

**Independent Investigation of Allegations of Racial Discrimination in the  
Archdiocese of Chicago's Settlement of Clergy Child Sexual Abuse Claims**



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## EXECUTIVE SUMMARY

In August of 2009 the Archdiocese of Chicago learned that a group of African Americans who had previously brought and settled claims of clergy child sexual abuse were preparing to file a class action against the Archdiocese alleging racial discrimination in its claim review and settlement process. The claimants articulated three complaints regarding the Archdiocese's handling of their claims that: (1) they received lower monetary settlements as compared to white claimants; (2) unlike white claimants, once they reported the abuse, they were demeaned and badgered during the Archdiocese's review and settlement process; and (3) unlike white claimants, they were not informed that counseling services for clergy sexual abuse were available at the Archdiocese's expense.

We were retained by the Archdiocese to conduct an independent investigation to evaluate the validity of these three claims. To conduct this investigation, we interviewed representatives of both the claimants and the Archdiocese who were involved at various steps of the claim review and settlement process in facilitating resolution of the claims. In addition, we reviewed documents ("Claimant Reports") furnished to us by the Archdiocese that summarized the relevant facts for each claim of clergy child sexual abuse settled since 1986. Based upon our review of the Claimant Reports, we assigned a numerical valuation to each claim that is intended to reflect the relative objective severity of the claim for settlement purposes and the potential exposure of the Archdiocese to liability when compared to other claims. This allowed us to meaningfully compare the settlements.

Our investigation of the 311 settlements found that the average settlement for African American claimants is in excess of 19% higher than the average settlement for all claimants combined and 28.3% higher than that of white claimants in particular. We also found that African American claimants received about one-third of the top 10% of all settlements and had no claims in the bottom 10% of all settlements. When we examined the highest 100 settlements, we found that settlements to African Americans comprised 21% of those settlements, which is in proportion to the total claims filed by African Americans (69 out of 311 claims). Other similar numerical analysis did not support the contention that African Americans received lower monetary settlements as compared to white claimants. When we excluded from the 311 settlements those 14 that had higher settlement averages because the claimants could arguably articulate a theory to overcome a statute of limitations defense, we did find that African American settlements presented, on average, claims with somewhat higher objective valuations than white claimants, but received lower average settlements than white claimants. However, we uncovered no indication that this was the result of racial bias. Instead, we found that this difference is explained by numerous race-neutral factors that lowered the Archdiocese's potential exposure to liability including certain characteristics of the clerics accused by African American claimants.

We also must note that all these settlements have occurred under circumstances where both the claimants and the Archdiocese are vigorously represented by counsel. Thus, there are bargaining strategies and conditions that may greatly affect results in any single case, and in





groups of related cases. Individual counsel, reflecting the desires of their clients, may be more or less aggressive in documenting and pursuing claims.

We found no evidence to suggest that the review and settlement process differed on the basis of race for African American claimants against diocesan clergy as compared to white claimants against diocesan clergy. Our investigation also uncovered no indication that the Archdiocese's review and settlement process was intentionally demeaning. Nor did we find any evidence that the Archdiocese intended to communicate that it disbelieved claimants of any race. We found that to the extent a perception of having been demeaned is disproportionately felt by African American claimants, this perception can be attributed to a race-neutral factor: nearly 25% of claims brought by African Americans were against a cleric who is a member of a religious order, the Benedictine Order of St. Procopius Abbey. The Benedictine Order has independently elected to employ a deposition-style statement to aid it in evaluating and settling claims. This style of statement is different from the process adopted by the Archdiocese for the resolution of claims involving diocesan clerics.

Our investigation also did not find support for the contention that race played any role in offering counseling services to claimants. The Archdiocese offered counseling to all claimants of diocesan clerics. In fact, our investigation uncovered numerous specific instances where the Archdiocese offered African American claimants counseling even when a religious order cleric was accused. We determined that the fact that a disproportionate number of African American claimants were abused by a religious order cleric as compared to white claimants, also likely explains this final complaint because, for those claims, the religious order, not the Archdiocese, was primarily responsible for responding to the claim and may or may not have offered counseling or other supportive services to the claimants.

In sum, we found no support for the allegations of disparate treatment or disparate impact based upon race. Our investigation revealed that over time the Archdiocese developed a thoughtful and thorough review process for handling allegations of clergy child sexual abuse that continues to evolve. Lastly, we note that at every step of our investigation we found evidence of the Archdiocese's commitment to reconciliation and atonement. Our investigation did reveal that the Archdiocese's claim review and settlement process could, however, continue to be improved, and we therefore make several recommendations beginning at page 25 of this report.

## INTRODUCTION

In 2001, Cardinal Francis E. George published *Dwell in My Love: A Pastoral Letter on Racism* that outlined the Cardinal's thoughts on racism and suggestions for necessary steps to address racial and systemic injustice. The Letter describes four forms of racism. This report addresses one of them: institutional racism. The Letter describes institutional racism as that the following: "People who assume, consciously or unconsciously, that white people are superior create and sustain institutions that privilege people like themselves and habitually ignore the contributions of other peoples and cultures. This 'white privilege' often goes undetected because it has become internalized and integrated as part of one's outlook on the world by custom, habit and tradition." Our investigation sought to determine whether institutional racism may have impacted the Archdiocese's review and settlement process for claims of clergy sexual abuse against children.

Discrimination on the basis of race can take many forms, but for purposes of our investigation, we examined whether any potential discrimination had taken the form of either disparate treatment, that is, the Archdiocese's review and settlement process treated claimants differently because of their race, or disparate impact, that is, the Archdiocese's review and settlement process impacted claimants of different races disparately despite similar treatment.

We were retained by the Archdiocese to undertake this investigation when the Archdiocese learned, in early August 2009, that a group of African Americans who had previously brought and settled claims of clergy child sexual abuse were preparing to file a class action lawsuit against the Archdiocese alleging racial discrimination in the claim review and settlement process. The claimants are represented by attorney Phillip Aaron of Seattle, Washington, who also represented them during negotiations with the Archdiocese. All the claimants named as their abuser either Victor Stewart, a diocesan cleric, now deceased, who was assigned to St. Charles Lwanga Parish in the Garfield Boulevard area from 1982-1990, or Terence Fitzmaurice, a religious order cleric who is a member of the Benedictine Order of St. Procopius Abbey and was assigned to St. Procopius Parish in Pilsen from 1968-1986.

The claimants publicly announced their intention to file the class action in an NBC 5 Chicago News report that aired on August 6, 2009. NBC 5 Chicago News aired footage from a documentary by Mr. Aaron's son, Phillip James "Bles" Aaron, about African Americans who raised claims of clergy child sexual abuse. The aired footage consisted of several interviews of claimants of clergy child sexual abuse. In these interviews, the claimants recounted three categories of complaints regarding the Archdiocese's handling of their claims that: (1) African American claimants received lower monetary settlements as compared to white claimants; (2) unlike white claimants, once they reported the abuse, they were demeaned, badgered and excessively interrogated during the Archdiocese's review and settlement process; and (3) unlike white claimants, they were not informed that counseling services for clergy sexual abuse claimants were available at the Archdiocese's expense.

Later that month, on August 16, WPWR Channel 50 ran a similar report on its daily news commentary "Perspective" hosted by Monique Caradine Kitchens. Ms. Caradine Kitchens interviewed Ruby Harris, the client services director at Mr. Aaron's law firm and the executive



director of African American Advocates for Victims of Clergy Sexual Abuse, and Gigi Moore, Mr. Aaron's niece and a volunteer with the organization. Ms. Harris and Ms. Moore raised the same three complaints of discrimination that were reported during the NBC 5 Chicago News report. Ms. Caradine Kitchens also interviewed one of the claimants who had been interviewed for Phillip Bles Aaron's documentary. He too reiterated the same three complaints.

Both of the news reports cited an aggregate settlement figure of \$3.9 million for six claims that the Archdiocese had recently settled with an attorney other than Mr. Aaron. The news reports intimated that this figure is indicative of settlement amounts for white claimants. These settlements were reported by the Chicago Tribune on July 22, 2009.

In addition, one day after the Perspective report aired, on August 17, the Archdiocese received a letter from an individual holding himself out as a representative of an organization called Blacks Against Priest Abuse ("BAPA"). The letter raised similar allegations of discriminatory treatment by the Archdiocese against Mr. Aaron's clients. Accompanying the letter were a number of what appeared to be leaflets that address the Cardinal personally. One read, in part, "God is watching you Cardinal George and sees all the evil you have done to black victims." Another read, in part, "Cardinal George, stop your racism. Treat black victims fairly." Lastly, also accompanying the letter were two DVDs. The DVDs depict an unidentified off-camera speaker, purporting to represent BAPA, informing members of St. Ailbe Catholic Church parishioners of allegations of discrimination. As of the date of this report, no lawsuit has been filed.

