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Dershowitz Can Pursue Bid To DQ Boies Schiller In Sex Case

By [Andrew Strickler](#)

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Law360 (June 18, 2019, 6:13 PM EDT) -- The New York federal judge who initially refused to hear Alan Dershowitz's request to disqualify [Boies Schiller Flexner LLP](#) from representing a woman accusing the prominent attorney and retired Harvard Law School professor of sexually molesting her said on Monday that she would consider it.

In a brief order, U.S. District Judge Loretta A. Preska allowed Dershowitz's motion to be reinstated and said he could file a 28-page memo on his request.

The order comes a week after Judge Preska said she was removing the motion because Dershowitz didn't request a pre-motion conference before the filing in violation of a court rule.

Dershowitz's accuser, [REDACTED] has alleged that convicted billionaire sex offender Jeffrey Epstein "lent her out for sex" to Dershowitz and that Dershowitz played a role as Epstein's attorney and friend in a [human trafficking scheme](#) during the late 1990s and early 2000s involving dozens of underage girls.

In a July 7 motion, Dershowitz argued that Boies Schiller shouldn't be allowed to continue to represent [REDACTED] because the firm has "severe" conflicts in the case.

Those stem from an offer made in 2015 by Boies Schiller partner Carlos Sires to represent Dershowitz after [REDACTED] alleged in a separate Crime Victims Rights Act suit focused on Epstein's deal with prosecutors that she had sex with Dershowitz and others.

Dershowitz said in his motion he didn't learn Boies Schiller was representing his accuser in the current case until after he shared with Sires a "highly confidential" memo spelling out his legal strategy in the case. The next day, Sires informed Dershowitz that a client conflict was going to prevent him from representing Dershowitz.

Last week, Boies Schiller submitted a letter to the court stating that Dershowitz hadn't complied with the pre-motion conference rule; Judge Preska agreed and ordered his filing ["marked off the calendar."](#)

"Professor Dershowitz is gratified that the court will consider the motion on its merits," said Dershowitz counsel Arthur L. Aidala and Imran H. Ansari in a statement Tuesday.

Giuffre counsel Joshua Schiller of Boies Schiller submitted a letter to Judge Preska on Monday urging her to deny the disqualification request without further briefing.

Dershowitz filed the "tactical" motion months into the suit despite having known for some five years that the firm

represents [REDACTED] Schiller said. Moreover, Dershowitz's brief contact with Sires never resulted in the formation of an attorney-client relationship.

"Even though he knew that BSF's conflict check had not been completed, Dershowitz copied Mr. Sires into a group e-mail attaching a memorandum, which Dershowitz now claims was confidential," Schiller wrote, adding that the memo was addressed to Dershowitz's "friends" and contained no confidential information.

"This is an attempt to manufacture a conflict and delay the case and prevent our client from working with the counsel she's worked with for five years," Schiller told Law360.

Dershowitz's ties to the Epstein scandal were back in the news after a February ruling by U.S. District Judge Kenneth A. Marra, who found current Labor Secretary Alex Acosta had been among several prosecutors who mishandled a decade-old sex crime case against Epstein when they signed a nonprosecution agreement with Epstein without notifying his victims.

[REDACTED] is represented by Joshua Schiller and Sigrid McCawley of Boies Schiller Flexner LLP.

Dershowitz is represented by Imran H. Ansari and Arthur L. Aidala of [Aidala Bertuna & Kamins PC](#).

The case is Giuffre v. Dershowitz, case number [1:19-cv-03377](#), in the U.S. District Court for the Southern District of New York.

