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Unrelenting Lawyer Files Rochester Suit

By Jay Tokasz
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Depending on whom you ask, Jeffrey Anderson is either a crusader of justice for traumatized victims of clergy abuse or the antichrist bent on destroying the Roman Catholic Church.

For 20 years, the St. Paul, Minn., lawyer has been taking the church to court. And as the sexual abuse scandal continues unfolding nationwide, he is being sought out even more to represent abuse victims.

Anderson has filed at least two dozen cases - from Florida to California - in the past two months.

His latest case targets the Roman Catholic Diocese of Rochester. In it, Anderson argues that the diocese was negligent and committed "fiduciary fraud" by allowing the Rev. Robert O'Neill to continue in parish ministry despite "red flags" indicating that the priest may have been sexually abusing boys.

"They had some knowledge of this priest for as many as 20 years," said Anderson.

The three alleged victims said they contacted the diocese. One of them called in the summer of 2001; the two others called in 2002. In two instances, the alleged victim was told by diocesan officials that he was the first to come forward with an accusation of abuse against O'Neill, the suit said.

Anderson argues in the lawsuit, which does not specify damages, that the diocese concealed information about O'Neill's alleged misconduct, and as a result of that "fraud" his three plaintiffs have suffered "great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life."

The attorney also argues that the statute of limitations has not expired in this case because of the diocese's "reckless failure to prevent or discover Defendant O'Neill's continuing acts of sexual misconduct."

The case involving O'Neill reminds Anderson of the first time he sued the Catholic church in the early 1980s.

"It's painfully similar to a pattern of denial and deception that has pervaded since the first case I took," he said.

In pressing his case in Rochester, Anderson will not use federal racketeering laws traditionally geared toward prosecuting mobsters - a tactic he has attempted in other jurisdictions. Anderson also has named the Vatican in two recent lawsuits.

David Clohessy, national director of the Survivors Network of those Abused by Priests, or SNAP, said Anderson's aggressive tactics are warranted, considering the church's historical refusal to address the problem of sexual abuse.

"I'm not a lawyer, but if anybody can pull that off legally, it's him," said Clohessy. "Somebody's got to try something new."

With Anderson as his lawyer, Clohessy tried unsuccessfully to sue the Diocese of Jefferson City, Mo., in 1991. His case was dismissed in 1993 when a judge ruled that the statute of limitations had run out.

Nevertheless, Clohessy and other victims view Anderson as nothing less than a courageous pioneer in a long, sometimes humiliating battle against the Catholic church.

"What makes him so good is that he combines sensitivity toward victims with a very shrewd legal mind (and) with incredible persistence," said Clohessy.

"There's nobody who comes even close to him in terms of the experience level he has."

Critics say Anderson's efforts to link the Vatican to the abuse scandal in the United States border on the absurd.

"He throws the net so far and wide that he endangers the people he represents," said Patrick Scully, a spokesman for the Catholic League, an independent, New York City-based organization that advocates on behalf of Catholics and Catholic thought and teaching. "If he's going to say the Catholic Church is like the Mafia, I don't think he's going to have a lot of credibility."

Scully also criticized Anderson for joining a press conference sponsored by Catholics for a Free Choice, which called for the United Nations to downgrade the Holy See's U.N. status.

Scully called Catholics for a Free Choice the "most notorious anti-Catholic group in America," and said that "people should take a good, hard look at what (Anderson) is doing."

Anderson views such criticism as evidence that he's doing his job well.

"The Catholic Church stands alone as masters of denial and deceit," he said.

"They have a circle-the-wagons mentality that is like no other institution."

Each time he won punitive damages against the church, Anderson said he believed the hierarchy would change and crack down on abusive priests. That change still hasn't occurred - hence the reason for the new legal strategies, he said.

"I don't think fundamental change will come until at least one of the bishops hears the clang of a prison door behind him," he said.

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