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**ALAN DERSHOWITZ, DEFAMATION, LAW PROFESSORS**

# Settlement Reached In Litigation Between Alan Dershowitz, Paul Cassell, And Bradley Edwards

By DAVID LAT

6 Comments / 32 Shares / Apr 8, 2016 at 6:16 PM



*Alan Dershowitz*

Welcome celebrated lawyer and law professor [Alan Dershowitz](#) back to the headlines — and not because of his role in [The People v. O.J. Simpson: American Crime Story](#). We have a [Friday night news dump](#) on our hands.

The defamation case filed against Dershowitz by two other prominent members of the legal community, high-profile Florida lawyer Brad Edwards and former federal judge Paul Cassell, just settled. As you may recall, Edwards and Cassell [sued Dershowitz for defamation](#) last year in Florida state court. The two lawyers alleged that Dershowitz defamed them when he claimed that they knowingly filed a lawsuit containing falsehoods about him or at least failed to properly investigate their client's allegations that Dershowitz had sexual relations with her when she was a minor. Settlement talks in the defamation case have been [going on for months](#), and the two sides just reached agreement.

Shortly before 5 p.m. today, Edwards and Cassell moved to [withdraw their motion for partial summary judgment](#). Their moving papers acknowledge a confidential settlement and mutual release between themselves and Dershowitz, then go on to state:

“

In the event that the noticed withdrawal is determined to be subject to Court approval, the Plaintiffs would show in support of this notice that Edwards and Cassell continue to represent [Dershowitz accuser] Virginia Giuffre in separate pending matters, and shall continue to advance her legitimate legal interests in those matters. As expressly understood by the parties upon the execution of the Confidential Settlement Agreement and Mutual Release, Ms. Giuffre reaffirms her allegations, and the withdrawal of the referenced filings is not intended to be, and should not be construed as being, an acknowledgement by Edwards and Cassell that the allegations made by Ms. Giuffre were mistaken. Edwards and Cassell do acknowledge that the public filing in the Crime Victims' Rights Act case of their client's allegations against Defendant Dershowitz became a major distraction from the merits of the well-founded Crime Victims' Rights Act case by causing delay and, as a consequence, turned out to have been a tactical mistake. For that reason, Edwards and Cassell have chosen to withdraw the referenced filing as a condition of settlement.

So Virginia Giuffre, formerly known as Virginia Roberts, stands by her accusations that Alan Dershowitz [had sexual relations with her](#) when she was a minor. But her lawyers, Brad Edwards and Paul Cassell, concede that dragging the Dersh into this matter “became a major distraction from the merits of the well-founded Crime Victims' Rights Act case” challenging the deal federal prosecutors struck with one of Dershowitz's former clients, financier Jeffrey Epstein. (Accused of having sexual relations with multiple underage girls, Epstein ultimately pleaded guilty to just a [single state charge](#) of soliciting prostitution.)

A spokesman for Boies, Schiller & Flexner, which also [represents Virginia Giuffre](#), issued this statement earlier today: “Virginia Giuffre was not a party to that [defamation] lawsuit and was not a party to the settlement. We continue to represent Ms. Giuffre in other litigation and Ms. Giuffre stands by her allegations.”

We’ll have more later. We suspect, however, that many of our readers will be disappointed to learn that this clash of the legal titans has been averted, preventing the allegations on all sides from being explored in greater depth in open court.

**UPDATE (4/9/2016, 10:55 a.m.):** Here is the [statement of Alan Dershowitz about the settlement](#):

“ I am pleased that the litigation has concluded and I am gratified by the Joint Statement issued today by Jeffrey E. Streitfeld on behalf of the parties, in which “Edwards and Cassell acknowledge that it was a mistake to have filed sexual misconduct accusations against Dershowitz and the sexual misconduct accusations made in all public filings (including all exhibits) are hereby withdrawn.” Mr. Streitfeld’s announcement and the Joint Statement are copied below.

You can access mediator Jeffrey Streitfeld’s statement and the joint statement of the parties — which, to be honest, aren’t very exciting — over [here](#).

Speaking to the [Boston Globe](#), Dershowitz said, “It’s as if I’ve been waterboarded for 15 months. This has taken a terrible toll on my family, on my friends. . . . I never met this woman [Virginia Giuffre], I didn’t know her.”

**UPDATE (4/11/2016, 1:20 p.m.):** For additional interesting commentary, see Vivia Chen, [Dershowitz Settles Sex Case, But Is He Vindicated?](#), and Casey Sullivan, [Alan Dershowitz Extends Truce Offer to David Boies Amid Bitter Feud](#).

**UPDATE (4/12/2016, 10:45 a.m.):** Did money change hands as part of this settlement? See Vivia Chen, [Did Dershowitz Pay Big Bucks to Settle Sex Case?](#)

[Edwards v. Dershowitz: Notice of Withdrawal of Motion for Partial Summary Judgment \[Seventeenth Judicial Circuit\]](#)

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By Vivia Chen

Published: Apr 10, 2016

## Dershowitz Settles Sex Case, But Is He Vindicated?



Alan Dershowitz

I've been covering Alan Dershowitz for over a year now, and I can assure you he's not repressed (<http://www.americanlawyer.com/id=1202715316005/Prof-Dershowitz-Tell-Me-How-You-Really-Feel?slreturn=20160310223823>). When we chatted on the phone on Saturday, he got right to the point: "I got what I always wanted. They withdrew everything!"

Dershowitz is talking about the settlement that he reached with lawyers Brad Edwards and Paul Cassell (<http://www.americanlawyer.com/id=1202716384195/Meet-the-Lawyer-Whos-Giving-Dershowitz-Hell>), who sued the famous Harvard professor for defamation; Dershowitz also countersued them. (If you need a refresher, the backdrop is that Edwards and Cassell's client Virginia Roberts Giuffre accused Dershowitz, along with Prince Andrew and others (<http://www.americanlawyer.com/id=1202716145382/Jane-Doe-3-Swears-She-Had-Sex-with-Dershowitz->), of having sex with her when she was a minor. Dershowitz denied the charges and accused her two lawyers of acting improperly.)

