

Fired Atty Says Goldman Buried Top Lawyer's Sex Misconduct

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By **Vin Gurrieri**

Law360 (October 26, 2020, 9:07 PM EDT) -- Goldman Sachs hired Weil Gotshal & Manges LLP to perform a "bogus investigation" designed to cover up sexual harassment claims against the bank's global head of litigation and then fired an in-house lawyer who sought to bring his purported misconduct to light, according to a lawsuit filed Monday in New York state court.

Marla Crawford, who worked as an associate general counsel on Goldman's internal litigation and regulatory proceedings team, sued the bank as well as its general counsel, Karen Seymour, and its global head of litigation, Darrell Cafasso, alleging she was fired for calling out Cafasso's alleged harassment of a woman who was identified in the suit only as Jane Doe. The Weil firm is not named as a party to Monday's suit.

Crawford claimed that Cafasso used his position "to romantically prey upon a much younger and vulnerable female" subordinate. After Cafasso was forced to admit his alleged misbehavior to Seymour, Crawford claims that Goldman, instead of disciplining Cafasso, hired Weil to "conduct a so-called 'independent' investigation" that was "expressly set up to clear Mr. Cafasso of wrongdoing."

"The conduct at issue here calls into doubt all internal investigations done at Goldman and demonstrates that the bank and its senior leaders are only concerned with protecting themselves and their executives, not the employees," Crawford alleged in her complaint.

Goldman Sachs told Law360 through a spokesperson that it has reviewed the allegations in Crawford's complaint and "found that they were completely without merit."

"The general counsel took all appropriate actions, including ensuring there were thorough investigations by our HR function, after the incidents that form the basis of the plaintiff's complaint," Goldman Sachs said in its statement.

Additionally, the bank said that Crawford was "offered the same job in a different location" as part of a "broader ... restructuring" of its legal division, but that she "declined."

"Given the lack of merit to plaintiff's claim of retaliation, we have been unable to resolve the matter and thus have no choice but to contest it through the proper legal channels," Goldman said in its statement.

Representatives for Weil did not immediately respond to requests for comment Monday.

Crawford, who spent a decade at Goldman after practicing for over 20 years at Jones Day, alleged that Cafasso, who was hired by Seymour in 2018 from Sullivan & Cromwell LLP, often drank to excess in violation of company policy and spent time "encouraging" Doe to do the same during "private offsite meetings," according to the complaint.

He also allegedly made numerous remarks professing his love for Doe, with Crawford framing his pursuit of Doe as an "obsession," according to Monday's complaint. The suit also claimed that Cafasso promised to reward her with job benefits like good performance evaluations if she "would 'return the favor.'"

Crawford claims that even though she was "an obvious person to interview" since she functioned as a "confidant" for Doe, no one approached her to talk as part of the internal probe into Cafasso's alleged behavior, with her being instructed instead to keep quiet after she raised concerns on her own.

Seymour also allegedly told another top lawyer that the situation was "sticky," and said, "Let's try to put this genie back in the bottle," according to the complaint.

"Within two weeks, Mr. Cafasso was back to work as if nothing had happened, apparently with a stamp of approval from Weil Gotshal that he had done nothing unlawful, unprofessional or otherwise," Crawford alleged in her suit. "Rather, it was Jane Doe, the harassed female subordinate, who never returned."

Crawford also speculated in her suit that Doe, who was represented by prominent lawyer Gloria Allred, "was likely paid a sum of money and forced out of the bank," according to Monday's complaint. Doe also likely had to sign a nondisclosure agreement, the complaint said.

"Having paid Jane Doe to keep quiet and protect Goldman, the bank was determined to silence anyone else who spoke up about Mr. Cafasso's conduct," Crawford alleged, asserting that she was "immediately subject to blatant retaliation" when she complained about Cafasso's alleged conduct.

That alleged retaliation included Cafasso adding negative remarks to Crawford's performance evaluation after it had been finalized and lowering her bonus. She was fired earlier this month, according to her complaint, which said she had initially been told she could work through November but had all her access to Goldman's systems shut down after she informed the bank on Sunday that she would be suing, her complaint said.

The suit alleges violation of both the New York State Human Rights Law and the New York City Human Rights Law.

"As a lawyer and professional, I always try to stand up for what is right," Crawford said in a written statement Monday. "Unfortunately for Goldman's top lawyers, that made me a liability. I will hold Goldman and its senior lawyers accountable for the blatant retaliation perpetrated against me."

Crawford's lawyers Douglas Wigdor and David Gottlieb of Wigdor LLP said in a statement that top lawyers at Goldman "should know better than to engage in sexual harassment, cover-ups and blatant retaliation against those who have the courage to speak up."

"Given these allegations, it should come as no surprise that Goldman has been referred to as the villain of Wall Street," they said.

The plaintiff is represented by Douglas Wigdor and David E. Gottlieb of Wigdor LLP.

Counsel information for Goldman Sachs wasn't immediately available.

The case is Marla Crawford v. The Goldman Sachs Group Inc. in the Supreme Court of the State of New York, County of New York. The case number was not immediately available.

--Editing by Michael Watanabe.