

Litigators of the Week: The Boies Schiller Duo Who Fought to Make Ghislaine Maxwell's Depo Public

"We have lived this case for so long and it feels liberating to have some of the veil lifted off of these materials," said Sigrid McCawley of Boies Schiller Flexner.

By Ross Todd
October 23, 2020

There aren't too many 408-page transcripts of evasive deposition testimony that would warrant Litigator of the Week honors. Then again, there aren't too many cases like the one lawyers for **Boies Schiller Flexner** have been handling for Virginia Roberts Giuffre for the past half-decade-plus. (Thankfully, I might add.)

On Monday, the U.S. Court of Appeals for the Second Circuit sided with Giuffre and intervenors at the Miami-Herald represented by **Holland & Knight** in ordering a 2016 deposition of Ghislaine Maxwell unsealed. Maxwell is currently facing federal criminal charges claiming she groomed underage women for Jeffrey Epstein's sex-trafficking ring and lied under oath during the deposition by saying she "never saw any inappropriate underage activities with Jeffrey ever."

David Boies, Sigrid McCawley, the lawyer doing the grilling during the nine-plus hours of the now-unsealed deposition, and a Boies Schiller team filed the underlying defamation lawsuit in 2015, and argued that the public should have access to the evidence they gathered. In July, U.S. District Judge Loretta Preska agreed and ordered that certain motions attaching Maxwell's deposition transcript be unsealed, but Maxwell filed an emergency appeal claiming that the depositions would be damaging to her upcoming criminal defense.

Last week, Boies for more than an hour argued before the Second Circuit that the original order to seal the documents didn't shield them, and that Maxwell failed to meet the burden to show they should remain sealed. Less than a week later, the Second Circuit summarily affirmed Judge Preska's order, allowing the documents to be released Thursday.

Litigation Daily: Who was your client and what was at stake?

David Boies: Technically our client was Virginia. In 2015 and 2016, in a civil lawsuit against Ghislaine Maxwell



David Boies and Sigrid McCawley, Boies Shiller Flexner.

Courtesy photos

both through depositions and documents subpoenas, we established an extensive record of evidence concerning the Epstein/Maxwell sex trafficking ring. After the case was over, we, and the Miami Herald, sought to make this evidence public. In a larger sense our client was the public. The evidence concerning the scope and scale of the Epstein/Maxwell sex trafficking ring, how it operated, the rich and powerful figures that enabled it to continue for decades is all evidence the public has a vital interest in knowing, and the right to know. As Virginia has repeatedly said, Epstein and Maxwell did not act alone.

Why was it important to your client for this material to be unsealed?

Sigrid McCawley: Exposing this international sex trafficking scheme has been a goal of Virginia's since we first met her almost six years ago. At the beginning of our representation, Virginia was being bashed in the media and was called horrible things like a "liar," a "prostitute" and a "bad mother" simply because she had the courage to stand up to her abusers. We worked incredibly hard for many years to expose the truth. The materials that are sealed in the Court file contain critical information and support

Virginia's allegations. While there is still much to occur in the unsealing process, we are moving in the right direction with this week's rulings.

I know you're years into this now, but how did BSF originally get involved in this lawsuit? And how would you sum up how we got to this point?

Boies: We first began representing Virginia in the summer of 2014 as part of the firm's efforts to attack sex trafficking and protect its victims, efforts that included litigation to shut down Backpage.com. We were introduced to Virginia by Stan Pottinger of Brad Edwards' firm, who had been pursuing Epstein for several years.

At that time there was no criminal investigation, no civil litigation against Epstein or his enablers, no media attention. Epstein and Maxwell were being publicly embraced by academic and cultural organizations, as well as by rich and powerful business and political leaders.

During the next six years the firm devoted more resources to this case than any other case, pro bono or commercial, we were handling. The progress we have made is the result of unstinting efforts by many lawyers and paralegals at the firm, the courage and commitment of our clients, and the ultimate interest of prosecutors in the Southern District of New York and few key journalists.

Who all is on your team and how have you divvied up the work?

McCawley: I am so incredibly proud of my firm for supporting this pro bono work which has included devoting millions of dollars in attorney time to this effort. We have had a fantastic team throughout. In the underlying Maxwell case our brilliant colleague Meredith Schultz played a critical role in helping build the case. As the work expanded so did our team, and we now have an incredible group of lawyers working on the unsealing, which is being led by our young superstar Andrew Villacastin with strong support from Sabina Mariella and John Gerardi. Our partners Josh Schiller, Pete Skinner and Ben Margulis have also provided critical guidance along the way. None of this would get done without the herculean support of our incredible staff at BSF who have assisted in pouring through thousands of pages of material as we have journeyed through this process.

How much credit should the journalists at The Miami Herald and their lawyers at Holland & Knight who intervened in this case get for helping get this material before the public?

Boies: Julie Brown, her colleagues at the Miami Herald Ben Weider and Kevin Hall, their editors who stood by them in the face of unrelenting attacks and pressure, and their lawyers at Holland & Knight who represent them, all deserve enormous credit for getting this information to the public. I don't believe we would have been where we are now without Julie Brown's series in the Herald in late 2018. Epstein, his lawyer Alan Dershowitz, and other enablers succeeded in killing earlier stories in Vanity Fair, the New Yorker, and ABC; the New York Times and most other media stood silent. The Herald stood tall.

This seems like a very tough case to work on, to say the least. How do you prevent a case like this from impacting your mental wellness?

McCawley: This case involves some very formidable characters who have fought very hard to keep information from becoming public. I have four young children and during the past six years I have told them many times, you can't stop fighting simply because you are scared, you have to stand up and do what is right. I have tried to live by those words and put my work before my worry, but that is not always easy. I also remind myself often of the trauma that each of the Epstein survivors had to suffer through and their bravery keeps our whole team at BSF going.

What will you remember most about getting to this point in the litigation?

McCawley: Today with the release of this material, we are feeling the accumulated, tireless brave efforts of our client, Virginia. We have lived this case for so long and it feels liberating to have some of the veil lifted off of these materials.

What's next for you and your client here?

Boies: Our client Virginia will continue her work to try to ensure that what happened to her does not happen to other young girls. Despite the outrageous attacks Epstein enablers continue to make on her, she will continue to speak out, and she will continue to seek the release of the remaining evidence that Maxwell and others are trying so hard to conceal. And we will continue to try to help her in her crusade.

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