Last Friday, Edwards and Cassell issued a notice of withdrawal of the motion for partial summary judgement, and the litigation came to an end. The notice is short and sweet; here's the key part:

As expressly understood by the parties upon the execution of the Confidential Settlement Agreement and Mutual Release, Ms. Giuffre reaffirms her allegations, and the withdrawal of the referenced filings is not intended to be, and should not be construed as being, an acknowledgement by Edwards and Cassell that the allegations made by Ms. Giuffre were mistaken. Edwards and Cassell do acknowledge that the public filing in the Crime Victims' Rights Act case of their client's allegations against Defendant Dershowitz became a major distraction from the merits of the well-founded Crime Victims' Rights Act case by causing delay and, as a consequence, turned out to have been a tactical mistake. For that reason, Edwards and Cassell have chosen to withdraw the referenced filing as a condition of settlement.

Let's parse this: Edwards and Cassell say they the accusations against Dershowitz were a "distraction" and "tactical mistake," though they stand by their clients allegations. That's essentially saying, "Oops, our bad for accusing Dershowitz of those nasty things, but that doesn't mean he's innocent."

If Dershowitz was looking for total vindication, I'm not sure this cuts it. But Dershowitz says he's satisfied with the wording in the settlement. As a legal matter, he says, Giuffre's lawyers couldn't admit she was wrong to accuse him. "They can't take back the claims because that could be used against her on a perjury indictment. That would mean

What might give Dershowitz more satisfaction is the joint statement that he, Edwards and Cassell issued about the settlement:

Edwards and Cassell maintain that they filed their client's allegations in good faith and performed the necessary due diligence to do so, and have produced documents detailing those efforts. Dershowitz completely denies any such misconduct, while not disputing Roberts's statements that the underlying alleged misconduct may have occurred with someone else. Dershowitz has produced travel and other records for the relevant times which he relies on to establish that he could not have been present when the alleged misconduct occurred. He has also produced other evidence that he relies upon to refute the credibility of the allegations against him.

The parties believe it is time to take advantage of the new information that has come to light on both sides during the litigation and put these matters behind them.

Given the events that have transpired since the filing of the documents in the federal court and in this action in which Dershowitz was accused of sexual misconduct, including the court order striking the allegations in the federal court filings, and the records and other documents produced by the parties, Edwards and Cassell acknowledge that it was a mistake to have filed sexual misconduct accusations against Dershowitz; and the sexual misconduct accusations made in all public filings (including all exhibits) are hereby withdrawn. Dershowitz also withdraws his accusations that Edwards and Cassell acted unethically.

Lots of legal contortions here, but this is the eye-popper: "Edwards and Cassell acknowledge that it was a mistake to have filed sexual misconduct accusations against Dershowitz." And this time, "mistake" was not preceded with the word "tactical." I can only imagine the amount of negotiation that must have been expended on this joint statement.

Dershowitz says he feels "gratified" by the result. "Nobody believes [Giuffre]; her credibility came from her lawyers, and they have withdrawn the accusations," he says.

Edwards and Cassell, however, aren't happy with the way Dershowitz has been spinning the settlement. On Sunday, they issued a statement, which says in part:

**Following the announcement of the settlement of defamation claims against Alan Dershowitz, he has been making public statements suggesting that he has prevailed in the lawsuit and that the terms of the settlement exonerate him of any wrongdoing. Those statements are at best misleading.**

It is a mistake for anyone to conclude based upon Mr. Dershowitz's statements that the case against him was abandoned due to lack of factual support. It is a mistake for anyone to conclude based upon Mr. Dershowitz's statements that Bradley Edwards and Paul Cassell had determined that the allegations against Alan Dershowitz made by Virginia Roberts Giuffre were false or unfounded. Neither the terms of the settlement nor the agreed upon joint public statement issued as part of the settlement support any such conclusions, and it is false to state or suggest otherwise.

Pow. Wham. Not sure where this leaves us. It certainly seems that Edwards and Cassell are now backing away from their "mistake" remark in the joint statement.

For now, at least, Dershowitz says he's not bothered by that latest comment. Overall, he seems pretty content with the outcome—though he tells me: "Part of me is disappointed because I wanted to have a trial and have evidence come out."

And what has this case cost him? Though Dershowitz says he spent over \$1 million on legal fees (insurance covered a chunk of it), he won't disclose if the settlement entails any monetary rewards, citing a confidentiality clause. But he says he's not suffering financially because of the ordeal: "I continue to be sought after; people call me every day for legal work."

[vchen@alm.com](mailto:vchen@alm.com)

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If Dershowitz was looking for total vindication, I'm not sure this cuts it. But Dershowitz says he's satisfied with the wording in the settlement. As a legal matter, he says, Giuffre's lawyers couldn't admit she was wrong to accuse him. "They can't take back the claims because that could be used against her on a perjury indictment. That would mean throwing her under the bus," he explains. "Ultimately, they'll have to make a claim that it was case of mistaken identity, that it was done in good faith."

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## Alan Dershowitz Extends Truce Offer to David Boies Amid Bitter Feud

1 day ago

Famed lawyer Alan Dershowitz has extended a truce offer to the prominent U.S. litigator David Boies after the two attorneys squared off in a year-long battle over the handling of underage sex allegations against Dershowitz.

The allegations were struck from court record last year but have still rankled the 77-year-old Harvard law professor and prompted him to publicly criticize lawyers representing the alleged victim, Virginia Roberts.

“It’s a tragedy that we have gotten into this personal conflict, and I would like to put this to an end,” said Dershowitz, in an interview Saturday night, after a defamation settlement with other lawyers in the matter was announced Friday. “We both do important things and it’s a distraction.”

On Friday, Dershowitz settled a defamation lawsuit with Florida lawyers Bradley Edwards and Paul Cassell, who sued Dershowitz last year after he made public statements about their representation of Roberts, including an interview with CNN International in which he called them “sleazy, unprofessional and unethical.”

