

Jones Day Crafts Guide For Child Image Exploitation Cases

By **Matt Perez**

Law360 (January 9, 2022, 8:24 PM EST) -- For victims of child exploitation, obtaining restitution or monetary payments can be difficult.

Beyond the intricacies of identifying when someone has downloaded illegal material, if damages are awarded at all, the amount tends to be small, and defendants who are ordered to pay can have difficulty meeting those obligations while serving time in prison.

It's among these reasons the National Center for Missing & Exploited Children, or NCMEC, reached out to law firm Jones Day to put together a manual that would assist attorneys in understanding how best to represent victims of child sexual abuse imagery.

The result is "The Attorney Manual: Guide to Representation of Children Victimized by the Online Distribution of Child Sexual Abuse Material," a more than 400-page document free to lawyers looking to help victims on a pro bono basis.

For two of its major contributors, Jones Day partner Bethany Biesenthal and associate Ally McQueen, shining a light on an under-represented part of the legal procedure regarding child sexual abuse material was key to producing the manual

Prior to joining Jones Day almost four years ago, Biesenthal worked as a prosecutor in the U.S. Attorney's Office in the Northern District of Illinois for about 11 years, working on child exploitation matters for the entirety of her tenure, no matter what division she found herself in.

"It meant something to me to continue to work on those because of the victims that are involved," she told Law360 on Friday.

Biesenthal identified a common flaw in those cases during her time, however. The focus of the work was largely on obtaining a criminal sentence for the defendant, as opposed to ensuring the victim was made whole through restitution.

"It meant something to me to continue to work on those because of the victims that are involved."



**BETHANY
BIESENTHAL**
Jones Day

A few years ago, NCMEC held a roundtable with the few attorneys who routinely work on these cases, including Biesenthal, who currently leads global human trafficking-related litigation at Jones Day. Following the discussion regarding the various issues that arise when representing children in these cases, NCMEC connected with Jones Day with the idea of creating the manual.

"It would not only explain to a new lawyer how to represent victims in these cases, but then also identify some of these issues that were potential pitfalls or tricky issues at the roundtable," Biesenthal said.

From there on, McQueen worked with a team of around 15 to 20 associates to create the manual, growing it from just 15 pages to more than 400. She joined the firm in 2018 and soon gained experience in the field working with a young girl who was exploited and her father in obtaining restitution from a prosecuted individual.

"[It was] an incredible experience, both getting to help that family and get that relief for them that they otherwise wouldn't have had, and also just getting to know those clients on a really close basis," she told Law360.

The guide is split up into three major sections. The first illuminates the process of how material checks are made in such cases. Upon obtaining videos and images in custody of defendants, law enforcement sends the material to NCMEC, which then uses its own facial recognition software to see if known victims appear.

Beyond handling the legal tasks in seeking restitution in this system, McQueen said attorneys can also serve as a barrier in this system, wherein they can receive the notifications of any hits as opposed to the families who don't need the daily reminder.

"Hopefully then the families can have one small peace of mind," she added.

The second section of the guide lays out the rights to recover restitution at the federal level, as well as in each individual state, which differ greatly. The final part goes over miscellaneous issues that may arise, such as handling any bumps that could occur when a client turns 18 and becomes an adult.

The team hopes to expand beyond the manual in the future with a more formal program in conjunction with NCMEC, wherein the organization will pair victims with lawyers who have gone through training.

A key aspect to all of this is making these services available on a pro bono basis. Restitution tends to be small, and it doesn't need to be cut further by paying for the representation, Biesenthal said. It's also important that each victim gets individual representation so that the court avoids ordering flat restitution.

"These are the types of things that we can help with that make these representations viable for the victim and such that the victim might actually see some of the money that they are justified in seeing," she said.

--Editing by Katherine Rautenberg.

All Content © 2003-2022, Portfolio Media, Inc.

“*Hopefully then the families can have one small peace of mind.*”



ALLY MCQUEEN
Jones Day