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US SUPREME COURT TO CONSIDER DAMAGES FOR CHILD PORN SUBJECTS Seattle Attorney Helps Move Litigation Forward

Seattle attorney Carol Hepburn is applauding the decision by the U.S. Supreme Court today to review a case involving restitution for the subjects of child pornography crimes. Hepburn is one of three attorneys nationally who have been in the forefront of prosecuting cases on behalf of the survivors of child pornography.

“Today’s action is significant for young women with claims against the users and circulators of child pornography,” said Hepburn. “We believe the Supreme Court will make the right decision and allow these individuals to receive the restitution they deserve for all they have suffered.”

The case at issue arises from a criminal prosecution involving Texas resident Doyle Randall Paroline who, in January 2009, pleaded guilty to possessing multiple images of child pornography on his computer. A woman identified as “Amy” was among the girls shown in the images. Amy is seeking \$3.3 million from Paroline to cover the cost of her lost income and psychological care.

Amy is now in her early 20s and living in Pennsylvania. Hepburn, works with a team of attorneys that has prosecuted claims on behalf of both Amy and another woman, “Vicky,” who was similarly harmed. As children, both Amy and Vicky were raped by men to produce child pornography. The resulting images are among the most widely disseminated photographs of child sexual abuse in the world. Hepburn and her colleagues have argued the two are entitled to restitution to be paid by the distributors and consumers of the pornographic images.

The Court’s decision to review Amy’s case is expected to result in a consistent approach to granting restitution to the subjects of child pornography crimes allowing them to recover out-of-pocket losses. As adults, these individuals are haunted by the crimes they endured. They have difficulty maintaining jobs and personal relationships, and need ongoing counseling and other supportive measures.

Lower courts have varied widely in interpreting the intent of Congress in 1994 when it passed the law providing for restitution for sexual exploitation of children. The law was passed to allow the children used in pornography to recover losses for the harm they endured and continue to endure, as long as the images are in circulation. To date, defendants have argued that restitution claims should not be honored at all or that anything over minimal amounts are disproportionate and unfair. Sometimes, victims have received orders awarding the full amount of their losses, sometimes, nothing at all and, at other times, varying amounts in between.

Hepburn’s team includes White Plains, New York attorney James Marsh and former federal judge and University of Utah law professor, Paul Cassell, who heads the Appellate Clinic at the S. J. Quinney College of Law at the University of Utah. Hepburn represents Vicky. Marsh represents Amy, and Cassell represents both women for purposes of appeal.

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“When one of these women goes about her daily life and, for example, walks into a grocery store,” Hepburn explains, “she wonders who around her has seen the pictures of her sexual torture. For these women, it’s as if the rape is being repeated over and over each time it is downloaded, viewed and passed around again and again in the cybersphere. Our clients deserve every dollar we can get for them.”

Arguments on the case are expected before the Supreme Court early next year. Hepburn, a former King County prosecutor, practices personal injury law and specializes in representing crime victims. She works from offices in Seattle and Portland.
