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Lawyer: Church May Settle Late-Filed Cases

Attorney says bishop seeks 'reconciliation'; victims' group says it is being shut out of mediation process

By Rita Ciolli
Newsday (New York)
August 23, 2004

The special counsel hired by Bishop William Murphy to resolve legal claims stemming from the sexual abuse of minors by clerics reports that "good progress" has been made and disclosed for the first time that the Diocese of Rockville Centre is now considering settling through mediation cases involving dozens of victims that were filed too late under state law.

"The bishop wants as much reconciliation as possible," said Mark Tuohey, a Washington lawyer serving as Murphy's adviser. His comments last week came in response to criticism by a national victims' advocacy group that the diocese was shutting them out of the mediation process.

"Victims have some valuable input to offer and it is not being accepted by the church hierarchy," said David Cerulli, of the Survivors Network of Those Abused by Priests.

Tuohey indicated it was unlikely outside groups would be brought into the process. "The procedures we have in place are fair, thorough and independent and those are the qualities that are important," he said.

Tuohey, who was hired by Murphy in June, said his current focus was St. Raphael parish in East Meadow, where Matthew Maiello, the former youth director, pleaded guilty in July 2003 to raping and sodomizing four teens he supervised.

However, Tuohey said the diocese also was open to mediating cases of victims who came forward after the state time limit had passed. "My hope is that we will be able to deal with this as broadly as possible to achieve reconciliation and closure. Where it will go beyond that I don't know. I am not going to close the door to anything," he said.

Potential for healing

In July, the Long Island chapter of Voice of the Faithful wrote to Murphy and asked that he waive the statute of limitations. "This step is a significant one, but it will clearly demonstrate the Diocese's desire to reach out to the Victims of Sexual Abuse," group members said in their letter to Murphy.

Attorney Michael Dowd, who represents three of the plaintiffs in the St. Raphael case, acknowledged he has been talking about mediation with Tuohey. Dowd also represents about 30 abuse victims whose claims are technically barred by the statute of limitations. "The potential for healing wounds that are both new and old is something that is very important," he said.

Tuohey declined to discuss how much money the diocese was prepared to spend in the dispute resolution process and estimated that it could take six months to a year to complete the process. Tuohey emphasized that he would not act as a formal mediator. If an abuse victim and the diocese wanted to settle cases, a trained, independent person who has experience as a mediator would be brought in to negotiate with both sides, he said.

Tuohey said there were about a dozen lawsuits pending involving priests and other church employees.

Long-running case

One of the cases farthest along in the legal process involves Robert Mongillo, a former altar boy who was abused by Andrew Millar at Sacred Heart parish in North Merrick starting in 1971. Mongillo, 22, filed his lawsuit in Nassau State Supreme Court within the statute of limitations, almost two years before the Boston abuse scandal rocked the nation and the Long Island diocese.

"I still fully expect to go to trial but I would welcome a settlement," Mongillo said last week, adding he has not had contact with Tuohey. "A trial is basically making the victims live through the situation all over again, this time in words rather than actions," he said. Millar, who served at Long Island parishes for three decades, was released from prison last year and defrocked due to a separate incident in 2000 involving the sodomizing of a learning disabled boy in a Tobay Beach restroom.

Melanie Little, a Garden City lawyer who represents 25 priest abuse victims whose claims would have to survive the tough legal hurdle that they were filed too late, said the special counsel's comments were good news. "We would welcome the opportunity to suspend litigation and attempt a resolution of these cases that is acceptable to all parties," she said.

Cerulli said his group, known as SNAP, deserved a place at the mediation table to help shape diocesan policy regarding victims. SNAP last week released a letter it sent to Kathleen McChesney, executive director of the Office of Child and Youth Protection of the U.S. Conference of Catholic Bishops, asking her to intervene on their behalf with Murphy.

GRAPHIC: Newsday Photo/Leslie Barbour-An attorney hired by Bishop William Murphy, above, says settlements are possible

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