

Personal Injury Law Podcast

by Rosenfeld Injury Lawyers

Jeffery Epstein Abuse

Jonathan Rosenfeld:

Hi. I'm Jonathan Rosenfeld, and I am an attorney in Chicago, Illinois. I am here today with my good friend, colleague, Marty Gould. Today, I want to talk with Marty a little bit about a sex abuse case that has made the headlines pretty much all over the world really, for the past couple of years, and that involves Jeffrey Epstein. Marty and I have worked together on different types of sex abuse cases. And as attorneys who prosecute these cases, I wanted to get some insight from Marty about the status of these cases and what is going on and how victims can potentially get involved in terms of filing a claim. But before we get to any of that, Marty, can you... First off, thank you for joining me today, and can you please just give us a little bit of background about yourself?

Marty Gould:

Sure. I'm of counsel of Rosenfeld Injury Lawyers. We handle sexual abuse cases all across the country. We're in over 20 to 25 states, and that's essentially what I do. It's the focus of my practice. We're not only lawyers, but we're advocates. We're advocating to change to limitations laws to give access to the courts for survivors. And we're also advocates in terms of fighting to make sure our clients get counseling and injustice in their cases.

Jonathan Rosenfeld:

Now, I want to talk with you about these Jeffrey Epstein cases. And before I do that, we were just talking a little bit about the Netflix documentary, *Filthy Rich*, about these cases. If anyone is looking for something to watch which is both horrifically disturbing and gripping at the same time, I would highly recommend that you watch this documentary because it really goes through how Jeffrey Epstein basically systematically found these young girls. You know, He sought them out. He essentially, he corralled them into his world in Florida, and it's really just a shocking thing to witness as to how he was able to manipulate the system.

Jonathan Rosenfeld:

And we can talk a little bit about the cases in general, but today I want to really take a step back and I want to talk with you a little bit about what is going on in terms of these claims are being handled. These, unlike other types of sexual abuse claims where involving a church or a school or other organization, these cases are actually being brought in a separate claims handling manner. Can you share with us a little bit about what is going on in terms of these Jeffrey Epstein cases, how they're being handled and what the status of them currently is?

Marty Gould:

As most people are aware of from all the media reports, Jeffrey Epstein was a very wealthy financier who was alleged to have transported underage girls to his homes in the U.S. Virgin Islands, to New York and to his ranch in New Mexico and forced them into sex work. Most of the survivors were abused between 2001 up until 2018. And he was criminally charged. He was criminally charged over a decade ago. And then he was also criminally charged more recently, he was brought to a federal detention facility in August 2019. Before the survivors could get justice in the criminal process, he committed suicide. Law enforcement is still investigating the case. They're still investigating any other potential co-conspirators, and you have the civil cases. There's really two processes in which survivors can get justice. One is many have filed lawsuits in the state of New York, for anyone that was abused as a minor, they can file up until August 14 2021, which is when the New York child victims act window expires, the time period in which anyone who abuses the child in New York has to file a lawsuit.

Marty Gould:

The executors of Epstein's estate also created a separate process. They separated from the actual civil justice system. There is an Epstein's victims compensation fund that was created. It's an entirely voluntary process where survivors can submit claims. And many of those circumstances, they provide some type of testimony, a statement. So the claims handlers can assess what happened. They can also get counseling through that process and attempt to seek justice that way. Over 50 claims have been settled through that process thus far, in over \$50 million, I'm sorry, over 150 claims have been settled through that process. And more than \$50 million has been paid out

Jonathan Rosenfeld:

Now in these civil cases. And these are really what you're talking about in terms of the victims fund, that does not necessarily mean that they're filing a lawsuit, does it?

Marty Gould:

It does not.

Jonathan Rosenfeld:

Okay.