The controversy started in December 2014, when Roberts claimed that convicted sex offender Jeffrey Epstein forced her to have sex with Dershowitz, the U.K.’s Prince Andrew and other men, at Epstein’s private Caribbean island and other places, more than 15 years ago. Roberts never filed suit against Dershowitz — Boies pointed to a statute of limitations that restricted her from doing so — but she made the claims to join a federal case filed in 2008 by other alleged victims of Epstein, who sued the U.S. government to quash a non-prosecution agreement with Epstein.

Today, no claims are pending against Dershowitz regarding the alleged sex acts, which he and Prince Andrew have denied. A federal judge last year ordered the claims struck from the record because they weren't relevant to the 2008 case. And in the settlement Friday, **Edwards and Cassell issued a joint statement** (<https://bol.bna.com/wp-content/uploads/2016/04/Dershowitz-Settlement-Release.pdf>) with Dershowitz acknowledging that it was a mistake to have filed sexual misconduct accusations against him. The pact came with a statement from former FBI director Louis Freeh, who said he conducted an internal investigation into the accusations against Dershowitz but that “the totality of the evidence” refuted the claims. Yet, Dershowitz has nonetheless made a point to speak out against Roberts’ lawyers, including David Boies, who he feels have acted inappropriately for representing a client with frivolous claims, among other things.



(<https://bol.bna.com/wp-content/uploads/2016/04/202856580-e1460334193173.jpg>)

David Boies, chairman of Boies Schiller & Flexner LLP. Photo by Andrew Harrer/Bloomberg

Boies, in an interview, said that “Alan has been loose with some of the things he says” which he said have been used as a strategy to deflect attention from himself. He also said that Roberts stands by her allegations against Dershowitz, even though they are no longer filed in court, and that Boies’s firm has done nothing wrong.

“I don’t know what Mr. Freeh did,” said Boies, in response to the Freeh investigation. “Louis Freeh never contacted me — he never contacted my client, he never called up Sigrid McCawley, who is the lawyer day-to-day representing her, to say, ‘Can I see your client? Can I see what documentation your client has? Can I talk to any other witnesses?’”

Dershowitz responded by saying that if Boies is willing to have Freeh speak with Virginia Roberts, “she should expect a call next week.” Freeh was not immediately available for comment.

Boies also questioned the terms of the settlement, saying, “What did he have to give up? How much did he have to pay to avoid this litigation?”

After Friday’s settlement, the only outstanding piece of related litigation against Dershowitz is a motion for sanctions that Boies’ firm filed in December 2015 in Florida circuit court. The motion said that Dershowitz disclosed confidential settlement discussions with Roberts’ lawyers and wrongfully characterized what was said when he told media outlets that Boies told him privately that he believed he was innocent. Boies disputes he ever said it.

“I am perfectly willing to bury the hatchet with David Boies,” said Dershowitz, on Saturday. “We used to be friends. I think we had mutual respect for each other. I think it’s a tragedy that we have come into conflict, and I extend an offer to him to sit down and try to resolve our differences. Just between two old friends — agree where we agree, disagree where we disagree — shake hands and go on with our lives.”

He said that he likes to live by the Jewish Law called Lashon Hara, which he said prohibits falsely speaking ill of anybody.

“I actually have told him, that if he thinks I said anything that is wrong, to tell me what it is and I will correct the record,” said Dershowitz. “I don’t want to say anything false about anybody.”

Dershowitz’s comments came after a contentious back-and-forth set of interviews, in which the two lawyers went from attacking each other and calling each other liars, to Dershowitz’s nostalgic invitation, referring to Boies as “an old friend” who he was introduced to years ago through the late Sen. Ted Kennedy (D-Mass.).

“It has been a disappointment to me that our friendship has been hurt by this conflict, because it’s not really between me and him — it’s between a woman who made up a story and me, and I’ve resolved that, so we should move on with our lives,” said Dershowitz.

Boies, in response, issued the following statement: “I am certainly willing to sit down with Alan Dershowitz. Everything I have said about Alan publicly, and in court, has been in response to something he has said about me or my firm.”

The invitation marks a twist in the legal battle between Boies and Dershowitz, and it could be one of the last chapters of their high profile feud.

For years, both have operated at the top of the legal profession: Boies, the chairman of Boies Schiller & Flexner, was instrumental in overturning California’s Proposition 8 ban on gay marriage and counts some of the largest corporations and U.S. politicians as clients.

Dershowitz is perhaps most prominently known for being the appellate defense lawyer in the murder trial of O.J. Simpson in 1995, and, an outspoken supporter of gun control, he is a frequent speaker on the U.S. legal system. His other clients have included Mike Tyson and Patty Hearst.

The interviews — two with Dershowitz, and one hour-long interview with Boies — started after Dershowitz's defamation settlement was announced on Friday. At first, Dershowitz continued to criticize Roberts' lawyers — including Boies, saying that "he has some very hard questions to answer" — and vowed to advocate for law reform that would prevent meritless claims from being brought against innocent people. He told Big Law Business that he hopes at least Roberts will be investigated by law officials for perjury.

Boies fired back, saying that he welcomes law enforcement officials to become involved in the case to investigate perjury, including any possible perjury Dershowitz could have committed.

Asked what kind of charges could be brought against Dershowitz, Boies said: "I'm not trying to fuel this by making charges against Alan... His situation is sad enough."

Dershowitz said he is happy to cooperate with any law agency that would investigate "whether it is she or I that is lying." He also said that he took issue with how the sex allegations were handled from the start, in 2014 and 2015.

"It really paints the prominent people in the legal profession in a very bad light," said Dershowitz. "Lawyers shouldn't be doing things like this. They should be careful. They shouldn't be making mistakes. For them, it was a mistake, but for me it was 15 months of being waterboarded with these claims, and you can imagine what it means for my grandchildren. They never even called me and asked if there was any proof that it could have happened."

Dershowitz said that he kept meticulous records of his whereabouts through cell phone and other records and was able to track that he wasn't near the Caribbean island on dates that Roberts had alleged he had sex with her, around 2000.

