

An Interview with Gloria Allred

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Gloria Allred and her law firm, Allred, Maroko & Goldberg, have been the leading women's rights and victims' rights law firm in the nation for more than 40 years. Allred was the first attorney in California to announce that she would challenge California's ban on same-gender marriage. After litigating the case all the way to the California Supreme Court and winning the right to marry, her clients became the first same-gender couple to be permitted to be married in Los Angeles County. In January 2017, Allred filed a defamation suit against President Donald Trump on behalf of Summer Zervos. Trump called his accusers (including Zervos) liars after they accused him of sexually inappropriate



in crude and vulgar language about what he thought he had a right to do to women because he was a star. He later denied in

conduct. Allred is the author of *Fight Back and Win* (HarperCollins 2006).

RPW: Today is January 20, 2017, Inauguration Day. Why have you decided to attend the Women's March in Washington tomorrow?

GA: I represent four women who have accused President Trump of sexually inappropriate conduct towards them. During the presidential campaign, *Access Hollywood* tapes of Donald Trump and Billy Bush speaking on a bus were broadcast. The American public and the world heard then nominee Donald Trump speak

a presidential debate that he had actually done what he was heard to say on the tapes. Thereafter, accusers came forward and alleged that Mr. Trump had in fact engaged in sexually inappropriate contact with them. At some point, Mr. Trump called them liars and said what they alleged was fiction and fabrications. He also threatened to sue the accusers after the election. Today is January 20, Inauguration Day, and he has not yet sued the accusers.

About two months ago at a press conference, I called on him to retract what he had said about the accusers when he called them liars, and I asked him to assure the accusers that in fact he would not be carrying out his threat to sue them.

This week we decided time was up. He had not issued a retraction, and he has not withdrawn his threat to sue. So I filed a defamation lawsuit against Donald Trump on behalf of one of the accusers, Summer Zervos, a former candidate on Mr. Trump's TV show *The Apprentice*.

I am here in Washington today because tomorrow I will be marching in the Women's March in Washington with some of the accusers, Summer Zervos, Temple Taggart (a former Miss Utah), and Jessica Drake. We are going to be marching along with hundreds of thousands of others who want to voice their values and their concerns about the incoming administration and what they expect may happen that will adversely affect their rights in the next four years.

RPW: Straight out of law school, in January 1976, you formed a law firm with fellow law graduates Michael Maroko and Nathan Goldberg. How did the three of you decide to form the firm?

GA: First, I was going to have an all-women's firm with two other women classmates who initially agreed, but when it came down to it, one decided to accept an offer with the attorney general's office in California and the other decided that she wanted to move to Santa Barbara and form her own practice. For that reason, I went to my second choice, Nathan Goldberg and Michael Maroko, who were my law school classmates and whom I had met when we were together in the district attorney's clinical training program at Loyola.

I liked them. I loved their sense of humor. I liked their values. I liked their compassion. I knew that they were and would be brilliant lawyers. Nathan graduated number one in our class from law school, and Michael was right up there at the top. Of course, it was going to take a lot of chutzpah to ask them to go into practice with me because they had offers from the big firms. They asked, "If we go into practice with you, where will the clients come from; do you know anyone?" And I said, "I don't know anyone, and nobody knows me, but we are going to put good out

into the world, and I believe that good will come back to us, maybe not from a particular case, but it's just what I believe about life."

I don't know why I said that because I had never thought it before, never said it before, and it just came to me. They said "OK, that sounds good, but we're not sure, because we have offers from the big firms." I asked, "Do you ever want to be in your own practice?" They said yes, and I said, "Well, you should do it now because if you wait and you go with the big firms, you may be afraid to leave because then you'll be married, you'll have kids, you'll want a bigger home, new cars. You'll want to save for your kids' college education. You'll be afraid to take risks. Now you have nothing so you have nothing to lose." They said that seemed to make sense.

For 42 years, they have been my rock, and I absolutely respect and love them. They're like my brothers. I have 100 percent confidence in them; they have such good hearts for women and all the people we represent.

