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## **Father Maher Exonerated of Aretakis Sex Abuse Claim**

Long on Accusations and Character Assassinations but Short on Proof and Evidence

Empire Journal [Albany NY]  
September 6, 2005

John Aretakis, the attorney at the center of sexual abuse allegations against the clergy and particularly the Albany Roman Catholic Diocese, seems more intent on trying his cases in the media and engaging in a smear campaign than in the courtroom where proof and witnesses have to be presented.

Although he claims that Diocese investigations are incomplete, he refuses to provide the names of alleged witnesses who allegedly support claims made by himself and his client against the clergy.

One of Aretakis targets, the Rev. Daniel Maher, pastor of Albany's Holy Cross Church, has been exonerated by the Diocese's Sexual Misconduct Review Board which has found following investigation that there is "no reasonable cause" to believe allegations of sexual misconduct brought by Thomas G. Clements of Albany against Maher for alleged incidents he says occurred over 30 years ago when he was 13.

The Review Board was comprised primarily of lay people.

Clements, who is being represented by Aretakis, is seeking \$2 million in a lawsuit filed in May in state Supreme Court in Saratoga County.

Clements is a former computer programmer with the state Office of Technology who resigned after 22 years because of claimed mental problems. He is single and has no children.

Clements, a former altar boy at St. Frances de Sales Church where Maher was then assistant pastor, claims that he was abused by Maher when attended a church retreat in 1972 or 1973 but Maher adamantly denies the allegations.

Clements claims that Maher took him to a camp on Saratoga Lake on weekends where he sexually assaulted him on two separate occasions.

Bishop Howard J. Hubbard says he accepts the board's finding and that Father Maher "remains a priest in good standing".

A statement announcing the priest's vindication has been released by the Rev. Kenneth Doyle, the Diocese's chancellor for public information, and was distributed to Holy Cross parishioners attending church services Sunday while protestors from SNAP milled outside, led by Aretakis and Mark Lyman.

Lyman, co-director of the Albany chapter of the Survivors Network of those Abused by Priests (SNAP), has led the group's protests at the church for the past 15 weeks. The group has vowed to protest at the church until Maher is placed on administrative leave but such action by the Diocese seems unlikely, especially in light of the Review Board's finding that the charges against him by Clements are unfounded.

Lyman has also filed a \$2 million lawsuit against the Diocese alleging that he was sexually abused by a priest. Aretakis also represents him.

While Aretakis and Lyman complain that the Diocese are monitoring their weekly protests at the church which include picketing and placing flyers on parked cars of parishioners, the Diocese says they have no choice because of safety concerns connected to the protests and because Aretakis has been involved in several confrontations with parishioners.

Although Aretakis and SNAP are protesting on or near church property despite church warnings not to trespass, Aretakis is the one who has filed complaints against the Diocese with Albany police.

"Based on several complaints we've received from parishioners who have expressed to us their fears and concerns over safety and security issues while attending Sunday Mass and while their children attend schools we have been requested to monitor the situation", the Diocese said in a statement in response to Aretakis' complaints that his actions and protestors were being monitored.

Aretakis and Lyman claim that they discuss his case while protesting at the church and that individuals whom the church are employing to provide surveillance and security are violating the attorney/client privileges if they are monitoring them. The church says no conversations are being recorded but says they are concerned about Aretakis frequently entering parishes, videotaping parishioners without permission in an apparent attempt to intimidate and scare them.

The allegations against Father Maher were investigated by Thomas Martin, former senior investigator with the New York State Police's Bureau of Criminal Investigation.

Martin interviewed individuals who were reported to have witnessed or had knowledge of the incidents alleged by Clements. None of them recalled such incidents occurring and Maher strongly denied the allegations.

Aretakis and Clements made their accusations against Maher public in May when they filed their lawsuit but according to the Diocese, neither Aretakis nor Clements filed a formal complaint with the Albany Diocese despite the Diocese's numerous requests for information nor did they file any complaint through the Independent Mediation Assistance Program.

Martin interviewed Clements with Aretakis present. The complaint alleged that he was sexually abused twice at a Saratoga Lake camp owned by a now deceased priest. Clements claimed that he was among a group of seven to nine boys invited to swim and boat at the camp. He said he didn't tell his parents or anyone else about the incident at the time it allegedly occurred but that he allegedly told a friend in 1979 and claimed that he later issued a warning about Maher to his co-workers at the state office where he was employed.

Although Aretakis is now claiming that the Diocese conducted an incomplete investigation, Martin said that Aretakis and Clements denied his three requests to provide the names of the other individuals whom Clements claimed were at the camp at the time of the alleged incidents. They also refused to provide the names of the friend and co-workers who they say Clements later told about the alleged incidents.

Independently, Martin located and interviewed contemporaries of Clements who visited the camp in the 1970s. According to Martin, these individuals did not recall seeing Maher at the camp. Maher said that he had been invited to visit the camp only once and had done so with a visiting priest from Ireland and other adults but that no children were present at the time of his visit. Martins said that none of the individuals who he interviewed said they were aware of any sexual misconduct involving Maher.