"Remember, I'm a lawyer — I bill by the hour. I have a record of every single day," said Dershowitz. "She said she had dinner with Bill Clinton on the island twice, and we did a FOIA request and found that Bill Clinton was never on the island. She said she met Al Gore on the island, and he was never on the island. And David Boies could have easily checked that. All he had to do was pick up the phone and make the phone call, but he didn't do it."

Boies, in turn, said that Dershowitz "doesn't know what I did or did not do" and that whether they were on the island or not "was wholly irrelevant" to Boies's involvement in court.

Separately, Dershowitz took issue with the way he said Boies' firm approached him after Roberts' claims first arose in late 2014. Dershowitz said that one of Boies Schiller's lawyers, Carlos Sires, emailed and then called him, saying that he would represent Dershowitz and asked him to turn over documents related to the Roberts case, including his case strategy and "some investigative work," Dershowitz said.

"And then, only then, did he tell me he wouldn't represent me," said Dershowitz.

"Initially, they lied about the reason. They said that one of their partners was the chair of Columbia University and they didn't want to get involved in cases involving academics. That was a blatant lie. So while they were representing Virginia Roberts, they got all my client privileged information."

Sires, contacted Sunday, disputed Dershowitz's account, saying that it is not accurate, and that there was no conflict. "We challenged Mr. Dershowitz many months ago that if he thought there was any support for



(<https://bol.bna.com/wp-content/uploads/2016/04/GettyImages-508280642.jpg>)

Alan Dershowitz attends Hulu Presents "Triumph's Election Special" produced by Funny Or Die at NEP Studios on February 3, 2016 in New York City. Photo by John Lamparski/Getty Images for Hulu

his claim whatsoever he should bring it to court,” said Sires via email. “He did not do so. He did not do so because his claim is baseless.”

Earlier on Saturday evening, Boies said in an interview that Dershowitz isn’t a party to any lawsuit he is handling, and that Dershowitz’s criticism of him and his firm is misplaced.

Boies’s firm is currently only representing Roberts in a defamation case against British socialite Ghislaine Maxwell for saying that Roberts made “obvious lies” when accusing Maxwell of recruiting Roberts to become a victim of sex trafficking between 1999 to 2002.

“Alan Dershowitz is not a party to that litigation,” said Boies. “There is a statute of limitations issue. He could only be sued for sexual abuse of a minor if he waived the statute of limitations, and he has declined to do that... All he has to do is sign his name — sign a piece of paper like the one that has been given to him, and if he’s lost it, we’ll give it to him again.”

Instead, Boies said that Dershowitz has reverted to a “very sad” PR campaign against the lawyers representing Roberts.

Dershowitz disputed Boies’s comments that he declined to waive the statute of limitations, saying that he filed an affidavit under oath that he never had sex with Roberts, which opened himself up to a perjury indictment if prosecutors felt that he could have been lying.

But Boies, like Sires, said that Dershowitz has not brought any of his claims against the firm in court, even though Boies Schiller has encouraged him to do so.

“He’s obviously more comfortable making claims to reporters than he is making claims in court,” said Boies. “He can get away with that to a point, but he’s not going to get away with that with me. When he first made these claims with, for example my firm, we wrote him a letter that said, ‘Put up or shut up, bring these claims to court or move on.’ ”

Dershowitz issued a statement following Boies’s comments, saying, “I may well do so.”

Asked if Boies has considered bringing his own defamation lawsuit against Dershowitz, Boies dismissed the possibility, saying “almost all public debate belongs in the public field... I’m also comfortable with the public record.”


For the meantime, Boies Schiller’s sanction motion against Dershowitz in a Florida circuit court remains outstanding. Dershowitz said that a hearing in Florida will take place in mid-May regarding the sanctions motion, but he hopes that his invitation to Boies will smooth over their fractured relationship. At most, he confirmed that the discussions, if successful, could result in another settlement to put the entire Roberts matter behind him.

“I mean, that would be a show of good faith, but we’re prepared to litigate,” said Dershowitz. “We have all of our litigation strategies lined up.”

*(This story has been updated to include details about Dershowitz’s settlement and additional comments from Boies and Dershowitz)*

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# Did Dershowitz Pay Big Bucks to Settle Sex Case?

Vivia Chen, The Careerist

April 11, 2016

*Note: Since the original publication of this post, we've included additional statements by Alan Dershowitz about the circumstances under which he's prepared to waive confidential information.*

It's not over.

If you thought the settlement that Alan Dershowitz reached on Friday with the lawyers representing Virginia Roberts Giuffre puts the controversy to bed, you're naive. Possibly delusional. (Giuffre alleged that she was coerced into having sex with Dershowitz and others when she was a minor. Here are [details about the settlement](#).)

The latest bombshell: Jack Scarola, counsel for Giuffre's lawyers Paul Cassell and Bradley Edwards, emailed me this: "If Mr. Dershowitz were to request a waiver of the confidentiality provisions, we would agree to the request."

Talk about throwing down the gauntlet! That would mean spilling the terms of the settlement—about who had to shell out what to make this messy lawsuit go away. I assumed Cassell and Edwards paid Dershowitz and wanted confidentiality, since they admitted in the settlement to making "mistakes" in alleging that Dershowitz had sex with Giuffre.

But David Boies, who represents Giuffre in a related matter, tells me I'm off target. In a phone conversation on Sunday, Boies dangled this tidbit of information before me: "I don't know the terms of the settlement, but I know that it was proposed that [Edwards and Cassell] be paid hundreds of thousands of dollars [by Alan Dershowitz] to drop the case."

My eyes widened. Go on, Mr. Boies, I said. He continued: "Ask Alan Dershowitz who paid whom. I know Dershowitz asked for confidentiality, and Edwards and Cassell will waive it . . . And if Dershowitz won't waive confidentiality, that should tell you if there's something incriminating."

So I rushed to ask Cassell and Edwards about waiving confidentiality, and got the response from Scarola that they'd essentially do it in a New York minute. Scarola also emailed me a post settlement statement (which I [covered](#) in part yesterday) that says this:

What is true is that Mr. Edwards and Professor Cassell entered into a monetary settlement that resolved the defamation claims they filed against Mr. Dershowitz, but they are precluded from revealing the economic terms of the settlement as the agreement requires the monetary specifics to remain confidential.

