

## **CLOSING ARGUMENTS: KEVIN SPACEY-ANTHONY RAPP TRIAL UPDATE: DAY 9—SPACEY 6; RAPP 2**

**ANA CHEVALIER**

**Posted on October 20, 2022**

**Closing arguments and jury deliberation.**

Closing arguments were heard today in the civil trial brought against Kevin Spacey by actor Anthony Rapp.

Richard Steigman, attorney for Rapp, started his closing arguments by stating the defense's sole position was that of accusing his client of "a 35-year crusade" against defendant Spacey.

During Mr. Steigman's rambling closing arguments, I fought to keep my mind from wandering. He weaved in and out between points the defense had raised and seemed to petulantly say, "yeah, well, they didn't prove their case," but he fell short of offering arguments of substance.

He repeatedly walked the line between fact and fallacy, crossing over from time to time. He said the Limelight club, where Mr. Spacey, Mr. Barrowman, and the wee man, Rapp, went in 1986, was a "forerunner to Studio 54."

Facts are tricky things, and as with most of Mr. Steigman's statements, the facts refute them.

Had Mr. Steigman Googled Club 54, he would have learned that it closed in 1980, six years before the trio went inside. Kind of hard to be a forerunner if you don't exist yet.

No, it's not a relevant fact for the argument of the case, but if you can't get simple, easily verifiable facts like this one correct—how on earth do you expect people to believe you on more challenging aspects of this case?

He grumbled about Dr. Bardey's hourly rate of \$500 compared to his own expert's rate of \$450 per hour.

How that fifty-dollar difference matters here eludes me.

If anything, as one court attendee told me, "it made Bardey sound like more of an expert." Well done, Mr. Steigman.

In the end, the best way I can encapsulate Mr. Steigman's oration is to use words better than my own.

It was, in true form, "a tale, told by an idiot, full of sound and fury, signifying nothing."(Act 5, Scene 5, lines 17–28)

Steigman concluded on the theme of motive. "If you call a man a liar, you've got to give him a motive."

Mr. Stiegman need not worry. Mr. Rapp has done well to offer several motives, the least of which is the \$40 million ask he made attached to this case.

By contrast, Keller's closing arguments were clear, concise, and some of the most well-positioned I've ever known. (And I've enjoyed hundreds of closing arguments/ summations over the years.)

She pointed out, one by one, the flaws in Rapp's case, offering clear contextual references for the jury.

Mr. Rapp "saying there's no envy, [regarding Mr. Spacey] is like me saying I don't envy Ruth Bader Ginsburg. It's not credible." Jennifer Keller

Ms. Keller pointed out the reality of the court case, made to look even uglier and harsh in the midday Manhattan sun—

Anthony Rapp is well known now for taking down one of the greatest actors of his generation.

Jennifer Keller, Defense Attorney

She unknowingly paraphrased, what I had repeatedly heard during my multi-year investigation, that "Kevin Spacey is the best thing to happen to Anthony Rapp's career."

But perhaps her most powerful assertion surrounded Dr. Bardey.

He can't say, but I'm going say that Mr. Rapp is faking it.

Jennifer Keller, Defense Attorney

She reminded the jury of the studio apartment floor plan, and laid bare her expectations for the jury.

I urge you to reject any compromise verdict, awarding even a dollar of damages. It. Didn't. Happen. One penny is too much."

Jennifer Keller, Defense Attorney

Instructions like this can profoundly impact how people think about a situation, and could be significant for the jury.

In her final statement, she again offered guidance to the jury,

The first question on the verdict form is, Did Mr. Rapp prove by a preponderance of the evidence? He did not. Vote no.

Jennifer Keller

There was a short break after which Steigman was given time for a rebuttal. And the judge shot down his first comments:

Steigman: The proof must come in the case, not the argument. Mr. Barrowman never told Anthony about Mr. Spacey...until the late 90s... Let's put up the verdict sheet.

Judge Kaplan: No.

Steigman's second volley didn't land any better.

Steigman: The first question on the verdict form is, Did we prove by a preponderance of the evidence that Mr. Spacey touched —

Judge Kaplan: If you can't restrain yourself, you'll have to sit down.

Earning another caution from the judge during rebuttal speaks volumes and could again prove very problematic for Rapp's case. And it wasn't the last one Steigman would get today. His last words to the jury secured another admonishment.

Steigman: Your award for the past should reflect all the ways it has impacted Anthony in the past. And as to the future, Dr. Rocchio says it continues. Don't let him get it away this time.

Judge Kaplan: Counsel's personal wishes are not to be considered.

And with that, the closing arguments were done.

Judge Kaplan followed after a short break with his instructions to the jury about what is expected of them. They were granted leave to deliberate.

Ms. Keller raised a final point with Judge Kaplan regarding Steigman's behavior. She expressed her disappointment that Steigman had said, "I hope you don't let him away with it this time," noting it "clearly implies there are other times."

She charged that Steigman's comment was "premeditated" and said, "There should be some kind of sanction."

Judge Kaplan replied that he wouldn't "do anything now," offering the following explanation.

"If there is a defense verdict, it's a matter of professional conduct, if anything. If there's a plaintiff's verdict, it could be a matter for motion practice. Just like Mr. Rapp's answer about why did you bring this case."

FINAL TALLY: TRIAL UPDATE: DAY 9—SPACEY 6; RAPP 2

It's been a wild nine days, and in the final tally, I've got to give it to the defense.

The plaintiff's attorneys too often looked out of place, positioned against the courtroom savoir-faire of the defense.

Steigman and Saghir's petty antics and courtroom petulance appeared childish and desperate compared to Keller and Scolnick's confidence and finesse.

And that's been disappointing.

I was eager to see two powerhouses "duke it out," but in the end it became something of a melee with cheap headlines and yellow cards from the veteran judge.

As for the verdict? Stay tuned. Jury deliberation is currently ongoing.