

10-11-07 - Orange Dio., CA -Attempt to clear Brown goes sideways
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Beating or orange jumpsuit?

Bishop Tod Brown got his day in court yesterday, but it wasn't quite the day he'd hoped. In fact, it was a disaster for him – even beyond the \$6.7 million he agreed to pay the four abuse victims.

Rather than be exonerated of contempt-of-court charges, Brown faces two months of uncertainty and could end up in a proceeding far more taxing than today's, which was little more than a meet-and-greet with Judge Gail Andler.

The victims, see, would have dropped the contempt allegations as part of the settlement if that was all that stood between them and \$6.7 million. But Brown's attorney, Peter Callahan, had Brown stand before Andler and answer to the contempt allegation, so sure is he that it is spurious.

True, had Andler tossed it out, that would have been a moral victory for Brown. And one day, Andler might do just that. But Andler told Callahan his request was out of order at this time. The contempt allegation is a "quasi-criminal" matter, meaning Brown had to be arraigned yesterday (or have arraignment waived, as he ultimately did) and another day set for an evidentiary hearing. That day is Dec. 3.

The magnitude of this tactical error is this: The victims' attorneys relished the notion of putting the Diocese of Orange and Brown on trial. But they had to do what was in their clients' best interests and so advised them to take the money and not risk a jury trial.

But now, the victims' lawyers get to put on a whole bunch of the most damning evidence in terms of how the molestation business was handled at church headquarters. In a sense, it will be a mini-trial. And they don't have to put the \$6.7 million at risk.

"At best they are going to take a beating," victims' attorney John Manly told me yesterday afternoon. "At worst, the bishop is going to wear an orange jumpsuit."

Callahan was, however, allowed to give an opening statement. Usually accusers go first, but for some reason Callahan agreed to put on his defense before victims' attorney Venus Soltan made her statement. That put him at an obvious disadvantage.

The thrust of Callahan's argument was that Andler did not specifically order Urell to appear for a deposition and therefore Brown can't be held in contempt. Soltan then had the unfettered opportunity to rebut that, saying that Callahan was parsing the law in an intellectually dishonest way, and she recited the litany of court orders she had to get to compel the testimony of a variety of church employees, all of whom fought her at every step.

Callahan may win Dec. 3, but for now Soltan has had the last word — to the extent, in fact, that when Callahan complained about the breadth of her statements, Andler allowed her to continue.

Meanwhile, Brown— wearing a priest's simple black suit and Roman collar along with a silver pectoral cross that was the only sign of his rank – sat just three feet from Soltan, looking up at her through his wire-rim glasses and listening intently as she lambasted the diocese for subjecting her clients to eight days of humiliating examination. Brown was all but expressionless as she talked about how Brown's lawyers produced a ruler and asked one of them to estimate the size of her abuser's penis.

Brown did almost imperceptibly turn his head and roll his eyes a little when Soltan asserted, "Nobody does anything in the diocese without the bishop's OK."

My big question for the bishop, as I said yesterday, was: Given that you admit gross culpability, how can you justify putting these women through such painful depositions? What was the point?

I threw that question at Brown after the hearing, but Callahan jumped in and said, "I'll answer because this is a legal question." Brown was asked a lot of questions yesterday that could be so characterized, and he answered most of them. He could have said, "That's OK, Peter, stand down. I'll deal with it." (Kind of like Jesus said to another Peter one night in Gethsemane during another moment of truth.)

But Brown didn't. Callahan then went into how victims turned down early settlement offers so he was compelled to depose them at length. The length, he had said earlier, was necessary in the Christina Ruiz case because "there's no doubt she lied" to her parents and school officials.

Maybe so, but who cares what she said before she told the truth? The perpetrator admits he did it. There was no need to punish her again.