

### Cardinal Fights Records Ruling

Archdiocese contends releasing files of accused priests would interfere with counseling efforts.

By Jean Guccione

Los Angeles Times Staff Writer

January 26, 2005

[http://www.latimes.com/news/local/los\\_angeles\\_metro/la-me-priests26jan26,1,5700868.story?coll=la-commun-los\\_angeles\\_metro](http://www.latimes.com/news/local/los_angeles_metro/la-me-priests26jan26,1,5700868.story?coll=la-commun-los_angeles_metro)

Lawyers for Cardinal Roger M. Mahony on Tuesday appealed a court order that would have forced the Roman Catholic Archdiocese of Los Angeles to surrender to prosecutors the confidential personnel files of two former priests accused of molestation.

A Los Angeles judge had ruled against Mahony's claim that disclosure would "interfere with the communications between priests and bishops." He had ordered the internal church documents turned over to prosecutors by Friday.

In a statement, Mahony's lead lawyer, J. Michael Hennigan, said such communications are "essential if bishops are to continue to support and counsel their priests."

The earlier court ruling came more than two years after Los Angeles County Dist. Atty. Steve Cooley sought the internal church documents as part of an ongoing county grand jury investigation into alleged molestation by priests.

By the time retired Los Angeles County Superior Court Judge Thomas F. Nuss ruled against Mahony last September, the number of accused priests had dwindled to two, after a U.S. Supreme Court ruling barred the prosecution of decades-old child sexual abuse cases. The appeal the church filed Tuesday involved 40 pages of documents sought by prosecutors, Hennigan said.

Nuss ruled that church officials could withhold some documents, such as those involving discussions between psychotherapists and patients. Mahony's lawyer said he believes the documents in question are protected from disclosure under the state and federal constitutions and state law.

Hennigan said the relationship between bishop and priest "is integral to the way the Church conducts itself" and that any breach of that relationship "would be a grave interference with the practice of Catholicism."

Prosecutors have argued that the documents are essential to their criminal investigation of child molestation by Roman Catholic clergymen.

Advocates for victims of clergy sexual abuse believe the priest files will shed light on how church leaders responded to abuse allegations, and whether, as in Boston, they transferred accused priests to other parishes to avoid scandal.

The legal battle over documents also is expected to be waged in the 544 civil claims pending against the Los Angeles Archdiocese. They played a central part in the record \$100-million settlement of the 90 claims against the Diocese of Orange.

Hennigan also cited a sealed Ventura County Superior Court ruling that he said is in conflict with the Nuss ruling.

Mahony has been criticized by an independent Catholic national review board, which said in a report that Mahony's legal argument "did little to enhance the reputation of the church in the United States for transparency and cooperation."

Laurence Drivon, a Stockton lawyer who represents hundreds of alleged victims in California, said the appeal was "a delay tactic" by the cardinal.