

PROJECT PROPOSAL

It is proposed that the appropriate body of the National Conference of Catholic Bishops authorize and fund the following described Project.

The Committee:

A Committee of the NCCB would be fully authorized and empowered to allocate authority and funding at its discretion, within pre-determined bounds, to a Group of four - five Bishops, holding degrees in Civil Law and/or Canon Law, to be named by the Committee. This Group of Bishops would be fully authorized, subject to the supervision of the Committee, to contract services of consultants and otherwise do any and all things necessary to conduct and carry out the mission of the Project, within the budget guidelines set in the grant of authority.

The Group of Four:

These Bishops would act immediately to contract the services of consultants in forming two distinct and separate entities:

- (1) A Crisis Control Team, and
- (2) A Policy and Planning Group.

Thereafter, these Bishops would act as an Ad Hoc Committee of the Whole, in administering and supervising the efforts of the Team, which would primarily be concerned with assisting in developing cases in different Dioceses where requested, and the Group, which would be engaged in long term planning in an effort to put together competent and comprehensive policy recommendations to ultimately be considered by the Committee and in certain circumstances by the body of the National Conference of Catholic Bishops.

The Crisis Control Team:

Initially, the Crisis Control Team should include a full time Trial Lawyer with experience and expertise in the civil and criminal aspects of the problem. This Trial Lawyer shall close his practice and shall anchor both the Team and Group, which is more fully explained in the following material.

The second position on the Crisis Control Team shall be occupied by a Canon Lawyer, who shall give priority to duties with the Team.

The third position shall be filled by a Psychiatrist.

In time, this core group shall expand its personnel resources. However, this expansion shall not be rapid, as it is critical to maintain the level of expertise and experience specifically, and overall competence generally.

The expansion of resources shall ideally occur on a regional, geographic plane. An effort shall be made to recruit and work closely with others, giving them the benefit of the civil, criminal, canonical and clinical experience and expertise, so that they shall be equally suited to respond to a request for assistance.

All actions of this team are subject to the authority of the Group of Bishops which created the Team.

The Policy and Planning Group:

This Group would be made up of; the Group of Four Bishops, secondly, members of the Committee which created the Group of Bishops, and finally, the members of the Crisis Control Team.

In addition, it is contemplated that a wide array of consultants with expertise in different disciplines would be consulted to perform services for this Policy and Planning Group.

Thus, in addition to those listed in the preceding paragraph, the Group would also consist of, either temporarily or permanently, the following, non-exclusive listing of personnel:

*Psychiatrists and Psychologists with expertise in evaluation and treatment of offenders as well as victims and their families.

*Psychiatrists and Psychologists with expertise in screening, testing, and evaluating emotional stability and vocational suitability.

*Directors of Seminaries and/or other similar Religious Houses of formation.

*Consultants with expertise in Insurance Planning, Institution of Self Insured, single risk programs.

*Policy Analysts with expertise in loss management.

*Attorneys with expertise in Uniformity in Case Management in multiple jurisdictions.

*Attorneys with specialized expertise in either narrow constitutional areas or broad based areas such as Federal Class Actions.

*Representatives of Religious and Lay Medical Treatment Facilities.

*Persons with expertise in area of Personnel, i.e. Religious Personnel Directors from Orders or the Personnel Directors of large, medium and small Dioceses.

*A scholar in Canon Law to provide specific information required by Group.

*Policy Analyst with expertise in media management, formulation, implementation, and administration of general media policy as well as a specific, targeted media policy designed to deal with a single issue.

An Administrative Assistant would work with both the Team and the Group to provide support services and facilitate the flow of information amongst the members.

SCOPE OF SERVICES

The Crisis Control Team:

First, the Team would not replace any individuals on either the national or local scene. Their function, where requested, would be to supplement the efforts of others and assist those who are presently positioned nationally and locally, and to devote their full time exclusively to the Project and problems encountered.

Second, their on-site involvement at a local level would only be in response to a request from a Bishop or Religious Ordinary to provide advice, assistance, guidance or active participation in the problem solving process.

Finally, a mechanism would immediately be put in place so that any Bishop or Religious Ordinary confronted with a problem would have knowledge of whom to contact for assistance. Once contacted the scope of services rendered would range to and include any of the following:

1. Perform legal and factual investigations on-site, with the cooperation and assistance of local parties, compile results and report assessment of the situation to the local Bishop, with recommendations if requested.
2. Arrange for and/or conduct evaluation of person accused and process person for treatment at appropriate facility.

3. Assist in satisfying any Canonical requirements as same may be scrutinized in Civil proceedings.
4. Assist in researching all applicable criminal and civil statutes with Diocesan Lawyer and gaining compliance with all.
5. Advise local parties, priests and psychiatrists in regard to drawing a plan for immediate intervention with families of victims with least possible negative fallout.
6. Where Civil litigation is probable, examine all evidence and assist in setting strategy which contemplates all possible courses. Particularly in these cases, force insurers to act immediately in appointing counsel and meet with insurers to explore settlement or set strategy.
7. Where Criminal action is contemplated, assist in interviewing and selecting Criminal counsel to be retained, seeking cooperation if feasible.
8. In all matters where court cases are anticipated, assist in drawing pleadings to protect the confidentiality of the process. In Criminal cases, such orders are recognized by the U.S. Supreme Court, silencing all participants and cutting off flow of information to press. In Civil cases, the efficacy of such a Court Order varies from one jurisdiction to another. However, such orders have been recognized to protect identity of juveniles.

