

Defending Dersh

Alan M. Dershowitz has retained two Boston attorneys to represent him in a defamation suit filed in federal court in New York by a woman who has accused the Harvard Law professor of abusing her as a minor when she was trapped in a Jeffrey Epstein sex trafficking scheme in the early 2000s.

Veteran litigator **Howard M. Cooper** and **Todd & Weld** colleague **Christian G. Kieley** are lead defense counsel in *Giuffre v. Dershowitz* filed in April in the Southern District of New York.

“This case is about what do you do when you have been falsely accused of something heinous and you are a very prominent, well-respected public figure who has spent a lifetime building up a reputation that potentially may be destroyed,” Cooper says.

The plaintiff in the case, Virginia L. Giuffre (formerly Virginia Roberts), claims Dershowitz has repeatedly defamed her as part of a deliberate strategy to destroy her credibility.

“From the beginning, Dershowitz and Epstein have sought to hide their crimes behind a curtain of lies,” Giuffre’s complaint states. “In response to [the plaintiff’s] description of Dershowitz’s participation in Epstein’s sex trafficking, Dershowitz began a series of intentional, outright lies designed to distance himself from Epstein, to cover up his own wrongdoing, and to discredit [the plaintiff] and intimidate her into silence.”

The plaintiff’s complaint alleges that from 2000 to 2002 she was the victim of sex trafficking and abuse by Epstein, a wealthy financier. The abuse allegedly began when she was 16. Giuffre further alleges that during the time period that she was being trafficked by Epstein she was forced to have sex with Dershowitz at various locations, including Epstein’s New York City mansion.

Dershowitz denies the allegations, asserting he never met the plaintiff and that her accusations were complete fabrications concocted in concert with her attorneys in a related action for the purpose



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of extorting a settlement from deep-pocket third parties.

Cooper has filed a motion to dismiss the defamation suit against his client, raising two arguments.

First, Cooper argues that Giuffre’s defamation claims are time-barred under New York’s one-year statute of limitations. Specifically, according to Cooper, the allegedly defamatory statements that Dershowitz made to news outlets and on social media

between November 2018 and March 2019 are identical to public statements he made more than four years ago when the allegations of abuse first came to light in December 2014.

Under New York’s “single publication rule,” the statute of limitations for defamation claims begins to run from the date of first publication.

“We live in an internet age when things are published to a global audience almost instantaneously,” Cooper says. “Here, what we’re arguing is that professor Dershowitz has been saying the same thing about the woman accusing him for years without her filing a lawsuit.”

Second, Cooper argues that statements made by Dershowitz in response to the plaintiff’s “scurrilous” allegations of child sex abuse are protected under the First Amendment and the qualified self-defense privilege. According to Cooper, the law is “clear” from a tort perspective that there is always a right for people to defend themselves in a reasonable manner when faced with physical force or any other kind of tort.

“In this case, had Prof. Dershowitz not accused his false accuser of lying, making up the story and committing perjury, the false accusation would have been accepted as true,” Cooper writes in the motion

to dismiss. “Surely, Prof. Dershowitz has at least as much right to call his accuser a liar as the accuser had to call him a pedophile and rapist. Either the law must protect *both* the accuser and accused in such cases, or it must not protect *either*.”

Dershowitz’s critics have taken the professor to task for backtracking on his expressed willingness to have his accuser’s claims aired in court by seeking to have the suit tossed on a motion to dismiss.

In an April interview, Dershowitz told the Miami Herald: “I welcome this lawsuit because everything in the complaint is false and I will be able to disprove all of this in a court of law.”

But Cooper says the motion to dismiss seeks the vindication of important rights.

“Professor Dershowitz is really calling out the fact that this plaintiff has not decided to publish something outside the litigation process that *he* can sue over,” Cooper says. “Having availed herself of the litigation privilege, it’s fair to say that professor Dershowitz is responding in court in kind.”

According to court records, Dershowitz has had a lengthy relationship with Epstein. The plaintiff alleges Dershowitz is a “close friend” of the Florida multimillionaire.

Dershowitz defended Epstein when he was arrested for sex trafficking in 2006. That criminal case was resolved with Epstein’s guilty plea to state-law charges of soliciting prostitution, his classification as a sex offender, and a non-prosecution agreement with then-U.S. Attorney **Alex Acosta** in Florida. Questions regarding Acosta’s handling of the matter led to his resignation earlier this month as U.S. secretary of labor.

Epstein was arrested by federal authorities on July 6 on new charges alleging sex trafficking of minors in Florida and New York.

Giuffre is represented by **Sigrid S. McCawley** of **Boies, Schiller & Flexner** in Fort Lauderdale, Florida. McCawley did not respond to a request for comment prior to deadline.

— PAT MURPHY