Marty Gould:

A survivor doesn't have to file a lawsuit. They can go through the Epstein victim compensation program, which is also confidential, and they can attempt to resolve their case that way. The process typically involves filling out a questionnaire. The questionnaire asks when the abuse occurred, where it occurred, how they met Jeffrey Epstein, any other potential witnesses, and typically involves a statement. And then it's submitted to claims handlers who assess the cases and they may provide a potential settlement amount. And it typically goes back and forth with the lawyers. You don't have to accept the settlement. It's important to have a lawyer negotiating with you and helping you put the package together to understand what the case should settle for and to make sure you're meeting all the required deadlines.

Jonathan Rosenfeld:

Now, as an attorney who handles different types of civil cases involving sexual abuse, can you just talk a little bit about the damages in these cases? Unlike other types of personal injury cases where, I have a broken bone and everyone can see that I have a broken bone. A lot of times in a sexual abuse setting, a victim may walk into a room and he or she looks healthy, relatively happy. They don't really look very different than you or I. How, as a trial attorney, how do you convey the damages in a case like that? So that person can get the compensation that they really are entitled to.

Marty Gould:

Psychological scars, I think are some of the worst injuries that anybody can have. And like you pointed out, it's not always easy to show a jury what those scars are because they don't walk into court in a wheelchair or with a cast on their arm or their neck, but there're ways to let the jury or the claims handlers or the insurance adjuster or the defense attorneys know how it's impacted a person. Typically, it starts with the testimony from the survivor, and they provide testimony about how it's impacted them. Trust issues they've had, the feelings of anger, humiliation, their personal pain and suffering from what happened. In many cases, clients have also went through counseling or in some cases they've spoken about the abuse and how it's impacted them. In many cases, people have went through counseling and never mentioned the abuse.

Marty Gould:

That's fine too. You can still use that to help show how it's impacted you. If you are exhibiting depression, anxiety, and perhaps you didn't tie it to that specific abuse until you actually saw a counselor or until you heard about these cases, and until you started going through this process. So any prior counseling records, therapists records, we also look at your employment history. If you've had difficulties listening to supervisors or holding a job, that could be evidence of one way in which the abuse impacted you.

Marty Gould:

Testimony from family members. If you have a wife, girlfriend, siblings, they can also provide testimony about how it's impacted you, how it's impacted your relationship with your children, perhaps you're not as affectionate or you don't like when people touch you. So there're many ways in which we can explain to the other side, how it's impacted you. And in some cases, if you haven't done counseling yet, because you just never want to tell anybody, or you didn't have the financial means to do so, we can get you into counseling and even a recent counselor who's treated you, they can provide testimony. Some people have post-traumatic stress disorder symptoms, anxiety disorders. So there's many ways in which we go about explaining the psychological traumas, even though you may not have any visible physical injury to show.

Jonathan Rosenfeld:

Now, these cases, as you mentioned, is claims, they're actually being handled in the U.S. Virgin Islands. And there's a couple high profile administrators who are overseeing the claims process. Now, if a victim is sitting at home and they're saying to themselves, "Well, I don't have the resources, how am I going to get to the U.S. Virgin Islands?" First off, I assume they don't have to go to the U.S. Virgin Islands to pursue a claim, correct?

Marty Gould:

That's correct.

Jonathan Rosenfeld:

Okay. And the other thing that comes up in a lot of these cases, having represented victims in sexual abuse cases, is sometimes there's a perception that they need funds or some kind of money to get a case started. Now, you and I work on a lot of these cases and we handle these cases on what's called a contingency fee basis where we only get paid when, and if a case gets resolved, we advance all of the costs associated with bringing a case.

Jonathan Rosenfeld:

Can you just elaborate a little bit about the contingency process, and again, just sort of explain to folks at home how that process works. Because a lot of times there's a horrible predicament that victims face, where they feel even more trapped than they need to be, because they feel like they can't contact an attorney without having the financial resource to pay them. And so in a situation like this, where we handle a case on a contingency fee, can you explain to them a little bit how that works, and sort of what that process is?