9. In all such court cases, all uniform information and pleadings which are particularly important, such as suppressing or quashing subpoenas for Diocesan Records, all such information would be furnished to local counsel.
10. Where the press is already involved or it is anticipated they shall be involved, assistance would be rendered in formulating a media policy for every stage of the proceeding from discovery of the occurrence through settlement, judgment or conviction.
11. When requested, Team members would become active participants in the process locally. Particularly, the trial lawyer, if requested, would enroll as co-counsel and assist in the handling of the entire case, including preparation of witnesses, taking of testimony and conduct of trials.
12. In the interim, when not involved in assisting in the management of a crisis, the Team, among other things, would:
 - A. Coordinate and assume responsibility for searching out, interviewing, and recommending the retention of experts in other geographic regions in an effort to expand the resources of the Team.
 - B. Commence and complete a study of the available treatment facilities in each state, the statutory laws in each state relating to the situation, and all other

relevant data to be compiled and catalogued on a state by state basis.

- C. Commence and complete the compilation of all works of legal scholars and medical experts in the field, continuously adding to the data bank and refining the sample pleadings and other legal and medical advice to be offered.
- D. Continuously monitor those situations in which the Team has been invited to intervene, developing standard monitoring procedures to be utilized in tracking developments.
- E. The entire Team would remain responsive on a twenty-four hour basis, year around, to render assistance where requested.
- F. Work with the Policy and Planning Group.

The Policy and Planning Group:

There is no necessity for a detailed discussion of the scope of services to be provided by this Group. A perusal of the personnel who shall comprise the Group, coupled with an understanding of the nature of the problem is self-explanatory of their purpose. It is contemplated that very comprehensive and competent policies and procedures shall be produced by the Group for consideration by the Committee.

STRATEGY

In order to protect and provide a privilege to both the Team and the Group, it is contemplated that:

1. A base contract shall be executed between the Group of Four Bishops and the Trial Lawyer which, among other things, shall provide that (a) a client-counsel relationship exist between the Group of Four and the Lawyer, (b) between the National Conference of Catholic Bishops and the Lawyer, and (c) between each Diocese and the Lawyer.

This shall be done in an effort to avoid discovery of any information transmitted by any of the clients to counsel to any of the clients, providing as free a flow of information as possible without the discovery of plaintiffs or press.

2. All consultants who shall work on the Team or with the Group shall be retained under contract with the Trial Lawyer and not with anyone else. All of their fees and expenses shall be paid by the Trial Lawyer and the entirety of their work product shall be performed for him.

This is in an effort to legally shield from discovery all of the sensitive studies and other materials which might be generated during the existence of the Project.

3. The only official evidence that this Project was ever proposed or in fact exist, assuming each of these documents is returned without copying, would be the base contract between the Bishops and the lawyer which document by its very nature is private, privileged and may not be discovered.
4. In the confidential discussions mentioned hereinabove, it was the consensus that this work might best be performed by an Ad Hoc group in a method and manner whereby only the final product is officially provided to an existing Committee of the National Conference and in the interim, perhaps forever, subpoenas would be avoided.
5. It is the intention to locate this Team and center the Group in a large metropolitan area where required resources (university faculty, etc.) are readily available.

CONCLUSION

Though each case of felonious sexual misconduct is bound to be different with regard to circumstances, notoriety, possible liability, there is also a set of common threads which weave through all such cases. The very fact that these cases involve clerics of the Roman Catholic Church who have committed acts which are considered by society to be dispicable and heinous and which have received a very high decree of publicity in the media of late (not necessarily those cases involving priests but child molestation in general) makes it imperative that there be comprehensive planning and specialized strategy for handling all such occurrences among the clergy. There is simply too much at stake for the Church...its leaders, its clergy and its faithful...not to attempt to provide the best possible response to the overall crisis.

In their developmental stages these crises are so fluid and move so swiftly that it is impossible to contrive on-the-spot plans and strategies which will adequately anticipate most if not all of the adverse developments and complex considerations that arise. It is equally difficult to attempt to implement a plan put together by an unknown author, Frankly, when faced by these crises for the first time very few in authority know what to do. It often seems to those in charge that everything that might be done could well go wrong, so the temptation is to do nothing, which is worse than wrong.

It seems that the best approach which ensures affirmative and aggressive action is for an Ordinary facing such a crisis to have available to him the support, assistance, guidance and advice of personnel experienced in all aspects of the problem. A crisis con-

trol team, set to work with all aspects of the problem, can fill the need in providing immediate and short term solutions.

The long-term solutions to the problems in general; their causes and possible remedies, can effectively be addressed by a policy and planning group which can offer definitive consideration to all of the nuances and subtleties of these situations as well as the very obvious problems which have been discussed in this document. In short, there are several dimensions to the problem of multiple instances of sexual misconduct by Catholic clergy the most offensive type being molestation of children: the individual cases and the effects on clergy, victims, their families and the local church; the image of the Catholic clergy projected throughout the country and the world as a result of these cases; the determination of causes such as improper seminary screening etc.; the true clinical nature of certain of the actions, especially pedophilia. All of these dimensions demand a concentrated degree of attention by the Church for its own good in the short term and for the sake of its role in the wider society in the long term.

Those who drafted this document as well as those who have contributed to its content...all those whose thoughts are represented herein...have been directly involved, with various degrees of intensity, in each aspect of these problems. It is from this vantage point that this document is written.

The questions and considerations should provide not the answers to the problem but a source of valuable information for the Ordinaries of the country. This work has been undertaken in the hope of

contributing in some way to a solution in dealing with probably the single most serious and far reaching problem facing our Church today.

Respectfully submitted by

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