

LUISA C. ESPOSITO
282 Garden Place
West Hempstead, New York 11552
(516) 741-0320
(516) 652-1639 (cell)

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VIA FEDERAL EXPRESS

Chief Judge Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

*Re: Sexual Assault and Harassment of Female Clients by Powerful Partners of
New York City Law Firms*

Dear Chief Judge McMahon,

As a victim of sexual assault by a prominent New York City lawyer, I was especially moved and encouraged by your speech to the New York County Lawyers Association last month. I write to make you aware of what happened to me and to ask you to refer this matter to the United States Attorney to investigate whether federal crimes have been committed.

My lawyer, Allen H. Isaac, sexually attacked me and held me hostage in his locked office for over two hours. Because of his connections with powerful New York lawyers and judges, he has evaded punishment for over twelve years. He needs to be brought to justice not only for my sake, but to serve as an example that powerful partners of New York City law firms can no longer sexually assault their female clients with impunity.

In September 2005, I met with Isaac purportedly to prepare for the trial of my automobile accident case. But instead of preparing for trial, Isaac sexually assaulted me, held me prisoner in his office, and tried to extort regular oral sex from me in return for his legal representation. He told me that my case was weak and that my only hope of recovery was through his "connections" with the "most powerful lawyer in New York," *i.e.*, Sheldon Silver, and New York state court judges appointed by, or beholden to, Silver.

After what seemed like an eternity of resisting Isaac's advances and refusing his demands for sex, Isaac told me to go home and reconsider. He threatened that if I didn't agree to have sex with him, he would use his powerful connections to make sure my case was dismissed. I would not consider submitting to such a monstrous demand. So, in October I returned to Isaac's Wall Street office with concealed video recording equipment. In a two-hour recording, Isaac admitted

to sexually assaulting me at our prior meeting, berated me for not accepting his demands for oral sex, and bragged that he had the power to force justices on the Appellate Division, First Department to do his bidding. Isaac's recorded statements include:

I'm a senior partner in this firm. I have a tremendous reputation. *What you should have said was, of course, what's the big deal, if that's going to make you happy, if that's what I could do for you, sure. That's what you should have said ...*¹

30 seconds of pleasure, no big deal ... I thought you were a special friend, and ... *that's why I touched you when I did. I didn't think it was so terrible* ... If you were Donald Trump, you could buy me a Mercedes ...²

*that act of whatever you want to call the act would be one of affection, one of appreciation, one of a special relationship ...*³

Not to divert, yesterday I was in the Appellate Court First Department ... there were 16 cases and my case was the last. *I wasn't arguing it, but the client wanted me to be there because some of the judges on the panel are very close to me ... This is all bullshit politics, and they saw me, so I wanted them to know that I'm really interested in that case ...*⁴

Now, there's a lawyer in New York whose name you don't know ... he knows everybody on a first name basis from President Bush down to the lower guy cleaning the street. He knows every judge on a first name, *he's the most powerful lawyer I've ever seen in New York ...*⁵

I call him every time I have a problem. *If a judge gives me a tough time, I call him. It's all back-room politics ...*⁶

So, I talk to him, he said, why are you involved in this case? *Because, I said, she's a special friend, I wanted him to be aware that when we get assigned to a trial part judge, I want him to see who it is and go behind the scenes ... It's important to her and it's important to me because my client is a special friend.*⁷

¹ Oct. 7, 2005 Tr. (PACER 1:07-cv-9599, ECF 45, Ex. A) at 31:4-8 (emphasis added).

² *Id.* at 32:1, 63:14-23 (emphasis added).

³ *Id.* at 31:11-14 (emphasis added).

⁴ *Id.* at 3:19 – 4:6 (emphasis added).

⁵ *Id.* at 16:6-14 (emphasis added).

⁶ *Id.* at 16:25 – 17:4 (emphasis added).

⁷ *Id.* at 17:12-20 (emphasis added).

I gave the recording to the police, who promised to investigate and arrest Isaac. Nothing happened. I gave the recording to the District Attorney, who promised to indict Isaac. Nothing happened. I sued Isaac and his law partner, Harvey Gladstein, but my case was dismissed. After the statute of limitations expired, Isaac moved to dismiss based on a technical problem with service. The Supreme Court extended my time to re-serve Isaac since he had already appeared in my lawsuit. But the First Department – the court that Isaac bragged was in his back pocket – reversed and dismissed Isaac from the case.

My case was then mysteriously transferred *sua sponte* to the New York Civil Court, even though the serious damages at stake fell within the jurisdiction of the Supreme Court. I later learned that Isaac's powerful friend, Sheldon Silver, was responsible for appointing many of the judges on the Civil Court and that Silver had special influence over the Civil Court.

After languishing for years, my remaining claims against Isaac's law partner, Harvey Gladstein, were dismissed on summary judgment in August 2015. The Civil Court judge who issued the decision, Hon. David Cohen, previously worked for Sheldon Silver. His decision is based on the shocking holding that New York law firms have no duty to assure that their partners refrain from sexual assaulting firm clients – a holding that is directly contrary to federal law as well as the New York State and City Human Rights Laws.

