16 Q. Would you describe the specific
 17 methodology you used to analyze the written
 18 survey results in this case?
 19 A. The written survey results -- you
 20 mean the open-ended items or the quantitative
 21 items?
 22 Q. Both, please.
 23 A. Sure.
 24 We -- I think you've got the raw
 25 data again. What we tried to do is to separate

1 MICHELLE FINE, Ph.D.
 2 middle school and high school, and then we
 3 looked at the distributions. First we looked at
 4 the means for each of the quantitative items.
 5 Then we looked at the bimodal distribution, what
 6 percent disagree, what percent agree; and then
 7 we would look at what percent strongly
 8 disagrees, strongly agree.

9 For the open-ended items, I would
 10 just take all the responses like, if you need
 11 help in your school, and create categories for
 12 those to see if there were patterns.
 13 Again, you have those notes. "What do you hope
 14 to do after school?" "What might get in your
 15 way?"

16 Same deal. I would just take notes
 17 off of the written comments, create codes and
 18 try to look for patterns.

19 And then on item 6, "less well
 20 prepared, as well prepared, better prepared,"
 21 again, we just did a three-way distribution for
 22 the respondents. And for the last item, "When
 23 you think about your life and your future, how
 24 important is each of the following?" we looked
 25 at what percentage of students said, "Very

1 MICHELLE FINE, Ph.D.

2 A. They're representative of students
 3 who are actively involved in the lawsuit, and
 4 actively aware of issues of educational equity.

5 MS. LHAMON: Just a point of
 6 clarification. When you were answering that
 7 last question, were you answering about all the
 8 respondents --

9 THE WITNESS: Just the one group he
 10 was talking about.

11 MS. LHAMON: And that group is
 12 which group?

13 THE WITNESS: That's the group of
 14 young people who are identified not by the
 15 marketing research and jury firms, but by
 16 attorneys as a group of young people who knew
 17 about the lawsuit and were involved.

18 MS. LHAMON: Thank you.

19 Q. With regard to all of the students
 20 who completed a written survey in this case,
 21 would you characterize those written survey
 22 participants as a representative sample of any
 23 particular group of students?

24 A. Yes. I think they're
 25 representative of students who attend schools

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 2 important."

3 It was a pretty straightforward
 4 analysis. The only contrast that we offered was
 5 middle school versus high school.

6 Q. With regard to the open-ended
 7 question analysis, can you give an example of a
 8 category that you created when you were
 9 reviewing the results?

10 A. "What do you hope to do after high
 11 school?"

12 I don't know what the exact
 13 categories were, but one could imagine it was:
 14 "Work, college, nothing, military, have
 15 children," so you could then look at what
 16 percentage of students offered these responses.

17 Q. Did survey results in table 1 on
 18 pages 13 and 14 of your report include results
 19 of surveys completed by the focus group that was
 20 arranged by plaintiffs' attorneys?

21 A. Yes.

22 Q. Would you characterize the children
 23 survey participants in this case as a
 24 representative sample of any particular group of
 25 students?

1 MICHELLE FINE, Ph.D.

2 that have the conditions named in the lawsuit.

3 Q. Are the students who participated
 4 in the written survey in this case a
 5 strategically represented sample demographically
 6 of students who attend schools with the
 7 conditions named in the lawsuit?

8 MS. LHAMON: Vague and ambiguous.
 9 Lacks foundation. Calls for speculation.

10 A. I don't know what you mean
 11 "statistically representative." I'm not
 12 following that.

13 Q. In other words, was the written
 14 survey that was conducted in this case, was it a
 15 statistically reliable survey?

16 A. It was a reliable survey, for sure.
 17 Statistically reliable. The scales themselves
 18 have been tested for reliability in other
 19 settings as well as in this setting.

20 There's construct validity, there's
 21 -- there's statistical strength to the survey.

22 Q. Did you calculate in a margin of
 23 error in connection with the written survey in
 24 this case?

25 A. No. All I did was calculate

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2 percentage of agree/disagree. I wasn't doing
3 any analyses of variance or multiple regression.

4 Q. With regard to the San Francisco
5 focus group that you conducted, have you
6 produced your notes from that session?

7 A. Yes.

8 MS. LHAMON: Asked and answered
9 yesterday.

10 Q. Are the handwritten notes from the
11 focus group you conducted in San Francisco
12 verbatim quotes of the focus group participants?

13 A. Some of the notes are verbatim.
14 Others are my thoughts. Others are words
15 extracted from quotes. Others are citations
16 that came to me in the middle that I thought
17 might be useful.

18 There are lots of things in those
19 notes.

20 Q. As part of your work in this case,
21 did you administer the same written survey to
22 any other students to compare the results with
23 the results of the survey taken by the focus
24 group participants?

25 MS. LHAMON: Vague and ambiguous.

1 MICHELLE FINE, Ph.D.

2 Q. Is that survey cited in your
3 bibliography?

4 A. I believe it is.

5 MS. LHAMON: To speed things up,
6 would you like me to make a representation of
7 what that survey was?

8 MR. SEFERIAN: Sure.

9 MS. LHAMON: It's a survey which
10 was produced by San Francisco Unified School
11 District in this case. The Bates ranges for the
12 survey are listed in the table that we sent,
13 along with the other expert production for
14 Dr. Fine.

15 MR. SEFERIAN: Thank you.

16 Q. On page 48 of your report, in the
17 fourth full paragraph, there's a reference to a
18 "U.S. Department of Education."

19 A. Yes.

20 Q. Is that citation in your
21 bibliography?

22 A. It is, under Horne and Kojaku and
23 on page 67.

24 Q. I'd like to ask you to look at
25 these documents, please. They're marked 1989

1 MICHELLE FINE, Ph.D.

2 A. No. Why would I do that? No.
3 These items have been administered.
4 However -- many of these items, to 4,000
5 students in the New York/New Jersey area.
6 And I'd be happy to deliver those data to you,
7 but that was done after -- well after this
8 report was done.

9 Q. In this case, did you examine the
10 academic achievement of any of the students you
11 studied?

12 A. No. Not in terms of standardized
13 tests or grades.

14 I assessed their experience of
15 themselves as academically engaged students in
16 relation to these conditions.

17 Q. In this case, with regard to the
18 students who were studied, did you review any of
19 their attendance records?

20 A. No.

21 Q. If I can refer you to page 31 of
22 your report, in the second full paragraph it
23 refers to a "San Francisco Unified Teachers
24 Survey."

25 A. Yes.

1 MICHELLE FINE, Ph.D.

2 through 1992 and 1996 through 2001.

3 Do you recognize these documents?

4 A. I do.

5 Q. Are these documents, 1989 through
6 1992 and 1996 through 2001, documents that were
7 sent to you by Ms. Lhamon?

8 A. I believe they were.

9 Q. Did you have any discussion with
10 Ms. Lhamon about these documents?

11 A. I don't believe so.

12 Q. What is your understanding of what
13 these documents, 1989 to 1992 and 1996 to 2001,
14 are?

15 A. At the moment, my understanding is
16 that this represents some cut of the students
17 who participated in the focus groups.

18 I'm not sure I've seen all of
19 these, but I've certainly seen the format.

20 Q. Are these documents, 1989 to 1992
21 and 1996 to 2001, the names of the students who
22 participated in the focus groups whose names
23 have been taken out of the document?

24 MS. LHAMON: Lacks foundation.

25 A. They have been redacted.

1 MICHELLE FINE, Ph.D.

2 Q. Do you have the names of the
3 students who participated in the focus groups
4 and in your study?

5 A. I don't.

6 Q. Do you know who has the information
7 about the names of the students who participated
8 in your study in this case?

9 A. I don't.

10 Q. Do you have any documents that have
11 not been produced in this case that show the
12 names of the students who participated in your
13 study?

14 A. I don't.

15 The students were promised
16 confidentiality and anonymity, and so, for my
17 purposes, I would have no need for their names.

18 Q. Will you agree to provide the names
19 of the students who participated in your study
20 in this case?

21 MS. LHAMON: How could she possibly
22 do that? She just said she doesn't have them.

23 A. I don't have them, and it would be
24 highly unethical if I did, but I don't.

25 Q. What discussions were held with

1 MICHELLE FINE, Ph.D.

2 Q. Do you know who transcribed the
3 focus group tapes in this case?

4 A. No.

5 Q. Have you compared the focus group
6 tapes with the transcriptions of those tapes?

7 A. I have. I did where things seemed
8 confusing or where there were obvious typos,
9 like "Joshua" for "Yasser" and "Melissa" for
10 "Maria"; and I did a kind of random cleaning so
11 I would read a tape and -- I would read a
12 transcript and then listen to a tape to make
13 sure that enough chunks were conforming to each
14 other.

15 Q. Did you actually go through all of
16 the tapes and see if the entire tape was
17 accurately transcribed in the focus group
18 transcripts?

19 A. I just said I spot-checked, which
20 is what's typically done for cleaning purposes;
21 and then I went through on any areas where I
22 didn't -- where it seemed confusing or I didn't
23 understand what the transcript said.

24 And then in quotes that I used, we
25 made sure the transcript and the tape were

1 MICHELLE FINE, Ph.D.

2 study participants about revealing their
3 identities?

4 MS. LHAMON: Vague as to
5 "discussions."

6 A. Students and parents were promised
7 confidentiality and anonymity as is required, by
8 the way, by the U.S. Department of Education,
9 institutional review boards, any university's
10 research procedures, particularly for minors.

11 Q. Are there any circumstances when
12 you've conducted research when you have revealed
13 the identities of any of the participants in
14 your research?

15 A. Not that I can remember.

16 The only time is actually in the
17 prison study where some of the women, when we
18 promised them confidentiality, some of the women
19 said, "I want you to use my real name because
20 I'm a new woman now," and so we actually had to
21 go back to the ethics board and say, "These are
22 people who really want to use their names."

23 But with kids, I've never published
24 anything using real names or revealing real
25 names.

1 MICHELLE FINE, Ph.D.

2 consistent with each other.