Marty Gould:

If in many of our cases, the defendants in the case are institutions, they're companies, they have the means to hire lawyers and pay them on an hourly basis, whatever that may be, hundreds of dollars it could be. And then every couple of weeks, they get a check from the company paying off the legal fees. They front all the costs. Our clients are regular people. Most of our clients, if not all of our clients have endured terrible traumas. The last thing that they need to be worrying about when they're thinking about pursuing a case is how they're going to pay for lawyers to represent them.

Marty Gould:

We take case on a contingency fee basis where we only collect an attorney's fee if we recover for the client, if we're able to actually obtain a settlement to a jury trial through a mediation, through any other means, that's how we collect our attorney's fees. And if we can't, if we take on your case and the case gets dismissed because of a statute limitations argument, or we couldn't prove our case, we don't collect anything from you. And that's just because of the nature of the type of work we do. And just from a fairness perspective, it's a lot for a survivor or a client to be thinking about, especially at this time.

Jonathan Rosenfeld:

One of the nice things about the contingency fee agreement is that really the interest of the client and the attorney who's representing them are really in line with one another, because we want them to recover as much as possible under their circumstance, because it really serves them as well. That's again, it's how it's an incentive for us to secure that recovery. And I guess in a situation like this, given sort of the timeframe involved in terms of pursuing a claim with this victim's fund, do you have any recommendations to a person who may be a victim of Jeffrey Epstein who maybe sort of has been sitting on the sidelines for a while and watching this whole

situation play out? Do you have any advice for them as to what they can or should do at this point in terms of moving forward?

Marty Gould:

They should speak to a lawyer as soon as possible. There's deadlines that are very important to follow. There's a claims deadline for March 25th. There's also registration deadlines that the Epstein compensation fund has created. So my advice would be speak with a lawyer as soon as possible and find out what potential deadlines there are that could impact any potential case you have, but you don't want to miss your chance at getting compensation or getting closure through this process because you didn't speak with a lawyer and find out what your options were and when those deadlines were.

Jonathan Rosenfeld:

Now, I'm going to ask you a little bit about another issue that seems to come up consistently in these cases. And that is a product related to privacy. As a victim of a sexual crime, if you will, a lot of times people, there's a huge hesitation involved with pursuing a claim or a lawsuit because they just don't want their name going out in public. In most lawsuits, it's a public record, they're filed in a courthouse. And that is a public record where that can be searched by the plaintiff's name or the defendant's name. In a case involving sexual abuse, are there any safeguards that can be put into place to protect their privacy and to really insulate them from getting the scrutiny from either friends, relatives, or even from media at this point?

Marty Gould:

The laws in most states permit survivors in childhood sexual abuse cases to file their lawsuits anonymously. Most of these lawsuits are filed as a John Doe or a Jane Doe because there's an understanding of the sensitive, personal, confidential nature of these types of cases. So with that process, it allows somebody to pursue a case, to fight for justice, to obtain compensation, without having to worry about everybody in their community finding out what had happened to them.

Marty Gould:

And for that reason, we have people from all different backgrounds. Some people have public jobs. Some people are former or current police officers that were abused as children that have brought claims. So we have all different types of clients and that mechanism allows them to pursue their cases without having to disclose their name publicly. Now there's still the option to file your case publicly if that's what you want to do. And it's totally up to the client. In the mediation process, such as the Epstein compensation program, it's all done confidentially. So there's no requirement for you to publicize your name as somebody who was abused by Jeffrey Epstein. The same is applied for the Boy Scouts of America cases. All those survivors, their names are kept confidential unless they decide they don't want to have their name kept confidentially. So there's typically that option in nearly every state in every compensation program I've been involved with, and that I'm aware of.

Jonathan Rosenfeld:

Well, I really appreciate you sitting down with me today and sort of giving us an update about how these cases are being handled. And if anyone has a question about a potential claim, or if

they're looking for more information, I am going to put your contact information in our show notes so they can reach out to you directly. But again, thank you for spending some time with me today, and I appreciate your expertise on this area.