

Holding Enablers Accountable

Brenda Harkavy pursues institutional justice for victims of abuse

BY NANCY HENDERSON

Brenda Harkavy was still in high school when she saw the news reports about young female factory workers murdered in Ciudad Juárez, Mexico. Authorities had failed to protect them, or even investigate the crimes. "It just somehow hit a chord with me," says Brenda Harkavy, a civil litigator at Raynes & Lawn in Philadelphia.

As a student at the University of Pennsylvania, she raised funds to help protect the victims from further violence during the summer of her junior year, and lived in Buenos Aires for a time, where she wrote her thesis on the plight of mothers searching for their kidnapped children during Argentina's civil war. Over the years, her drive to seek justice for them, and for other women and children facing sexual and physical assault, grew.

"There's never been a moment in my life where I didn't feel like my purpose was to help people," says Harkavy. "The idea of going into a profession just to make money has never been my trajectory. It was always about using my voice to help create change."

That spirit, along with a nonjudgmental love of people, has propelled her legal career, first as a Special Victims Unit prosecutor in Maryland; more recently as an advocate for clients victimized by religious, academic and medical institutions, as well as other "institutional enablers" that have failed to protect women from abuse despite signs of it. In a groundbreaking case against the University of Southern California involving gynecologist George Tyndall, who assaulted hundreds of female students,

Harkavy was part of the team that helped secure the largest sexual abuse and personal injury settlement against a university in U.S. history.

Activism is in Harkavy's DNA. Her paternal grandmother was a social worker, and her grandfather, a lawyer, headed the NAACP Legal Defense Fund in the Bronx, marched in Washington, D.C., with Martin Luther King Jr., and defended Black youth unjustly accused of serious crimes. Harkavy's dad led demonstrations and sit-ins at UPenn against the Vietnam War and later took her with him to public schools in West Philadelphia where he developed a model for academically based community service to improve the quality of life, from academics to medical needs, in underserved communities. The model has since been replicated internationally. Her mother was a physician whose own pediatrician father treated children whose families couldn't pay.

After college, Harkavy moved to New York City and began a career in social work. As a case manager, she counseled and coordinated emergency services for survivors of domestic violence, child sexual abuse and human trafficking. Sitting face-to-face with women in crisis, she saw firsthand the reasons a survivor of intimate partner violence and sexual abuse might stay in a relationship or might not report it. "How can you expect someone to leave if they don't have access to money or resources, or if their abuser has told them, 'I'm going to call immigration on you,' or 'I have your passport'?" Harkavy says. "The way someone responds to this, given the danger and complexities of these experiences, cannot be expected to match some textbook example, or what you see on TV in *Law & Order: SVU*. That's just not the real world."

One woman arrived at the Family Justice Center struggling to breathe after her abuser had confiscated her inhaler. Harkavy called 911, rode to the hospital

with the woman in the ambulance, then helped her find food, clothing and safe housing. "I don't know that it was more me helping *her*, or her helping *me* to see the big picture of how the choices people make in these situations are literally about survival," she says.

Observing the way the Center's attorneys "used the law to create forceful change, whether it was getting a protective order or helping an individual fleeing from human trafficking apply for a T visa" made such an impact that in 2011 Harkavy earned her J.D. from the American University Washington College of Law. Her goal: work with women and children fleeing human rights abuses abroad, perhaps for an NGO. But after clerking for a judge in the juvenile court system, where she witnessed skilled prosecutors work to protect victims while still helping juvenile defenders receive services to help them deal with some of their own traumas and issues, that became her next step.

During her seven years as an SVU prosecutor in Baltimore city and later in other Maryland counties, Harkavy litigated hundreds of cases ranging from child sexual and physical abuse to stalking and intimate partner homicide. The most difficult ones, she says, were rape cases in which the juries placed blame on the survivor's actions—not understanding that if a victim had been drinking, or knew their rapist, that the act isn't any less criminal.

About a year after joining the high-volume, sink-or-swim Baltimore City State's Attorney's Office, a jury returned three guilty verdicts in two weeks in her cases. "I felt good that I had secured safety for people and that they at least had some respite from what they'd been enduring. But I think the feeling was more, 'I can use my voice to make change.'"

Passionate and determined, with an "I am who I am" attitude that appealed to jurors, she soon became known as a bulldog in the courtroom. "I didn't back



Brenda Harkavy
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Harkavy and her father in 2011, when he was honored with the Distinguished Advocate for Children Award by the Support Center for Child Advocates.

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down,” Harkavy says. She also refused to place undue burden on survivors to testify. “My job wasn’t to put the weight of the case on the survivor, but to use evidence and case law to introduce the facts the juries need to hear. ... I just had to dig a little bit harder until I found what I needed to clearly establish that this had happened.”

Private practice hadn’t crossed her mind until 2020, when a former co-worker who was building a sexual abuse division at Janet, Janet & Suggs urged her to interview there. Along with co-counsel in Los Angeles, the firm had just taken on 136 of the 702 individual cases against Tyndall. If she came on board, Harkavy would be working alongside Richard Serbin, famed for litigation against the archdiocese for ignoring sexual abuse perpetrated by its clergy. And she’d be part of a massive effort to seek justice for Tyndall’s victims, many of whom were international students who had never been to a gynecologist before and were so traumatized by his actions that they avoided men altogether and suffered lifelong PTSD and physical and emotional trauma. Some attempted suicide.

“It was a heart-wrenching decision [to leave the prosecutor’s office],” Harkavy

says. “But I also felt compelled to continue this fight in a different capacity. This wasn’t just against the individual perpetrator, but against these institutions that had literally silenced these women and children for years and enabled the abuses to continue.”

In 2021, the court approved an \$842.4 million settlement on behalf of the 702 plaintiffs, including the 136 represented by Harkavy’s team—far more than the amount received by a separate group of Tyndall victims in a class action suit against USC. “There was a sense of vindication for our survivors,” Harkavy says. “But they were still suffering. No amount of money is ever going to make someone whole again. I think the symbolic nature of it made me feel the most vindicated, the idea that these people have been ignored for so long because of this power dynamic that silenced them. What felt good was that, finally, someone heard them. It was justice delayed. Despite years of it being swept under the rug, it was time for people to listen.”

After litigating several institutional sexual abuse cases on behalf of adult survivors, as well as medical malpractice matters, Harkavy joined Raynes & Lawn in the spring of 2023. She has expanded

her practice to include employment discrimination, Family and Medical Leave Act issues, and an interest in disparities in health care for women of color. “I joined because of their notable investment in bringing a voice to and advocating on behalf of people who have suffered significant life-altering harm. I’ve been able to continue to develop my passion toward representing individuals harmed because an institution failed to treat them and protect them or hear them, and let them suffer awful harm, whether it was sexual abuse or their career taken away from them or they lost a sense of bodily integrity,” she says.

“Detached” is not in Harkavy’s vocabulary, but she’s taught herself to be in the moment when she’s at home with her husband and three kids, 3-year-old twin girls and a 5-year-old son. “It gives me a perspective about why the work I do on a daily basis is so important,” she says. “While it’s not easy to be away from them, I want to impart on them that there is a duty to help others. I also want, in particular my daughters, to feel like when you make your path in a career as a woman you’re helping to pave the path for the future.” 🗣️