Sexual harassment is a form of sex discrimination.

We do sexual harassment in employment cases, civil rape, civil child sexual abuse, race discrimination; age, sexual orientation, AIDS discrimination; and physical handicap or disability cases. I would never have thought when I began that, 42 years later, there would still be a need to do the kind of cases that we handle, but it is still necessary to do it. We've been pioneers not only in women's rights but in gay and lesbian rights and minority rights, since the late seventies, and have handled many, many precedent-setting cases in all of these areas.

RPW: In a 2010 *New York Times* profile, Fordham University law professor Thane Rosenbaum described you as "a moral attorney," by which he meant "someone who takes on a case without any thought for her own reputation or even whether she is going to win or lose in the courtroom." Is that how you see yourself?

GA: I would say that in the area of civil rights, if there's no precedent, we have to look at the probability of success. We know we are taking an educated risk because statutes sometimes conflict with the Constitution. For example, we were the first in California to announce that we would challenge

the California ban on marriage equality. We filed a lawsuit challenging the constitutionality of the Family Code statute that prohibited individuals of the same sex from marrying, even though they were adults and otherwise would be eligible to marry. We couldn't guarantee that we would be successful in California because no case had been decided by the California Supreme Court on that issue, but we were willing to take an educated risk because we had done research and felt that there

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were legal arguments to be made. We believed that there was a basis for the California Supreme Court to strike down that statute. We didn't know if we would win or lose. We knew it would be controversial, but we did it anyway and we won. We were involved in six years of litigation on that issue.

There was also an AIDS discrimination case that we filed in 1987 against a nail salon that refused a pedicure to our client, Paul Jaspersen, who had recently been diagnosed with AIDS. In spite of the West Hollywood ordinance prohibiting businesses from discriminating against those who were HIV positive or who had AIDS, the salon refused to honor his appointment after learning that he was HIV positive. The trial court refused to enjoin the salon from discriminating, so we appealed. Prior to the appeal being heard, Paul died, but we continued to pursue the case and we won two precedent-setting decisions in the case in the California Court of Appeal. Another case where we didn't know what the result would be, but we felt there would be a probability of success, involved a restaurant that refused to allow a lesbian couple to dine in the romantic section of the restaurant with curtained booths. The restaurant would allow them to be seated elsewhere in the restaurant. In the eighties, there was no precedent for cases like these. Eventually, we won both of them, and we were able to cite our own legal precedents, published opinions, in subsequent cases.

So I thank Thane for his kind statement that I am a moral attorney. We do believe in doing what we think is the right thing. I remember that when I was at Penn, a professor said that when you have the opportunity to act in a moral way, you

have the ability to act, and you have the desire to act, it's the only choice you can make. I have felt that we have an opportunity to improve and advance and protect the rights of women and minorities, we have the desire, and we have the ability, so it's the only moral choice we can make.

In my book *Fight Back and Win*, I quote Mahatma Gandhi: "You must be the change you wish to see in the world." So I will do whatever is legal and peaceful to advance and improve the status and condition of women, and help bring them into the mainstream of public life and into equal partnership with men. I will do that in reference to the rights of minorities as well.

We will do whatever is necessary to protect and vindicate the rights of our clients.

RPW: Your book chronicles many successes that have raised consciousness about these issues and empowered victims to speak up. But yet, here we are in 2017 and we have had accusers coming forward against media mogul Roger Ailes, actor Bill Cosby, Supreme Court Justice Clarence Thomas, as well as President Donald Trump. What more can be done?

GA: I believe there are consequences that need to be faced by perpetrators of injustice, including those who sexually harass women, those who are sexual predators engaged in rape and child sexual abuse, and those who hurt women and children. What can be done in my view is to impose serious enough consequences on them so that others will be discouraged from inflicting similar injustices on women and children. Sometimes that takes shaming the perpetrators; sometimes there are criminal consequences that must be faced; sometimes there are consequences from a civil settlement or lawsuit—sometimes all of the above.