3 Q. Do you have copies of the focus
4 group tapes in this case?

5 A. The transcriptions or the tapes?

6 Q. The tapes.

7 A. I do.

8 Q. Have you submitted for publication
9 your report from this case or a version of this
10 report?

11 A. I've written it up.

12 Q. What do you mean by that?

13 A. Collectively, Yasser, Maria, April
14 and I have written up an essay using some of
15 these data and submitted to Teachers College
16 Record.

17 Q. What is the title of this essay?

18 A. "Civics Lessons."

19 It's probably something that --
20 there might be a colon after that. I don't
21 know. I'll check tonight.

22 Q. Has the essay "Civics Lessons" been
23 submitted to anyone other than Teachers College
24 Record?

25 A. We had submitted to Harvard

1 MICHELLE FINE, Ph.D.
 2 Educational Review, but then learned that
 3 Teachers College Record would be a more
 4 appropriate site for it, so we moved it over.
 5 Q. Why would it be more appropriate?
 6 A. Because Teachers College Record is
 7 actually interested right now in equity issues
 8 and the relationship of lawsuits and educational
 9 research. There's also another essay that I
 10 published for the Annenberg Foundation that
 11 draws on some of these data, where we compare
 12 the California youths' desire for education and
 13 sense of betrayal with a group of youth in New
 14 York City who were working on the finance equity
 15 case, and that's published by the Annenberg
 16 Institute, and that should be at Brown
 17 University and that should be published very
 18 soon. It's a short piece that compares the two
 19 groups of youth.
 20 Q. Is that essay listed in your CV for
 21 this case?
 22 A. No.
 23 Q. What's the name of that essay?
 24 A. You got me. I don't know.
 25 I'll check it tonight.

1 MICHELLE FINE, Ph.D.
 2 Q. Are there any co-authors?
 3 A. Yes. Janice Bloom and Laurie
 4 Chajet.
 5 Q. Is the publisher for that essay
 6 Brown University?
 7 A. The Annenberg Institute.
 8 Q. What's the publication date for the
 9 Annenberg Institute essay?
 10 A. I think it's coming out sometime in
 11 the spring. This spring.
 12 Q. What is the publication date for
 13 "Civics Lessons"?
 14 A. I don't know.
 15 Q. Have you joined a research group
 16 organized by Dr. Jeannie Oakes?
 17 MS. LHAMON: Vague and ambiguous.
 18 Ever?
 19 MR. SEFERIAN: At any time.
 20 A. There was a meeting, I believe,
 21 where people who were writing on this case were
 22 talking about collaboration, but I wasn't at
 23 that meeting. I was invited to the meeting.
 24 Q. Have you ever spoken with
 25 Dr. Oakes about this case?

1 MICHELLE FINE, Ph.D.
 2 A. Twice, I think.
 3 Q. When was the first time you spoke
 4 with Dr. Oakes about this case?
 5 A. She and I were both at a meeting of
 6 scholars invited to consider an anniversary
 7 celebration of Brown versus Board of Ed and we
 8 both acknowledged being involved in this case
 9 and commented on how long it's taken.
 10 And the second time was via e-mail,
 11 where she and I talked about publication
 12 possibilities for this work.
 13 Q. Have you provided a copy of that
 14 e-mail from you to Ms. Lhamon?
 15 A. It was very recent. I'm sure I
 16 don't have it. I delete those things. I didn't
 17 realize that that's privileged or whatever you
 18 call it. No. I have not provided a copy of
 19 that.
 20 Q. What was discussed in the e-mail
 21 between you and Dr. Oakes about publication
 22 possibilities?
 23 A. The possibility of using Teachers
 24 College Record as a site for publishing on cases
 25 of educational equity.

1 MICHELLE FINE, Ph.D.
 2 Q. Who made the suggestion?
 3 A. Jeannie.
 4 Q. Did she send you the e-mail first
 5 or did you initiate the e-mail?
 6 A. Probably she sent it to me first.
 7 Q. In the e-mail, was she asking you
 8 for suggestions about where these articles
 9 should be published?
 10 MS. LHAMON: Vague as to "these
 11 articles."
 12 A. I don't think she was asking me
 13 where. I think she was asking me what I
 14 intended to do with the work that I had been
 15 working on, and I explained the Annenberg piece
 16 was forthcoming, but that that was an analysis
 17 comparing the California youth and very, very,
 18 very similar kids in New York who were going to
 19 a good school and how the two different groups
 20 talked about educational justice and equity.
 21 And in that, she introduced the
 22 idea that it might be interesting to bring
 23 together a set of essays and that perhaps
 24 Teachers College Record would be interested.
 25 I had already submitted our piece

1 MICHELLE FINE, Ph.D.
2 to Teachers College Record, so it was redundant
3 for me.

4 Q. Apart from this case, are you a
5 member of any research group with Dr. Oakes?

6 MS. LHAMON: Vague as to "research
7 group."

8 A. Yes, you know -- no, but, she's an
9 internationally highly respected scholar, so one
10 is proud to be in her presence and we end up at
11 many of the same meetings.

12 Q. Are you currently involved in any
13 research projects with Dr. Oakes?

14 A. No.

15 Q. Would you agree that focus groups
16 have ordinarily been associated with marketing
17 research?

18 MS. LHAMON: Vague and ambiguous.
19 Assumes facts not in evidence.

20 A. Robert Merton is a well-known
21 sociologist who died a couple of weeks ago.
22 He's the father of focus groups. He was not a
23 marketing researcher at all. So it is true that
24 some marketing research firms use focus groups,
25 but that's neither their origin nor their only

1 MICHELLE FINE, Ph.D.
2 everyone. But if you just keep going around the
3 room, you're going to break down the flow of
4 conversation. So at critical moments, we always
5 make sure to kind of check in and do a kind of a
6 round-robin so that you can hear everybody's
7 point of view.

8 Q. Would you agree that the results of
9 group interviews cannot be generalized?

10 MS. LHAMON: Vague and ambiguous.

11 A. No. I wouldn't agree with that.

12 Q. Would you agree with the statement
13 that a possible outcome of group interviews is
14 group think?

15 MS. LHAMON: Vague and ambiguous.

16 A. It's important to train focus group
17 facilitators. That's why we spent so much time
18 yesterday talking about getting dissenting
19 opinions and outliers and distinct point of
20 views, so that there's not a false consensus in
21 the room.

22 Q. What does the term "group think"
23 mean?

24 MS. LHAMON: Vague and ambiguous.
25 Lacks foundation.

1 MICHELLE FINE, Ph.D.
2 site of application.

3 Q. To what extent would you
4 characterize the focus groups in this case as
5 structured?

6 MS. LHAMON: Vague and ambiguous.

7 A. I would describe them as
8 semi-structured, which is a technical term,
9 which means there are a set of common probes,
10 but you also allow the students or the
11 participants to help shape the direction, so
12 it's not just question, question, question,
13 question, which would be wholly structured.

14 Semi-structure means there are
15 common probes across all groups, but enough
16 flexibility and time for kind of local
17 variation.

18 (A recess was taken.)

19 Q. Dr. Fine, would you agree that in
20 focus group interviews, the interviewer must
21 obtain responses from the entire group to ensure
22 the fullest coverage of the topic?

23 MS. LHAMON: Vague and ambiguous.

24 A. In focus groups, it's important
25 periodically to make sure that you can hear from

1 MICHELLE FINE, Ph.D.

2 A. Group think comes from a study
3 conducted by Irving Janice in the 70s and 80s in
4 which he documented the way in which U.S.
5 foreign policy would occur in small group
6 discussions, such that dissenting opinions were
7 silenced and singular point of views prevailed,
8 as in the Bay of Pigs decision.

9 Q. Would you agree that in focus group
10 interviews, the requirements for interview
11 skills are greater than those for individual
12 interviewing?

13 A. No.

14 MS. LHAMON: Vague and ambiguous.

15 A. No, I wouldn't. You've got to be a
16 skilled interviewer to conduct interviews,
17 whether it's in groups or individually.
18 They are different skills, but one doesn't
19 require more skill than the other.

20 Q. Would you regard the topics that
21 you researched in this case as being sensitive
22 topics?

23 MS. LHAMON: Asked and answered.

24 A. Some of the topics were sensitive.

25 Q. Would you agree that it is

1 MICHELLE FINE, Ph.D.
 2 difficult to research sensitive topics using the
 3 group interview technique?
 4 MS. LHAMON: Vague and ambiguous.
 5 A. No. I would disagree.
 6 Some of the best research that's
 7 been done, for instance, battered women, have
 8 been done in group context, because women are
 9 more likely to be open in those contents with
 10 that experience than in individual interviews.
 11 It really depends on the question
 12 you're asking and the sample you have before
 13 you. It's not just a question of method.
 14 Q. Would you agree that in social
 15 science research, there's a preference for the
 16 individual questionnaire as the favorite and
 17 more accepted gathering data technique?
 18 MS. LHAMON: Vague and ambiguous.
 19 A. No. Anthropologists never use
 20 questionnaires. Sociologists are deeply split
 21 about it. Psychologists are mostly using
 22 multiple methods. So the social sciences have a
 23 whole range of -- in educational studies now,
 24 there's probably as much qualitative work as
 25 there is survey work.

1 MICHELLE FINE, Ph.D.
 2 Q. Would you agree that among
 3 qualitative researchers, the one-to-one,
 4 face-to-face interview is the most widely used
 5 research tool?
 6 MS. LHAMON: Vague and ambiguous.
 7 A. No, I wouldn't.
 8 Q. Would you agree that social science
 9 and evaluation research are at a stage at which
 10 most of our knowledge about focus groups comes
 11 from personal experience rather than systematic
 12 investigation?
 13 MS. LHAMON: Vague and ambiguous.
 14 A. I don't understand. Whose personal
 15 experience?
 16 Q. I'll restate the question.
 17 Would you agree that social science
 18 and evaluation research are at a stage at which
 19 most of the knowledge about focus groups comes
 20 from the personal experience of the researcher
 21 rather than systematic investigation?
 22 A. I don't -- no, I wouldn't agree
 23 with that sentence. I'm still trying to
 24 understand the juxtaposition of the personal
 25 experience of the researcher and systematic

1 MICHELLE FINE, Ph.D.
 2 investigation, but we've been using focus groups
 3 -- they used focus groups in all the World War
 4 II studies of men in the military. We've been
 5 using it for 60 years.
 6 Q. Would you agree that focus groups
 7 sometimes take place outside of the settings
 8 where social interaction typically occurs?
 9 MS. LHAMON: Vague and ambiguous.
 10 Assumes facts not in evidence.
 11 A. Social interaction occurs
 12 everywhere.
 13 Q. Would you agree the natural range
 14 of behavioral information that can be gathered
 15 through group interviews is usually limited to
 16 verbal communication, body language and
 17 self-reported data?
 18 MS. LHAMON: Vague and ambiguous.
 19 A. Could you ask that again?
 20 Q. Yes.
 21 Would you agree that the range of
 22 behavioral information that can be gathered
 23 through group interviews is usually limited to
 24 verbal communication, body language, and
 25 self-reported data?

