

Strauss-Kahn countersuit: Opening the door to his sexual past?



By Joseph Ax
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(Reuters) - Former International Monetary Fund chief Dominique Strauss-Kahn struck back this week at the hotel maid who accused him of sexual assault with a sharply worded countersuit claiming defamation, but lawyers say the filing could backfire.

Legal experts say Strauss-Kahn's lawsuit could give New York maid Nafissatou Diallo's attorneys greater freedom to present evidence of Strauss-Kahn's sexual history, including allegations involving other women.

Without the defamation claim, "it would have been quite unlikely that they could bring up prior allegations," said David Golomb, former president of the New York State Trial Lawyers Association. "Now I believe he's opened the door to all these things."

Diallo, a maid at the Sofitel Hotel in midtown Manhattan, claimed Strauss-Kahn forced her to perform oral sex in his suite last year.

The scandal made headlines around the world, caused Strauss-Kahn to resign as head of the IMF and scuttled his expected bid for the French presidency.

Strauss-Kahn has said the sexual encounter was consensual, and prosecutors eventually dropped the criminal case after they grew concerned about Diallo's credibility. They said she invented details about her past and altered her version of what happened intermediately following the incident in Strauss-Kahn's suite. Diallo filed a civil lawsuit against him in August, weeks before the criminal charges were dismissed.

On Monday, Strauss-Kahn's lawyers filed counterclaims in Bronx County Supreme Court for defamation, emotional distress, malicious prosecution, abuse of process and false imprisonment.

Douglas Wigdor, one of Diallo's lawyers, said the countersuit removed any barriers to introducing what he called Strauss-Kahn's "prior bad acts."

"Some of it would have come in. Some of it wouldn't have come in," he said. "But there can be no question that the defense to his claim of emotional distress or damages to his reputation allow this evidence to come in."

Strauss-Kahn's lawyers did not respond to requests for comment.

It had been unclear whether Diallo would be allowed to explore Strauss-Kahn's past behavior in pursuit of her lawsuit against him. In civil cases, the judge typically has broad discretion to decide what is admissible evidence.

The defamation counterclaim puts Strauss-Kahn's reputation in play, allowing "the maid to demonstrate that he already had a bad reputation," said Scott Coffina, a white-collar attorney at Drinker Biddle in Philadelphia.

For example, Diallo's attorneys could raise the example of French writer Tristane Banon, who accused Strauss-Kahn last year of having attacked her in 2003. French authorities dropped the investigation due to a lack of evidence and the statute of limitations.

Diallo's attorneys also could mention that Strauss-Kahn is under investigation for his possible connection to a ring of call girls that French prosecutors say sent prostitutes to sex parties attended by Strauss-Kahn in Washington, Paris and the northern French city of Lille. In 2008, the IMF investigated sexual harassment claims stemming from an affair Strauss-Kahn had with former IMF economist Piroška Nagy, concluding that he had shown poor judgment but had not abused his power.

"It may have come in anyway, since the plaintiffs would have argued that it was a practice of his to engage in that manner with women," said Daniel Arshack, a New York litigator. "Now it's guaranteed to come in."

(Reporting by Joseph Ax; Editing by Stacey Joyce)