## METHODOLOGY

We begin describing our methodology with an assurance. We have conducted this investigation with the utmost sensitivity to the privacy of those who have reported allegations of clergy child sexual abuse. This report protects that privacy in full. The names of claimants do not appear anywhere. Specific accounts are not recounted and all settlement figures are expressed in percentages only.

To evaluate the three complaints raised in the news reports, we interviewed representatives of the claimants, key Archdiocesan decision makers and others who played roles in the claim review and settlement process. All interviews sought thoughts and impressions regarding the allegations, opinions as to conduct by the Archdiocese that might be discriminatory or perceived as such and suggestions as to what changes, if any, the Archdiocese could implement to avoid similar allegations in the future. These interviews are summarized in the Appendix at page A7.

In addition, we reviewed each of the 325 claims of clergy child sexual abuse that the Archdiocese has settled or participated in settling since 1986. This includes 40 claims against clerics who are members of religious orders where the Archdiocese participated financially in the settlement. The Archdiocese is not directly responsible for members of religious orders and generally does not recognize liability for claims against them; under some circumstances the Archdiocese will participate in the settlement of a claim against an order cleric who was working within the territory of the Archdiocese. In the typical cases, the order takes responsibility for any



claims against its members, and the Archdiocese is not involved in, or even aware of, any settlement.

For the large majority of claims, we reviewed a summary of the claimant's account prepared by the Archdiocese's Office for Child Abuse Investigations and Review ("CAIR") after it interviewed the claimant, and considered other relevant factual data. We refer collectively to the documents that we reviewed as the "Claimant Reports." The Claimant Reports did not sufficiently describe a small number of claims, 14, and were therefore excluded from our analysis. These 14 claims either arose prior to the development of CAIR procedures, or were claims against a religious order cleric where the Archdiocese did not maintain detailed information, although it did participate to some extent in the settlement. None of the 14 excluded claims involved an African American claimant, and the exclusion of these claims did not have a significant effect on our analysis.

This report is therefore based on our review and comparison of 311 of the 325 settled claims. Of those 311 claims, 218 (70%) were brought by white claimants, 69 (22%) were brought by African American claimants and 24 (7%) were brought by Hispanic claimants.<sup>1</sup> Of the 69 African Americans claimants, 52 were represented by attorney Phillip Aaron. Nearly all of these claimants, 50 out of the 52, brought claims against either Victor Stewart or Terence Fitzmaurice.

Based on our review of the Claimant Reports, we assigned a numerical value, referred to as a "Matrix Sum," which is an attempt at a relative objective valuation of each claim intended to reflect the severity of the claim and the potential exposure of the Archdiocese to liability when compared to the other claims. A more detailed summary of our methodology can be found in the Appendix at A3.

## **THE ARCHDIOCESE'S PROCESS FOR CLAIM REVIEW AND SETTLEMENT**

Our investigation revealed that over time the Archdiocese has developed a thoughtful and thorough review process for handling allegations of child sexual abuse by clergy. We also noted that the claim review and settlement process is designed to promote reconciliation and to reflect and affirm the Archdiocese's role as Church. We describe that process below.

### **The Office for Child Abuse Investigations and Review**

When a person comes forward with an allegation of child sexual abuse against a cleric of the Archdiocese of Chicago, he or she typically does so by contacting CAIR. Both CAIR and the Office of Assistance Ministry (discussed in detail below) were created in 1992. In 2007 each came under, as independent branches, the Archdiocese's Office for the Protection of Children and Youth, which was created in 2003 following the adoption of the Charter for the Protection of

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<sup>1</sup> In the interest of completeness, we have presented separately the data results for claims brought by Hispanic surnamed claimants. We have not included any clergy child sexual abuse claims raised by Asians because we did not discover any such claims.

Children and Young People by the United States Conference of Catholic Bishops. Often, if an individual has already retained counsel, the attorney will directly contact the Archdiocese's Office of Legal Services or its outside counsel, Burke, Warren, MacKay & Serritella, P.C. Counsel then refer all allegations of this kind to CAIR.

CAIR's primary role is to receive, review and investigate allegations of the child sexual abuse by clergy, employees or volunteers of the Archdiocese. CAIR's Mission Statement is "[t]o receive reports in a compassionate manner from individuals who were abused as children or who have knowledge of the sexual abuse of children in our church."

Upon receipt of any information concerning or related to an allegation of the sexual abuse of a child by clergy, lay employee or volunteer of the Archdiocese of Chicago, CAIR conducts an investigation. First, even if an allegation has not yet been formalized, the Director of CAIR notifies the Director of Legal Services who notifies the Cook County or Lake County State's Attorney's Office and the Illinois Department of Children and Family Services ("DCFS"). CAIR personnel inform those that contact them that it is the policy of the Office to contact these various authorities. The CAIR Director then sends an internal notification memorandum to gather internal documents. This memorandum also requests any pertinent information the Archdiocese may possess.

A person formalizes his or her allegations by meeting with the Director or the Assistant Director of CAIR for an interview ("CAIR interview"). The Director and Assistant Director are lay Catholic professionals who are qualified to investigate child sexual abuse and trauma. A representative from the Office of Assistance Ministry also attends the CAIR interview. The Archdiocese intends that the formalizing of an allegation will be an integral part of the healing process for those who have come forward. Individuals are encouraged to come forward with allegations no matter how much time has elapsed since the abuse.

Often a potential claimant directly contacts CAIR and sets up the interview. Sometimes a potential claimant's counsel or therapist will do so. CAIR ensures that financial and travel limitations do not hamper a potential claimant's ability to formalize their allegations. Where necessary, CAIR personnel travel to meet with a potential claimant in a location of their choosing or CAIR will pay for travel to Chicago.

Potential claimants may be accompanied to the CAIR interview by anyone they choose, such as a spouse, family member, friend, therapist or attorney. They may also bring anything they believe is important to share in the interview, such as photographs, letters, yearbooks and the like.

The CAIR representative begins the interview by providing a business card, a packet of information on CAIR's current policies, including the CAIR confidentiality statement, contact information for the State's Attorney's Offices in Cook and Lake counties, information on DCFS

and information on the investigative firm with which CAIR contracts. The representative then listens to the potential claimant's account of clergy abuse rendered in any manner and for any length of time the potential claimant sees fit and will ask follow-up questions solely for the sake of clarification and completeness.

The CAIR representative takes notes during the interview. After the interview is complete, the representative drafts a report ("CAIR Report") summarizing the allegations made and his or her observations. CAIR then sends the report to the potential claimant to review, make additions or corrections, confirm accuracy and sign. Once he or she has had the opportunity to review the CAIR Report, CAIR sends copies to the Office of Assistance Ministry, the Office of Legal Services, the Vicar for Priests and other offices as may be appropriate. If a claimant is represented, CAIR sends a copy to his or her counsel.

If the accused is living, CAIR representatives request a separate conference with him to present the allegation for his response. The accused can have both a canon lawyer and civil attorney present for this conference. CAIR representatives then draft a report of the conference or, as is often the case, document that the cleric declined to comment on the allegations. This report is submitted to the accused and his counsel for review.

### **Office of Assistance Ministry**

Once the Archdiocese receives notice of an allegation, the Office of Assistance Ministry ("OAM") is also typically notified. OAM, like CAIR, is an independent part of the Archdiocese's Office for the Protection of Children and Youth. OAM's mission is to promote healing and reconciliation to every person who has been the victim of sexual abuse as a minor by anyone in church service.

OAM provides a variety of supportive services to those who report incidents of clergy child sexual abuse. OAM provides pastoral care through its office and also refers individuals to independent therapists near their homes. OAM pays for one-on-one clinical services with a licensed therapist of an individual's choosing prior to and throughout the Archdiocese's claim review and settlement process. OAM also hosts an annual weekend survivors' retreat. The services provided by OAM are integral to the Archdiocese's goals for reconciliation.

When an individual unrepresented by counsel contacts CAIR to report allegations of clergy child sexual abuse, CAIR requests his or her permission to contact OAM. If permission is granted, CAIR immediately provides OAM with the individual's contact information and OAM contacts them. If the individual is represented by counsel, OAM notifies his or her attorney that OAM services are available and, with the attorney's permission, contacts the individual. OAM services are available even to those who have not yet formalized their allegations in a CAIR interview. Importantly, the Review Board's determination (discussed below) about an individual's allegations does not impact whether he or she can obtain services from OAM.

As stated above, the Archdiocese pays for one-on-one therapeutic counseling with a licensed therapist of the person's choosing throughout the duration of the claim review and settlement process. This is true even if they are litigating their claim against the Archdiocese. If



an individual feels that he or she is not emotionally prepared to formalize his or her allegations in a CAIR interview, OAM typically pays for 12 initial therapy sessions to assist the individual in readying himself or herself for the interview. Once the interview is complete, OAM pays for 24 additional therapy sessions while the individual's claim is resolved. If an individual exhausts these sessions and requires additional financial assistance to obtain additional therapy prior to settlement, OAM will normally provide such assistance. Once a claimant's case is settled, OAM customarily no longer provides financial assistance for therapy, but does continue to provide referrals, conduct retreats, run support groups and offer spiritual direction as long as the claimant needs it.

