

Mitchelson trial over; jury rejects rape claim

By Pat Alston
STAFF WRITER

A Santa Monica jury Wednesday threw out a Westside woman's claim that she was raped by celebrity divorce attorney Marvin Mitchelson while she was his client.

Following a day and a half of deliberations, the jury voted 10-2 in favor of the 63-year-old Century City lawyer. Civil decisions need not be unanimous.

Mitchelson is not liable for claims brought against him by Kristen Barrett-Whitney, the jury decided.

Mitchelson said he feels vindicated by the verdict but still bruised by the assault on his character by "a professional victim."

"It was like going through hell, being accused of something that you know you didn't do," he said.

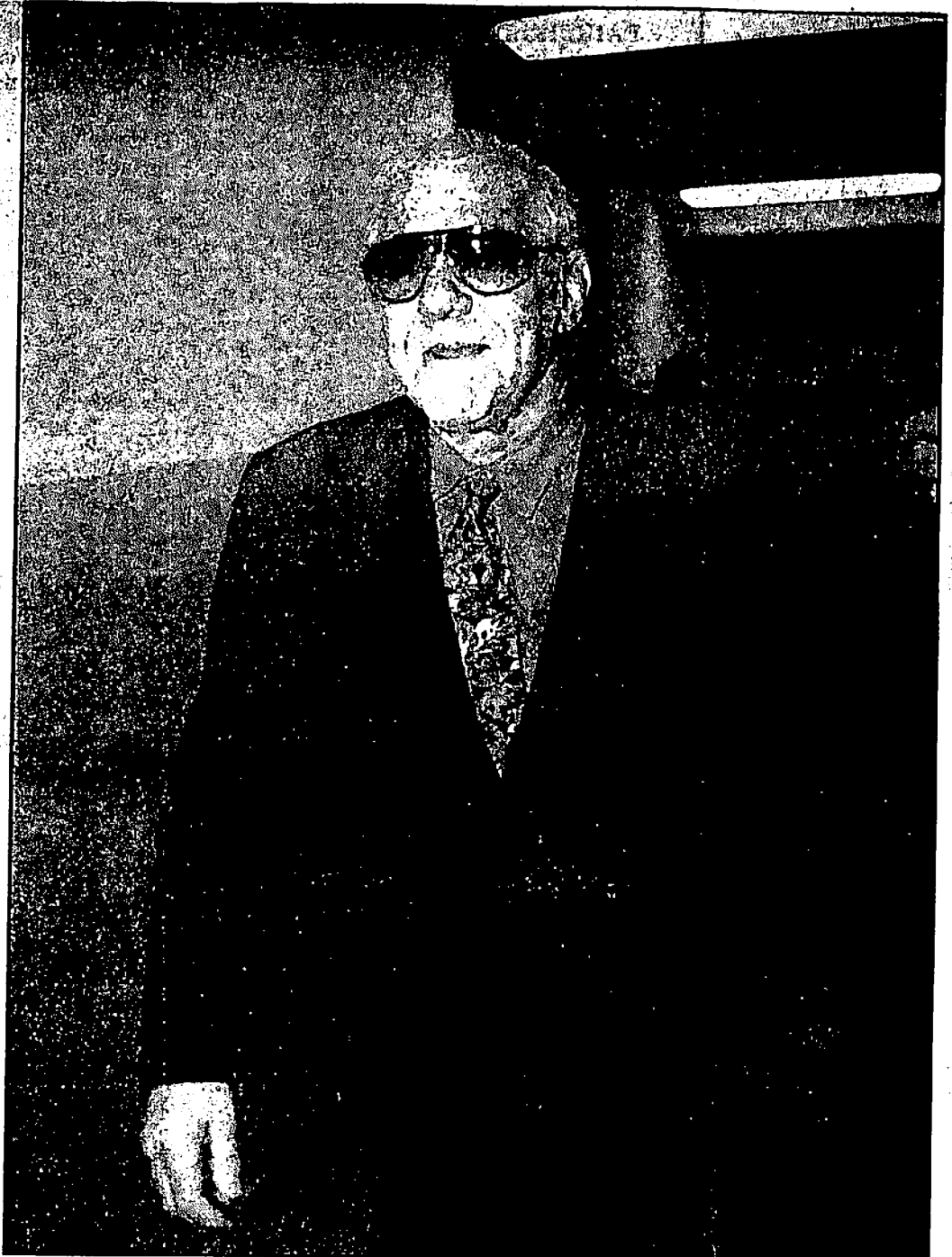
Police investigated Barrett-Whitney's claims, but no criminal charges were filed against Mitchelson. Instead, she filed a civil suit seeking damages.

"In some ways it's a testament to our judicial system, and in other ways sort of a damnation of it," said Joseph Kibre, who served with Howard L. Horwitz as Mitchelson's defense team.

"Although vindicated, he was tried in the press six years ago, and he's had to wait six years for vindication," Kibre said.

Barrett-Whitney could not be reached for comment, and her attorneys were said to be still in a meeting six hours after the jury returned its verdict.

During the 11-day trial, however, they contended that Mitchelson took advantage of his emotionally scarred client by luring her into the bathroom of his private high-rise suite in November 1985



RICHARD N. LEVINE/STAFF PHOTOGRAPHER

Celebrity divorce attorney Marvin Mitchelson said he feels vindicated by ruling and raping her.

Testifying in the courtroom of Superior Court Judge Hiroshi Fujisaki, Barrett-Whitney said she was sexually abused by two husbands, a psychiatrist, a dentist and an attorney, among others. She has lawsuits pending against five other people, including a Pacific Pali-

sades man with whom she lived for several years.

"My opinion is she's a professional victim — frankly, a professional extortionist — and the jury saw it," Mitchelson said.

"I do feel vindicated," he added. "My defense was it never happened."