

Gratifying Moment For Firm That Took On Church

Lawyers say attitudes have changed since filing of first priest case

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Last week's release of more than 12,000 files from priest abuse lawsuits against the Bridgeport Diocese is a long-awaited high point for lawyers at the Bridgeport firm of Tremont & Sheldon.

After all, for about 17 years, the firm has been immersed in an issue that has been discussed and debated in newspaper stories, courtrooms, church parish halls and even the Vatican. But when the late Paul Tremont filed the first of his legal actions in 1993, the reaction was hostile, and the attorney was vilified at first.

"The public did not have the ability to believe that priests could be involved in these acts," said partner Douglas Mahoney. He recalled that Tremont received "horrible threats of violence, threats of bodily harm."

Since then, said Mahoney, "the public has changes its attitude and has come to realize that some priests, at least, are able to commit such crimes against children."

Partner Jason Tremont, Paul's son, said when his father first heard the stories of sexual abuse at the hands of trusted clergy, "he was personally devastated by it. He made sure he was going to pursue it. He knew it was correct and he wasn't going to be deterred."



Contributed Photo

Tremont & Sheldon lawyers Jason Tremont (left), Doug Maloney and Cynthia Robinson said they were dismayed about the lack of compassion that Bridgeport Diocese officials displayed to their clients.

Overall, the Tremont legal team has represented more than 100 clergy abuse victims and negotiated settlements totaling more than \$50 million. The unsealing of the documents was the result of a separate and ambitious open records case involving the records of 24 Tremont clients.

In *Rosado v. Bridgeport Diocesan Corp.*, the *Hartford Courant*, *The New York Times*, *The Boston Globe* and *The Washington Post* fought to gain access to the court records of the settled cases. Despite vigorous legal efforts by the Bridgeport Diocese to keep the records sealed, the state Supreme Court this year ruled that the records should be made public and the U.S. Supreme Court declined to intervene.

And so the records were made public to the media and lawyers on Dec. 1. In a prepared statement, the Bridgeport Diocese said the documents related to misconduct from the 1960s and 1970s include pre-trial materials such as motions, depositions, testimony, and correspondence; had previously been shared with victims and their lawyers; and had been the topic of many previous newspaper stories.

The statement continued: “Over the past decade, the Diocese of Bridgeport – and, indeed, the Catholic Church throughout the United States – has brought about a significant culture change regarding the knowledge of and ability to deal with sexual abuse. The Diocese has worked and will continue to work diligently and transparently to address the issue of sexual abuse in order to prevent this tragedy from happening again.”

'Sense Of Arrogance'

Partner Cynthia Robinson was the lead lawyer in preparing for a potential trial, carrying forward after the older Tremont's death. Her work over a seven-year period provided the basis for a pre-trial settlement in 2002, and she conducted depositions of former Bridgeport Bishop Edward Egan, an expert in Roman Catholic law and a canon lawyer by training.

To the Tremont lawyers, it was Egan who came to embody the Catholic Church's attitude of dismissive hauteur.

In one just-released deposition, Egan remarked that it was “marvelous” that such a small minority of priests were involved in the scandal. “From reading back the transcripts,” said Robinson, “it seems to me that his sense of arrogance and condescending demeanor really did come through. Remember, these were claims of children about priests who he controlled.”

She added: “His word choice was interesting. I was just re-reading it. He really did not want to be part of these cases, and it came across that he never addressed the victims, who are all part of the Catholic faithful.”

Mahoney also said he was surprised by Egan's “inability to apologize. His inability to reach out to people who were victimized was troubling [to me] – as someone who grew up as a Catholic and always had a great deal of respect for the church and its priests.”

Robinson said that under Egan, who went on to become Archbishop of New York until retiring this past April, there was no attempt at outreach to her clients.

“The only apology that ever came about, was once the case was resolved, there was a statement [expressing concern for all the victims],” she said. “But until the case was resolved, it was always attack mode on the victims, and their families.”

In the years since, Robinson has seen a change from what was, she said, a blame-the-victim attitude of the church. “I can’t speak for other areas of the country, but I have seen more of an understanding regarding the children’s claims. The church still denies that a priest was an abuser, but to the extent that a victim has come forward, there’s more of a pastoral approach.”

The adversary nature of litigation, said Mahoney, does not prevent all gestures of compassion, as demonstrated by Egan’s successor, Bridgeport Bishop William Lori. Without admitting fault, Mahoney said, Lori has offered counseling and compassionate recognition to the plaintiffs.

No Pseudonyms

Of the 26 cases whose files were unsealed, two belonged to clients of Fairfield solo Henry Lyons who were allegedly abused by the Rev. Raymond Pcolka. The Tremont firm also made claims against Pcolka.

Years ago, the diocese, in asking for an end to litigation, asserted that it had never had complaints about Pcolka, and that he was a “good man,” according to the Tremont attorneys. But just-released court records show there had been complaints about Pcolka since the mid-1960s.

“Henry [Lyons] had already been talking to the diocese about this particular priest,” said Robinson. “It was our first entrance into this battle, and we realized it was going to be a tough one.”

Almost all of the Tremont firm’s clients sued under their own names, and did not use pseudonyms that are often used by sex abuse victims.

Robinson said they were prepared, mentally, to go into open court and explain their allegations. “While I think there are some very valid and important reasons for a victim to use a John or Jane Doe pseudonym, if they can find the additional courage to use their real name, that’s a positive thing in the long run,” she said. “They’ve come to realize that at the end of the day they may have to go into open court and testify.”

The diocese had long argued that one rationale for withholding priest case documents has been to protect the privacy of victims. But Robinson said her clients had no objection to the document release. She believes the church’s reasons “for requesting protective orders and sealing orders was to protect the priests and the church.”

Clash Of Institutions

In addition to knowing the civil law for this case, Mahoney said he familiarized himself with Roman Catholic canon law, to better understand the traditions of secrecy that led up to the nationwide scandal.

“I’ve read the Code of Canon Law – it’s a book about four to five inches thick, the annotated version. It’s arcane, but it has been updated this century,” said Mahoney.

With sections about computers and information management, it “tries to meld the old Canon law, which dealt with secret archives and hiding documents, and putting it into a 21st century world.”

Canon law requires each diocese to have a secret archive, and only the bishop is to have access. The secret archives hold documents that would cause the diocese great embarrassment, such as alleged crimes by its priests. Every diocese is required to maintain a secret archive, Mahoney explained.

In the earliest stages of the Rosado case, journalists sought court files that had been left in the Waterbury courthouse in the wake of the case settlement. Courts were split on the rights of litigants to withdraw their files, versus the court’s continuing jurisdiction over files of great public interest. Ultimately, the Connecticut court system ruled against providing official cover for the church. In a landmark decision, issued in June, the Connecticut Supreme Court took a strong stand in favor of the openness of court records.

Meanwhile, in 2002, at the height of the outcry over the priest abuse crisis, American bishops, in a document known as the Dallas Charter, officially took the position that they would try to deal with these difficult issues in an atmosphere of candor and transparency.

The changes in both the Catholic Church and Connecticut courts would have been hard to predict when Paul Tremont filed his first controversial lawsuit in 1993.

“I’m sorry he did not get to see how it all turned out,” said Robinson. “I think he’d be pleased that we were able to help so many people.” •