## **Review Board**

The Review Board ("Board") is a nine-member, independent, confidential consultative body to Cardinal Francis George. Its role is to make recommendations to the Cardinal regarding the fitness for ministry of clerics accused of misconduct in order to thereby ensure the safety of children. The ultimate decision, however, lies with the Cardinal. Since 2003, the Board has not reviewed claims against deceased clerics because those clerics present no risk to children and the issue of their continuing fitness for ministry is moot.

The Cardinal appoints the members of the Board, which include two clerics and one deacon of the Archdiocese and six lay Catholics who are not employed by the Archdiocese. The lay members are made up of a parish council member, a parent of a victim-survivor of clergy child sexual abuse, a psychiatrist, a psychologist, a social worker and an attorney. All the members have an equal vote in recommending whether an accused cleric is fit for ministry. The Cardinal's delegate to the Board, who is a canon lawyer, advises the Board on canon law but is not a member of the Board and has no vote. Similarly, the Director of CAIR provides information to the Board for purposes of background and is a resource of institutional knowledge, but offers no assessment of an individual's account and has no vote.

The Board's review process consists of two stages. First, the Board conducts an "Initial Review" of the case. This stage begins by the CAIR Director providing the Board the CAIR Report for the allegation at issue, a report of the accused cleric's response, any relevant information from the accused's personnel file and investigative information, reports on any interviews of those who knew the accused at the time of the alleged abuse and other available information. The individual who raised the allegation has the right to appear before the Board at this stage if they wish.

At the completion of the Initial Review, the Board makes a recommendation to the Cardinal as to whether the allegation warrants additional investigation. In the great majority of cases, the Board determines that additional investigation is necessary. The Board occasionally requests that CAIR attempt to obtain additional information.

At a later date, the Board reconvenes for the second phase of its review, a "Review for Cause," the purpose of which is to review the entirety of the information obtained and to make a recommendation to the Cardinal as to whether that information renders it "sufficient to reasonably suspect that the accused has engaged in sexual abuse of a minor." The Board either



recommends that there is reasonable cause to suspect, and thus that the accused cleric should be removed from ministry, or that there is insufficient reason to suspect and what, if any, further action is required.

### **Review, Negotiation and Resolution of Claims**

Some allegations end with the CAIR process. In others, the claimant seeks money damages from the Archdiocese, and the allegation is treated as a legal claim. Such claims are settled through negotiations between counsel for the Archdiocese and counsel for the claimant. A smaller number are settled through a more formalized mediation process, and a smaller number yet are submitted for arbitration. The vast majority of claimants elect to facilitate settlement of their claim without filing a case in civil court. In negotiating settlement, counsel for the Archdiocese rely upon the claimant's CAIR Report and any additional information obtained by the Archdiocese with permission from the claimant's counsel, such as health and educational records.

To further reconciliation, if a claimant's counsel requests mediation, the Archdiocese agrees and always pays the associated costs. The mediations themselves are informal. Some claimants' counsel provide the mediator and the Archdiocese's counsel with mediation materials that outline the strengths of a claim. Some counsel also present therapists' reports. Those present at the mediation are the claimant and their counsel, counsel for the Archdiocese and the mediator. If the claimant desires, his or her family members, personnel from OAM or both may attend to provide support. The claimant's counsel presents the case, and the claimant may speak if he or she wishes.

As in a typical mediation, the two sides go back and forth in an attempt to reach a dollar amount acceptable to both parties. Occasionally, the parties do not reach an agreement with mediator assistance and therefore continue discussions outside mediation. If the parties remain at impasse, the claimant may agree to undergo a forensic psychiatric evaluation or submit the claim for arbitration. When the parties reach an agreement, counsel draft a settlement agreement and, after reviewing it with their clients, the parties sign. All settlements are authorized by Archdiocese leadership. The settlement agreement is not confidential unless the claimant desires it to be. When the resolution process is concluded, generally claimants are offered an opportunity to meet with the Cardinal who will extend an apology on behalf of the Church.

In the event the parties elect to resolve the claim through binding arbitration, the arbitration proceeds more formally than a mediation and both parties present evidence. The parties are bound by the arbitrators' award of money, if any.

### **Claims Against Religious Order Clerics**

The Archdiocese's position regarding allegations against clerics who are members of religious orders differs. The Archdiocese has some degree of canonical responsibility for order clerics who are working within the territory of the Archdiocese. However, the religious orders are canonically distinct and, in civil law, separate entities from the Archdiocese. The religious order screens, trains, ordains, assigns and supervises its members. The order also affirms the



fitness for ministry of its clerics. When an allegation is made against an order cleric, the order retains its own counsel. The Archdiocese is sometimes apprised of the allegation, but in other situations may not be aware of it. The Archdiocese does not determine how an order elects to handle the evaluation and settlement, if any, of such claims. Therefore, for these allegations, the Archdiocese does not follow its CAIR process and the Review Board does not consider the allegation. In some circumstances, the Archdiocese has participated in the evaluation of the claim and has participated financially, in conjunction with the order, in the settlement of the claim. Even in those cases, however, the order retains primary responsibility for the evaluation and negotiation process.

Moreover, at least one religious order, the Benedictines, requires claimants who raise allegations against member clerics to undergo a transcribed, deposition-style statement to be utilized in negotiating settlement. This is notable because Terence Fitzmaurice, one of the clerics accused by Mr. Aaron's clients, is a Benedictine cleric. Counsel for the Archdiocese attends these statements, but for the most part do not participate in the questioning. Counsel for the Archdiocese has generally elected to negotiate settlements against diocesan clerics without requiring any such statement, relying instead on the claimant's CAIR Report and any additional materials obtained.

## INTERVIEWS

We interviewed the following persons and representatives of:

- Phillip Aaron, Phillip Aaron Law Firm, P.C., counsel for the majority of the African American claimants;
- Jeff Anderson, Jeff Anderson and Associates, PA, counsel for claimants;
- Burke, Warren, MacKay & Serritella, P.C., counsel for the Archdiocese;
- Hinshaw & Culbertson, LLP, counsel for the Benedictine Order of St. Procopius Abbey;
- The mediator, agreed upon by counsel for the claimants and counsel for the Archdiocese, who mediated the majority of the claims brought by African Americans;
- Office of Assistance Ministry ("OAM");
- Office for Child Abuse Investigations and Review ("CAIR"); and
- Office of Legal Services.

With the exception of the interview of Burke, Warren, MacKay & Serritella, the above interviews are summarized in the Appendix at A7.

## FINDINGS

### I. Claim One: African American claimants received lower monetary settlements as compared to white claimants.

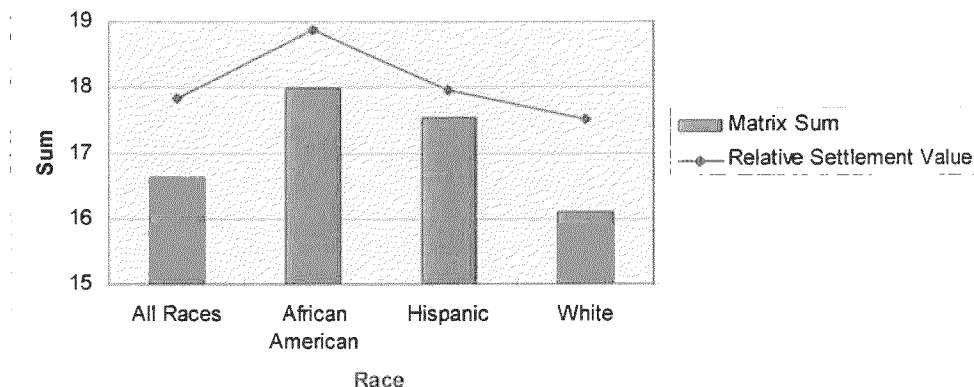
#### Comparison of settlement values by race of claimant.

Overall, when we look at the settlement figures of all 311 settled claims, irrespective of their Matrix Sums, we find no evidence that African American claimants received lower settlements when compared to white claimants.

First we compared the average settlement value for each race of claimants to the average settlement value of all claimants. Exhibit 1 shows that the average settlement for African American claimants is in excess of 19% higher than the average settlement for all claimants combined. The average settlement for Hispanic claimants is 2.3% higher than the average settlement for all claimants combined. The average settlement for white claimants, however, is 6.6% lower than the average settlement for all claimants combined.