Though Dershowitz, citing the confidentiality agreement, wouldn't comment about compensation when I asked him about the settlement, Edwards and Cassell's statement makes it clear that money exchanged hands. But how much? And what about the implication that Dershowitz was the one who paid big bucks for the settlement that supposedly establishes his innocence?

I went back to Dershowitz to get some clarity. Clearly miffed, he took umbrage at Boies' comment: "David Boies doesn't know terms of the agreement because it's subject by confidentiality agreement. My lawyer has advised me that my discussion of the terms would breach the agreement, but I assure you there's nothing incriminating."

So how about waiving the confidentiality agreement to make everything transparent? Dershowitz's answer: No. "I'm sticking with the agreement . . . My lawyers tell me I can't change the settlement, which is multi-facted and complex."

*[Addition to original post]* Later, he adds, however: "I'd be prepared to enter negotiations to unseal confidential information and other matters if [Edwards, Cassell and Boies] are prepared to enter negotiations to unseal Virginia Giuffre's deposition and my affidavit regarding Boies, which Boies Schiller has demanded be sealed." The point is, he says, is that "it has to be mutual."

So that's the end of the chapter.

Hah.

*vchen@alm.com*

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Tuesday, April 12, 2016 | 9:52 a.m.

Palm Beach Daily News

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the shiny sheet

Posted: 3:54 p.m. Monday, April 11, 2016



## Epstein victims' attorneys clarify settlement

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By Michele Dargan

Daily News Staff Writer

The two attorneys who settled a defamation lawsuit with law professor Alan Dershowitz on Friday say they didn't drop the defamation case against Dershowitz "due to lack of factual evidence," according to a statement released Monday.

West Palm Beach Attorney Jack Scarola released the statement on behalf of attorneys Brad Edwards and Paul Cassell, **who sued Dershowitz for defamation** in January 2015. Dershowitz filed a defamation counterclaim.

Both sides agreed to drop their cases in Broward County Circuit Court on Friday. Edwards and Cassell "entered into a monetary settlement that resolved the defamation claims," but the amount remains confidential, according to their statement.

Edwards and Cassell represent underage victims of Palm Beach billionaire sex offender Jeffrey Epstein. One of those victims is Virginia Roberts Giuffre, **who alleges Epstein kept her as a sex slave** when she was a minor and made her have sex with his rich and powerful friends. In sworn statements, Giuffre alleged that **she was made to have sex with Dershowitz** at the behest of Epstein. Dershowitz vigorously denied those claims, saying he's never met Giuffre.

### > More on Palm Beach billionaire sex offender Jeffrey Epstein case

Dershowitz then went on a media blitz, calling into question the two attorneys' ethics for making Giuffre's claims public when he insisted the allegations weren't true. **That led to the dueling lawsuits.**

Following the settlement, Dershowitz released a statement by former FBI Director Louis Freeh, saying Freeh had supervised an independent investigation that "found no evidence to support the accusations of sexual misconduct against Professor Dershowitz. In fact, in several instances, the evidence directly contradicted the accusations made against him. In my opinion, the totality of the evidence found during the investigation refutes the allegations made against Professor Dershowitz."

Dershowitz issued his own statement saying he was pleased the litigation was over and that Edwards and Cassell acknowledged it was a mistake to have filed sexual misconduct accusations against him.

Assertions that Dershowitz has made suggesting that he has prevailed "and that the terms of the settlement agreement exonerate him of any wrongdoing ... are misleading at best," according to Edwards and Cassell's statement.

"Ms. Giuffre reaffirms her allegations, and the withdrawal of the referenced filings is not intended to be, and should not be construed as being, an acknowledgement by Edwards and Cassell that the allegations made by Ms. Giuffre were mistaken," court papers show.

Edwards and Cassell acknowledge that the public filing of Giuffre's claims about Dershowitz in their ongoing **federal Crime Victims' Rights Act lawsuit** "became a major distraction" from the merits of the case and turned out to be "a tactical mistake," according to court papers.

The three parties issued a joint statement Friday, saying Edwards and Cassell maintain that "they filed their clients allegations in good faith and performed the necessary due diligence to do so and have produced documents detailing those efforts. Dershowitz completely denies any such misconduct, while not disputing (Giuffre's) statements that the underlying alleged misconduct may have occurred with someone else. Dershowitz has produced travel and other records for the relevant times which he relies on to establish that he could not have been present when the alleged misconduct occurred. He has also produced other evidence that he relies upon to refute the credibility of the allegations against him."

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# Defamation case settled over sex-misconduct accusations against lawyer Alan Dershowitz

## HIGHLIGHTS

The famous defense lawyer has reached a settlement with the accuser's attorneys in South Florida

The Jane Doe case grew out of initial sex-ring allegations against convicted billionaire Jeffrey Epstein



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BY JAY WEAVER

[jweaver@miamiherald.com](mailto:jweaver@miamiherald.com)

A major law firm representing renowned defense attorney Alan Dershowitz has claimed victory in his defamation case against lawyers who accused him of having sex with an underage South Florida girl more than a decade ago.

“Lawyers acknowledge mistake in filing sexual misconduct charges against Professor Dershowitz,” read the news release headline issued by the Washington, D.C., firm Wiley Rein.

Dershowitz told the Miami Herald over the weekend that the accusation was like a “drive-by shooting.”

But while Dershowitz’s defamation dispute with Fort Lauderdale attorney Bradley Edwards and colleague Paul Cassell was settled last week for an undisclosed sum, the allegation by a woman now in her early 30s is not going away — contrary to the former Harvard law professor’s take.

“It is a mistake for anyone to conclude based upon Mr. Dershowitz’s statements that the case against him was abandoned due to lack of factual support,” said West Palm Beach attorney Jack Scarola, who represents Edwards and Cassell, the lawyers for the woman.

The defamation case erupted last year after their client accused Dershowitz of having sex with her between 1999 and 2002 when the minor was employed by Palm Beach billionaire Jeffrey Epstein, who later pleaded guilty to a state charge of soliciting minors for prostitution.