1 MICHELLE FINE, Ph.D.
 2 A. What else is there? In a group,
 3 what other behavioral information might you be
 4 gathering? You've got what people say, what
 5 people do and how people perceive it, so I
 6 wouldn't use the word "limited."
 7 Q. Is it true that because of the
 8 presence of an interviewer in a group interview,
 9 it is difficult to discern how authentic the
 10 social interaction in a focus group really is?
 11 MS. LHAMON: Vague and ambiguous.
 12 A. I would disagree with that
 13 sentence, but we would also probably disagree
 14 about what constitutes "authentic."
 15 Those behaviors are authentically
 16 engaged in a room where there's someone present
 17 or not.
 18 One of the things that's useful
 19 about having an hour, an hour and a half, is
 20 that people get used to having observers.
 21 People get used to having video cameras, which
 22 are much more intrusive.
 23 Q. Would you agree that the results of
 24 group interviews can vary depending on the
 25 interpretation and background of the

1 MICHELLE FINE, Ph.D.
 2 interviewer?
 3 MS. LHAMON: Vague and ambiguous.
 4 A. Depending upon the -- upon the what
 5 and background of the interviewer?
 6 Q. Interpretation.
 7 A. Do you mean of the analyst or the
 8 interviewer? The person doing the interviewing
 9 or the person then interpreting the information?
 10 Q. The person interpreting the
 11 information.
 12 A. I think no one could read these
 13 transcripts and not notice the combinations of
 14 desire for good education and sense of shame and
 15 betrayal in not receiving it.
 16 There might be other issues that
 17 other researchers also identify, but I think the
 18 key things that I've identified here, you would
 19 have to go out of your way to ignore them.
 20 They are so prevalent across the
 21 transcripts.
 22 Q. Is it important for a focus group
 23 researcher to observe the interaction among
 24 participants and to witness how they build upon
 25 each other's words, ideas and feelings?

1 MICHELLE FINE, Ph.D.
 2 A. If you're documenting group
 3 dynamics.
 4 Q. Would you agree that some people in
 5 a focus group may feel uneasy disagreeing with
 6 others, and that may prevent them from
 7 expressing their true opinions and feelings in
 8 the group?
 9 A. If you have a lousy interviewer.
 10 Q. Is one of the dangers of the group
 11 discussion that people may feel pressured to
 12 agree with others?
 13 A. Not in focus groups that I conduct
 14 or any of my assistants conduct because there's
 15 no single opinion. We don't conduct focus
 16 groups so that a single opinion can prevail.
 17 We're always asking who disagrees, who has
 18 another thought, we've heard some other thoughts
 19 in other groups, et cetera, so we're always kind
 20 of opening up the conversation so that there's
 21 not a commitment to a monolithic point of view.
 22 Q. Would you agree that children are
 23 more likely than adults to feel pressure in a
 24 group interview to agree with others?
 25 A. No. I think adults feel pressure

1 MICHELLE FINE, Ph.D.
 2 often; and it depends upon the quality of the
 3 interviewer. I think well trained interviewers
 4 know how to get away from the kind of conformity
 5 bias of your question.
 6 Q. Would you agree that focus groups
 7 are not appropriate when the researcher needs to
 8 be able to generalize from the research results?
 9 A. No, I would disagree with that.
 10 Q. Would you agree that when
 11 generalizability is a requirement, a researcher
 12 must employ quantitative research techniques and
 13 adequate sampling methods?
 14 MS. LHAMON: Vague and ambiguous.
 15 A. No. There are many ways to achieve
 16 generalizability; and increasingly, people are
 17 speaking about theoretical generalizability,
 18 where deep analysis of qualitative and
 19 quantitative information yields findings that
 20 can kind of travel from one context to another.
 21 Q. Would you agree that qualitative
 22 researchers may, at times, unintentionally
 23 behave in such a way as to make the prophesied
 24 event more likely to occur?
 25 MS. LHAMON: Vague and ambiguous.

1 MICHELLE FINE, Ph.D.
 2 Incomplete hypothetical. Overbroad.
 3 A. I don't know what you mean by
 4 "prophesied."
 5 Q. Would you agree that qualitative
 6 researchers may at times unintentionally behave
 7 in such a way as to make the results of the
 8 focus group that they anticipated more likely to
 9 occur?
 10 MS. LHAMON: Same objections.
 11 A. No more than quantitative
 12 researchers who start out with a set of
 13 questions about a set of issues they're
 14 interested in.
 15 I don't think that concern is
 16 particular to any method.
 17 Q. Is it correct that in conducting
 18 your research, you have at times consciously and
 19 deliberately left out some of your respondents'
 20 stories that have the potential to buttress
 21 stereotypes?
 22 MS. LHAMON: Vague and ambiguous.
 23 A. You're quoting from the book "The
 24 Unknown City" or from an essay called "Writing
 25 Your Own Social Research" and taking it somewhat

1 MICHELLE FINE, Ph.D.
 2 out of context.
 3 In this case, you have all the
 4 transcripts. You have all the raw material.
 5 You have nothing to worry about.
 6 Q. Do you agree that qualitative
 7 researchers have responsibilities to research
 8 for social justice?
 9 MS. LHAMON: Vague and ambiguous.
 10 A. The focus there is on research; and
 11 again, when I've written about these issues by
 12 which you're extracting from, the point of a
 13 sentence like that is that qualitative
 14 researchers spend time investigating questions
 15 of social research rather than just declaring
 16 that something is either just or unjust, so the
 17 important word in the sentence is the verb
 18 "research."
 19 Q. Would you agree that at times in
 20 your professional work, you have become an
 21 activist to apply your work to support local
 22 policy and community efforts?
 23 MS. LHAMON: Vague and ambiguous.
 24 A. I'm interested in the extent to
 25 which my research can be used to influence

1 MICHELLE FINE, Ph.D.
 2 strongly particular feelings and opinions of the
 3 persons who participate in the focus groups hold
 4 those feelings and opinions?
 5 MS. LHAMON: Same objections as to
 6 "other researchers."
 7 A. In this case, the focus group was
 8 really conducted to understand how young people
 9 understand the social, psychological
 10 relationship between the conditions in their
 11 school and themselves as students and as
 12 citizens, so it wasn't -- it's not about strong,
 13 not strong.
 14 It's about how do they narrate the
 15 social and psychological journey between
 16 structural conditions, teacher turnover, teacher
 17 credentials, presence or absence of books and
 18 materials, and how they feel about themselves
 19 and see themselves as students and as citizens.
 20 Q. Would you agree that to reflect how
 21 strongly feelings or opinions of focus group
 22 participants are held would require a
 23 quantitative approach in which strength of
 24 conviction is specifically measured?
 25 MS. LHAMON: Vague and ambiguous.

1 MICHELLE FINE, Ph.D.
 2 social policies, so when I study the impact of
 3 college in prison, I make sure that the governor
 4 and all the state senators get copies of it so
 5 that there are some consequences to the
 6 research.
 7 Q. Would you agree that input obtained
 8 from focus group participants is not intended to
 9 reflect how strongly feelings and opinions of
 10 small groups are held?
 11 MS. LHAMON: Vague and ambiguous.
 12 Incomplete hypothetical.
 13 A. I don't understand the question.
 14 Q. Is the information obtained from
 15 focus group participants intended by researchers
 16 to reflect how strongly feelings and opinions of
 17 small groups are held?
 18 MS. LHAMON: Incomplete
 19 hypothetical. Hopelessly vague and ambiguous.
 20 A. It's the end of the sentence I
 21 don't understand, "how strongly beliefs of small
 22 groups are held."
 23 Q. In general, when a researcher is
 24 conducting a focus group, is one of the reasons
 25 to conduct a focus group to determine how

1 MICHELLE FINE, Ph.D.
 2 A. Yes. We did that on the survey.
 3 That's why I gave you the items
 4 that were very important, strongly agree,
 5 strongly disagree.
 6 Q. Would you agree that if a
 7 nonprobability purpose of sampling is used,
 8 focus group findings are not generalized to
 9 larger groups?
 10 MS. LHAMON: Vague and ambiguous.
 11 A. You could generalize from your
 12 sample to the universe of that sample, so the
 13 framing of the question doesn't quite make sense
 14 to me. "Non-purpose?"
 15 Q. Would you agree that quantitative
 16 techniques are often undertaken as a follow up
 17 to a focus group study to assess strength of
 18 conviction and generalizability?
 19 MS. LHAMON: Vague and ambiguous.
 20 Incomplete hypothetical.
 21 A. Sometimes, but not often, not
 22 always; and it's a very old fashioned and narrow
 23 version of focus group that your question is
 24 organized around, which is focus group as a kind
 25 of pilot for quantitative study. Most people

1 MICHELLE FINE, Ph.D.
 2 aren't using focus groups in that way.
 3 Q. Would you agree that
 4 generalizability of focus group information may
 5 be problematic, since some members may dominate
 6 and others may not share their views?
 7 MS. LHAMON: Vague and ambiguous.
 8 A. I just want to be clear that we use
 9 four methods, so references to focus group is
 10 only one of the methods that we used in this
 11 case. And the capacity to generalize comes from
 12 the interpretations of repeated patterns.
 13 So I don't think the capacity to
 14 generalize is compromised in focus groups, but
 15 the reason we did a survey plus focus groups
 16 plus individual interviews with graduates plus
 17 extensive reliance on the existing literature
 18 was to look for the extent to which those four
 19 data sources confirmed each other.
 20 Q. Would you agree that a limitation
 21 of focus groups is that only individuals who are
 22 capable and willing to verbalize their views can
 23 be studied in focus groups?
 24 A. No.
 25 Q. Would you agree with the statement

1 MICHELLE FINE, Ph.D.
 2 There are by now plenty of
 3 methodological books and articles on how to
 4 analyze focus groups thematically, discursively,
 5 conversational analysis, some of which I've
 6 cited in here.
 7 Q. I'd like to ask you to look at
 8 those documents, numbers 225 to 237.
 9 Do you recognize those documents?
 10 A. I do.
 11 Q. What are those documents, 235 to
 12 237?
 13 A. These are school report -- school
 14 profiles for specific schools in the State of
 15 California.
 16 Q. And you received those profiles
 17 from Ms. Lhamon, correct?
 18 A. I did.
 19 Q. And you received profiles from
 20 additional schools as well, correct?
 21 A. Many.
 22 Q. Did you use the school profiles
 23 that you received from Ms. Lhamon, including the
 24 ones in documents 226 to 237, in forming your
 25 opinions in this case?