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
311	All Races	17	0.0%	7.0%
69	African American	18	19.9%	28.3%
24	Hispanic	18	2.3%	9.5%
218	White	16	-6.6%	0.0%

Averages by Race (Including 14 SOL)



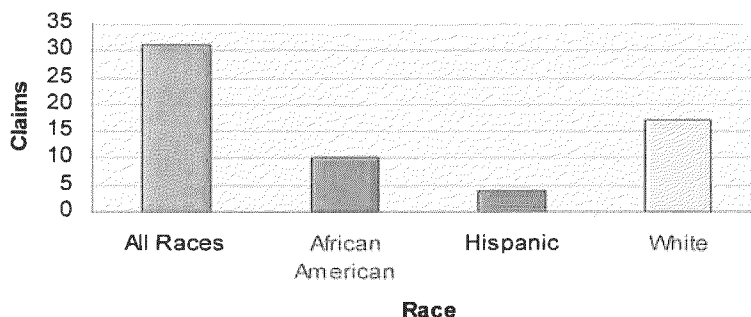
#### Excerpt from Exhibit 1

We then analyzed the top and bottom 10% of settlements by race. When we analyzed the 311 settled claims in this way, a similar picture emerged. See Exhibit 2. African American claimants received 32.3% of the highest settlements, Hispanics received 12.9% and whites received 54.8%.

### Top 10% of Claims by Total Settlement Value

<u>Race</u>	<u>Claims</u>	<u>Percentage of Claims in Top 10%</u>
All Races	31	100.0%
African American	10	32.3%
Hispanic	4	12.9%
White	17	54.8%

### Top 10% of Claims by Total Settlement Value



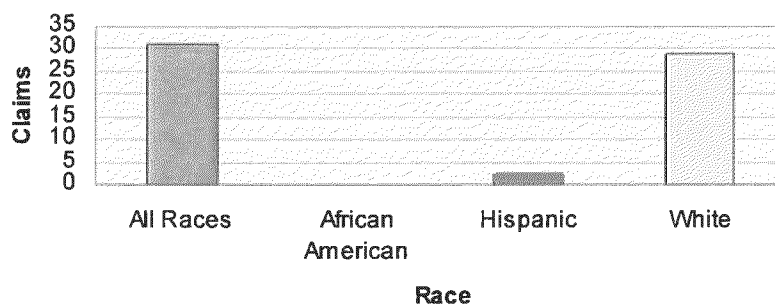
### Excerpt from Exhibit 2

When we examined the bottom 10% of claims by total settlement value, African Americans received 0% of the lowest settlements, Hispanics received 6.5% and whites received 93.5% of the lowest settlements.

### Bottom 10% of Claims by Total Settlement Value

<u>Race</u>	<u>Claims</u>	<u>Percentage of Claims in Bottom 10%</u>
All Races	31	100.0%
African American	0	0.0%
Hispanic	2	6.5%
White	29	93.5%

### Bottom 10% of Claims by Total Settlement Value

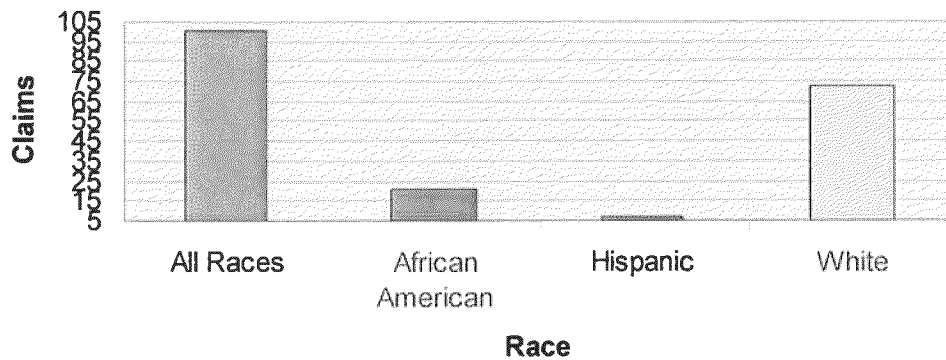


### Excerpt from Exhibit 2

Lastly, we also examined the top 100 and bottom 100 claims by settlement value and race. African Americans received 21% of the highest settlements, Hispanics received 7% and whites received 72%.

<u>Race</u>	<u>Claims</u>	<u>% of Total Top 100 Claims</u>
All Races	100	
African American	21	21.0%
Hispanic	7	7.0%
White	72	72.0%

**Top 100 Claims by Total Settlement Value**

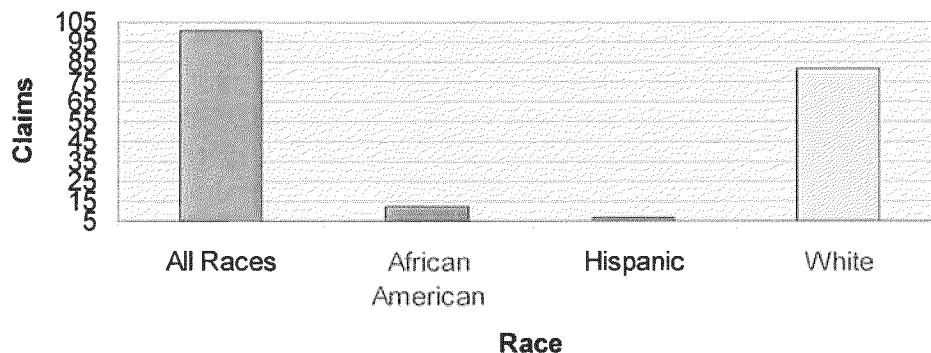


### **Excerpt from Exhibit 3**

As to the bottom 100 settlements by value, African Americans received 12% of these settlements, Hispanics received 7% and whites received 81%.

<u>Race</u>	<u>Claims</u>	<u>% of Total Bottom 100 Claims</u>
All Races	100	
African American	12	12.0%
Hispanic	7	7.0%
White	81	81.0%

### Bottom 100 Claims by Total Settlement Value



### Excerpt from Exhibit 3

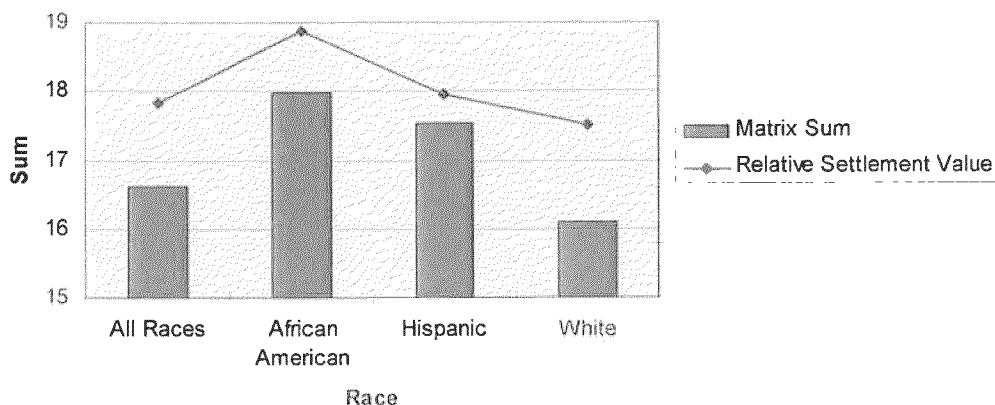
For additional analysis, see Exhibit 9.

### Comparison of Matrix Sums to average settlement values by race of claimant.

We started this phase of our analysis by computing the average Matrix Sum and the average settlement for each racial group and comparing them. Exhibit 1 shows the results of this comparison when we include in our analysis all 311 settled claims considered in this report. The results suggest no evidence of racial bias against African Americans in the settlement process. Exhibit 1 shows that African American claimants have an average Matrix Sum that is two points higher than that of white claimants. In keeping with that higher Matrix Sum, the average settlement of claims brought by African American claimants is 28.3% higher than the average settlement of claims brought by white claimants.