Edwards and Cassell made the allegation against Dershowitz in late 2014 in a lawsuit filed against the U.S. government. They are seeking to force South Florida federal prosecutors to break an agreement made years earlier not to charge Epstein and others with running an alleged international sex ring — a deal brokered by Epstein’s high-profile defense team, including Dershowitz.

Dershowitz was quoted in news stories published in the Miami Herald and elsewhere that Edwards and Cassell would be “disbarred” for making the “false” allegation against him. Instead, Edwards and Cassell sued Dershowitz for defamation in Broward Circuit Court, and he countersued — leading to last week’s settlement.

The parties’ joint statement on the settlement was murky, leading the Herald to initially post a report that Edwards and Cassell were going to withdraw their client’s sexual misconduct accusation against Dershowitz.

Here’s why: A key section of the statement read: “Edwards and Cassell acknowledge that it was a mistake to have filed sexual misconduct accusations against Dershowitz, and the sexual misconduct accusations made in all public filings (including all exhibits) are hereby withdrawn. Dershowitz also withdraws his accusations that Edwards and Cassell acted unethically.”

In an interview, Dershowitz, who lives in New York City and winters in Miami Beach, told the Herald that Jane Doe No. 3’s accusations in the federal suit would no longer stand the test of truth.

“We were able to demonstrate where I was during the relevant time” between 1999 and 2002, said Dershowitz, who hired former FBI director Louis Freeh to investigate the sexual misconduct allegation. “It just didn’t happen. This is a case where the first time I laid eyes on this woman was in a deposition three months ago.”

Her explosive accusations were added to the federal suit in which two other alleged victims — identified as Jane Doe No. 1 and Jane Doe No. 2 in court records — had sought to use the Crime Victims’ Rights Act to force the U.S. Department of Justice to prosecute Epstein for sex trafficking of children by fraud, among other offenses.

Her attorneys, Edwards and Cassell, said she and other alleged victims had the right to join the suit because they were not notified by federal prosecutors when they cut a then-secret non-prosecution agreement with Dershowitz in September 2007 that immunized not only Epstein but also possible co-conspirators in his alleged sex ring. Instead, the U.S. Attorney’s Office deferred to the Palm Beach County State Attorney’s Office for criminal charges.

On Monday, their defamation lawyer, Scarola, said the attorneys now acknowledge making a “tactical error” in filing Jane Doe No. 3’s claim, but that they and their client still stand behind the allegation of sexual misconduct against Dershowitz and plan to pursue it in the

on-going suit against the U.S. government. There is no individual civil suit against Dershowitz.

The allegations were reported in January 2015 in the Herald in a story written by the Florida Center for Investigative Reporting.

The story described Epstein as a wealthy Wall Street money manager who traveled the world in circles that included President Bill Clinton and businessman Donald Trump. Epstein owned palatial properties not only in Palm Beach, but also Manhattan, the U.S. Virgin Islands and New Mexico.

That all changed in 2005, when a woman contacted Palm Beach police fearing that Epstein had molested her 14-year-old daughter. The girl told detectives she'd been invited to Epstein's mansion, where she was paid \$300 after stripping to her underwear and massaging Epstein as he masturbated.

Police then located a community college student who gave a sworn statement that she had taken six girls, all between the ages of 14 and 16, to Epstein. In 2008, Epstein pleaded guilty to a single felony charge of soliciting minors for prostitution. Epstein, now 63 and listed on a state registry of sex offenders, served 13 months of an 18-month jail sentence.

After his conviction, Epstein's story grew even more bizarre, the Herald story reported, with anonymous women accusing him in federal court of conspiring with Ghislaine Maxwell, daughter of the late British media baron Robert Maxwell, to operate an international underage sex ring.

Edwards and Cassell filed their Jane Doe lawsuit against the U.S. government, alleging that Epstein had committed crimes against their clients, including sex trafficking of children by fraud.

Their case initially involved two women, identified as Jane Doe No. 1 and Jane Doe No. 2, who said they were sexually abused by Epstein and trafficked as minors. But in late 2014, Edwards asked to have two new accusers added to the case — identified as Jane Doe No. 3 and Jane Doe No. 4.

Jane Doe No. 3 alleged in the court filing that Maxwell and Epstein kept her as a "sex slave" from 1999 through 2002, when she escaped to an unspecified foreign country. Epstein forced Jane Doe No. 3, who was then a minor, to have sex with politically connected and wealthy people, the court filing alleged.

“Epstein’s purpose in ‘lending’ Jane Doe [along with other young girls] to such powerful people [was] to ingratiate himself with them for business, personal, political and financial gain, as well as to obtain blackmail information,” the filing alleged.

Jane Doe No. 3 identified one of the men she was forced to have sex with as Dershowitz, the former Harvard law professor and famous criminal defense lawyer. In the same filing, she also identified Prince Andrew, the Duke of York, as another alleged offender — an accusation that Buckingham Palace said was “categorically untrue.”

The court filing — already stricken by a federal judge — was withdrawn as part of the settlement reached through mediation by former Broward Circuit Court Judge Jeffrey Streitfeld.

Dershowitz claimed that he was defamed by the sexual-misconduct accusation made in the filing, asserting Jane Doe No. 3’s lawyers had not done the “necessary due diligence” beforehand, according to the joint statement of the parties. The lawyers maintained they filed their client’s allegation in “good faith and performed the necessary due diligence.”

The statement further said: “Dershowitz completely denies any such misconduct, while not disputing [Jane Doe No. 3’s] statements that the underlying alleged misconduct may have occurred with someone else.”

“Dershowitz has produced travel and other records for the relevant times which he relies on to establish that he could not have been present when the alleged misconduct occurred. He has also produced other evidence that he relies upon to refute the credibility of the allegations against him.”





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**Leonard S Feinman**

The law is not equal for everyone. Men are always named in sexual misconduct suits, and women never are. In this case, the facts show the allegations to be patently untrue. Yet, the news is filled with explanations of the withdrawel of charges against Mr. Dershewitz. Why is his accuser still unnamed? She should be charged with a crime. People should know about her. She is a part of a major lie, and her false testimony could have brought down many people.