I appealed that decision to the Appellate Term, First Department. The two-judge panel that affirmed Judge Cohen's decision included Justice Martin Shulman, Silver's close friend who lives in Silver's building, was president of Silver's synagogue, and was appointed to oversee the "asbestos court" that ruled on cases brought by Silver's firm, Weitz & Luxenberg.

I then sought leave to appeal the Appellate Term's decision to the Appellate Division, First Division. A copy of my memorandum in support of that motion, which sets forth the background of my state law action in more detail, is enclosed. I thought that with the passage of time, Isaac's influence over the First Department might have waned. In a one-sentence decision, however, the First Department summarily denied my motion without analysis.⁸

Throughout the years, I repeatedly sought help from the Manhattan Police Special Victims Unit, the Manhattan District Attorney, and other investigative agencies – all to no avail. Although the First Department Disciplinary Committee recommended that Isaac be disbarred, the First Department – the court that Isaac bragged was in his back pocket – rejected that recommendation and instead imposed a six-month suspension. That suspension was a slap on the wrist for Issac; it was a grievous insult to me and other women who have been sexually assaulted by powerful men. As a result, both Isaac and his enabling partner, Harvey Gladstein, continue to practice law to this day. Both have escaped liability for Isaac's sexual assault, which left me irreparably damaged and consumed the last 12 years of my life.⁹

⁸ My motion for leave to appeal to the Court of Appeals is pending in the First Department.

⁹ In December 2007, my frustration over the lack of progress in my state action led me to commence a federal lawsuit against Isaac, Gladstein, the New York City police, and the New

Even more egregious, other powerful New York lawyers guilty of sexually assaulting their clients are using the First Department's six-month suspension of Isaac as precedent to avoid serious punishment for their misconduct. In a 2012 case involving a lawyer who pled guilty to criminal charges of sexually assaulting his client, for example, the First Department cited Isaac's six-month suspension as justification for imposing only a nine-month suspension. *Matter of Greenberg*, 2012 NY Slip Op. 02278 (1st Dept. 2012).

I write now to request that you refer this matter to the U.S. Attorney to investigate whether Isaac and his cronies committed federal crimes in their efforts to avoid criminal and civil liability under New York state law. Such federal crimes might include conspiracy against rights, 18 U.S.C. § 241, or deprivation of rights under color of law, 18 U.S.C. § 242. The only possible explanation for why Isaac escaped criminal and civil liability is a corrupt conspiracy among powerful lawyers, judges, and other state officials to protect Isaac as one of their own and deprive me of my civil rights.

Referring this matter to the United States Attorney is consistent with the New York Code of Judicial Conduct, which provides in relevant part:

A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action.

Acts of a judge in the discharge of disciplinary responsibilities are part of a judge's judicial duties.

22 NYCRR §§ 100.3(D)(2) and (3).

Such referral is also consistent with Judge Scheindlin's decision dismissing my federal lawsuit, which explains that I should "direct [my] complaints to . . . the appropriate United States Attorney." *Esposito v. New York*, 2008 U.S. Dist. LEXIS 61268 at *5. I followed her advice, of course, but the United States Attorney ignored communications from a powerless woman complaining about something that many men do not consider serious. A referral from you, in contrast, would certainly warrant close attention, especially in the current environment in which other women are finally finding the courage, which I displayed twelve years ago, to confront their sexual assailants.

I am copying Judge Cote, who is the current judge assigned to my now-closed federal case. Although she denied my motions for reconsideration for technical reasons, I believe she

York state judiciary. See *Esposito v. New York, et al.*, Civil Action No. 1:07-cv-09599. On August 8, 2008, Judge Scheindlin dismissed that lawsuit based on Eleventh Amendment immunity and other grounds. See *Esposito v. New York*, 2008 U.S. Dist. LEXIS 61268 (SDNY 2008). That decision was subsequently affirmed on appeal.

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recognized Isaac for the sexual predator that he is. So, I ask her to join you in referring this matter to the United States Attorney.

For the last twelve years, I have done everything in my power to force Isaac to answer for his sexual assault and other crimes against me. To date, however, Isaac has successfully placed himself above the law. Because of that misconduct, Isaac's original state-law crimes against me may now be subject to statute of limitations issues. But Isaac's federal crimes, such as conspiracy to deprive me of my constitutional rights, are continuing violations that are not time barred.

Accordingly, your referral of this matter to the United States Attorney may be the last chance that Isaac will be brought to justice, which would send a critical message that powerful New York lawyers may not sexually abuse their clients with impunity.

Thank you for considering this letter. I am available to meet with you, or anyone else who you think could help bring Isaac and Gladstein to justice.

Sincerely,

Luisa C. Esposito

cc: Hon. Denise L. Cote