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
311	All Races	17	0.0%	7.0%
69	African American	18	19.9%	28.3%
24	Hispanic	18	2.3%	9.5%
218	White	16	-6.6%	0.0%

### Averages by Race (Including 14 SOL)



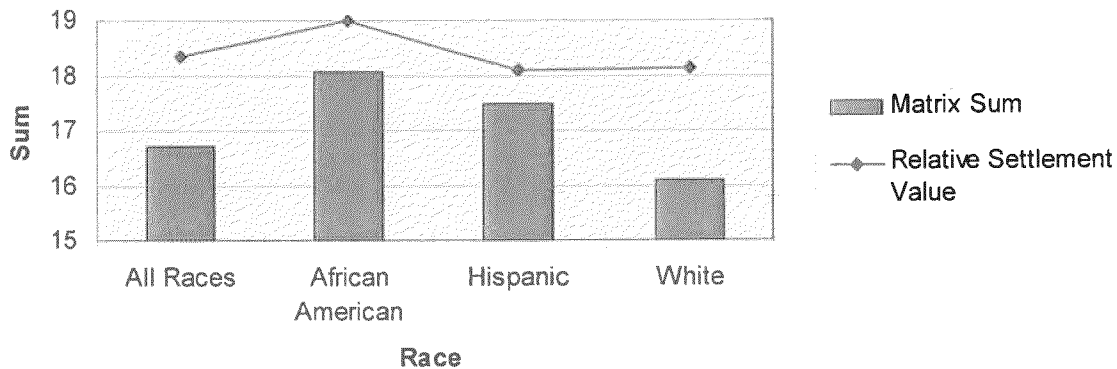
### Excerpt from Exhibit 1

When we compare only those claims of the total 311 that were settled from 2002 (the year that the United States Conference of Catholic Bishops enacted the “Charter for the Protection of Children and Young People”) to 2009, *see* Exhibit 4, the average settlement value of all the claimants expectedly increased, but the comparison between African American claimants and white claimants remains similar.<sup>3</sup> African American claimants have a Matrix Sum that is two points higher than that of white claimants and, in keeping with that higher sum, the average settlement value of the African American claimants is 15.3% higher than that of the white claimants.

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
263	All Races	17	0.0%	3.8%
67	African American	18	11.1%	15.3%
23	Hispanic	17	-4.5%	-0.8%
173	White	16	-3.7%	0.0%

<sup>3</sup> The claims settled from 2002 forward tended to be higher not because they are objectively stronger – as our Matrix captures – but because nationally there was an increase in the settlement values of clergy sexual abuse cases after 2002.

**Averages by Race (including 14 SOL)  
2002-2009 Settled Claims**



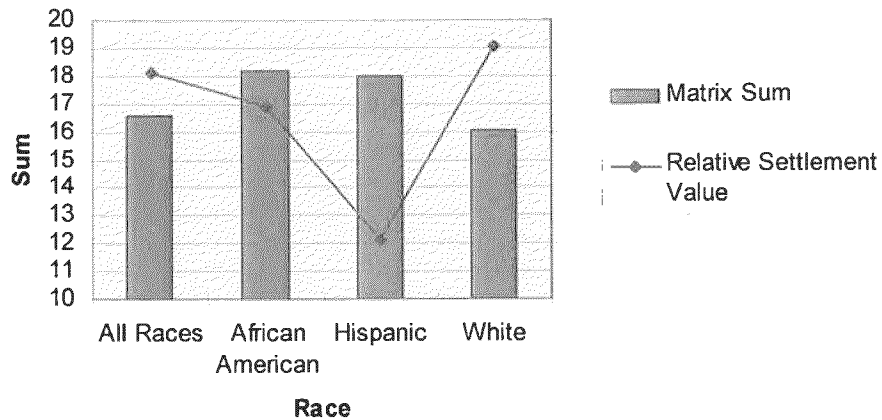
**Excerpt from Exhibit 4**

When we run the same comparison on the universe of 297 claims that excludes those 14 claims that were valued markedly higher by the Archdiocese because the statute of limitations had not elapsed or arguably could be overcome, the results show a different picture. Exhibit 5 shows the results of this comparison. The average Matrix Sum of African American claimants is still two points higher than the average Matrix Sum of white claimants, but instead of seeing a corresponding higher average settlement for African American claimants, their average settlement is now 9.4% less than the average white settlement.

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
297	All Races	17	0.0%	-4.0%
63	African American	18	-5.6%	-9.4%
20	Hispanic	18	-27.0%	-29.9%
214	White	16	4.2%	0.0%



### Averages by Race (excluding 14 SOL)

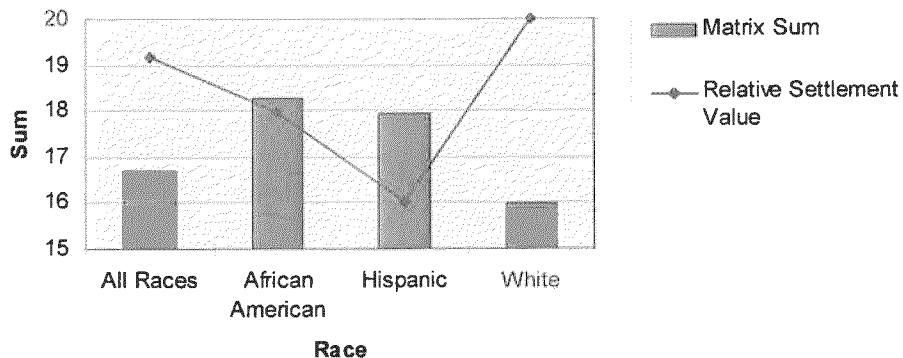


### Excerpt from Exhibit 5

The disparity is even greater when we start with the same universe of 297 claims but limit them to those that were settled after 2002. See Exhibit 6. The Matrix Sum of African American claimants is still 2 points higher than that of white claimants, but the average settlement of African American claimants is 18.7% less than the average settlement of white claimants.

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
249	All Races	17	0.0%	-7.4%
61	African American	18	-12.2%	-18.7%
19	Hispanic	18	-31.8%	-36.8%
169	White	16	8.0%	0.0%

### Averages by Race (excluding 14 SOL) 2002-2009 Settled Claims



### Excerpt from Exhibit 6



We recognize that racial bias is one potential explanation for this disparity. However, because our investigation uncovered no evidence of intentional racial bias, we continued our analysis.

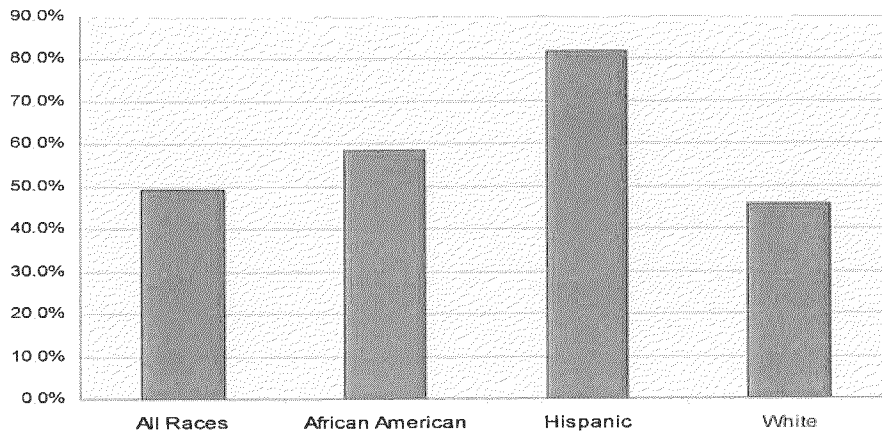
**Characteristics of accused clerics that impacted settlement values.**

The majority of African American claims were made against two clerics: Victor Stewart (33 of the 69 claims) and Terence Fitzmaurice (17 of the 69 claims). Our interviews and review of the factual data revealed that characteristics specific to the accused cleric, as opposed to the claimant, were often important in assessing the extent of the Archdiocese's potential liability and thus the relative exposure to the Archdiocese for settlement purposes. As we set forth in the Methodology section, see Appendix at A3, we do account for these factors, *i.e.*, whether the cleric is living or deceased, whether he has been convicted of sexually abusing children, etc. If cleric-specific concerns were in fact important in reaching settlement, then given that the vast majority of African American claims were raised against two clerics, these clerics' particular characteristics might potentially explain the Matrix Sum-to-settlement discrepancy that we identify above.

Most notable is that settlements of claims against living clerics have been substantially higher, on average, than those against deceased clerics. Using the full set of 311 settlements, the average settlement for all races involving living clerics is 49.2% greater than the average settlement involving deceased clerics. *See* Exhibit 7. Using the reduced set of 297 settlements (excluding those 14 settlements influenced by the statute of limitations), the average settlement involving living clerics is still 40.9% greater than the average settlement involving deceased clerics. *See* Exhibit 8.

