

Her Life On The Line -- Lawyer Finds Herself Ostracized After Accusing Powerful Man Of Sexual Harassment

By [Marilyn Adams](#)

Knight-Ridder Service

None of this was supposed to come out. Not Rebecca Fischer's name. Or her job as the former chief lawyer for Miami's Capital Bank. Or her startling accusation that the banker's founder and chairman, **Abel Holtz, engaged in "the unwelcome touching of my body" - sexual harassment on the job.** Or that Capital Bank - without its board's prior approval - handed her and another woman accuser of \$355,000 of bank funds to shut up and go

Bound by an out-of-court settlement and an oath of secrecy, Fischer quietly quit Capital Bank a year ago, expecting to start over fresh in a new job, never expecting any of this to come out.

Nothing has gone as planned.

In her first interview since her allegations became public last fall, she admits that life in the past year has been anything but normal.

Dissident bank director, furious over the settlement, tried to oust Holtz as chairman, but he managed to fire four of them instead. Sparked by the vicious dispute and a directors' lawsuit filed in federal court, state and federal probes of Holtz's conduct began. The suit was later withdrawn, but by then the story had spilled into the papers.

With her name linked to the sordid mess, Fischer's hopes of landing a job with a South Florida law firm dissolved. Friends from the bank quit calling. The fledgling private practice she opened struggled, and she says she was snubbed by lawyers loyal to Holtz. Earlier this year, she was subpoenaed to testify before a federal grand jury investigating whether Holtz' misused bank funds to settle her complaint.

Fischer, who was Capital Bank's top attorney for six years, would not talk about her complaint, the settlement or events leading up to them, and neither would Holtz or the bank. They are sworn to secrecy by an ironclad confidentiality agreement tied to the settlement.

Because the sexual discrimination charge did not go to court, no harassment was proved or disproved. Holtz and the bank have denied it happened, saying their lawyers deemed it cheaper to settle than go to trial. Bank spokeswoman Toni Splichal said Holtz and the bank would not comment for this article, either about her charge or life since then.

Why she agreed to talk

Fischer, 36, said she granted this interview not to dissuade other women from filing legitimate complaints, but to show what it can mean to accuse a powerful man.

"We don't want to live the way we have lived in the last year," said Fischer. "We want to make a fresh start. We even talked about leaving the state and going someplace where nobody knew us.

"I think people see a dollar sign in the newspaper and just figure I'm happily on my way."

That's where many stories of high-profile harassment cases end: Woman wins million-dollar jury award. Parties reach secret settlement.

But the story of Becky Fischer - and some other professional women who accuse high-profile men - leads to an unexpected conclusion.

Professional women may have more to gain from a harassment charge than a waitress or a secretary, but they also have a lot more to lose: Powerful friends and social contacts. Lucrative business opportunities. Because they are considered more newsworthy, harassment charges by successful and affluent women are more likely to end up in the headlines, turning a private matter into a public free-for-all.

There have been days Fischer was so rattled by events swirling around her that she wondered if her phones were tapped, if she were being followed, if she and her husband and two young children should pack up and run away.

"The idea that coming forward in 1993 is easy is a misconception," said Robert Weisberg, the Coral Gables lawyer who represented Fischer. "The perception that when a woman comes forward, someone throws a check at her and life becomes perfect, is just ludicrous."

Sunny days a year ago

A year ago, Fischer's life did seem nearly perfect.

Happily married with two kids and a house in Hollywood, she drove a phone-equipped Acura Legend to her office and earned nearly \$100,000 a year. At 35, she was poised and pretty, a senior vice president and corporate counsel for one of the biggest South Florida-based banks.

Sometimes she jetted to Los Angeles or Washington, D.C., on business at Holtz's other banks. She teamed up with some of the best legal minds in Miami and Washington - lawyers who now represent Holtz and the bank as the government investigations drag on.

Back then, those lawyers were her allies, all part of the comfortable corporate lifestyle on which she thrived.

"It was a great job. It was my own department. It was fun," she said in the interview.

"Becky was very competent," said lawyer Alden Burlington, a former member of the bank's law firm, Greenberg, Traurig. "As far as I know, Capital Bank was pleased with her as a lawyer. She had a big job."

Fischer supervised a 10-person staff and reported directly to Holtz, the flamboyant founder of the \$1.2 billion banking company. But on May 8, 1992, she filed a charge with the government that changed everything. In her complaint, now a public record, she alleged four years of "unwelcome sexual advances" and "sexually oriented comments" by Holtz.

Because she refused to grant sexual favors, her complaint said, she was punished with lower raises than her staff got.

Then, a second employee, secretary Patricia Alfonso, filed a harassment complaint against Holtz and the bank. She resigned after the settlement and has since moved to the West Coast.

Faced with two women's allegations, the bank hired Elizabeth DuFresne, a lawyer with Miami law firm, Steel, Hector, who was experienced in harassment cases. She recommended the bank settle. By July last year, an agreement had been struck - a deal that required Fischer and Alfonso to quit, never come back and never discuss the case. In return, they got \$355,000 between them.