I want to know who she is, and who is protecting her now. We assume men don't need or want the same legal protections, and that is false. Equal protection is the law. Equal prosecution should be too.

Like · Reply · 17 hrs

**James J Pfarr** · Hard Knocks University

If he was so innocent why settle? If I'm innocent i'm fighting it.

Like · Reply · 12 hrs

**Leonard S Feinman**

James J Pfarr It is referred to as a settlement because he also withdrew his own charges against the lawyer who brought the suit. It would be a waste of his own time, and he would still not gain anything. But MY POINT is that the law is not evenly balanced for men. You ASSUME he is guilty of something, but if he was, there would not be any settlement, only a court case. He had overwhelming evidence of his own innocence. Please read the story a few times, and kindly refrain from asking very stupid questions.

Like · Reply · 12 hrs

**Roberto Ravelo**

They all had money to fight if it would had been a regular citizen he or she would had been in jail n a register sex offender n the year say in the USA that justice is for all BS

Like · Reply ·  1 · 12 hrs**Tadzio Sawicko** · Island Falls, Maine

Why is there so little emphasis on the fact that Dershowitz withdrew his lawsuit against Edwards and Cassell? The whole kerfuffle is between lawyers and has nothing to do with with the admitted pedophile Epatein and his pals/blackmail targets.

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**BUSINESS DAY**

# Alan Dershowitz and 2 Other Lawyers Settle Suit and Counter Claim

By BARRY MEIER   APRIL 12, 2016

The noted defense lawyer Alan M. Dershowitz and two lawyers who had sued him claiming defamation have dropped court actions against each side, ending a prominent dispute that included accusations of sexual misconduct against Mr. Dershowitz.

The settlement, announced on Friday, included a financial arrangement. But a lawyer involved in the case would not say who had paid.

“The contractual terms of the settlement prevent me from saying anything,” said the lawyer, Jack Scarola, who represents the two lawyers who had sued Mr. Dershowitz in a circuit court in Florida about a year ago claiming defamation, Bradley J. Edwards and Paul G. Cassell.

Mr. Dershowitz, who has represented such celebrities as O.J. Simpson and Leona Helmsley, said he was traveling. However, a spokesman for him, Richard Simpson, declined to discuss the agreement’s financial arrangements saying they were confidential.

The dispute traces back to Mr. Dershowitz's representation of Jeffrey E. Epstein, a money manager who was accused a decade ago of paying underage girls for sexual services. Mr. Epstein subsequently pleaded guilty to two charges and was sentenced to 18 months in jail, though he was allowed to spend many days working on the outside.

In 2014, one of Mr. Epstein's accusers, Virginia Roberts Giuffre, claimed in court papers filed in a lawsuit seeking to have his plea agreement thrown out, that Mr. Dershowitz had sex with her while she was a teenager. Mr. Dershowitz adamantly denied the assertions and described her lawyers, Mr. Edwards and Mr. Cassell, as "villains" who had fabricated the charges.

The two men subsequently sued Mr. Dershowitz claiming defamation, and he responded with a counterclaim. Meanwhile, a judge struck Ms. Giuffre's comments from a court filing.

Under the settlement, Mr. Edwards and Mr. Cassell acknowledged making what they described as a "tactical mistake" in filing the sexual misconduct accusations against Mr. Dershowitz as part of a lawsuit in which he was not a party.


However, they issued a statement saying their client, Ms. Giuffre, stands behind her claims.

Mr. Dershowitz has said he has travel records and other documents to prove that he was not in same place as Ms. Giuffre when she claims they had encounters.

On Friday, he released a statement by Louis J. Freeh, the former director of the Federal Bureau of Investigation, whom Mr. Dershowitz hired to investigate the matter.

"Our investigation found no evidence to support the accusations of sexual misconduct," Mr. Freeh's statement said.

A version of this article appears in print on April 12, 2016, on page B2 of the New York edition with the headline: Dershowitz and 2 Other Lawyers Settle Legal Fight.

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# What's Everyone Hiding in the Dershowitz Case?

Vivia Chen, The Careerist

April 14, 2016

I feel like a carrier pigeon in a game of chicken. Sorry for those fowl metaphors, but that's how it is.

Last time I reported on the Alan Dershowitz's legal morass, the hot issue was [what was hiding in the confidentiality agreement](#) in his [settlement](#) with lawyers Bradley Edwards and Paul Cassell. Dershowitz wouldn't say, but Edwards and Cassell added a twist: They'll waive confidentiality. In response, Dershowitz said he'd waive it too, provided that (1) Edwards, Cassell and Boies Schiller & Flexner agree "to unseal Virginia Giuffre's deposition;" and (2) Boies Schiller release Dershowitz's affidavit regarding David Boies.

I conveyed Dershowitz's offer to Edwards and Cassell. And their lawyer Jack Scarola emailed me this:

There is no need to negotiate anything with Bradley Edwards and Professor Paul Cassell. They unconditionally accept Alan Dershowitz's offer and are willing to agree to a mutual waiver of the confidentiality of all defamation claim-related filings and settlement documents. The agreement would become effective immediately upon receipt of an email response from Alan Dershowitz which need say nothing more than "I agree."

Easy, breezy, right? Ha. The stickler is that what Dershowitz wants released is Giuffre's deposition and his affidavit regarding Boies. To those conditions, Scarola's response is, hey, that's not in our control:

The deposition and affidavit referenced by Mr. Dershowitz were sealed by court order based upon a request made by the Boies Schiller law firm to protect their client. Those rights are not negotiable. What's more, those rights have nothing to do with the amount of money involved in the settlement of the defamation lawsuit. Any matters relating to David Boies and the Motion for Contempt pending against Mr. Dershowitz for his violation of that court order are matters for the Boies Schiller firm and the Court to sort out.

Scarola is correct that the settlement was between his clients and Dershowitz. Why, then, is Dershowitz dragging Boies into this? The professor tells me: "Boies demanded that the Roberts depo[sition] and my affidavit be sealed. He and Scarola have a joint defense agreement and

are playing team tag. Any negotiation must involve them all."