1 MICHELLE FINE, Ph.D.
 2 that, "The focus group method may lend itself to
 3 provide evidence to support preconceptions more
 4 easily than other methods" --
 5 A. No.
 6 Q. -- "since the findings rely heavily
 7 on moderation and interpretation"?
 8 A. I don't know what "moderation"
 9 means there, but no. No. Focus groups, in
 10 fact, enable you to identify whole new sets of
 11 issues that you hadn't conceptualized before,
 12 which happened in our case. If you do a survey
 13 on X items, you can only get data on those
 14 items.
 15 With a focus group, you run the
 16 risk of opening it up, which is where we heard
 17 issues of anger and issues of betrayal.
 18 We did not come in thinking that's what we were
 19 going to hear from young people.
 20 Q. Would you agree that it is not
 21 clear what standards should be applied to judge
 22 the veracity of conclusions from focus groups
 23 and how these standards should be applied?
 24 MS. LHAMON: Vague and ambiguous.
 25 A. I would disagree.

1 MICHELLE FINE, Ph.D.
 2 A. I had said to Ms. Lhamon, "Send me
 3 more information rather than less," so I
 4 wanted -- you know, I have stacks of these. I
 5 have stacks of depositions. I have newspaper
 6 articles.
 7 I wanted to immerse myself in the
 8 context within which these interviews, surveys,
 9 and focus groups would be taking place, so I
 10 used them to form a general sense about these
 11 schools.
 12 I was interested in issues like
 13 dropout rates, graduates eligible for the UC
 14 system, et cetera, because I do so much work in
 15 dropouts, and who has access to rigorous
 16 curriculum, I was particularly interested.
 17 Q. Did you use any of the statistics
 18 contained in the school profiles that were sent
 19 to you by Ms. Lhamon in forming your opinions in
 20 this case?
 21 A. Not so much in forming my opinions.
 22 In getting a context.
 23 I think there's one place in the
 24 report where I used some of the dropout data.
 25 Yes. The information got inserted

1 MICHELLE FINE, Ph.D.
 2 simply as a footnote on page 46 and 47 to
 3 indicate the dropout rates and the UC CSU
 4 eligibility rates, but I didn't write about it
 5 because it didn't actually shape my opinion.
 6 It just provided a context.
 7 Q. Did you perform any type of
 8 quantitative analyses of the school profile
 9 records that were sent to you?
 10 A. No. I just reproduced the
 11 information. I was just interested in noting
 12 these, but there were no quantitative analyses
 13 done on it.
 14 Q. I'd like to ask you to look at
 15 another set of documents, numbers 395 to 412.
 16 Do you recognize these documents?
 17 A. I think so.
 18 Q. Are the documents, 395 to 412,
 19 documents that were sent to you by Ms. Lhamon's
 20 office?
 21 A. I believe so.
 22 Q. Did you perform any type of
 23 quantitative analyses of these records that are
 24 in documents 396 through 412.
 25 A. Not at all.

1 MICHELLE FINE, Ph.D.
 2 Q. I'd like to ask you to look at
 3 another document, number 1035 and 1036.
 4 Do you recognize this document?
 5 A. I do.
 6 Q. What is that document?
 7 A. It's a letter specifying the
 8 conditions of my participation as an expert
 9 witness in the case for both myself and my
 10 graduate students.
 11 Q. Were there any aspects of your
 12 services in this case that are not reflected in
 13 these documents, 1035 and 1036?
 14 A. No. If I'm understanding your
 15 question right, I can't imagine what that would
 16 be. Can you give me an example?
 17 Q. Were there any terms of your
 18 agreement with the plaintiffs' attorneys in this
 19 case that are not reflected in this document,
 20 1035 and 1036?
 21 A. No.
 22 Q. Were there any changes or
 23 amendments to the terms of your agreement to
 24 perform expert consulting services for the
 25 plaintiffs in this case after January 31, 2002?

1 MICHELLE FINE, Ph.D.
 2 A. No.
 3 Q. I'd like to ask you to look at that
 4 document, please, number 1125.
 5 Do you recognize that document?
 6 A. Yes.
 7 Q. What is document 1125?
 8 A. I don't know who Patricia Stich
 9 Regan is. I recognize the middle part, which is
 10 an e-mail from me to Yasser Payne, where I'm
 11 giving Yasser Catherine's e-mail and her phone
 12 number; and Yasser is asking me about a
 13 Milwaukee NCEA proposal, National Coalition
 14 proposal of a presentation that he was doing.
 15 Q. What was the subject of
 16 Mr. Payne's Milwaukee proposal?
 17 A. He was talking about the
 18 achievement gap for the youth research that I
 19 described yesterday or the day before.
 20 Q. I'd like to ask you to look at that
 21 document, number 1129.
 22 Is 1129 an e-mail that you sent to
 23 Ms. Lhamon?
 24 A. I guess so.
 25 Q. Do you recognize document 1129?

1 MICHELLE FINE, Ph.D.
 2 A. I don't recognize it, but I'm sure
 3 I sent it. It looks like it's from me to
 4 Catherine Lhamon.
 5 Q. Do you recall sending Ms. Lhamon an
 6 e-mail wherein you attached a revised draft of
 7 your expert report?
 8 A. Sure.
 9 Q. Do you know what is meant in the
 10 e-mail, on 1129, when it says, "A more explicit
 11 structure and detailed methods"?
 12 A. I think I provided even more detail
 13 on the methodology appendix in this draft than
 14 in the prior draft; and an explicit structure
 15 for how I described the methods.
 16 Q. Do you recall the date that you
 17 first began writing the report in this case?
 18 A. I don't.
 19 Q. Do you have any estimate?
 20 A. I don't.
 21 Q. Did you begin writing any portion
 22 of the report before the focus groups were
 23 conducted?
 24 A. I don't believe so.
 25 Q. What was the date that your report

1 MICHELLE FINE, Ph.D.
 2 was finalized in this case?
 3 A. I don't know.
 4 Q. I'd like to show you another
 5 document, number 1131.
 6 Is document 1131 a printout of an
 7 e-mail sent to you by Ms. Lhamon?
 8 A. Yes.
 9 Q. And in the e-mail reflected in
 10 1131, did Ms. Lhamon attach a copy of your first
 11 draft report?
 12 A. Yes.
 13 Q. Do you know why Ms. Lhamon sent you
 14 a copy of your first draft report?
 15 A. Just so that I would have a
 16 complete file, as indicated here.
 17 Q. What was the reason that you did
 18 not have a copy of your first draft report?
 19 A. Because I kept revising it.
 20 Q. Did you ask Ms. Lhamon to send you
 21 a copy of your first draft report?
 22 A. I don't recall.
 23 The way I write is, I write
 24 multiple drafts of all things that I do. I'm
 25 not one of those first draft kind of writers,

1 MICHELLE FINE, Ph.D.
 2 so I don't remember if I requested this or
 3 Catherine Lhamon requested it.
 4 (A recess was taken.)
 5 (Requested portion of record read.)
 6 Q. Was the e-mail in document number
 7 1131 sent to you on March 11, 2002?
 8 A. Yes.
 9 Q. Do you recall whether by March 11,
 10 2002 your report had been finalized?
 11 A. I don't know.
 12 Q. Do you recall how many drafts in
 13 total of your report you prepared?
 14 A. I don't.
 15 Q. Do you have any estimate?
 16 A. I don't.
 17 Q. Do you know any reason why
 18 Ms. Lhamon would have sent you a copy of your
 19 first draft report as reflected in document
 20 1131?
 21 MS. LHAMON: You mean other than
 22 what the document says itself?
 23 A. It says so that I could have a
 24 complete file.
 25 Q. As you drafted your report, you

1 MICHELLE FINE, Ph.D.
 2 made revisions to prior drafts as you went
 3 along, correct?
 4 A. Right.
 5 Q. Would there have been any reason
 6 that you could think of why you would want a
 7 prior draft of your report if you had revised
 8 that report?
 9 A. No.
 10 Q. I'd like to ask you to look at
 11 document 1134, please.
 12 Is number 1134 a copy of a printout
 13 of an e-mail you sent to Ms. Lhamon on April 2,
 14 2002?
 15 A. It is.
 16 Q. Did you ask Ms. Lhamon for a
 17 reference for someone who has written on
 18 finance, as reflected in number 1134?
 19 A. Finance and equity, yes.
 20 Q. Why did you ask for that reference?
 21 A. Because I have a set of youth
 22 research students who are looking at the finance
 23 and equity of the CFE case New York State, and
 24 so I wanted a good synopsis of an article so
 25 that I could get familiar with some of the

1 MICHELLE FINE, Ph.D.
 2 California issues in order to help them
 3 understand the New York issues in the kind of
 4 legislative judicial context in which the New
 5 York State case sits.
 6 Q. Did Ms. Lhamon subsequently give
 7 you a reference for your request in 1134?
 8 A. I believe she did.
 9 Q. What was the reference?
 10 A. I think she recommended that I look
 11 at the writings of someone named Pinkus and some
 12 research out of part of the UC system that I
 13 don't now remember.
 14 Q. Did your request in document 1134
 15 have anything to do with this case?
 16 A. No.
 17 Q. I'd like to ask you to look at
 18 document 1137.
 19 A. Okay.
 20 Q. Does 1137 show an e-mail that you
 21 sent to Ms. Lhamon on March 27, 2002?
 22 A. Yes.
 23 Q. As of the time, March 27, 2002, was
 24 your report in this case complete?
 25 A. This e-mail says, "I believe the

1 MICHELLE FINE, Ph.D.
 2 report is now complete, with the exception of
 3 formatting for legal purposes."
 4 Q. Does that report refer to your
 5 report in this case?
 6 A. Yes.
 7 Q. After March 27, 2002, did you
 8 perform any other work on your report?
 9 A. I don't remember.
 10 Q. Near the top of document 1137, it
 11 says, "Williams 5 dot DOC."
 12 Do you see that?
 13 A. I do.
 14 Q. Do you know what refers to?
 15 A. I don't. I mean, Williams is the
 16 name of the case. I don't know if the 5 is -- I
 17 don't know what the 5 is a reference to.
 18 Q. Did you ever transmit your report
 19 via e-mail to Ms. Lhamon?
 20 A. I believe I did.
 21 Q. How often would you do that?
 22 A. I don't remember.
 23 Q. Would you transmit your report to
 24 Ms. Lhamon as an attachment to an e-mail?
 25 A. When I e-mailed her.

