



# ARCHDIOCESE OF DENVER

## **Settlement Announcement**

Settlement Questions and Answers

July 1, 2008

### **How many total lawsuits have been filed against the Archdiocese of Denver for childhood sexual abuse related to Robert White and Leonard Abercrombie?**

The first lawsuits related to Robert White and Leonard Abercrombie were filed in August of 2005. Over the last three years, 37 lawsuits have been filed related to these two priests, who are deceased. The archdiocese has resolved all but one of these lawsuits. In addition, the archdiocese also has resolved six claims, which were never filed as lawsuits, involving these two priests. The total amount paid to date to settle all 42 claims related to White and Abercrombie is \$8,229,000.

### **How many sexual abuse cases remain pending against the Archdiocese of Denver?**

Only two childhood sexual abuse cases remain against the Archdiocese of Denver. One case involves Leonard Abercrombie, and the second involves another priest, Thomas Barry, who is deceased. The archdiocese has offered to mediate these two cases. These two plaintiffs have rejected the archdiocese's efforts to resolve the claims.

### **Does the Archdiocese of Denver believe that there will be additional claims?**

The archdiocese presumes nothing in these matters. However, when considering the passage of time since these cases were filed three years ago, the enormous media attention these matters have received, the fact that the allegations in these cases are many decades old, as well as the archdiocese's repeated calls for victims to come forward for assistance, the archdiocese hopes that these matters are now over.

### **Where did the funds for these settlements come from?**

The archdiocese used archdiocesan assets to pay for the settlements. None of the funds came from the Archbishop's Catholic Appeal.

### **Do the settlement payments affect the financial position of the Archdiocese of Denver?**

The archdiocese believes these settlements were vital for the victims to help them move toward healing. However, these settlement payments do have an impact on the Church in northern Colorado and the charitable work the Church can provide the Catholic and wider

public community. Fortunately, the archdiocese's good stewardship and financial management of its people's resources has limited the particular effect this payment has on current ministries and services.

**Are there any priests who have been accused of sexual abuse of a minor in active ministry in the Archdiocese of Denver?**

No. The Archdiocese of Denver's policy is that no priest, deacon, seminarian or lay employee with a credible allegation of sexual abuse of a minor is allowed to work in active ministry in the archdiocese. This policy is strictly followed. The archdiocese immediately reports any credible allegation of sexual abuse of a minor against a priest, deacon, seminarian or lay employee to law enforcement authorities; and the accused individual is promptly removed from ministry.

**Why was the White file released, but not the files of other priests?**

Robert White's clergy file was not released. A portion of White's file from the early 1960s through 1981 was provided to some plaintiffs as part of their settlement and for the purpose of their personal healing. This portion of the file was redacted so no third-party names were identified and privileged documents, such as medical information, were withheld by agreement. The Archdiocese of Denver has always defended, and will continue to defend, the right to privacy of all our archdiocesan personnel. This applies especially to the lifelong vocational files of clergy, which differ significantly from ordinary employment files because of the sacramental nature of the priesthood and diaconate.

The archdiocese took this step in this single instance because of a variety of factors, including the number of people who were harmed as a result of White's actions and the fact that White is deceased. In addition, under the unique circumstances of the cases brought as a result of White's wrongful behavior, it was apparent that providing a portion of White's file to some plaintiffs was necessary to help these individuals move toward healing. An independent third-party, former Judge Richard Dana, reviewed the White file and verified, to the satisfaction of the plaintiffs' counsel, the absence of any evidence of abuse by White after 1981. This step was essential to the final resolution of all of the claims related to White. These exceptional circumstances simply do not apply to the other cases.

**What safeguards does the Archdiocese of Denver have in place to protect children from sexual abuse in Church environments?**

The Archdiocese of Denver continues to work to take a leadership role in preventing, recognizing, and reporting sexual abuse. For 20 years, the archdiocese has sought to better understand the nature of sexual abuse and how to prevent it. By 1991, the archdiocese had established a comprehensive set of sexual misconduct policies. The archdiocese does not tolerate sexual misconduct by any members of its clergy or lay staff. No priest or deacon with a credible allegation of sexual misconduct with a minor is allowed to minister in the archdiocese. Any allegation of sexual abuse of a minor is reported immediately to law enforcement authorities.

