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## WHY IS THE VERDICT AGAINST BILL COSBY IMPORTANT?

*A message from Managing Partner Ira Sherman*



Ira Sherman

We all know that one of the most notorious trials to take place within the last year was the criminal proceeding against Bill Cosby arising out of his sexual assault of Andrea Constand.

This assault took place in 2004 when Andrea Constand was 29 years of age. The prosecution, however, did not take place until 2017. The trial resulted in a hung jury—meaning 12 members of the jury could not agree on whether Cosby was guilty or not. The prosecutors decided to retry Mr. Cosby. He was found guilty of all three charges of aggravated indecent assault on April 26, 2018. Mr. Cosby is now facing the maximum of 30 years in prison. Sentencing is scheduled to take place on September 25, 2018.

There is a lot of discussion within the community as to whether it was fair to retry Mr. Cosby on these claims and whether it was fair for five other women, who also claimed that he assaulted them, to have been allowed to testify. For example, some questioned if the testimony of the five women accurately recounted events that they allege happened in the 1980's.

Some people also believe that the jury may have been influenced by the #MeToo movement, which gathered momentum between the two trials. The movement made the public more knowledgeable about the widespread nature of this form of abuse and the lasting harm sexual assault causes. In addition to informing the public about alleged incidents of powerful men utilizing their position to gain sexual advantage, the #MeToo Movement has given a platform to women to explain why they kept their

experiences from the police and the public for years. It turns out that many of them felt no one would have believed them.

The guilty verdict handed down on April 26, 2018 may represent a cultural change that allows facts to prevail over America's perception of a superhero—Bill Cosby was known in many households as "America's Dad" as a result of his role as Cliff Huxtable on "The Cosby Show." This role allowed Bill Cosby to represent an image of fatherhood, family, and upper middle-class life that both reflected and shaped what Americans valued, understood themselves to be, and saw as possible for their lives. Apparently, this jury came to terms with the knowledge that this beloved figure committed sexual assaults.

The verdict requires us to fairly consider the difference between perception and reality. It requires us to separate one's creative works from what may be their true character. The verdict in the Cosby trial showed that the behavior of Bill Cosby cannot be excused because of his star status. Most importantly, the trial recognized that we cannot ignore the countless claims of women that they were victims of sexual assault. But the scope of the impact of this verdict goes beyond using power to overcome the will of another—it is an important acknowledgement that for any society desiring to evolve into one that is more inclusive, we must recognize and reward people based on their merit, and withhold from those with the power to oppress, the ability to block those who are qualified at the door of success by imposing unfair non-job-related criteria of any kind.

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# ALL THREE PARTNERS NAMED SUPER LAWYERS FOR 8TH CONSECUTIVE YEAR



## PARTNERS CAMMARATA & SIEGEL NAMED TO TOP 100 LIST



## ASSOCIATES TIEVSKY & GIBSON NAMED RISING STARS

We are proud that 5 members of our legal team have been recognized in this year's edition of Washington, D.C. *Super Lawyers*® Magazine. *Super Lawyers*® is a highly trusted legal publication that creates an annual list of highly accomplished lawyers in each field of law. It is a major accomplishment to have 5 lawyers selected from our firm, since only 5 percent of lawyers in the region are named to the *Super Lawyers*® list, and just 2.5 percent are named to the *Super Lawyers*® list of Rising Stars.

*Super Lawyers*® uses a patented multiphase selection process, which involves soliciting peer nominations and evaluations, and then conducting its own independent research. *Super Lawyers*® evaluates each nominee on 12 indicators of peer recognition and professional achievement.

Ira Sherman, Joseph Cammarata, and Allan M. Siegel were all named to the list of *Super Lawyers*® for the 8th consecutive year. Matthew Tievsky and Megan Gibson were named to the list of Rising Stars. We are also proud to announce that partner Allan M. Siegel made the list of *Top 100* Lawyers for the first time, joining partner Joseph Cammarata on this elite list. This means partners Cammarata and Siegel had 2 of the top 100 highest point totals during the *Super Lawyers*® nomination, research, and review process.

The D.C. metropolitan area has the highest concentration of lawyers, by far, compared to anywhere in the country, with estimates ranging from 50,000 to 80,000 lawyers in Washington, D.C., Maryland, and Virginia. Thus, it is a true honor to have 5 members of our team named as top lawyers in the Washington, D.C. area.

### WOMAN WHO SUFFERS INFECTION FROM LIPOSUCTION WINS SETTLEMENT

Our client, a 24-year-old woman, underwent a cosmetic procedure to remove unwanted fat and use a portion of that fat to augment her buttocks.

