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An explanation of the clergy abuse litigation in California

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More than 850 civil cases are pending against Roman Catholic dioceses in California, filed by plaintiffs who allege they were abused by priests and other church officials. Some of the cases date back more than 70 years.

District attorneys around the state also have filed a number of criminal cases against priests or former priests who served in California dioceses.

The most well-known cases nationwide are those brought against the Catholic church in Boston, where the national clergy-abuse scandal broke in 2002. The sex-abuse scandal there led to the resignation of former Cardinal Bernard Law and a settlement of \$90 million for more than 550 plaintiffs. It is the largest individual settlement to date.

Many other dioceses around the country have settled similar claims. The Archdiocese of Portland, Ore., and the Diocese of Tucson, Ariz., have filed for bankruptcy, claiming they can't afford to pay the millions of dollars in civil judgments.

Experts say the California dioceses could be forced to pay out hundreds of millions of dollars in settlements to molestation victims. Plaintiffs attorneys and legal analysts familiar with the litigation have said the size of a settlement in Southern California alone could exceed the \$90 million record set in Boston.

--- THE CIVIL CASES:

The abuse cases in California have been coordinated into three geographic groups referred to as Clergy I, Clergy II and Clergy III. The cases span the state's 10 dioceses and two archdioceses, in Los Angeles and San Francisco, as well as dozens of religious orders and hospitals, schools and other institutions affiliated with the U.S. Roman Catholic Church. Their background and status:

Clergy I and II: The Southern California cases are in settlement negotiations overseen by Los Angeles County Superior Court Judge Haley Fromholz. Attorneys say they are moving forward with closed-door settlement negotiations despite nearly two years of talks.

Church attorneys have been providing "proffers," or summaries of the confidential files kept on accused priests, to plaintiffs' attorneys. Those proffers will become public information at some point in the negotiations, according to attorneys from both sides.

Among the sticking points: some insurance carriers representing the various dioceses have threatened not to participate in a settlement; and the sheer number and complexity of the cases.

Clergy III: The Northern California cases are a trial track overseen by Alameda County Superior Court Judge Ronald Sabraw. While settlement remains a possibility in many of the cases, the judge is actively pushing the cases toward trial.

Attorneys are pursuing a different strategy in Northern California because there are fewer cases and because the cases weren't consolidated under one judge until this year, much later than those in Southern California. Because of that, many individual cases were well into the discovery phase when consolidation occurred.

A handful of cases are expected to go to trial as early as March. They will represent the first trials since consolidation and involve a sampling of lawsuits from dioceses across Northern California, including Oakland, San Jose, Stockton, Santa Rosa and Sacramento.

--- CASE BREAKDOWN BY REGION:

Clergy I covers 556 cases against the Archdiocese of Los Angeles and the Diocese of Orange. Together, the dioceses have more than 4.6 million parishioners.

Clergy II covers 140 cases from the Diocese of San Diego and the Diocese of San Bernardino. Together, the dioceses have about 2 million parishioners.

Clergy III covers 160 cases from the dioceses of San Francisco, Sacramento, Stockton, Fresno, Santa Rosa, Monterey, San Jose and Oakland.

--- WHY ARE THERE SO MANY LAWSUITS?

The state Legislature passed a law in 2002 that suspended the statute of limitations for one year to file molestation claims, opening the door for hundreds of abuse lawsuits that were previously rejected because the allegations were too old. Under the law, plaintiffs had until Dec. 31, 2003, to file a molestation lawsuit. The law applied to all victims of sexual abuse, not just those who allege wrongdoing by priests.

Previously, alleged victims could sue only until their 26th birthday or three years after a time they could show they discovered they had emotional problems linked to molestation.

--- THE CRIMINAL CASES:

In June 2003, the U.S. Supreme Court overturned a California law that erased the statute of limitations for filing criminal molestation cases. As a result, the state overturned convictions and dropped charges against as many as 800 California molestation suspects, including Catholic priests. In Los Angeles, the ruling forced prosecutors to drop charges against 10 of 11 accused priests.

Other prosecutors statewide are pursuing criminal cases against priests whose alleged offenses occurred within the legal statute of limitations. For example, a grand jury in Los Angeles is investigating alleged sexual crimes by two former priests with the Archdiocese of Los Angeles. As part of that process, the district attorney subpoenaed confidential priest files and was recently granted about 480 pages of those files to turn over to a grand jury. The archdiocese says it will appeal the ruling.

--- KEY LEGAL ARGUMENTS IN PLAY:

_ The constitutionality of the 2002 state law: Church attorneys say the state law that opened the door for the civil lawsuits is unconstitutional because it specifically targeted the Roman Catholic church. Proponents of the law counter by saying it also has been used to bring lawsuits against the Boy Scouts and other religious denominations. They say legal precedent supports the state Legislature's right to suspend the statute of limitations as it sees fit.

In July, Sabraw ruled that the state law was constitutional in almost all cases and allowed all but a handful of the 160 Northern California cases to go forward.

The Diocese of Davenport, Iowa, also has challenged the law in federal court in San Diego. That diocese was sued under the law

because one of its priests allegedly molested a parishioner in San Diego in the 1960s. The Archdiocese of Los Angeles attempted to join that challenge but was denied. The Iowa diocese continues to pursue the challenge.

_ Whether confidential priest files are constitutionally protected: Church attorneys say the confidential priest files being sought by civil and criminal attorneys in clergy abuse cases are confidential communications protected by the First Amendment. In the Los Angeles criminal case, the church also says turning over the documents violates the separation of church and state because it creates excessive government entanglement in the affairs of the church.

In September, a retired state judge appointed as a special master in the Los Angeles case rejected the archdiocese's arguments and ordered it to turn over about 480 pages of records. They included communications between the priests, their bishop and the vicar for clergy, a church counselor. Psychological reports are exempted. Church attorneys plan to appeal, a process that could take years.

Sources: Court documents, church documents and interviews with attorneys, alleged victims and legal experts.

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Survivors Network of those Abused by Priests
www.snapnetwork.org