In addition, the archdiocese has, for many years, provided training on the prevention, recognition and reporting of sexual abuse to all clergy, employees and volunteers in the archdiocese. These training programs were developed by experts in the field of preventing sexual abuse. In the last five years, approximately 77,000 people, including priests, deacons, seminarians, archdiocesan and parish employees, students and volunteers of the archdiocese, have participated in comprehensive workshops designed to teach warning signs, direct action, and to protect the young people of the Church.

**The process used to settle the cases announced today was different from the process used to settle the cases announced in 2006. How and why were the mediation processes different?**

From the beginning of these lawsuits, the Archdiocese of Denver has sought to mediate these claims rather than to litigate them. When the first cases related to White and Abercrombie were filed three years ago, counsel for the Archdiocese of Denver promptly wrote to the plaintiffs' lawyers and conveyed the archdiocese's goal of resolving all cases through mediation, instead of through the court system. Plaintiffs' counsel did not respond.

In May 2006, the archdiocese formed a special mediation panel, consisting of a retired judge, Richard Dana, a police chief, Heather Coogan, and a vocational rehabilitation specialist, Jack Dahlberg. The archdiocese invited the plaintiffs to this mediation process. The panel members met with each plaintiff who wanted to participate. Archbishop Chaput met personally with each plaintiff who was willing to meet with him. The archbishop also attended the panel sessions to hear directly from each plaintiff and to apologize to them. Plaintiffs' lawyers were present, but the archdiocese's counsel was not present at these panel sessions. Through the initial panel process, 15 cases, all represented by one Florida law firm, were resolved by January 2007. The panel has reconvened in certain circumstances when a White or Abercrombie plaintiff requested to use that process to try to resolve his or her case.

Some plaintiffs represented by a Minnesota firm had rejected the mediation panel and at the end of 2007 requested to use a national mediator who has been involved in settling other sexual abuse cases brought by the same Minnesota law firm. This mediator is Richard M. Calkins, an attorney and former dean of Drake Law School. In a series of mediation sessions, starting in December 2007 to May 2008, Archbishop Chaput met with each of the remaining plaintiffs who wanted to meet with him, along with the mediator and counsel for each side. These sessions resulted in the settlements that are being announced today.

**How can the Archdiocese of Denver justify the decisions of past archdiocesan leadership that seemed to have kept White in a position to hurt people for many years?**

Current archdiocesan leadership can't and doesn't justify the wrongful behavior of Robert White. Nor do current archdiocesan leaders understand why some decisions by past leadership were made that resulted in the painful experiences of some individuals and families. The archbishops who handled these issues in the 1960s and 1970s have been deceased for many years and because of this passage of time more is not known

about why the decisions were made. Archbishop Chaput has expressed regret for the suffering of these individuals and their families and the archdiocese has sought to help them heal.

The decisions made more than a quarter-century ago would not satisfy current archdiocesan policies for handling allegations of abuse. How society understands the nature and treatment of sexual abuse today is very different from three to five decades ago. For 20 years, the archdiocese has sought to better understand the nature of sexual abuse, how to treat it and how to prevent it. The archdiocese's policies reflect a rigorous approach to handling this problem.

**Why would the Archdiocese of Denver resist a change to the statutes of limitation on sexual abuse, and then settle these decades-old claims?**

In reality, the Archdiocese of Denver supported abolishing the criminal statute of limitation regarding childhood sexual abuse. In fact, Colorado's Catholic bishops were the first in the country to do so.

All settlements entered into by the archdiocese reaffirm the archdiocese's long-standing policy of always attempting to alleviate any harm to a child by one of its priests – regardless of when the harm occurred. However, when dubious claims are asserted or demands are excessive, the archdiocese is forced to defend itself in a court of law and to rely upon the same legitimate defenses available to everyone else in society. The Church has opposed flawed legislation that unfairly targets the Catholic community and that seeks to impose retroactive civil liability for several important reasons, among them the fact that such liability wrongly punishes innocent people and families today for events many years in the past—events in which they played no part.

The settlements announced today demonstrate the Archdiocese of Denver's commitment to help individuals heal, even if their claims are barred by applicable statutes of limitation.

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