<b>Living Cleric Settlement Average % Higher than Deceased Cleric</b>	
<b><u>Race</u></b>	<b><u>Settlement Average</u></b>
<b>All Races</b>	49.2%
<b>African American</b>	58.5%
<b>Hispanic</b>	81.6%
<b>White</b>	45.6%

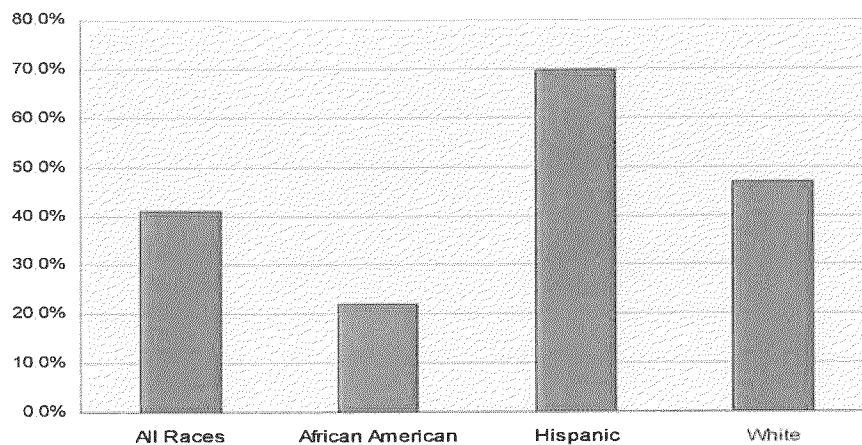
**Living Cleric Settlement Average % Higher than Deceased Cleric  
Settlement Average (including 14 SOL)**



**Excerpt from Exhibit 7**

<u>Race</u>	<u>Living Cleric Settlement Average % Higher than Deceased Cleric Settlement Average</u>
All Races	40.9%
African American	22.1%
Hispanic	69.6%
White	46.8%

**Living Cleric Settlement Average % Higher than Deceased Cleric  
Settlement Average (excluding 14 SOL)**



**Excerpt from Exhibit 8**

Moreover, this is similarly true regardless of the race of the claimant. When the claims are broken down by race, the same holds true for every racial group and, of utmost importance, the amount of the decrease is also similar for each racial group. When the 311 claims are examined, the average settlement of white claims against living clerics is 45.6% higher than the

average settlement of white claims against deceased clerics; the average settlement of African American claims against living clerics is 58.5% higher than the average settlement of African American claims against deceased clerics. *See* Exhibit 7. Thus, when all 311 claims are analyzed, it is true that the decrease in settlement value for claims against deceased clerics is greater for African American claimants. However, when the universe of claims is those 297 claims that exclude the 14 claims which were influenced by the statute of limitations, the percentage decrease is actually greater for white claimants. *See* Exhibit 8. When the universe is these 297 claims, the average settlement of white claims against living clerics is 46.8% higher than the average settlement of white claims against deceased clerics; the average settlement of African American claims against living clerics is 22.1% higher than the average settlement of African American claims against deceased clerics. *See* Exhibit 8.

In other words, all racial groups of claimants received similarly higher average settlements where the accused cleric was *living*, and similarly lower average settlements where he was *deceased*. This phenomenon has importantly affected African American claimants. Fully half of all African American claims in the reduced set of 297 settlements (33 out of 63) were brought against Stewart, who was deceased. In contrast, only 36% of claims brought by whites involved deceased clerics. The disproportionately large number of African American claims against a deceased cleric explains in large part the lower overall average value of African American settlements.

### **Credibility of the claimant.**

To the extent the Matrix Sum-to-settlement disparities can be accounted for by the overall credibility of the claimant, which we did not account for in our effort to analyze only objective criteria used in the valuation of claims, we did not find any evidence to suggest that the assessment of claimant credibility by the Archdiocese was influenced by race. We did, however, notice some differences in the Archdiocese's assessment of credibility of certain claimants. As we have discussed, 33 of the 69 claims brought by African Americans were brought against the same cleric, Victor Stewart. Indeed, he has the most accusations and settled claims against him of any cleric implicated in the 311 settlements. We determined that the Archdiocese tended to afford a presumption of believability to claimants who brought claims against clerics with multiple allegations raised against them, especially where the claimants' stories were similar, but employed a higher scrutiny to claims brought against Stewart.

We believe it is perhaps not unexpected that the Stewart claims would have been subjected to higher scrutiny given that the Stewart claims were unique compared to any of the other claims that the Archdiocese reviewed. Our review of these Claimant Reports established that the Stewart claimants depicted a pattern and frequency of abuse that was not employed by any other cleric—the number of claimants and the frequency of alleged abuse were higher than those brought against any other cleric. Because of this, it is not unexpected that these claims would have been subjected to higher scrutiny. Moreover, we learned from the Archdiocese that the Stewart and Fitzmaurice claims were difficult to evaluate because the Archdiocese often was not provided with sufficient supporting information. Overall, we have no basis to find that assessment of credibility was influenced by the race of the claimant.

Our investigation also considered the use of polygraph examinations in evaluating the veracity of claimants' accounts of abuse. The polygraphs were never requested or suggested by the Archdiocese. The claimants were African American in all but one of these seven cases. Of the seven claimants that voluntarily submitted to polygraph examinations, six of the claimants passed and one did not. The Matrix Sums of the claims brought by the seven claimants that submitted to polygraph examinations reveal that the accounts related by these claimants were on average objectively more severe than the accounts related by other claimants. This may be why these claimants, and not others, were identified by their counsel as those for which a polygraph examination might prove useful. The disproportionate use of polygraph examinations with regard to African American claimants can be attributed to all six being represented by Phillip Aaron. He may have elected, for reasons unique to his strategy, to submit them to this kind of examination, while other counsel did not. In any event, our data indicates that the use of a polygraph examination did not have a negative effect on the value of the settlement ultimately reached for each of these claims. In fact, the average settlement of these claims is higher than the average settlement of all other claims.

We also note that the polygraphs may have been a means of establishing credibility where Mr. Aaron had not provided the Archdiocese with enough evidence to support a claim. We note that our analysis reveals that Mr. Aaron achieved the second highest average settlements overall when compared to all other attorneys that have ever settled clergy child sexual abuse cases with the Archdiocese. Therefore, whatever tactics Mr. Aaron used, they must have been effective.

## **II. Claim Two: African American claimants were demeaned during the claim review and settlement process.**

Our investigation uncovered no indication that the Archdiocese's review and settlement process was intentionally demeaning. Nor did we find any evidence that the Archdiocese intended to communicate that it disbelieved claimants of any race. As described above, the CAIR intake process is intended to be non-adversarial in nature. Similarly, claimants were not subject to deposition-style statements during settlement negotiations.

Turning our inquiry to racial bias, we found no evidence to suggest that the claim review and settlement process differed for African American claimants as compared to white claimants because of race. For example, we compared the average length of time, in days, that claims of African Americans and whites were pending. *See Exhibits 10 and 11.* For this comparison, our start date was the date the Archdiocese learned of the claim and the end date was the date the claim was settled. We excluded two claims from our review because their start and end dates were not available. We found that, on average, claims of white claimants were pending for a greater length of time than claims of African Americans.

**311 Total Claims: Report by Length of Time Claim Open (including 14 SOL)**  
**2 Claimants Excluded for Lack of Information**

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>Average Length Open (in days)</u>	<u>Aaron Claimants Average Length Open (in days)</u>
309	All Races	17	702	465
69	African American	18	545	468
24	Hispanic	18	985	268
216	White	16	721	N/A

**Excerpt from Exhibit 10**

**297 Total Claims: Report by Length of Time Claim Open (excluding 14 SOL)**  
**2 Claimants Excluded for Lack of Information**

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>Average Length Open (in days)</u>	<u>Aaron Claimants Average Length Open (in days)</u>
295	All Races	17	673	454
63	African American	18	512	458
20	Hispanic	18	728	268
212	White	16	715	0

**Excerpt from Exhibit 11**

As is evident from Exhibit 10, when our universe of review is all 311 claims, excluding those two for which the start and end dates were not available, the claims of African American claimants were pending, on average, 176 fewer days than the claims of white claimants. The claims of Mr. Aaron's clients, specifically, were pending 253 fewer days than the claims of white claimants. As is evident from Exhibit 11, when our universe of claims excludes those 14 that were influenced by the statute of limitations, and those two for which the start and end dates were not available, the results are similar. The claims of African Americans were pending, on average, 203 fewer days than the claims of white claimants. The claims of Mr. Aaron's clients, specifically, were pending 257 fewer days.

Our investigation also detected no racial bias in the intake process. Our review of the CAIR Reports suggests that, across the board, the claimants were permitted to freely tell their stories to CAIR representatives, who were compassionate and empathetic listeners, and that the CAIR representatives recounted and transcribed the interviews objectively. These interviews were then subject to review and correction by the claimants. Indeed, it is our opinion that to the extent a perception of being demeaned or disbelieved is disproportionately felt by African American claimants, this uneven perception can be attributed largely to the fact that many more African Americans did *not* go through the CAIR process.

This was true, our investigation revealed, for an entirely race-neutral reason. Nearly 25% (17 out of 69) of the African American claimants brought claims against a religious order cleric, Terence Fitzmaurice, whereas only 6% (14 out of 218) of the white claimants brought claims against non-diocesan clerics. The Archdiocese reached an agreement with Fitzmaurice's order, the Benedictines, to contribute to the settlement of claims against Fitzmaurice. However, as explained above, the Benedictines, like all religious orders, are an entity canonically and civilly

separate from the Archdiocese. Thus, claims against Fitzmaurice were not processed by the CAIR Office. Moreover, the Benedictines retained their own legal counsel to handle claims of clergy child sexual abuse, and the Archdiocese exercised no control over *how* the Benedictines processed claims against it. Of utmost importance, the Benedictines' counsel elected to require all claimants undergo a deposition-style statement as part of the settlement of their claims. Counsel for the Archdiocese, in contrast, generally elected to negotiate claims against diocesan clerics without requiring any such statement, relying instead on the claimant's CAIR Report and any additional materials that the claimant's attorney chose to submit, such as health and educational records, or that the Archdiocese was able to obtain with permission from the claimant's counsel.