In the case of Bill Cosby, I represent 33 accusers. They spoke out at great risk to themselves. They recognized it was too late for them to file a criminal case even if the district attorney believed that he or she could prove guilt beyond a reasonable doubt, because the statute of limitations had run. It was also too late for them to take any civil action, but still they spoke out and took the risks. Ultimately, Mr. Cosby was charged criminally with three counts of aggravated indecent assault against one alleged victim, Andrea Constand. That case is pending in Montgomery County, Pennsylvania.

I do have one civil lawsuit pending against Mr. Cosby on behalf of Judy Huth, who alleges that she was 15 years old when she became a victim of sexual misconduct by Mr. Cosby at the Playboy Mansion in Southern California. It's an allegation of child sexual abuse, and that is why we have a longer statute of limitations.

Yes, I have spoken out about Mr. Cosby. Yes, we're litigating the civil case. Yes, I represent a potential prior bad act witness in the criminal case.

RPW: In a *USA Today* interview in August 2016 in which Donald Trump was asked what his daughter should do if she were sexually harassed at work, he was quoted as saying, "I would like to think she would find another career or find another company if that was the case." How do you find the energy to keep going in the face of the persistence of the viewpoint, after all these years, that the person being harassed should be the one to leave the job?

GA: I don't believe that a victim should have to leave her job as a consequence of her having been victimized by a perpetrator of sexual harassment on the job. That's ridiculous, and it's not what she signed up for. Sexual harassment is a form of sex discrimination. It's a denial of the right to equal employment opportunity. The victim should not have to leave, and if an employer does terminate her, then there are going to be consequences for the employer. If she's retaliated against on account of the fact that she protested the sexual harassment, that's also against the law.

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How do I find the energy to keep taking cases after 40 years? I always say that fighting injustice is very good for the health, so that keeps me going. I'm action oriented. Worrying is not a good use of energy for me or, I think, for anybody else, for that matter. I look at options. It's up to my client to choose which option is best for him or her, but doing nothing usually only benefits the wrongdoer. I always say the cost of the wrong should be borne by the wrongdoer, not the victim.

RPW: The type of work that you do is high pressure for you and very high stakes for your clients. Do you have any particular stress management techniques, tools, or regimens, or law firm management techniques, that help in a high-stress practice that you can share with us?

GA: [Laughing] I laugh because I've said when asked how do I handle stress, that my job is not to absorb stress. My job is to put the stress on the wrongdoer. I can sleep at night very well because my conscience is clear. I don't feel that absorbing stress is helpful for what I need to do for my clients. I use every moment of this gift of life to do what I can to make life better for my client and make my contribution to the world.

RPW: You have been a tireless advocate of women's access to safe and legal abortion. What are your thoughts about where we stand on that right now and in the foreseeable future, and what needs to be done?

GA: Of course, there's a great deal of fear and trepidation about the incoming Trump administration. My main concern, of course, is the Supreme Court nominees of President Trump. He's provided his list; many are anti-choice, against the right to choose legal, safe, and available abortion; some may even be against access to birth control. That's of great concern to me because I believe strongly in *Roe v. Wade*, and I want us to be able to continue to ensure safe, legal, affordable, and available abortions. Of course, there have been many, many attempts to cut back on *Roe v. Wade* by those who oppose a woman's right to choose, and now we're faced with the filling of vacancies on the Supreme Court by the president of the United States with a Judiciary Committee dominated by Republicans, many of whom are also anti-choice and perhaps believe that a fertilized egg should have more rights than an adult woman. I do not feel that politicians in Washington should be able to determine for a woman whether she can have a legal abortion. I would say that many of the Republican members of Congress believe in mandatory motherhood. I am concerned.

I'm also concerned about the cutback of the right to be free of employment discrimination. The Trump administration is a nightmare, to put it mildly. We have to be ever vigilant. We have to be courageous. We have to resist. Whatever the end result, we have to stand up and fight back for what we believe in, for our values, for our future, and for the future of our sons and daughters. ■