1 MICHELLE FINE, Ph.D.
 2 Q. Would you send Ms. Lhamon a draft
 3 of your report after you finished each draft?
 4 A. No.
 5 Q. Were there certain points in the
 6 drafting process that you can remember sending
 7 your report to Ms. Lhamon?
 8 A. Not that I can remember, but
 9 certainly not after every revision. I curl up
 10 to my study and work on drafts of things over
 11 and over again.
 12 Q. Did Ms. Lhamon ever make any
 13 revisions to a draft of your report herself?
 14 A. Not herself. She never made
 15 revisions on the report.
 16 Q. I'd like to show you a document,
 17 1142.
 18 Is document 1142 an e-mail that
 19 Ms. Lhamon sent to you on April 10, 2002?
 20 A. Yes.
 21 Q. The e-mail that Ms. Lhamon sent to
 22 you on April 10, 2002, did she attach a
 23 formatted version of your report incorporating
 24 changes that you and she had discussed?
 25 A. On the formatting, changes that we

1 MICHELLE FINE, Ph.D.
 2 had discussed on the formatting? I believe so.
 3 I don't see an attachment here, but these
 4 weren't substantive changes. These were related
 5 to formatting as indicated in the prior e-mail
 6 as well.
 7 Q. Higher on the page on document
 8 1142, did you send an e-mail to Ms. Lhamon on
 9 April 10, wherein you said, "Surveys coming will
 10 be a few days"?
 11 A. Yes.
 12 Q. Do you know what the reference to
 13 "surveys" is?
 14 A. No. The retreat had to do with the
 15 youth research retreat that we were planning for
 16 the achievement gap project that I've described
 17 before, and I don't know if those surveys are
 18 related to that project or this one.
 19 Q. I'd like to ask you to look at
 20 document 1145.
 21 A. Sure.
 22 Q. Is document 1145 an e-mail that you
 23 sent to Ms. Lhamon with some minor revisions to
 24 your report?
 25 A. That's what it says.

1 MICHELLE FINE, Ph.D.
 2 Q. Do you recall what changes or what
 3 revisions that referred to?
 4 A. No.
 5 Q. Do you recall if your report was
 6 finalized as of April 11, 2002?
 7 A. I don't remember.
 8 Q. I'd like to ask you to look at a
 9 document, 1276 and 1277.
 10 A. Sure.
 11 Q. Is document 1276 and 1277 an e-mail
 12 that you sent to Ms. Lhamon on December 7, 2001?
 13 A. Can I just read it and then I'll
 14 respond?
 15 Q. Sure.
 16 A. Okay.
 17 Q. Are documents 1276 and 1277 an
 18 e-mail that you sent to Ms. Lhamon on December
 19 7, 2001?
 20 A. To Ms. Lhamon and to all of my
 21 assistants, yes.
 22 Q. In the first paragraph on page
 23 1276, the first paragraph under where it says,
 24 "Dear Christine," when you said, "Here's what
 25 would be ideal," what did you mean by that?

1 MICHELLE FINE, Ph.D.

2 A. As we discussed yesterday, early on
3 we thought it would be interesting to have
4 separate groups talking about their experiences,
5 high achieving kids, dropouts, kids connected to
6 the juvenile justice system, ESL students; and
7 then on further thinking through the process and
8 the nature of the case and our desire to get as
9 much positive as -- more complicated
10 information, we decided to go with diverse
11 groups within a single focus group, so what
12 we're -- what I'm laying out here are a set of
13 conditions, some of which survive to the final
14 design, many of which got dropped.

15 So the immigrant students got
16 dropped, the high achieving students, the
17 dropouts, the criminal justice, the idea of
18 doing these in community centers or schools were
19 dropped because we wanted to create neutral
20 settings. We decided not to take some of the
21 plaintiffs to highly resourced schools.

22 What remained was the commitment to
23 elementary and high school, parental permission
24 and interviews with graduates.

25 Q. Why did you want to create neutral

1 MICHELLE FINE, Ph.D.

2 Q. What did you mean by page 1276
3 where it says, "If we could get them to
4 articulate how the education/building
5 'alienates,' their sense of academic
6 responsibilities would be terrific"?

7 A. Catherine and I had just talked
8 about a book by a woman named Angela Valenzuela,
9 "Subtractive Schooling," where she was talking
10 about immigrant students and their alienation
11 from schools.

12 So again, at that point, I was
13 imagining that it might be interesting to have a
14 segregated group of immigrant kids, a group
15 facilitated in Spanish, and Valenzuela talks --
16 that's why it's in quotes. Valenzuela talks
17 about how education or their building alienates
18 young people.

19 But again, we discarded that idea
20 and decided to go for a more diverse group in an
21 integrated setting.

22 Q. On document 1276, why did you
23 write, "High achieving students from these
24 schools"?

25 A. Same thing. I was trying to

1 MICHELLE FINE, Ph.D.

2 settings for the focus groups?

3 A. Because we didn't want a setting
4 that would either feel like school, that would
5 prompt one set of reactions; or feel like a
6 community center that might prompt another set
7 of reactions for some students but not others.

8 So we wanted a setting that was
9 relatively either neutral or unfamiliar to all
10 the young people, so these market and jury
11 research firms satisfied that condition.

12 Q. On page 1276, where it says, "Focus
13 groups (no larger than 5-7)," why did you write
14 that?

15 A. At the time we thought we'd go for
16 small groups because, again, as we were talking
17 about yesterday, when you're doing a specific
18 kind of special interest group, like immigrant
19 kids, dropouts, high achieving kids, kids
20 involved with criminal justice, you want a
21 small, deep kind of segregated analysis, so we
22 wanted to keep them relatively small.

23 But when we decided to go for a
24 more diverse group, we opened it up to a larger
25 size.

1 MICHELLE FINE, Ph.D.

2 specify as many different segregated or special
3 interest groups as I could because initially I
4 thought it would be interesting to run these
5 separate groups, but we decided against that.

6 Q. Why did you specifically decide
7 against a separate group of high achieving
8 students from these schools?

9 A. For the same reason we decided
10 against dropouts or immigrant students.
11 That what we wanted to do was to go for a broad
12 net of student experiences rather than creating
13 separate experiences for specific students.

14 And there were enough high
15 achieving students in the focus groups, so I
16 don't worry that they've been excluded; and
17 there were a lot of immigrant kids in the focus
18 groups, so I don't worry that either group has
19 been excluded, but it wasn't specifically
20 organized around that characteristic of youth.

21 Q. At what time with regard to the
22 focus groups were you contemplating a separate
23 focus group of high achieving students from
24 these schools to use as a comparison group?

25 A. To what?

1 MICHELLE FINE, Ph.D.

2 Q. To use as a comparison group.

3 A. To compare them to whom?

4 Q. At one time, were you contemplating
5 using a separate focus group of high achieving
6 students from these schools as a comparison
7 group to other focus groups that you would be
8 conducting for this case?

9 A. No.

10 If you look at this design, this is
11 a design of special interest groups, right, and
12 then we made a decision that instead of
13 separating kids by these features, we would go
14 for the broad net neighborhood-based telephone
15 work, so none of the jury consultant marketing
16 consultant stuff had been conceptualized yet.
17 We were still working on pockets of kids, and
18 then we decided that it would be much more
19 systematic and generalizable to get a kind of
20 neighborhood-based sample of young people, some
21 of whom will be immigrant, some of who will be
22 high achieving, some of whom will have
23 relationships with the criminal justice system.

24 But insofar as we were interested
25 in generalizing to the general population in the

1 MICHELLE FINE, Ph.D.

2 1276, what did you mean when you said, "Another
3 three for preparation and writing up"?

4 A. I had thought originally that we
5 would spend a lot of time preparing the focus
6 group materials and training them, and then the
7 assistants would be collaborators in writing up
8 the final report.

9 Instead, what we ended up doing was
10 spending a lot of time in preparation and
11 training of the focus group facilitators, but
12 they didn't write it up. I did it alone.

13 Q. You did what alone?

14 A. I wrote up the report by myself.

15 Q. At the time you wrote the e-mail in
16 document 1276, were you anticipating spending
17 approximately three days writing the report?

18 A. No. I don't think so. Does it say
19 that somewhere?

20 Q. What does the "three" refer to in
21 the second to last line on page 1276?

22 A. Days.

23 What I wanted Catherine to -- I had
24 just spoken to the lawyer, so this was e-mailed
25 very quickly thereafter, so it was a kind of

1 MICHELLE FINE, Ph.D.

2 plaintiff schools, we wanted to use the
3 neighborhood sampling procedure rather than the
4 categorical one.

5 Q. Why did you write on document 1276,
6 "Would be amazing to conduct some of these focus
7 group interviews in community centers and some
8 even in school"?

9 A. Because, again, when I was thinking
10 about separate groups, I was trying to create
11 settings where young people would be comfortable
12 in those separate groups.

