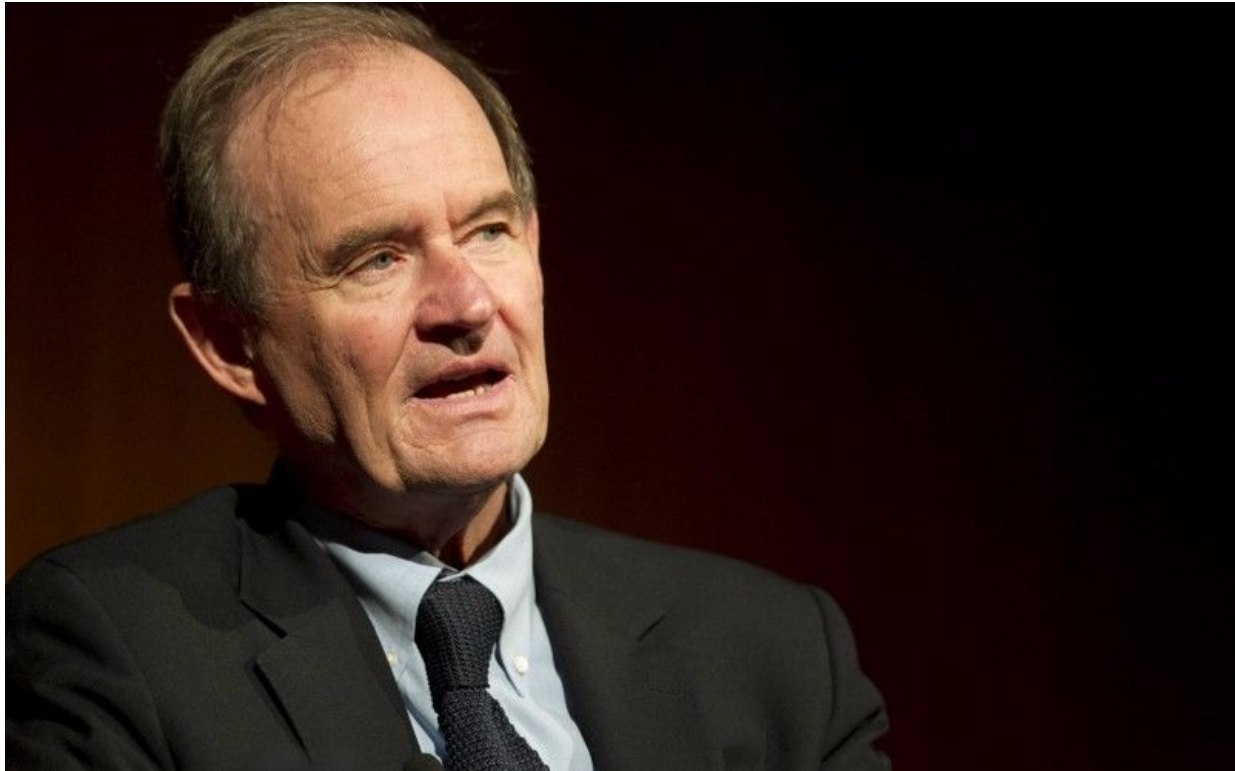


Do Lawyers like David Boies Ride the Ethics Line too Closely?



Summary: David Boies is known for taking on big cases, one of which involved a dispute between a man and a woman where he brought up a woman's sexual past to discredit her.

Is it possible for a lawyer to go too far in their fight to win? Do they cross lines and push boundaries to help their clients? Most attorneys know when to stop and when they are going past the line but there are some attorneys who have built reputations for doing things like this for their clients. Commonly, these attorneys are representing men in disputes with women.

One such attorney could be seen as David Boies of Boies Schiller Flexner LLP, according to an article in *The New Yorker*. He was once representing Harvey Weinstein, an alleged female predator. He was also involved in a complaint by his law firm against novelist Emma Cline. Boies Schiller sent a 15-page letter to Cline, outlining numerous complaints against her and her novel "The Girls."

"The Girls" was a huge hit. Random House paid nearly \$2 million as an advance on the book - a large amount for a first novel - and Hollywood producer Scott Rudin was considering the film rights. The novel was considered for several literary prizes and Cline was placed on numerous "rising young writer" lists.

The letter included allegations against not just Cline. Random House was also listed by Boies Schiller in the complaint. Cline is accused of stealing work from her former boyfriend in the drafts of her novel. The firm also accuses Cline of spying on her ex-boyfriend's emails as well as of two former female friends by installing spyware on her laptop, which she ultimately sold to him. The boyfriend, Chaz Reetz-Laiolo, and the two friends would often use Cline's computer, allowing the spyware to track the keystrokes and browser activity for Cline to later use.

Boies Schiller was threatening to file a lawsuit against Cline, which could stop the sale of the books and a possible movie unless she "engage[s] in a confidential negotiation or mediation to determine whether our clients can reach a resolution with you rather than file our complaint." The letter was signed by three attorneys from Boies Schiller, including founder David Boies.

Boies was the lead attorney for former Vice-President Al Gore during the 2000 Presidential-election vote recount. He was co-lead counsel for the case that allowed gay and lesbian couples to get married in California. His work has helped him develop a reputation for integrity and high standards. He has also taken on work where he used tactics that may be questionable. When Boies represented Weinstein from the accusations raised by actress Rose McGowan, he employed private investigators to dig up dirt on McGowan. That information was used to discredit the actress who claimed that Weinstein had raped her. Boies now regrets involving any investigators, stating "I would never knowingly participate in an effort to intimidate or silence women or anyone else. ... That is not who I am."

Boies resorted to the same tactics when his firm went against Cline. She claimed that Reetz-Laiolo had been emotionally and physically abusive toward her so she used spyware to monitor his behavior in an attempt to protect herself. The firm responded to her accusation by providing a 110-page draft which included a section titled "Cline's History of Manipulating Older Men." This section detailed her history of treatment towards men, which would discredit her claims. It started, "Evidence shows that Cline was not the innocent and inexperienced naif she portrayed herself to be, and had instead for many years maintained numerous 'relations' with older men and others, from whom she extracted gifts and money." The firm was prepared to file the complaint in court, which would make all the personal details of her sexual behavior public.

Her attorneys fired back that Boies and his firm were "slut-shaming" Cline. Both parties ended up filing lawsuits against each other. As questions of ethics were raised, Boies Schiller took a step back, removing the private sexual activity from the filed lawsuit. Boies is no longer listed as an attorney involved in the lawsuit.

As New York University law professor Stephen Gillers said, "Lawyers can refuse to engage in tactics they find morally repulsive."

Do you think lawyers cross the line too often in order to win? Share your thoughts with us in the comments below.

To learn more about slut-shaming, read these articles:

- Kelly Osbourne Sued for Slut-Shaming Father Ozzy Osbourne's Mistress
- Blac Chyna Drops Lawsuit against Kourtney and Khloe Kardashian
- "SlutWalk" targets rape perceptions

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