Martin also interviewed Maher who denied he had abuse the complainant or anyone else

Although Aretakis filed a summons and notice against the Albany Diocese and others in connection with allegations in May, no detailed complaint supporting the allegations has ever been filed.

On two occasions in May before he filed the notice and summons, Aretakis barged into the rectory of Holy Cross Church and into Holy Cross School in an attempt to interrogate Maher on video. He and

associates have placed leaflets and flyers on cars parked at the church and school and in the neighborhood. They have videotaped parents and students leaving the school since June.

Aretakis and others including members of SNAP have picketed Sunday Masses and publicly demanded Maher's removal with Aretakis being involved in confrontations with at least three parishioners of Holy Cross and with neighborhood youths and their parents.

Aretakis is currently the subject of a complaint by the state Committee on Professional Standards, the state disciplinary agency for lawyers which is seeking to have him disbarred for recent public disclosures he made regarding complaints made against him by persons related to clergy sex abuse cases.

He has also placed himself before the cameras and pandered to the media in regard to the arrest of Sandra "Beth" Geisel, the former teacher at Christian Brothers Academy who is charged with three counts of third degree rape and two counts of endangering the welfare of a child for allegedly engaging in sexual intercourse with a 16-year-old student at the all boys Catholic school.

CBA, while a Catholic school, is privately owned school and not affiliated with or maintained by the Albany Diocese

Aretakis routinely tries his charges in the media, often without any substantiation, using publicity or the threat of it to attempt to force settlements rather than take the case into a courtroom where he would have to provide proof of the accusations of himself and his clients.

Aretakis has appeared on numerous TV shows and has held news conferences regarding the Geisel arrest, claiming that he represents an 17-year-old boy who also claims to have had sex with Geisel. However, thus far Aretakis has provided no information about who his alleged client is and public information indicates that only three boys are allegedly involved---the 16-year old and two 17-year olds. According to published reports, the Albany County district attorney's office says there is no fourth student as Aretakis alleges and that although they have asked him to identify who his claimed client is, he has not been forthcoming with the information.

A spokesman for the Colonie Police Department also says that police are not aware of who this alleged fourth person is that Aretakis claims to represent. A recent editorial in The Troy Record questions if the fourth person that Aretakis alleges even exists.

Rev. Doyle has filed complaints with the lawyer disciplinary agency against Aretakis, who maintains offices in New York City and Albany, saying that the lawyer has made false allegations against him. The Rev. Carl Urban of Schenectady has accused Aretakis of slander as has Catholic nun, Sister Anne Bryan Smollin.

"I believe Aretakis has violated the ethical norms governing attorney conduct," Sister Smollin, a member of the Sisters of St. Joseph of Carondelet, said in her complaint. "Aretakis has maligned my name and publicly humiliated me. His slanderous reports of me have had a destructive effect on my professional life. His comments demean my personal integrity. His unethical behavior has not only had a negative effect on myself but on all religious."

Aretakis says that individuals are filing complaints against him to attempt to intimidate him and silence him in his allegations of clergy sex abuse.

In the COPS complaint filed Sept. 30 in State Supreme Court, Appellate Division, Mark S. Ochs, chief counsel for the committee, charged that Aretakis "engaged in conduct prejudicial to the administration of justice and "conduct tending to bringing the legal profession into disfavor and disrepute".

Aretakis in turn has filed a notice of claim against COPS charging that the agency is acting as a "tool of the bishop". He charges that COPS is harassing him. He says there has been a "pattern of harassment" against him by COPS as well as frivolous investigations. He says that Ochs is "using

taxpayer money and valuable resources.....to limit my speech and shut down the only person in New York State speaking out on, and successfully suing, the Catholic church".

Aretakis says that at least 15 complaints have been filed against him in the Appellate Division, more than half of them from COPS. He has filed numerous lawsuits on behalf of alleged sex abuse victims against the Roman Catholic Diocese of Albany concerning alleged sex abuse by various priests. He claims that Hubbard and others in the diocese knowingly protected pedophile priests at the expense of victims.

The attorney says that he had waived the confidentiality provisions and had the right to disclose the content of complaints made against him but COPS disagrees, saying he had to first ask permission and did not do so.

According to a church spokesman, the Catholic Diocese has not taken any action with regard to Aretakis' professional standing as an attorney.

Complaints and investigations against an attorney by the attorney grievance committees of the Fourth Department of the state's Judicial Districts are confidential pursuant to Section 90 of Judiciary Law.

Aretakis maintains his constitutional rights to free speech have been violated and vows that if he's disbarred, he take the matter to the Court of Appeals and if necessary, the U.S. Supreme Court. (See [http://theempirejournal.com/Agency\\_Says\\_Aretakis\\_Acting\\_Improperly.htm](http://theempirejournal.com/Agency_Says_Aretakis_Acting_Improperly.htm) ) 9-06-05

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