Understandably, witnesses tend to find giving deposition-style statements difficult, stressful, and, unfortunately, due to their inherent adversarial nature, somewhat demeaning in any setting. We would anticipate that this would be especially true for these claims, given the painful nature of the abuse being recounted.

For reasons irrespective of their race, and outside the Archdiocese's control, one-fourth of African American claimants had to undergo this inherently difficult process. It is our opinion that this likely explains the disproportionate sense among African American claimants that they were demeaned throughout the processing of their claims.

### **III. Claim Three: African American claimants were not offered the same counseling as white claimants.**

Our investigation established that race played no role in the furnishing of counseling services to claimants. The Archdiocese offered counseling to all claimants with allegations against diocesan clerics.

We believe that the allegation from the African American claimants that they were not offered counseling services at a level commensurate with white claimants arose for an entirely race-neutral reason. A disproportionate number of African American claimants alleged they were abused by Fitzmaurice, a non-diocesan cleric. Thus, these claimants would not have had significant contact with OAM unless such contact had been specifically requested by their legal counsel.

Our investigation uncovered specific instances where African American claimants were offered services in addition to counseling services offered by OAM. Claimants received therapeutic counseling, rehabilitative counseling for substance abuse and other assistance from OAM. We also discovered that the Archdiocese contributed financial support to a spiritual and therapeutic retreat for claimants. Additionally, the Archdiocese, with permission from their counsel, Mr. Aaron, offered to provide counseling for 20 of his clients.

Our investigation also revealed that Mr. Aaron, like other claimants' counsel, often expressed a desire to control, and did exercise such control, over counseling offered to his clients, sometimes arranging for and facilitating the counseling himself.

## RECOMMENDATIONS

We recommend the following:

1. The Archdiocese should prepare and publish to its parishes, employees and the public a step-by-step outline of the claim evaluation process that recounts the two tracks for allegations against diocesan and non-diocesan clerics. The Archdiocese should explain that claims involving non-diocesan clerics will also involve separate counsel chosen by a religious order or other entity with potential liability and that the Archdiocese exercises no control over how any religious order or other entity elects to resolve claims against it.
2. As a condition of submitting any claim for potential settlement, the Archdiocese should require that it be allowed to provide a packet of informational materials from CAIR and OAM *directly* to each claimant with copy to their counsel. Counsel for the claimant should be informed that this packet will be sent in the very beginning of the claim resolution process and a copy should be provided to their counsel. These materials should include: the Office for Child Abuse Investigations and Review Pamphlet; the Office of Assistance Ministry Brochure; the Statement of the Office for Child Abuse Investigations and Review on Confidentiality; the Office of Assistance Ministry – Procedure Summary for Mental Health Service Providers; § 1100 Clerical Abuse of Minors: Policies for Education, Prevention, Assistance to Claimants and Procedures for Determination of Fitness for Ministry; and the DCFS Brochure.
3. Claimants need a way to assess OAM procedures for themselves. One way to do this is to provide each claimant with a short video by OAM's leadership that briefly outlines the services described in the Office of Assistance Ministry Brochure and to make this video available on the Archdiocese website and in the packet of materials described in Recommendation 2.
4. Claimants should be informed and the CAIR materials revised to reflect that the interview by CAIR can be conducted at CAIR's offices, in a claimant's home or any other appropriate location that the claimant desires.
5. The Archdiocese should avoid attending when deposition-style statements are taken. The utility of these statements is limited. If a religious order or other entity with potential liability exposure insists on taking deposition-style statements, we recommend that the Archdiocese not attend, but instead request a transcript of the statement.
6. The religious orders should be encouraged to render counseling and other services to claimants.
7. The Archdiocese's website should be changed to reflect the racial and cultural diversity of the Archdiocese's administration observed during our investigation. *See Exhibits 12 and 13.*

8. The Archdiocese should continue its efforts to increase the racial and cultural diversity of the CAIR and OAM staff and all involved in the claim review and settlement process.

9. OAM should consider referring claimants to agencies that can assist them with life skills training and with expunging or sealing arrest and conviction records.

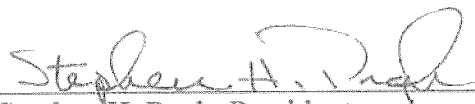
## CONCLUSION

Our investigation found no disparate treatment or impact of African American claimants because of race. The first claim we examined was whether African American claimants received lower monetary settlements as compared to white claimants. We found that the average settlement for African American claimants is in excess of 19% higher than the average settlement for all claimants combined and 28.3% higher than that of white claimants. As to the second claim we examined, that African American claimants were demeaned during the Archdiocese's claim review and settlement process, we uncovered no indication that the process was intentionally demeaning. We believe, however, that claimants who were subject to deposition-style statements, as happened in some of the claims involving one religious order cleric, may have found that process demeaning. Our investigation, however, found no evidence to support a contention that this method of taking a statement had anything to do with the race of the claimant. Finally, we found no support for the last claim that we examined, that African American claimants were not offered the same counseling services as were white claimants. Our investigation found that race played no role in the furnishing of counseling services to claimants. In fact, we found evidence to support that the Archdiocese offered counseling to all claimants of diocesan clerics, and at the request of claimants or their counsel, to claimants of non-diocesan clerics as well.

No process for such a complex undertaking as reviewing and settling child sexual abuse claims, most of which occurred more than 30 or 40 years ago, could reasonably be expected to be perfect—it can only strive to be. From the outset of our investigation, it was clear that the Archdiocese aspires to resolve these claims in full understanding of its pastoral responsibilities, with an eye towards reconciliation. Using these principles as the basis for any settlement resolution process would make the evaluation of claims fraught with difficult decisions. Under usual circumstances an organization seeking to resolve mass tort claims against it would largely be expected to take a dollars-and-cents approach and avail itself of every defense legally permissible. The Archdiocese chose not to adopt such an approach and perhaps as a consequence its process has been greeted with skepticism by some. Whatever the case, our investigation found no evidence of disparate treatment or impact based on race. We found a self-critical process that endeavors to resolve claims in an equitable and pastoral manner. The Archdiocese should renew its efforts to publicize its commitment to atonement and



reconciliation. If the claimants and parishioners knew of the Archdiocese's commitment to resolve claims in this manner, then there should be fewer claims of racial discrimination in the future.



Stephen H. Pugh, President

Pugh, Jones, Johnson & Quandt, P.C.

November 17, 2009

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ATTORNEYS AT LAW

## **APPENDIX**

## Document Review

The following records or documents were reviewed during this investigation:

1. African American Advocates for Victims of Clergy Sexual Abuse, <http://www.africanamericanadvocatesforvictimsofclergyabuse.com> (last visited Oct. 2009).
2. Archdiocese of Chicago Children Matter Network, <http://www.childrenmatternetwork.org/> (last visited Oct. 2009).
3. Archdiocese of Chicago Independent Ad Hoc Advisory Committee, Report of Advice and Actions Taken on Defenbaugh & Childers Reports (February 15, 2007).
4. Archdiocese of Chicago, Clerical Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry Book II, Title III, Chapter One, Policy Number 1100, <http://policy.archchicago.org/policies/bk2ttl3chpt1num1100.pdf> (last visited Oct. 2009).
5. Archdiocese of Chicago, Important Notice flyer regarding reporting accusations of child abuse to Illinois Department of Children and Family Services.
6. Archdiocese of Chicago, Office for Child Abuse Investigations and Review pamphlet.
7. Archdiocese of Chicago, Office for the Protection of Children and Youth pamphlet on prevention, reporting and outreach.
8. Archdiocese of Chicago, Office for the Protection of Children and Youth fact sheet.
9. Archdiocese of Chicago, Office of Assistance Ministry brochure on assistance and support.
10. Archdiocese of Chicago, Office of Assistance Ministry Procedures Summary for Mental Health Services Provider (Revised May 21, 2009).
11. Archdiocese of Chicago, Program for Family Members of those Sexually Abused as Children informational flyer.
12. Archdiocese of Chicago, Statement of the Office for Child Abuse Investigations and Review on Confidentiality, July 2009.
13. Archdiocese of Chicago, Ten Year Report on Clerical Sexual Abuse of Minors in the Archdiocese of Chicago, January 1, 1993-January 16, 2003, January 16, 2003.