The procedure was performed locally in an unsterile medical office setting, not a sterile operating room. Our client contracted necrotizing fasciitis, a flesh-eating bacterial infection, in her hips and buttocks, where the fat was injected.

As a result, our client required an extensive hospitalization, undergoing four operations to combat the infection. She was left with scarring and disfigurement in her hips and buttocks.

One of the surgeons involved in her care was not a trained plastic surgeon and was previously disciplined by three state medical boards. That doctor had our client sign a form in which she gave up her right to a trial and required that any dispute be resolved by binding arbitration.

Rather than contest the validity of forcing a patient to submit to arbitration instead of trial, partner Joseph Cammarata aggressively proceeded to arbitration. Before the matter was arbitrated, the doctor and his practice agreed to pay a confidential settlement amount to settle the case.

### CLIENT OBTAINS \$560,000 SETTLEMENT FOR REAR-END COLLISION

Partner Allan M. Siegel obtained a \$560,000 settlement on behalf of a woman who was a passenger in a vehicle that was struck in the rear. As a result of the collision, our client suffered, among other things, an aggravation of degenerative disk disease, which required surgery. Unfortunately, following this surgery our client continued to experience ongoing pain, and a second surgery was recommended and performed.

The defendant retained a well-respected neurosurgeon who examined our client and evaluated the records and diagnostic films. The defendant's neurosurgeon opined that our client's condition was not caused by the collision, but rather was a result of her pre-existing degenerative condition. Accordingly, the defendant disputed that the surgeries were related to the collision.

The case was scheduled for trial in July 2018. The parties agreed to submit the case to mediation, where it settled for \$560,000.

## BILL COSBY CONVICTED ON THREE COUNTS OF SEXUAL ASSAULT

On April 26, 2018, Bill Cosby was convicted on three counts of aggravated indecent assault by a Montgomery County, Pa., jury. Each count subjects Mr. Cosby to 10 years in prison and a fine.

The convictions arose out of Mr. Cosby's sexual assault and drugging of Andrea Constand in 2004, when she visited his home to discuss her career.

At the trial, the prosecution presented the testimony of Barbara Ziv, a forensic psychiatrist, who informed the jury of "rape myths," those common misconceptions of how a victim behaves following an assault. Dr. Ziv testified that despite the belief to the contrary, the data shows that following a rape or assault, there is delayed or nonexistent reporting to law enforcement, and there is ongoing contact between the victim and abuser.

Following her testimony, the prosecutor introduced powerful testimony of five women who testified about how Mr. Cosby drugged and/or assaulted them. The incidents described in court occurred in the 1980's. The intent of the

testimony was to establish for the jury that Mr. Cosby used a "common plan or scheme" to drug and assault women, and that he did so with intent and not by mistake.

Mr. Cosby's defense contended that the sexual relationship he had with Andrea Constand was consensual and that he gave her Benadryl to help her relax. The jury's verdict signaled their rejection of the defense.

The Cosby criminal trial was the first trial of the #MeToo era against an iconic entertainment personality. The #MeToo movement heightened public awareness and rejection of sexual assault and harassment. The movement has led victims to come forward and a public willingness to have a victim's accusations heard.

The movement has also caused numerous states to change the law to either eliminate or extend the statute of limitations on bringing a sexual-assault claim.

Mr. Cosby's defense attorneys have said they intend to appeal. His sentencing is set to be held in September 2018.