"I didn't know where I was going or what I was going to do," Fischer said. "I was making a major change in my life and I couldn't talk about it with anyone."

She feared telling her mother, a therapist, even her rabbi. When she resigned, she told her staff and colleagues that she was leaving Capital "to begin a new phase of my life."

When the real story got out, "I thought, 'My God, it's closing in on me,'" Fischer said. "I was getting up every morning at 4 o'clock just to wait for the newspaper. Calls were coming all hours of the day and night. It was a very odd feeling that something I had dealt with and put away was suddenly in everyone's eye."

After Fischer had left Capital, Miami lawyer Jose Smith, who had known Fischer through his work for the bank, had invited her to move into a spare office at his firm to do legal work on her own. Smith, whose wife is related to Holtz's wife, Fana, didn't know why Fischer had quit.

"The day my name appeared in the paper, I had to move out," Fischer recalled. "It wasn't as overt as 'Please go.' It was more like, 'We'd all be better off if you weren't here.' My name was off the door and off the directory before I left that morning."

But Smith says he's the one who got burned. "I took her in, asking no rent, while she decided what to do with her life. I thought I was doing her a favor, and I got hurt. I'm not getting the same number of cases from the bank now. It probably hurt my relationship with the bank."

The night she moved out, Fischer went home and wept, angry and defeated.

"It all happened so quickly that I didn't even have a chance to call clients and say, 'You've hired me to do a job and I'm leaving. I don't know where I'm going, but I'm out of here.'"

Fischer had become persona non grata in some quarters of Capital Bank, too. Some officials in the company viewed Fischer as the root cause of the investigations and the persistent publicity, former employees say. Current employees declined to be interviewed.

"There were comments made like, 'If it weren't for her, none of this would be going on,' or 'Do you believe the nerve of that girl after all the trouble she's caused?'" recalls Robin Feder, former executive assistant to Holtz.

The remarks infuriated Feder, who recently quit - after nine years with the company and seven as Holtz's aide - to move to California.

While sorting out her life here, Feder took a temporary job in Fischer's Hollywood law office. "I told people at the bank that I was going to work for an 'attorney friend' of mine," Feder said. "I was afraid of the reaction if people found out it was Becky."

"People want the bank's business," she said. "They won't take the chance of losing that business, no matter what their personal feelings are."

Being treated like an outcast has been one of the hardest things, Fischer said. In the last year, many friends and colleagues have faded out of her life. She says no one from her old legal staff has called to see how she's doing.

One attorney friend at a prominent Miami law firm has asked Fischer not to leave her name when she calls. Four former lawyer colleagues - including one who shares season theater tickets with her - declined to be interviewed. Reason: They still do work for the bank.

"I'm not a paranoid person," Fischer said. "I don't think I'm imagining it, the fact that those people never called. Instead, they send messages through someone who still talks to me: 'Tell Becky I hope she's doing OK.' My response is, let them pick up the phone and call."

Not a unique experience

Lawyers who handle sexual-harassment complaints by professional women say Fischer's experience is extreme but not unique.

"The ramifications are particularly striking for women in that income level, and it does stigmatize them," said Karen Amlong, a Fort Lauderdale lawyer who handles cases for such women. "It's difficult to get a job after she has publicly complained about sexual harassment.

"Among our clients who have had successful cases, the award has been more of a curse than a blessing. Greedy relatives had their hands out, and the power balance in a family changes. The dynamics are different in relationships of all kinds."

Weisberg, who represented Fischer, agrees. He notes that after Professor Anita Hill accused Clarence Thomas of harassment, Thomas was confirmed to the U.S. Supreme Court but Hill still must cope with the notoriety. She has become the subject of a critical bestseller, "The Real Anita Hill."

"I'll bet Anita Hill's life hasn't been all roses," Weisberg said.

Although filing a charge can give women a sense of empowerment, he said, "I've had some clients who were successful and got settlements but continue to feel that coming forward was not worthwhile in terms of airing their whole life. It did not enhance their career. It had an adverse effect on them."

Blocked from working with anyone remotely affiliated with Capital Bank, Fischer is now building her own business and corporate law practice. Business, she says, is pretty good. One niche she has found: sexual-harassment cases. Of 10 employment discrimination cases she has now, nine are sexual-harassment charges.

"My clients say they feel I may be more empathetic," she said.

Even after her own torturous year, Fischer still urges women who believe they have been harassed at work to complain - not take it or walk away.

"I would never encourage anybody to just forget about it," she said. "It's very unfortunate when women are afraid to talk about it or exercise their legal rights."

For now, Fischer tries to insulate herself from the past. With her home and law office both in Hollywood now, she rarely ventures near Miami. She and her husband, Leonard, even considered leaving their North Dade synagogue so they never would have to cross the county line.

"It's been tough. It does hurt. But it's pretty much over," she said. "I guess you either get used to it . . . or you don't. Hopefully, someday this will be just a footnote to my life."