

Putting a Price on Pain

It's Matt Garretson's job to divide \$3 million among 132 victims of sexual abuse. But he fears there is no way to quantify their anguish.

By Stephanie Simon
LA Times Staff Writer
January 28, 2005

CINCINNATI — For four months, lawyer Matt Garretson has immersed himself in halting accounts of rape and crude seduction, frenzied groping, terror and shame. He has come to understand the pain of sexual abuse.

Now he must put a price on it.

Garretson administers a fund set up by the Archdiocese of Cincinnati to compensate victims of clergy abuse. In the next few weeks, he will divide \$3 million among the 132 men and women who have trusted him with their anguish.

The 16-year-old molested by his Catholic school principal in an athletic club shower — how much is he due? He quit playing basketball after the assault, giving up his shot at a college scholarship. His mother urged him to Mass, but he found he could not pray. How to value his loss?

And what of the 13-year-old fondled by a priest who had taken him in for counseling? The priest called it God's will. The boy, swamped with shame, slumped into addiction, obesity and depression that lasted decades. How much for him?

Garretson, 34, is an expert at such calculations. Trained in economics and law, he travels the nation, assigning value to injury. When a train derails, sending a toxic plume across a town, he decides how much compensation each resident should get. When five kids are hurt in a car crash, he figures out how to divide the insurance payout among their families.

He uses formulas based on objective measures of harm. But Garretson struggles to apply them here.

There is no way to adequately quantify the hurt he senses in these victims. It runs too deep, through decades.

"I have this fear," Garretson said, "of leaving them wanting."

Garretson starts with the 23-page claim form each victim files. It asks for intimate details of their abuse and how it has affected their health, their jobs, their education, their relationships, their faith.

In some cases, the answers run so many pages, the files are 6 inches thick. Some victims have appended medical charts, criminal rap sheets, seventh-grade report cards. Some have included their old school photos: sweet, scrubbed faces and slicked-down hair.

It has taken them weeks to respond to all the questions. Garretson can see where they've broken off mid-paragraph.

He understands. Their stories overwhelm him too.

"To read about that much evil every day ... " he said, voice trailing off. "It frightens me."

The vulnerability he sees in the files has changed him; even in his safe Cincinnati suburb, he feels wary. Garretson no longer allows his 7-year-old daughter to go to slumber parties. He won't let his 4-year-old

wear skirts to the park. His girls are never alone with any adult except a few very close friends. Last year, he spent \$12,000 on a security fence around his yard.

Garretson worries sometimes that he's robbing his daughters of a carefree childhood. His wife chides him for being so cautious.

But he can't relax. He's read the files.

He sees the victims not as the adults they are now — doctors, teachers, policemen, ex-convicts — but as the children they once were, baffled and terrified, betrayed by a grown-up they had been taught to respect.

Some never knew their abuser's first name — he was only "Father." Others can't say exactly where they were molested. But they can describe the priest's mustache, or his striped socks, or the African art on the teacher's living room walls.

Garretson won't talk about specific cases, but it is clear some files haunt him. In his chilly, sparsely furnished office, wearing a sweater vest and sipping a Diet Rite, he looks away, blinking. His eyes are red.

He has been doing settlement work most of his career, drawn to the field because it allows him to blend his interests in law, economics and psychology. Over the years, he has dealt with clients disfigured by explosions, sickened by defective drugs, beaten by racist cops. Yet the sexual abuse cases "are truly the most profound damages I have ever seen," he said. "I would not say there could possibly be enough money in the fund to satisfy these claims."

Cincinnati Archbishop Daniel E. Pilarczyk created the compensation fund in late 2003 as part of a plea bargain to resolve charges that the archdiocese had sheltered abusive priests.

The archbishop pleaded no contest to five misdemeanors, making the Cincinnati Archdiocese the only church institution in the nation convicted of criminal wrongdoing in connection with the clergy sex scandal. After court, expressing "sorrow and shame," Pilarczyk announced that he had set aside \$3 million for victims. That amounts to average payments of less than \$23,000 each.

Other dioceses around the nation have put up vastly larger sums to resolve civil lawsuits. Victims have received average payments of more than \$500,000 in Seattle and Chicago, and more than \$1 million in Tucson, Ariz., and Orange County. In most of those dioceses, however, the lawsuits were primed to go to trial, opening up the possibility of huge jury awards.

In Ohio, by contrast, judges have repeatedly blocked civil lawsuits by refusing to lift the statute of limitations that shields the church. So the archbishop was under no pressure to negotiate.

Instead, Pilarczyk decided to open the compensation fund not just to litigants, but to any victim abused by a priest, teacher or other worker under the church's supervision. The key condition: To submit a claim, victims had to drop any existing lawsuit and give up their right to sue the archdiocese in the future.

