

Church lawyer, facing possible sanctions, quits abuse case

The Boston Globe, November 22, 2006

BURLINGTON, Vt. --A longtime lawyer for Vermont's Catholic diocese, who faced possible sanctions for alleged misconduct in a suit charging sex abuse by a priest, has withdrawn from the case.

"The unfortunate and personal attacks by plaintiff's counsel ... have made it increasingly difficult for me to properly represent my client," William O'Brien wrote in his withdrawal notice, filed Monday at Chittenden Superior Court.

Jerome O'Neill, the lawyer representing people who have charged they were sexually abused by Vermont priests, had asked the court to impose penalties on O'Brien, saying the lawyer who had represented the diocese for 16 years had "willfully" hid church documents and ignored requests to find diocesan paperwork that O'Neill had a right to see.

"That withdrawal motion was something drawn up by his lawyer to try to give him a face-saving basis for getting out of this case," O'Neill said Tuesday. "It's something he should have done years ago."

The court had scheduled a hearing for Wednesday on O'Neill's request for sanctions against O'Brien. That was canceled when O'Brien's lawyer filed a motion requesting that Judge Ben Joseph step aside. Joseph on Wednesday referred that request to Chief Administrative Trial Judge Amy Davenport.

O'Neill had asked that the court issue a "default verdict" in favor of his client and then determine how much the diocese should pay in damages.

O'Brien, through his lawyer, Ritchie Berger, countered in court papers that he and his small staff were overwhelmed with the amount of documents O'Neill had been seeking.

"Inadvertent human errors happen in litigation," Berger wrote. "The delays and mistakes that occurred in this case, although regretted, have not caused plaintiff any harm or prejudice."

O'Neill maintained that his clients -- he has 25 who have filed similar suits alleging sexual abuse by priests -- were being harmed by the long wait for resolution of their cases.

"This is just more of what Mr. O'Brien and the diocese have done throughout," he said. "Delay, delay, delay."

Information from: The Burlington Free Press