

Equality

Ghislaine Maxwell Jury Confronts Rare Case Alleging Female Sexual Predator

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She's expected to portray herself as a scapegoat for Epstein

Women may be 'particularly offended' by her, one expert says

Ghislaine Maxwell Photographer: Laura Cavanaugh/Getty Images

Ghislaine Maxwell's sex-trafficking trial is set to kick off as one of the biggest of the #MeToo era. But the jury selected Monday may have to grapple with a unique question: is Maxwell herself a victim?

"Most criminal defendants are men in these these sorts of sexual predator cases," said Moira Penza, a former federal prosecutor in Brooklyn, New York. "This case is unusual because we have a female defendant."

Whether some people might be more or less sympathetic to Maxwell, 59, as a woman has hung over the jury selection process. The 12 jurors and six alternates were picked Monday in Manhattan federal court, with opening statements to begin soon after in a trial expected to last into January. If convicted, the British socialite faces as many as 40 years in prison.

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The jury selection got off to a bumpy start on Monday with two potential jurors not showing up at all and another who "forgot" getting to the courthouse late. A few also raised their hands when U.S. District Judge Alison Nathan asked if they had read or heard anything since last week and could still be impartial in the case. Among those dismissed was a private equity worker who had previously expressed concern about serving on the jury due to his "proximity" to high-profile individuals who've been linked to Maxwell's ex-boyfriend, Jeffrey Epstein.

Maxwell is accused of "grooming" underage girls for sexual abuse by Epstein and participating in some of the abuse herself. Her defense is expected to attack the credibility of her accusers, four of whom are planning to testify against her, and possibly suggest they have "false memories" of abuse. But they've also suggested that she's a scapegoat for Epstein, who committed suicide in August 2019 while awaiting

his own trial on sex-trafficking charges. Maxwell's lawyers may also try to show that she was effectively controlled by a rich and powerful man.

'Just Another Victim'

Cheryl Bader, a former federal prosecutor who now teaches at Fordham Law School, said such a defense could work with some jurors.

"People hold complex world views," said Bader. "A #MeToo juror seems more likely to want to hold Maxwell accountable for her enabling role, but they might also be open to seeing Maxwell as herself a victim of a controlling abusive male. I think it will come down to how well the defense can cast Maxwell as just another victim of Jeffery Epstein."

But Penza, who has previously prosecuted sex-trafficking cases, said that argument could seriously backfire, especially with female jurors.

"I think a lot of women will be particularly offended by her because I think, when you see this older women involved in this alleged grooming of younger women or underage girls, it's such a corruption of what people want to see as a woman's role of being more maternal and protective," she said. "I think that there are a lot of women who will have a very negative reaction, not only to the actions that Ms. Maxwell took, but also any defense that tries to portray herself as a victim when there are so many true victims."

'Poisonous' Jurors

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Marc Fernich, a lawyer who's represented Mexican drug lord Joaquin "El Chapo" Guzman, said the defense in high-profile cases usually focuses more on weeding out "bad" jurors than finding "good" ones.

“You’re trying to exclude those who are really poisonous to your case who have biases and who can’t be fair to the client,” said Fernich. “I don’t think in a case like Maxwell there is such a thing as an ‘ideal juror’ but just maybe someone who’s a leader, who can be fair and doesn’t buy everything the government says.”

Maxwell’s jury was selected from a pool of 58 people, which was itself winnowed down over the past few weeks from an initial group of roughly 600. Among those previously cut were the parents of teenage girls who said they couldn’t be impartial in a case involving sexual abuse of minors. Potential jurors were also asked whether they or someone close to them had been either victims or accused of sexual harassment or abuse.

Penza said prosecutors have historically found women more receptive as jurors in sexual abuse cases, but she thinks the #MeToo movement has sensitized more men to those issues.

Wealth Bias

“There has been a societal shift and now, I think, often men may view certain witnesses as people who could be their sisters, their daughters, their friends,” she said. “And so I haven’t seen such a sharp division between how men react to victims of sexual violence versus women.”

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Potential jurors were also quizzed about possible biases against wealthy people leading lives of luxury. Maxwell, the Oxford-educated daughter of British publishing tycoon Robert Maxwell, has an estimated net worth of about \$22.5 million, and testimony will likely include accounts of how she managed Epstein’s five homes, including a private island in the Caribbean. Before she was arrested in July 2020, she had been hiding out for a year in a \$1 million rural New Hampshire country house that was paid for in cash.

A major issue in all high-profile trials is how much media jurors may have consumed about the case. Since his death, Epstein has been the subject of a flood of news articles, podcasts and the four-part

Netflix documentary “Filthy Rich,” which included interviews with victims who said Maxwell recruited young girls for him.

Her defense team has long questioned whether she can get a fair trial given the “cloud of massive negative publicity” that surrounds the case, and potential jurors were questioned about their knowledge of Epstein and Maxwell. One man who said he once briefly met Epstein was excused after he said the meeting led him to follow the case more than he would have.

‘Lived in a Cave’

But a surprising number of mostly younger potential jurors said they were only slightly aware of Epstein, as they rarely, if ever, read newspapers or watched television news.

That’s good news for the defense, said Lara Yeretsian, a Los Angeles-area criminal-defense lawyer who previously represented Michael Jackson.

“I was thinking that almost everyone has been exposed to the Epstein story, but you do have those who are millennials and younger who would likely be good because they have lived in the cave of the video-game world and don’t keep up with the news,” she said.

“The best jurors are those who can keep an open mind to Maxwell’s likely argument that she’s a scapegoat and on trial only because Epstein isn’t around. You need people who understand reasonable doubt and can differentiate between the two and put any preconceived notions aside.”

The case is U.S. v. Maxwell, 20-cr-330, U.S. District Court for the Southern District of New York (Manhattan).

— With assistance by Mary Biekert

(Updates with jury being selected.)