More than 65 people have rejected that condition and are pursuing legal appeals with the help of lawyer Konrad Kircher. But others felt they had no choice but to accept the fund.

"It's a ridiculous sum, without a doubt, but it was this or nothing," said Steve Bode, 43. He and several victims agreed to open their files and share their stories.

Bode's begins 30 years ago, when he was a mischievous seventh-grader. Hoping to settle him down with spiritual guidance, his parents sent him on a retreat with the assistant pastor of their church. The priest jogged with Bode during the day. At night, he climbed into his bed.

"There was a lot of touching and rubbing," Bode wrote on his claim form. "He said I would do it if I loved God."

For a while, Bode believed that line: He felt he had so successfully proved himself God's servant, he seriously considered entering a seminary. But within a few years, he began skipping school and church. He became addicted to cocaine, and was in and out of prison for drug crimes. He did not mention the two nights at the retreat to anyone until 2001, when the clergy sex abuse scandal unfolded, prompting him to confess his shame to his wife.

Even after extensive therapy, even "all doped up on Prozac," it took him three weeks to fill out the claim form.

Bode and his wife run a halfway house for ex-convicts in northern Kentucky. He hopes to receive enough compensation from the fund to open a second facility. It would feel right to use the church's money that way. But Bode doesn't talk of closure.

Neither does Garretson. In other cases he has worked on, he sees a satisfying end: a victim paid for his loss, a wrong righted. Not here.

"It would be unfair and unkind for anyone to say a process like this can give closure," he said.

Garretson first learned that lesson in 2003, when he was hired to divide a \$25-million legal settlement among 243 victims of sexual abuse who had sued the Archdiocese of Louisville, Ky.

Under orders from the supervising judge, Garretson drafted a formula for dividing the money before he read any of the victims' files. He created three categories of abuse, drawing lines between "nongenital sexual touching," "penis-body contact" and rape. Within each category, Garretson ranked the victims based on how often they were abused, how old they were and any aggravating circumstance, such as a predator plying them with beer.

Depending on where they fell on the grid, the victims received \$15,000 to \$175,000. The approach was efficient, but it left out any measure of how the abuse ricocheted through a victim's life.

With a judge reviewing — and publishing — his formula, Garretson felt he could not include such a subjective measure.

Here in Cincinnati, he can. The fund is run by an independent panel of lawyers appointed by the prosecutor and the archbishop.

That panel in turn hired Garretson to help verify the basic facts of each claim and to recommend how much each victim should receive.

Garretson is paid by the archdiocese, but neither the church nor the court supervises his work; he answers to the panel. Because he's not required to publish his methods, he doesn't feel bound by the rigid formula he developed in Louisville.

The severity of the abuse itself "is a starting point," he said, "but by no means am I bound to pigeonhole people."

And so he struggles to make the compensation reflect the three failed marriages in this file. The suicide attempt in that one. The hollowness inside a former altar boy who can no longer believe in God.

Garretson already has decided he will not create a formula that might, for example, assign two points for depression and three for divorce. "Who am I to say that one adverse outcome should rank higher than another?" he asked.

Instead, he studies the files, with the help of a therapist, looking for the most extreme cases: the men and women with the deepest scars and the most claim on compensation.

"It is an awesome responsibility," he said. "You want this to be a fair and rational process."

But how do you put a rational number on a claim like Marvin Armbuster's?

Armbuster was 12, or maybe 13, when he knocked on his seventh-grade teacher's door to pick up newspapers for a Cub Scout drive.

He remembers his pride when the teacher asked him to stay and chat a while. His confusion when the teacher offered him a beer. His panic when the teacher told him it was time to undress for a nap.

After he was raped, Armbuster dropped out of his Catholic school and spent years picking fights and shooting heroin. Finally, with professional help, he sobered up; now 50, he works as a probation officer in the Cincinnati area.

Garretson could quantify some of the losses Armbuster blames on his rape. He could calculate the loss in earning potential after Armbuster quit school. He could figure out the healthcare costs Armbuster faces from the Hepatitis C he contracted after years of sharing needles.

Armbuster's biggest loss, though, defies measurement.

After the rape, Armbuster read that victims of sexual abuse sometimes molest others. He forced himself to keep even his own son and daughter at a distance.

"I didn't hug them or kiss them like I should," he said.

"I ache when I think of it."

This is why Garretson says "there are no happy endings" in the files that absorb him. The fund is so small, and the pain so vast.

"There is no real sense of justice in this process," he said.

But this process is all there is. Garretson will divide the money as fairly as he can. He will do his best to put a price on the ache of a father who did not trust himself to hug.