13 Once we decided to go to a more
14 integrated group, we wanted a place where they
15 would be equally -- nobody would have an
16 advantage on comfort. They would be equally
17 kind of neutral or new to the setting.

18 But if we did immigrant kids as a
19 separate group, I thought a church that their
20 families belong to or community center that was
21 focused on those issues might increase the
22 comfort. But if you're gathering people
23 together because of their diversity, you want to
24 go for a neutral setting.

25 Q. On the second to last line on page

1 MICHELLE FINE, Ph.D.

2 sketch of how we might move. And what I wanted
3 to do is kind of specify for her the range of
4 the costs that I thought would actually be
5 required.

6 So I was trying to anticipate my
7 time, and then the students' time; and I didn't
8 want her to think that the students would just
9 be coming out and paid for the three days of
10 data collection.

11 I wanted her to understand that
12 they would also have to be paid for their
13 training and the preparation for the focus
14 groups. And at that point, I thought that they
15 would be involved in writing up, but, in fact,
16 what happened is they were just involved in
17 preparing for the focus groups.

18 But this was all about giving her
19 an estimate of what it would cost.
20 That's why the last line is, "If money is tight,
21 you can pay me less and then more."

22 Q. When you wrote the e-mail in
23 document 1276, were you anticipating spending,
24 as far as your time, three days for preparation
25 and writing the report?

1 MICHELLE FINE, Ph.D.
 2 MS. LHAMON: Asked and answered.
 3 A. Of my time? No way. No.
 4 I knew that I would be putting in
 5 much, much more time. I just wanted to make
 6 sure that the lawyers didn't rip off my graduate
 7 students, to be honest. Most of the money that
 8 I get paid for this I turn back into graduate
 9 students' scholarship anyway, so the real issue
 10 for me was that graduate students get paid.
 11 Q. On page 1277 where it says,
 12 "question," what was that referring to?
 13 MS. LHAMON: What does "question"
 14 refer to or what follows "question"?
 15 A. I was interested in the geographic
 16 spread of the focus groups. So was it going to
 17 happen in one city, two cities or more than
 18 that, and could we interview over the weekend.
 19 Q. I'd like to ask you to look at
 20 another document which is marked 1278 and 1279.
 21 A. Okay. Give me a minute to just
 22 read through.
 23 Q. Do the documents 1278 and 1279
 24 contain e-mails written by you and Ms. Lhamon
 25 and Ms. Torre?

1 MICHELLE FINE, Ph.D.
 2 A. Yes.
 3 Q. Under the paragraph where it says,
 4 "Catherine Lhamon wrote," it says, in part,
 5 "We're going to set up a total of eleven focus
 6 groups each day for your students and one for
 7 you when you're here through the market research
 8 company, in addition to a few other groups with
 9 students I set up."
 10 Did you ever discuss with
 11 Ms. Lhamon conducting focus groups in addition
 12 to eleven focus groups?
 13 A. I think the reference there was "in
 14 addition to the market research," and the few
 15 other groups I think became the group of young
 16 people who were connected to the lawsuit, so we
 17 ended up with nine focus groups from the
 18 marketing research and jury research groups, one
 19 that was set up by the lawyers and one that was
 20 set up in Watsonville.
 21 Q. Was it in this e-mail on document
 22 1278 that Ms. Lhamon informed you that there
 23 would be eleven focus groups?
 24 MS. LHAMON: The question is vague
 25 and ambiguous. Are you asking if the text of

1 MICHELLE FINE, Ph.D.
 2 this e-mail says that, "Catherine Lhamon
 3 informed Michelle Fine that there would be
 4 eleven focus groups"?
 5 A. Can you restate it?
 6 Q. In the e-mail that's on page 1278,
 7 wherein Ms. Lhamon said, "We're going to set up
 8 a total of eleven focus groups," was that the
 9 first time that she had informed you that there
 10 would be a total of eleven focus groups?
 11 A. I guess so. The e-mail says "by
 12 the way," so clearly it's not something I knew
 13 before; and I guess the original design was to
 14 set up a total of eleven groups to each day for
 15 the students and then one for me.
 16 Q. To your knowledge, did Ms. Lhamon
 17 ever set up any other focus groups in addition
 18 to the eleven that were actually conducted?
 19 MS. LHAMON: Mischaracterizes
 20 previous testimony. There's been no testimony
 21 that I set up eleven focus groups.
 22 A. What ended up being produced by the
 23 marketing research and the jury research firms
 24 were nine focus groups. Catherine Lhamon set up
 25 one other and I set up one in Watsonville.

1 MICHELLE FINE, Ph.D.
 2 Q. Are you aware of any other focus
 3 groups that were set up in this case other than
 4 those eleven?
 5 A. No.
 6 Q. I'd like to ask you to look at
 7 documents 1280 and 1281.
 8 A. Okay.
 9 Q. Are these documents, 1280 and 1281,
 10 copies of e-mails that were sent between you and
 11 Ms. Lhamon?
 12 A. Yes.
 13 Q. What was the meeting that's
 14 referred to on page 1280?
 15 MS. LHAMON: Well, the question is
 16 vague and ambiguous. There's a couple of
 17 meetings that are referred to on page 1280.
 18 A. This must be a meeting between
 19 Yasser, Maria, April and myself, which happened
 20 a week after that first e-mail that I sent to
 21 Catherine indicating the preliminary version of
 22 the design, so probably within a week I had a
 23 meeting with my graduate students to lay out
 24 what kinds of data we need and what kinds of
 25 materials we wanted to use in the focus groups.

1 MICHELLE FINE, Ph.D.

2 Q. On page 1280, why did you ask for
3 data on teacher turnover for the class of
4 schools?

5 A. Because in one deposition somebody
6 referred to it as 40 percent, and I wanted to
7 know what information the state had or the
8 lawyers had about that.

9 Q. On page 1280, why did you want data
10 on the size of freshman class versus size of
11 senior class at one of these schools or the
12 average school?

13 A. Because we had originally thought
14 that maybe we would deal with issues of dropouts
15 in the focus groups, but we decided not to.
16 We decided not to hand out any numbers that
17 dealt with, "Did you turn over credentials of
18 teachers?" or dropout data for the young people.

19 We wanted to hear about their
20 perceptions of those issues rather than giving
21 them numbers either from the state or the
22 lawyers.

23 Q. Did Ms. Lhamon ever provide you
24 with data on teacher turnover or size of
25 freshman versus senior class?

1 MICHELLE FINE, Ph.D.

2 rates, which you know better than I are always
3 reanalyzed and are politically renegotiated, so
4 we've been using that in New York, and I was
5 interested in using California persistence
6 rates, but we decided against providing any of
7 that evidence to the focus group.

8 Q. I'd ask you to look at document
9 1036.

10 Does document 1036 contain e-mail
11 correspondence between you and Ms. Lhamon?

12 A. Yes.

13 Q. Did you ever conduct a school visit
14 in Watsonville?

15 A. I was driven to the school, but it
16 was a Saturday, school was closed. But we did
17 tour Watsonville and we drove around the school
18 and we saw some of the temporary -- the
19 temporary facilities.

20 Q. I'd like to ask you to look at
21 document 1307 and 1308.

22 Documents 1307 and 1308 contain
23 e-mails from you to Ms. Burns and from
24 Ms. Burns to you?

25 A. Yes.

1 MICHELLE FINE, Ph.D.

2 A. She sent me a chart that correlated
3 maybe social class or percent minority by
4 teacher qualification or teacher turnover, but I
5 don't actually think there were data on -- I
6 don't think she actually sent me data on teacher
7 turnover; and for the data of the freshman
8 class, that's when she sent me those school
9 profiles, or it might have been in response to
10 this whole e-mail that she sent me the school
11 profiles.

12 Q. On page 1280, what did you mean
13 when you said, "We want to make some visuals for
14 the focus groups to have students discuss, but
15 we need numbers"?

16 A. Just as I said before. We were
17 thinking about having charts, graphs showing the
18 size of the ninth grade class compared to the
19 size of the twelfth grade class.

20 If you look at your own data for
21 the State of California, some of your ninth
22 grade classes are enormous and your twelfth
23 grade classes are very, very small. It's an
24 alternative. It's called a persistence ratio.
25 It's an alternative to using official dropout

1 MICHELLE FINE, Ph.D.

2 Q. What does your message to
3 Ms. Burns refer to on document 1307 and 1308?

4 A. I was asking her if there were some
5 documents that she had that I didn't have.
6 I wasn't sure if I was missing something.

7 Q. What documents were you referring
8 to?

9 A. Tallies from the jury research and
10 marketing research firms.

11 Q. When you wrote the e-mail on page
12 1307 and 1308, did you want the number of calls
13 made, the number of refusals and the racial and
14 ethnic breakdown regarding the calls made by the
15 jury and marketing research firms?

16 MS. LHAMON: The document speaks
17 for itself.

18 A. I was asking her if there were
19 papers that I was missing or if there was
20 information on the total number of calls made,
21 refusals and racial and ethnic breakdown,
22 because for some of the marketing research
23 firms, we had that information and not for
24 others.

25 Q. Why did you want to receive the

1 MICHELLE FINE, Ph.D.
 2 number of calls made, the refusals and the
 3 number of ethnic breakdown?
 4 A. I just wanted all the documentation
 5 that was available, and I wanted to make sure
 6 that there wasn't documentation that was
 7 floating around that I didn't have.
 8 Q. After you sent the e-mail that's
 9 reflected in document 1307, did you ever
 10 determine there was other documentation
 11 regarding the marketing research calls that you
 12 did not have?
 13 A. Everybody seemed clear that we had
 14 whatever was produced.
 15 Q. I'd like to ask you to look at
 16 documents 1309 and 1310.
 17 Are documents 1309 and 1310 e-mails
 18 between you and Ms. Lhamon?
 19 A. Yes.
 20 Q. Does document 1309 and 1310 contain
 21 the list of students who have graduated who are
 22 to be interviewed by your study?
 23 A. The names are redacted.
 24 Q. Is the e-mail that's reflected in
 25 these documents, 1309 and 1310, the e-mail

1 MICHELLE FINE, Ph.D.
 2 wherein Ms. Lhamon gave you the names to contact
 3 for interviewing graduates of public schools?
 4 A. That is this e-mail.
 5 Q. Were there any other documents or
 6 lists of names of graduates that Ms. Lhamon gave
 7 you other than what's reflected in 1309 and
 8 1310?
 9 A. There is not.
 10 Q. After Ms. Lhamon provided you with
 11 the list of graduates, who decided which
 12 graduates to contact for the interviews?
 13 A. I did. We decided to try to
 14 contact all of the names that Shane Safir had
 15 indicated; and I told Ms. Lhamon that we weren't
 16 going to contact the graduates who were
 17 plaintiffs or declarants or interviewees for
 18 Williams.
 19 Q. I'd like to show you a document
 20 marked 1916 through 1972 and ask you to take a
 21 look at that document.
 22 A. Sure.
 23 Q. Do you recognize this document,
 24 1916 through 1972?
 25 A. I do.

