Good Morning!

May 24, 2018
• Start with Welcome to Day Two’s Opening Plenary
• Mike Patterson, Founding Principal, Patterson Buchanan

Misconduct Crisis & The Vatican: New Temporal Administration Initiatives

Mike Patterson Founding Principal

Mr. Patterson concentrates his practice on high stakes, high profile litigation and has represented scores of school districts; numerous cities, counties, and fire districts; various dioceses/archdioceses throughout the country; and many well-known private clients in high stakes litigation. He won the Mary Kay Letourneau case for the Highline School District. With his big case experience, he is frequently called upon to be the media spokesperson for clients involved in difficult situations. He has been interviewed by ABC, CBS, Dateline and NBC. Mr. Patterson is also a nationally recognized speaker for a wide variety of litigation and best practices issues.
The Context of this Talk

• Thinking about…
  – Our local environs - Minnesota
  – Michigan
  – Pennsylvania
  – New York
  – California…
Mike Patterson, the Person

- Gonzaga
- Notre Dame
- Napa Institute
  - Napa Think Tank - together
- Spitzer Center for Visionary Leadership
- Vatican – new Temporal Administration Initiatives
- His Personal Fight
Lessons Learned and Moving Forward

Sexual Abuse in the Catholic Church

Mike Patterson
Awareness and Understanding of Child Sexual Abuse

- Before 1980s, viewed as an anomaly and a personal failing.
- In 1984, allegations against Catholic priest, Gilbert Gauthe, gained national attention.
- 1985 NCCB assembly in Collegeville, MN.
Awareness and Understanding of Child Sexual Abuse (cont.)

- Mid 1980s – procedures for responding to allegations developed by some dioceses
- 1993 – the bishops formed the “Ad Hoc Committee on Sexual Abuse”
The Dallas Charter

• In June 2002, the USCCB approved the Charter for the Protection of Children and Young People (commonly known as the Dallas Charter).
• Provided a detailed framework for responding to victims/survivors.
Four General “Promises” - Dallas Charter

• The Dallas Charter is a covenant of four general “promises” that the bishops made to the public:
  – (1) to promote healing and reconciliation with victims/survivors;
  – (2) to guarantee an effective response to allegations of sexual abuse of minors;
  – (3) to ensure the accountability of our procedures;
  – (4) to protect the faithful in the future
External and Verifiable Accountability

• External annual audits overseen by the USCCB’s National Review Board (NRB) and Office of Child and Youth Protection (OCYP).
• NRB also tasked with conducting two national studies on child sex abuse – one of the “nature and scope” of the abuse and one on its “causes and context.”
Center for Applied Research in the Apostolate (CARA) Reports

• In 2003, the USCCB commissioned the CARA to annually gather and report data, including:
  – Number of new allegations;
  – When the alleged incidents occurred;
  – Amount of money expended by all arch/dioceses for the care of survivors, legal claims and for child protection efforts.
Virtus and Praesidium

- Developed in the 1990s, these are training programs used to foster awareness and detection of abuse.
Key Studies Regarding Sexual Abuse in the Catholic Church
Nature and Scope Study

- Conducted by and published in 2004 by the John Jay College of Criminal Justice at the request of the bishops, the Nature and Scope Study provided information about the breadth of the abuse.
- Between 1950 and 2002, nearly 4,400 priests had been accused by approximately 11,000 victim/survivors.
Costs to the Arch/dioceses, Eparchies and Religious Institutes

- The *Nature and Scope Study* and the CARA annual updates have estimated that the costs of this crisis have exceeded $3 billion since 1950.
- 19 Catholic entities have declared bankruptcy as a result of substantial civil liability, settlements and other costs.
Causes and Context Study

- Revealed that there was no single “cause” of sexual abuse of minors by Catholic priests.
- Determined that the incidents of abuse declined after the mid-1980s likely due to the development of seminary education.
- Noted that the offending priests were not psychologically or developmentally different from priests who were not accused of sexual abuse of minors.
Lessons Learned Since 2002
Three Categories

1. Church leaders lacked an understanding of the nature and scope of the problem and its impact on the victims/survivors and their families.

2. Some Church leaders relied too heavily on the questionable advice of psychologists and attorneys in dealing with the accused.

3. Lack of systems of accountability and transparency generated widespread hostility, and lack of confidence and trust in Church leaders and the Church.
Lack of Understanding of the Scope and Impact

- Sexual abuse of minors within institutions was not recognized as a widespread problem.
- Clergy formation was limited in the area of human sexuality.
- The lack of training programs for others involved in youth-serving ministries was not unique to the Catholic Church.
Reliance on Questionable Advice of Psychologists and Attorneys

- Some bishops relied on the expertise of psychologists who advised that the offender could be “cured” from pedophilia, ephebophilia, or personality disorders through therapeutic treatments or by eliminating contributory factors.
- Some attorneys did not always focus on the important pastoral dimensions of each individual case.
Lack of Systems of Accountability and Transparency

- Prior to the implementation of abuse prevention policies in the 1980s, priests were not held accountable to any internal formal written standard or mandate other than the Code of Canon Law.
- The culture of the Church, as well as genuine concerns for the privacy of all involved, created an atmosphere in which accusations that were made were kept confidential.
- Secular law until the 1980s either did not require reporting of abuse or excluded religious institutions.
Honesty and Transparency

- Until 2002, Church leaders rarely commented on the issue of sexual abuse by Catholic clergy.
- Honesty about past abuses and cover-ups of abuse is essential for restoring trust.
- Care must be taken to provide necessary, accurate information without appearing callous, defensive, or untruthful.
Moving Forward: Challenges and Opportunities
How to Use the Lessons From the Past

- Assist current and future Church leaders in better understanding the problem of sexual abuse.
- Help Church leaders to more effectively respond to allegations, and prevent future abuse from occurring.
- Guide the way for better stewardship of the Church’s temporal resources and legal strategies driven by fairness and compassion.
Prevention of Future Abuse

- Implementation of abuse awareness and prevention programs and policies.
- Policies should consider not only criminal sexual misconduct, but also conduct that may not necessarily be criminal, including boundary violations.
- Utilize best-practices in screening and monitoring members, employees and volunteers.
Improved Response to Allegations of Abuse

- Compassion and care afforded to those who have been abused is essential to their healing.
- Church leaders must continue to reach out to victims/survivors and seek their forgiveness for the harm that has been done to them.
Accountability

- Arch/dioeceses and religious institutes must promptly report allegations.
- Bishops and religious superiors are responsible for ensuring that offenders are removed from ministry.
Transparency

• Church leaders need to be honest and forthcoming about the individual and collective issues of sexual abuse.
• Communications directors should assist members of the media in understanding the progress that has been made in the Church in terms of reducing the incidence of sexual abuse as well as ensuring that they are aware of how individual offenders have been dealt with.
A Compassionate Legal Approach

• The challenge for the Church, and its legal advisors, throughout the process of litigation, is to ensure there is just compensation for victims/survivors and that these persons are treated with compassion and concern reflective of the Church’s values.

• It is not just about the law, but also involves the pastoral mission of the Church.
Complacency is the Enemy of Progress in Protecting Children

• No one can afford to become complacent, despite the “issue fatigue” that may occur in dealing with these difficult issues.

• It is imperative that the Church continue to learn from the difficult lessons of the past and move forward to care for victim/survivors and vigilantly protect the young and vulnerable.
Thank You!