True, Boies was in the loop for a while. According to Boies and Dershowitz, Boies acted as a go-between between the Harvard law professor and Edwards and Cassell in settlement talks last year. Boies, however, was not involved in the final settlement. (Since last year, Boies Schiller has been representing Giuffre in her defamation suit against heiress Ghislaine Maxwell, who allegedly recruited her to serve as a [sex slave for billionaire Jeffrey Epstein](#), a former friend and former client of Dershowitz.)

Is there a chance that Boies will release the documents that are the conditions of Dershowitz's waiver? Hell, no. Boies' spokesperson would barely dignify my query with a direct response: "David Boies is going to take Mr. Dershowitz at his word that he wants to avoid further debate, and he will not respond further unless Mr. Dershowitz makes additional assertions to which he has to respond."

Indeed, it would be shocking if Boies Schiller agreed to release those documents. In December, the firm sought an emergency order to seal Dershowitz's affidavit, which the court granted. In January, the firm also sought sanctions against Dershowitz for violating the terms of the order. (The sanction hearing, according to the firm, is scheduled for May.) Boies claims in the sanction motion that Dershowitz repeatedly tried to put false information from the confidential settlement discussions into the record.

Both sides seem to have something they don't want out of the bag. For Dershowitz, it's the terms of the settlement. Assuming he coughed up big bucks to get the settlement, as Boies had suggested to me, some people might jump to the conclusion that the sexual allegations against Dershowitz might not be totally baseless. But there might be other reasons that have nothing to do with the sexual allegations, such as Dershowitz's concern that Edwards and Cassell might win their defamation suit against him. Who really knows?

And what's in the Giuffre deposition and Dershowitz affidavit that Boies doesn't want out? Could it be that Giuffre's deposition contains information about her alleged relations with Dershowitz that might show inconsistencies? Or is it just too lurid and prejudicial? As for the content of Dershowitz's affidavit, we can make a good guess: A [New York Times article](#) in December reports that Dershowitz said in the deposition that Boies told him that he thought the professor was innocent. (In Boies Schiller's motion for sanction, the firm accused Dershowitz of violating the court order by leaking his affidavit to the Times.)

It's all a game. The way I see it, everyone involved has a reason to keep something under wraps. Despite all the posturing by Cassell and Edwards and Dershowitz that they're ready to let the truth out, they know—and we know—that it ain't gonna happen.

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SEASON IN REVIEW



## Dershowitz, Croghan, DeRosa: Busy season in Palm Beach court cases

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By Michele Dargan

Daily News Staff Writer

Among the notable court news this season was the settlement of a **high-profile defamation case** between law professor Alan Dershowitz and the two attorneys who represent victims of sex offender Jeffrey Epstein.

Attorneys Brad Edwards and Paul Cassell **sued Dershowitz for defamation** in January 2015 and Dershowitz filed a defamation counterclaim.

Edwards and Cassell represent Virginia Roberts Giuffre, who alleges **Epstein kept her as a sex slave** when she was a minor and made her have sex with his rich and powerful friends.

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In a federal lawsuit filed by Edwards and Cassell, Giuffre gave sworn statements, alleging she was made to have sex with Dershowitz at the behest of Epstein. Dershowitz vigorously denied those claims, saying he's never met Giuffre.

Dershowitz then went on a media blitz, calling into question the two attorneys' ethics for making Giuffre's claims public when he insisted the allegations weren't true. That led to the dueling lawsuits.

Both sides agreed to drop their cases in Broward County Circuit Court last month.

### > Palm Beach Season In Review

Dershowitz issued a statement saying he was pleased the litigation was over and that Edwards and Cassell acknowledged it was a "mistake" to have filed sexual misconduct accusations against him. He also released a statement by former FBI Director Louis Freeh, saying Freeh had supervised an independent investigation that "found no evidence to support the accusations of sexual misconduct against Professor Dershowitz."

Edwards and Cassell followed with their own statement, saying they didn't drop the defamation case against Dershowitz "due to lack of factual evidence ... There was not and is no acknowledgement that the allegations themselves were mistaken or that information developed in the course of proceedings in the defamation case somehow exonerate Mr. Dershowitz."

### Condo shooting plea deal

**Charles Croghan**, the former doorman who **shot and seriously wounded a Palm Beach condo manager**, accepted a plea deal in March that will put him behind bars for 20 years.

On Oct. 3, 2014, Croghan, of Lantana, walked into The President of Palm Beach condominium, went to the office of manager Jeremy Holland and **shot him point-blank in the head**. Croghan also threatened Holland's fiancée, Dana Enriquez, with a gun.

He was charged with first-degree attempted murder and aggravated assault with a firearm.

Croghan, 74, pleaded guilty to the altered charge, attempted second-degree murder with a firearm, a first-degree felony, plus two counts of aggravated assault with a firearm, third-degree felonies.

Holland and Enriquez signed off on the plea deal.

"We are happy with it," Enriquez said. "It saved us from having to testify and the emotional drain of a trial. It would have brought up too many raw feelings."

### Judge clears fired firefighter of wrongdoing

Fired Palm Beach firefighter **Jeremy DeRosa** was exonerated by a judge in January on a felony charge of workers' compensation fraud.

Palm Beach County Circuit Judge John Kastrenakes granted the defense's request for a directed verdict at the end of a one-day trial. Kastrenakes ruled that the state presented insufficient evidence for him to allow the case to be decided by a jury.

"The overall evidence does not rise to the level of continued practice of deception with the intent to gain money," the judge said. "I have seen fraud cases ... this is not even in the same ballpark."

State officials alleged that DeRosa, a firefighter/paramedic, misrepresented the extent of an injury while out of work and collected his full pay under workers' compensation. He went on leave after falling in the kitchen of Fire Station 3 on July 10, 2013, and injuring his right ankle.

DeRosa was charged with workers' compensation fraud in December 2013. Two months later, Public Safety Director Kirk Blouin **fired the 5 1/2-year town employee**.

After the verdict, a tearful DeRosa said it was a bittersweet win because his life had been ripped apart by state's decision to charge him and the town's decision to fire him.

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