1 MICHELLE FINE, Ph.D.
 2 Q. What is that document?
 3 A. It's the focus group that I
 4 conducted on January 9th.
 5 Q. When you reviewed the transcript of
 6 the focus group that you conducted on January
 7 9th, did you believe that it was a true
 8 depiction of what had transpired during the
 9 focus group?
 10 MS. LHAMON: Vague and ambiguous.
 11 A. I thought what was included was
 12 accurate, but there were quotes or comments that
 13 were in my notes that were not in the tape.
 14 Q. When you reviewed the transcript of
 15 the focus group that you conducted on January
 16 9th, which is on 1916 through 1972, did you see
 17 any part of the transcript that you believed was
 18 inaccurately transcribed?
 19 A. I don't recall.
 20 What I do recall were some
 21 inclusions on my notes that weren't in here, but
 22 I don't recall if any of the material in here
 23 was inaccurate or spelled wrong.
 24 Q. I'd like to ask you to look at
 25 document 20017. Do you recognize this document?

1 MICHELLE FINE, Ph.D.
 2 A. No.
 3 Q. Have you ever seen a document
 4 similar to document 2017 pertaining to this
 5 case?
 6 A. Maybe similar.
 7 Q. In what context have you seen such
 8 a document?
 9 A. These have the same -- some of the
 10 questions are repeated from the original
 11 screening interview.
 12 Q. Have you seen a document similar to
 13 2017 regarding this case?
 14 A. Maybe. I don't recall this piece
 15 of paper.
 16 Q. Do you ever recall hearing the term
 17 "rescreener" or a document called "rescreener"
 18 regarding your work in this case?
 19 A. No.
 20 Q. I'd like to ask you to look at
 21 documents 2064 and 2065.
 22 Do you recognize these documents
 23 2064 and 2065?
 24 A. I do.
 25 Q. What are these documents?

1 MICHELLE FINE, Ph.D.

2 A. I think this is a list of the
3 students who showed up for or agreed to
4 participate in the focus group that I
5 facilitated.

6 Q. Are these documents, 2064 and 2065,
7 were they sent to you at any time by Ms. Lhamon?

8 A. I believe that they were.

9 Q. I'd like to ask you to look at
10 document 2197.

11 Do you recognize that document?

12 A. I do.

13 Q. Is document 2197 a copy of the
14 parental consent form that was used for your
15 work in this case?

16 A. I believe it is.

17 Q. In connection with your work in
18 this case, did you receive any calls from any
19 parents for questions or concerns about the
20 parental consent form or any aspect of the case?

21 A. You're referring to the line that
22 says, "For questions or concerns, please call
23 professor Michelle Fine collect?"

24 Q. Yes.

25 A. No, I didn't receive any calls.

1 MICHELLE FINE, Ph.D.

2 MS. LHAMON: The question is
3 compound.

4 A. Some of these are notes that I took
5 during my focus group. Some of these are
6 breakdowns of the survey data. Some of these
7 are citations, notes to myself of articles that
8 I should read. Questions that I was asking
9 Catherine: "Should I talk about my 20 years of
10 experience?" "Should I talk about what really
11 struck me or stay with the existing literature?"

12 Some of the notes on the
13 transcripts, the issues that emerge.
14 Examples, for instance, are good teachers.
15 These are responses to the survey. These are
16 responses to the open-ended survey.

17 Questions about health, about college,
18 obstacles, teachers, why kids leave.

19 Codes that were starting to
20 develop: "Beliefs in public life and democratic
21 engagement," "angry," "government doesn't care,"
22 "the relationship of desire and opportunity."

23 Survey results.

24 This is actually a combination of
25 notes on an article about level of high school

1 MICHELLE FINE, Ph.D.

2 Q. At the time you conducted your San
3 Francisco focus group, where were the parents
4 located of the focus group students?

5 MS. LHAMON: Calls for speculation.

6 A. I don't know.

7 Q. Did you speak with the parents of
8 the focus group students before or after the
9 focus group?

10 A. No.

11 Some parents might have picked kids
12 up, so I might have introduced myself when they
13 left, but I don't remember any substantive
14 conversation.

15 Q. I'd like to ask you to look at
16 documents 2632 to 2676.

17 A. Sure.

18 Q. Are these documents, 2632 to 2676,
19 copies of notes that you gave to plaintiffs'
20 attorneys on January 10, 2003?

21 A. Yes.

22 Q. Who did you provide these notes to?

23 A. Catherine Lhamon.

24 Q. Can you describe what these notes
25 in 2632 to 2676 pertain to?

1 MICHELLE FINE, Ph.D.

2 rigor for another project and some comments on
3 some of the depositions that I had read.
4 More on the survey. More on the codes.
5 Questions of health. Post high school outcomes,
6 college, nursing, Juliard, trade school, Air
7 Force, fire fighter.

8 These are the open-ended items:
9 "What are the obstacles?" "Why do kids drop
10 out?" Open-ended items. Distribution by race,
11 ethnicity. Comments on what they would like to
12 change. Notes from another focus group. More
13 citations. More codes. Alienation.
14 Where I would find it. Academic learned
15 helplessness. Where I would find it.

16 More notes on the transcripts.
17 More notes on where I would find particular
18 codes. This is also from my focus group.
19 From my focus group. From my focus group.
20 From my focus group. From my focus group.
21 From my focus group. From my focus group.
22 From the focus group.

23 This is me going through those
24 school profiles, as I said earlier, and kind of
25 making a chart. This is information we didn't

1 MICHELLE FINE, Ph.D.
 2 use and this is some of the racial ethnic
 3 breakdown from the materials that Ms. Lhamon
 4 sent me.
 5 Q. What did you mean when you said
 6 "open-ended items"?
 7 A. Like on the survey where it said,
 8 "When you need help, how do you get it?" or,
 9 "Who do you go to?" And then whatever they
 10 wrote; so they wrote "teachers," "friends," "no
 11 one."
 12 Q. Can you identify the page numbers
 13 in 2632 to 2676 that contain notes you took
 14 during a focus group you conducted?
 15 A. Sure. 2632, 2633.
 16 Q. Let me stop you there.
 17 Do these notes in 2632 and 2676
 18 contain notes from one focus group or two focus
 19 groups?
 20 A. One, I didn't take notes during the
 21 Watsonville, remember, because I didn't have
 22 parental permission.
 23 Do you want me to continue to
 24 identify the pages?
 25 Q. Yes.

1 MICHELLE FINE, Ph.D.
 2 A. 2665, 66, 67, 68, 69, 70, 71, 72.
 3 Q. Are all of these notes, all the
 4 writing on these notes in your handwriting?
 5 A. Yes -- oh, in the whole volume or
 6 in the ones that I just said for the transcript?
 7 Q. Within document 2632 to 2676, is
 8 there any handwriting on those pages that's not
 9 yours?
 10 A. Yes.
 11 Q. Who else has handwriting on those
 12 pages?
 13 A. I asked my son to help me calculate
 14 these numbers.
 15 Q. What page are you referring to?
 16 A. 75, 76, 635, some on 641. That's
 17 it.
 18 Q. So your son's writing is on pages
 19 2675, 2676, 2635 and 2641, right?
 20 A. Yes.
 21 Q. What do the notes on page 2634
 22 pertain to?
 23 A. The percentage of high school and
 24 middle school students who say education should
 25 produce a good job. They're survey data.

1 MICHELLE FINE, Ph.D.
 2 Q. What do the notes on page 2635
 3 refer to?
 4 A. Trying to figure out the
 5 distribution of students by school, just so that
 6 we could talk about the range of schools
 7 represented in the focus group.
 8 Q. Do the notes on page 2635 reflect a
 9 complete distribution of the students by school
 10 in the focus groups?
 11 A. No.
 12 Q. What were the instructions or the
 13 discussion you had with your son with regard to
 14 the work that's reflected on 2635 and the other
 15 pages that you mentioned his writing appears?
 16 A. We took these kinds of lists and
 17 just tried to identify the schools and then the
 18 number of times those schools came up, and then,
 19 of course, I checked over his work.
 20 Q. When you said "the list," you're
 21 referring to document number 1989?
 22 A. And comparable lists, to the extent
 23 we had information on the schools that young
 24 people came to, yes.
 25 Q. Why were you collecting information

1 MICHELLE FINE, Ph.D.
 2 regarding the distribution of students by
 3 school?
 4 A. Because we thought it was important
 5 to document the range of schools that were
 6 included.
 7 Q. Was there a part of your report
 8 that used this information that's included on
 9 2635?
 10 A. No. Only again to be explicit
 11 about where the sample was coming from, but
 12 there's no school by school analysis. No
 13 conclusion drawn for any individual school.
 14 Q. What do the notes on page 2638
 15 reflect?
 16 A. These are the -- this is one layer
 17 of the data in responses to the safety,
 18 cleanliness -- those items. What were the
 19 distribution of responses.
 20 Q. What does the number "67" refer to
 21 at the top of 2638?
 22 A. 67 refers to the sample of high
 23 school students.
 24 Q. What does the word "middle" refer
 25 to?