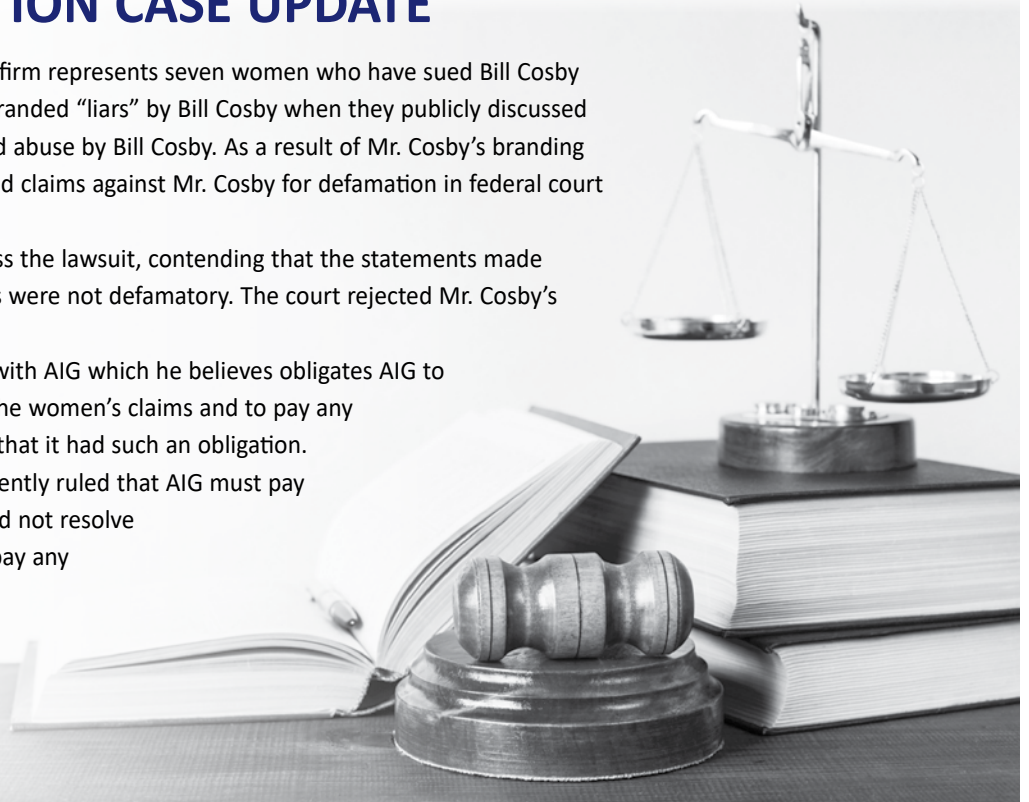
## COSBY DEFAMATION CASE UPDATE

As has been reported earlier, our firm represents seven women who have sued Bill Cosby for defamation as a result of being branded "liars" by Bill Cosby when they publicly discussed their allegations of sexual assault and abuse by Bill Cosby. As a result of Mr. Cosby's branding our clients as "liars," the law firm filed claims against Mr. Cosby for defamation in federal court in Massachusetts.

Mr. Cosby filed a motion to dismiss the lawsuit, contending that the statements made against our clients' public disclosures were not defamatory. The court rejected Mr. Cosby's motion to dismiss.

Mr. Cosby has insurance policies with AIG which he believes obligates AIG to pay for legal fees for his defense of the women's claims and to pay any judgment against him. AIG disputed that it had such an obligation. However, a federal appeals court recently ruled that AIG must pay for Mr. Cosby's defense. The court did not resolve whether AIG would be obligated to pay any judgment against Mr. Cosby.

The defamation case has been "stayed" (put on hold) until the resolution of the criminal proceedings against Mr. Cosby.





## TRIAL LAWYER MEGAN GIBSON OBTAINS VERDICT AGAINST METRO

Associate Megan Gibson obtained a verdict in excess of \$25,000 against METRO. Our client was a passenger in a METRO bus that went through a stop sign and T-boned another vehicle.

Our client suffered neck and back injuries, and incurred \$5,658.31 in medical expenses. Prior to the first day of trial, METRO refused to even reimburse our client for her medical expenses, offering only \$2,000 to settle the case.

At trial, METRO claimed that the other driver was driving too fast, was not paying attention, and at the last minute had to swerve over a double yellow to avoid the bus, which was pulling from the stop sign. Attorney Gibson argued at trial that METRO was simply refusing to take responsibility for the negligent actions of its bus driver, who failed to yield the right-of-way at a stop sign.

The jury found against METRO and awarded our client her medical bills and \$20,000 for pain and suffering, for a total verdict of \$25,673.74. This was over 12 times METRO's pretrial offer. Nevertheless, METRO still refuses to accept responsibility and has filed an appeal. We will keep you updated regarding the progress of the appeal.



### We are your law firm

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**Call us. You're going to feel a whole lot better about things.**

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## LOCAL CELL PHONE LAWS BY STATE

Do you know the various cell phone laws for the areas where you live and drive? Many local motorists drive through D.C., Maryland, and Virginia all in one day on a standard commute. The local laws vary by jurisdiction, and it is important to know the difference for your safety and to avoid a fine.

The District of Columbia and Maryland both have a complete ban for all drivers on handheld phone calls and for texting. Drivers in D.C. and Maryland who have a learner's permit or who are school bus drivers may not use a cell phone for any calls. In addition, Maryland bans anyone who has an intermediate license, or who is under the age of 18, from using a cell phone for any calls. All other drivers may use a

cell phone but must use a hands-free device. D.C. and Maryland enforce these offenses as primary offenses, and thus law enforcement does not need any further reason to pull you over.

Virginia differs from the other two jurisdictions in that it does not have a ban for handheld cell phone calls. However, school bus drivers and drivers under 18 may not make handheld calls. All drivers are banned from texting. Texting is a primary offense in Virginia.

We see too many collisions caused by drivers distracted by their phones. Please remember to follow the law, but most importantly, stay alert and distraction free while driving!

