

2-25-08 - Church sex abuse dispute erupts

By Bill Bishop, The Register-Guard (OR)

Negotiations to unveil court documents about the role of church leaders in the Archdiocese of Portland's priest sex abuse scandal have broken down and the issue is headed back to court next month.

Release of the documents was a key to settling lawsuits last April enabling the archdiocese to pay 175 claims by sex abuse victims and to continue operations without selling local parish or school properties.

The Portland archdiocese in 2004 became the first Catholic organization to file for bankruptcy protection on the eve of trials in multimillion-dollar lawsuits over child sexual abuse by priests.

The release of documents, which presumably would show how much church leaders knew about offending priests, was to have been worked out between lawyers for the church and the claimants following approval of the bankruptcy reorganization last April.

However, Portland lawyer Kelly Clark, who represented more than 100 abuse victims, has pulled out of the negotiations and another lawyer has asked a federal bankruptcy judge to make public hundreds of pages of records about the role of church leaders that currently are kept secret under seal in the bankruptcy court file.

Clark said negotiations were moving "very slowly." But he said the breaking point for him came when church leaders moved to require victims who have filed new lawsuits be identified by name in court proceedings. In all previous cases the victims were permitted to use their initials — a time-honored practice that safeguards victims in child sex abuse lawsuits, Clark said.

The church's move sends a chilling message to sex abuse survivors who may be suing any institution, and indicates that church leaders are continuing their hard-ball tactics against new claimants in court as well as old claimants seeking release of church records, Clark said.

"They agreed to come clean," Clark said. "Getting the secrets out was such a big part of what my clients wanted."

Archdiocese spokesman Bud Bunce said negotiations were working until Clark left.

Bunce disputed Clark's claim that the church is bullying new claimants by trying to publicize their names. Bunce said church lawyers simply asked the court to rule on the use of initials instead of names. To do otherwise would inappropriately cast the church in the role of making that decision.

"What we're saying is let the court make that decision, not the archdiocese," Bunce said.

The negotiating agreement between Clark and the archdiocese requires that if negotiations break down, the question of which documents are released will be mediated by retired Lane County Circuit Judge Lyle Velure. The first mediation session is set for April 1.

If Velure cannot help the two sides agree, then U.S. District Judge Michael Hogan will settle the matter through binding arbitration. Velure and Hogan garnered widespread praise for settling more than 170 sex abuse lawsuits while mediating the archdiocese's complex bankruptcy reorganization last year.

Meanwhile, Portland lawyer Erin Olson, has asked U.S. Bankruptcy Judge Elizabeth Perris to unseal many of the same documents disputed in the negotiations between Clark and the church.

Olson said she declined to negotiate the issue because she was certain the church did not intend to deliver on its promise of openness. "I agreed to wait and see if it worked," she said. "It didn't work."

Olson said the records would show how church leaders responded to abuse allegations from decades ago “up to the recent past.”

In response to her request, church lawyers are asking Perris to either appoint Hogan to decide the question, delay action until the mediation and arbitration are complete, or take no action, according to court records.

Perris has scheduled a hearing on March 13 in Portland.

It is unlikely that an appeals court will consider the matter if Perris decides to keep the documents secret, Olson said. Clark’s negotiation agreement lacks a court order that could be appealed, so any arbitration ruling by Hogan will be final in Clark’s effort, she noted.

The break-down is no surprise to Bill Crane, a critic of Archbishop John Vlazny’s handling of sex abuse issues and a spokesman for the support network for survivors of sex abuse by priests, SNAP.

“The church knew time was on their side. They could drag this on,” Crane said.