1 MICHELLE FINE, Ph.D.
 2 A. These are the middle school
 3 students.
 4 Q. On the first line of page 2638,
 5 does it say "safe"?
 6 A. Yes.
 7 Q. What does that refer to?
 8 A. The items in the survey. "I feel
 9 safe in my school."
 10 Q. Does this page, 2638, contain
 11 information regarding the survey responses of
 12 middle school students?
 13 A. It does.
 14 Q. On page 2638, what do the numbers
 15 represent on the first line, where it says,
 16 "safe"?
 17 A. I can't read what's in that first
 18 column. The data across are the individual
 19 ratings of individual students in response to
 20 the item, "My school is safe." "My school is
 21 clean." "My teachers are well qualified."
 22 Q. So, for example, where it says,
 23 "safe" and then a "1," does that mean the
 24 student put a "1" on the survey where it says,
 25 "Kids feel safe"?

1 MICHELLE FINE, Ph.D.
 2 "presenting the data." Do you mean in the
 3 report?
 4 A. We did nothing. We decided to
 5 collapse, agree and strongly agree, so we didn't
 6 provide the extremities alone nor did we average
 7 them, because an average would have diluted the
 8 variability in the data.
 9 Q. Why did you decide not to provide
 10 the extremities?
 11 A. Because that would be too skewed.
 12 If you only take the strongly
 13 agrees, then you run the risk of looking like
 14 you're overstating the case, so we put in
 15 "agree" and "strongly disagree."
 16 Q. Could you tell what the words are
 17 in the left column on page 2638, what they refer
 18 to?
 19 A. Yes. Those are the items in the
 20 survey, so: "Kids feel safe." "The building is
 21 clean." "Students feel like part of the
 22 community." "Teachers are well qualified."
 23 "Students have enough books." "Teachers listen
 24 to student ideas." "My classes are too
 25 crowded." Like that.

1 MICHELLE FINE, Ph.D.
 2 A. Yes.
 3 Q. In the first right column on page
 4 2638, what's indicated in that column?
 5 A. Those were preliminary data that we
 6 were playing with. We were trying to decide if
 7 we would average the scores or give the
 8 extremes, so these are playing with kind of how
 9 many gave 4's and 5's out of the sample of 20.
 10 How many gave 1's and 2's.
 11 We were experimenting with
 12 different ways of presenting the data, so on the
 13 two sides, we were testing out different ways of
 14 representing the data.
 15 Q. On the far right column on the top
 16 of page 2638, does it say "820"?
 17 A. If I remember this round of
 18 analysis, that was the number of 4's and 5's out
 19 of the total sample of middle school students,
 20 so there are eight 4's or 5's out of the total
 21 20.
 22 Q. In presenting the data from this
 23 survey, did you average the scores or give the
 24 extremes of the scores?
 25 MS. LHAMON: Vague as to

1 MICHELLE FINE, Ph.D.
 2 They paralleled the questions in
 3 the survey.
 4 Q. Will you say what the remainder of
 5 the items on page 263 refer to?
 6 A. "My classes are too crowded."
 7 "Everyone tries to keep the school looking
 8 good." "Students feel proud."
 9 And then you jump to the last one:
 10 "When you think about your life and
 11 your future, how important is each of the
 12 following?" So it's, "Helping those that are
 13 less fortunate." "Making my community better."
 14 "Being active in my religion." "Improving race
 15 relations." "Eventually leaving my community."
 16 "Being the best in everything." "Working to
 17 stop prejudice." "Serving my country."
 18 "Getting education." "Helping my family."
 19 And then the next set is, "Getting
 20 an education helps you get a good job."
 21 This is straight off the back of
 22 the survey.
 23 "Government of California":
 24 "I can change the government no
 25 matter how well educated you are." "My school

1 MICHELLE FINE, Ph.D.
 2 is as good as any in California." "California
 3 government is pretty much run for the rich, it
 4 makes me angry." And, "America is basically a
 5 fair society."
 6 Q. What do the notes on page 2639
 7 refer to?
 8 A. The open-ended responses to the
 9 question on page 61: "If you need help in
 10 school, how do you get it?" "Why do kids leave
 11 school?" "What would you change in your
 12 school?" "What are the obstacles to your
 13 plans?" And these are the categories of
 14 responses.
 15 Q. What do the notes on page 2641
 16 refer to?
 17 A. Those are the aggregate
 18 combinations, I believe, of the individual items
 19 -- yes, for high school and middle school kids.
 20 The same run-down of items that I just reported.
 21 The percents saying "agree" or "strongly agree."
 22 Q. What do the notes on 2642 refer to?
 23 A. These are from the high schoolers,
 24 responses to the individual items.
 25 Q. In the left-hand column on page

1 MICHELLE FINE, Ph.D.
 2 Q. 37 out of 66 high school
 3 respondents answered number 3 for, "Helping
 4 those less fortunate"?
 5 A. Right, compared to 70 percent in
 6 middle school.
 7 MS. LHAMON: I think that that
 8 mischaracterizes the testimony.
 9 Tony, were you saying that you
 10 understood the testimony to be that 37 out of 66
 11 respondents circled 3 as distinct from 1, 2, 4
 12 and 5?
 13 MR. SEFERIAN: I think it's 1, 2 or
 14 3 in that question.
 15 THE WITNESS: Yes.
 16 MS. LHAMON: Thank you.
 17 Q. So where it says -- just so I
 18 understand -- 37/66 on page 2642, that means 37
 19 out of 66 high school survey respondents
 20 answered on number 3 where the survey said,
 21 "Helping those that are less fortunate," is that
 22 right?
 23 A. Yes.
 24 Q. What do the notes on page 2643
 25 refer to?

1 MICHELLE FINE, Ph.D.
 2 2642, does it say, "Help 37-66"?
 3 A. 2642?
 4 Q. Yes.
 5 A. It does.
 6 Q. What does that refer to?
 7 A. There are other pages of graduate
 8 response. 37 out of 66 is the number who said
 9 something about getting help; and that's 56
 10 percent, but there's another -- there are other
 11 pages that this goes with because this isn't a
 12 total of 66 respondents, but it's the ratio of
 13 responses in one direction over the total.
 14 Q. When it says "help" on page 2642,
 15 what does that refer to?
 16 A. Helping those that are less
 17 fortunate.
 18 Q. What does 37/66 refer to under
 19 "health" on page 2642?
 20 MS. LHAMON: Asked and answered.
 21 A. Give me a minute.
 22 So 37 out of 66 is 56 percent who
 23 said, "Helping those less fortunate is very
 24 important to me," and that's for the high school
 25 sample.

1 MICHELLE FINE, Ph.D.
 2 A. From what I can tell, it's the same
 3 thing. It's a part of the tally sheet on -- a
 4 part of the tally sheet on the data for
 5 respondents; and then toward the bottom, "Who
 6 would you ask for help?" that's a listing,
 7 that's a preliminary listing of people they
 8 would ask for help.
 9 "How well do you feel prepared?"
 10 "How likely is it that you will graduate?"
 11 "What will you do post high school?" "What
 12 obstacles" -- these are my notes on the airplane
 13 as I'm flipping through surveys. "Why do kids
 14 drop out?"
 15 Q. Are the notes on 2643 referring to
 16 middle or high school students or both?
 17 A. I can't tell from there, and
 18 they're kind of out of order.
 19 Q. What do the notes on 2644 pertain
 20 to?
 21 A. These are my notes on an NCES
 22 database put out by the Department of Education
 23 on level of high school curriculum. The top
 24 part doesn't really pertain to this case.
 25 The bottom part refers to notes on some of the

1 MICHELLE FINE, Ph.D.
 2 depositions of educators, parents, et cetera.
 3 Students.
 4 Q. What do the notes on 2645 refer to?
 5 A. 2645. Also notes, I think, from
 6 either a deposition or a series of depositions
 7 or witnesses or whatever those documents were
 8 that I received; and then notes that I took on
 9 some of the teacher surveys that were in the
 10 materials that I received from the lawyer.
 11 Q. What do the notes on 2646 refer to?
 12 A. It's an extension on 2645.
 13 More on these notes that I took on materials
 14 that Catherine Lhamon sent me, teacher survey,
 15 parent survey.
 16 MR. SEFERIAN: That's all I have.
 17 Thank you.
 18 (Time noted: 6:03 p.m.)
 19
 20
 21
 22
 23
 24
 25

1 MICHELLE FINE, Ph.D.
 2 C E R T I F I C A T E
 3
 4
 5 I, Linda J. Greenberg, Professional Shorthand
 6 Reporter and Notary Public in and for the State
 7 of New York, do hereby certify that, MICHELLE
 8 FINE, Ph.D., the witness whose deposition is
 9 hereinbefore set forth, was duly sworn and that
 10 such deposition is a true record of the
 11 testimony given by the witness to the best of my
 12 skill and ability.
 13 I further certify that I am neither related
 14 to or employed by any of the parties in or
 15 counsel to this action, nor am I financially
 16 interested in the outcome of this action.
 17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 this 24th day of March, 2003.
 19
 20
 21
 22 _____
 23 Linda J. Greenberg
 24
 25 My commission expires: May 17, 2007

1 MICHELLE FINE, Ph.D.
 2 MICHELLE FINE, Ph.D.
 3 STATE OF NEW YORK)
 4 ss:
 5 COUNTY OF NEW YORK)
 6 I wish to make the following changes, for the
 7 following reasons:
 8 Page Line ____
 9 Change From: _____
 10 Change To: _____
 11 Reason: _____
 12 Page Line ____
 13 Change From: _____
 14 Change To: _____
 15 Reason: _____
 16 Page Line ____
 17 Change From: _____
 18 Change To: _____
 19 Reason: _____
 20 Page Line ____
 21 Change From: _____
 22 Change To: _____
 23 Reason: _____
 24 MICHELLE FINE, Ph.D.
 25 Subscribed and sworn to before me
 this ____ day of _____, 2003.

1 MICHELLE FINE, Ph.D.
 2 I N D E X
 3
 4 WITNESS EXAMINED BY PAGE
 5 MICHELLE FINE, Ph.D. Mr. Seferian 272
 6
 7 E X H I B I T S
 8
 9 NO. PAGE
 10 3 - First page of letter dated 1/17/03
 11 from Mr. DeBorde to Mr. Egan 272
 12 4 - List of materials provided
 13 to Dr. Fine 272
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
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 25