14. Terry D. Childers, LCSW, *Archdiocese of Chicago Accused Priest Abuser Monitoring System*, [archdiocese-chgo.org/.../report\\_032006/ChildersandAdHoc.pdf](http://archdiocese-chgo.org/.../report_032006/ChildersandAdHoc.pdf) (last visited Oct. 2009).
15. Claimant Records, including CAIR reports and other factual data.
16. Database of Publicly Accused Priests in the United States, <http://bishop-accountability.org/priestdb/PriestDBbylastName-A.html> (last visited Oct. 2009).
17. Defenbaugh & Associates, Inc., Independent Due Diligent Review Regarding Sexual Abuse of Children by Two Archdiocesan Priests, October 23, 2006.
18. Francis Cardinal George, O.M.I., Archbishop of Chicago, *Dwell in My Love, A Pastoral Letter on Racism* (April 4, 2001).
19. Illinois Department of Children and Family Services pamphlet on reporting Child Abuse and Neglect.
20. Jeff Anderson & Associates, PA, <http://www.andersonadvocates.com> (last visited Nov. 2009).
21. Joint Protocol for States Attorney – Cook County.
22. Joint Protocol for the Archdiocese of Chicago and Department of Children & Family Services – Commitment to Improving Child Safety and Protection, February 22, 2006.
23. Kenneth F. Joe, Sr., *From Abused to Protector: Claiming Your Life After Your Church Sexually Abuses You* (Kenneth F. Joe Sr. 2007)
24. Kristen Mack, *Failure to Report Sex Abuse in Chicago Archdiocese Described*, Chicago Tribune, July 22, 2009, at 8, *available at* <http://www.andersonadvocates.com/NewsListing.aspx?ID=293>
25. Office for the Protection of Children and Youth, “On-Going for Kids” Newsletter, April-June 2009, [http://www.archdiocese-chgo.org/departments/protection/newsletter\\_archive.shtm](http://www.archdiocese-chgo.org/departments/protection/newsletter_archive.shtm) (last visited Oct. 2009).
26. Phillip Aaron Law Firm, PC, <https://phillipaaronlawfirm.com> (last visited Oct. 2009).
27. Press Release, Archdiocese of Chicago, Therapy Groups for Adult Survivors of Childhood Sexual Abuse (August 16, 2009), [http://www.archdiocese-chgo.org/news\\_releases/news\\_2009/news\\_081409.shtm](http://www.archdiocese-chgo.org/news_releases/news_2009/news_081409.shtm) (last visited Oct. 2009).



28. U.S. Conference of Catholic Archbishops, A Report on the Crisis in the Catholic Church in the United States, (February 27, 2004).
29. U.S. Conference of Catholic Archbishops, Charter for the Protection of Children and Young People Essential Norms Statement of Episcopal Commitment (Revised June 2005), [www.usccb.org/ocyp/charter.pdf](http://www.usccb.org/ocyp/charter.pdf) (last visited Oct. 2009).

## METHODOLOGY

Assigning objective valuations to the claims was difficult because of the tragic nature of the accounts, the deeply fact-specific and varying nature of each claimant's account and the likelihood that no one can fully evaluate the damaging impact that being sexually abused by clergy would have on a child's life. Nevertheless, it was critical to our investigation of alleged racial discrimination to assign objective values of some kind that would allow for meaningful comparison to determine if African American claimants received objectively lower settlements than white claimants.

We reached the objective valuations by creating a matrix that attempted to account for all factors that the Archdiocese was likely to consider in reaching a settlement figure. Our report refers to the objective value assigned to each claim as its "Matrix Sum." We did not supplant the factors likely to have been considered by the Archdiocese with our own opinions or judgments—our goal was to reach an objective numerical value for each claim and attempt to capture the Archdiocese's view, for settlement purposes, as to the objective relative strength of the claim.

The factors considered by the Archdiocese in reaching settlements, and thus the factors that comprised our matrix, are the following:

**Nature of Abuse.** Whether the abuse consisted of fondling above the clothes, fondling below the clothes (either cleric or claimant), oral sex, or vaginal or anal penetration.

**Frequency of Abuse.** Whether the claimant experienced 10 or fewer occurrences of abuse, 11-30 occurrences, or greater than 30 occurrences.

**Duration of Abuse.** Whether occurrences of abuse were isolated in that they did not occur longer than a month, occurrences spanned months, or occurrences spanned years.

**Age of Claimant at Start of Abuse.** Whether the abuse began when the claimant was 12 years old or younger or began when the claimant was over the age of 12.

**Circumstances of Abuse.** Whether the abuse occurred in the claimant's home, in the claimant's community, far from claimant's home (*i.e.*, any instances that would have involved transporting the claimant from his or her community), in a confined setting (instances where the cleric created

a sense of imprisonment, such as where escape by the claimant would have been impeded by locked doors or the like), and whether the abuse occurred during an overnight stay.

**Additional Aggravating Factors.** Whether the claimant was abused by more than one cleric, the claimant was physically abused in addition to the sexual abuse, the claimant was threatened or induced by the cleric, the claimant abused others, the claimant was made to abuse others as part of the abuse, and whether the claimant had family members that were also abused.

**Impact on the Claimant's Life.** Whether the claimant abused drugs or alcohol, did not finish high school, could not maintain employment, could not maintain stable relationships with family and friends, became involved with crime (excluding abuse of illegal or prescription drugs) and whether the claimant had mental health issues.

**Prior Notice to the Archdiocese.** Whether the Archdiocese had prior notice or an investigation conducted at the time of the abuse would likely have uncovered the abuse.

**Corroboration of the Claimant's Account.** Whether the claimant had documentation or other corroborating evidence of his or her claim, for example, photographs, gifts from the cleric, etc., whether the claimant had passed a polygraph examination, and whether the claimant's account and any other evidence was evaluated by a third-party adjudicator and found to warrant settlement.

**Other Factors Affecting Extent of Liability.** Whether the cleric was living or deceased, whether the cleric had been convicted of sexually abusing children or related sex offenses such as possessing child pornography, whether the cleric had abused other children, and whether the Archdiocese concluded that the viability of a statute of limitations defense was limited if the matter were filed in court.

We computed the Matrix Sums as follows. As to the first three categories of factors—nature of abuse, frequency of abuse, and duration of abuse—we assigned points to a given claim in an ascending fashion. By this we mean that as severity within each category increased, we added more points to a claim. As to the nature of the abuse, we assigned one point to a claim where the most severe abuse consisted of fondling above the clothes, two points to a claim where the most severe abuse consisted of fondling below the clothes, three points to a claim where the most severe abuse consisted of oral sex and four points to a claim where the most severe abuse consisted of penetration of any kind. As to frequency of abuse, we assigned one point to a claim that involved ten or fewer occurrences of abuse, two points to a claim that involved eleven to thirty occurrences and three points to a claim that involved greater than thirty occurrences. As to duration, we assigned one point to a claim where the occurrences of abuse did not span longer than a month, two points where the occurrences spanned months or three points where the occurrences spanned years. We used a similar approach when factoring for the age of the claimant. We assigned one point to a claim if the abuse started when the claimant was older than 12 years and two points to a claim if the abuse started when the claimant was 12 years or younger.



For the factors within the remaining categories, we defined each one such that its presence would have resulted in a stronger relative claim for settlement purposes and its absence would have resulted in a lower relative strength. We thus assigned a claimant one point for each of the factors that was present in his or her claim and zero points for each factor that was not present. For example, if a claimant had family members who were also abused, his or her claim would receive one point, but if no other members of his or her family were abused, no points were given for that factor; if a claimant was unable to maintain stable relationships with family and friends, his or her claim would receive one point, but if a claimant did not suffer from such damages, no point would be given for this factor; if a claimant presented corroboration for his or her claim, he or she would receive one point, whereas if no corroboration existed, no point would be given for this factor; if the Archdiocese had prior notice that the accused cleric in a given claim abused other children, such a claim would receive one point, whereas if prior notice was not indicated in the accused's file, no point would be given for this factor; if the accused cleric in a given claim had been criminally convicted of abusing children, such a claim would receive one point, whereas if the accused cleric at issue had not been criminally convicted, no point would be given for this factor, and so on.

Based on this methodology, a given claim could potentially receive a maximum Matrix Sum of 41. However, once we completed our review of the 311 Claimant Reports, the highest Matrix Sum that we arrived at for any single claim was 26 and the lowest was 8.

We are aware that assigning a numerical value to claims of clergy child sexual abuse through the use of a matrix may be viewed by some as callous, and such a view is not unmerited. We are also aware that the lines of demarcation we drew in assigning points to a claim may seem harsh. Nonetheless, because one of the three allegations raised by the African American claimants was that they received lower settlements from the Archdiocese than white claimants because of their race, we had to have some measure that would allow us to compare one claim to the next.

We also recognize that there are limitations in the Matrix's ability to capture the relative objective strengths of the claims for settlement purposes. As we have illustrated, meaningful comparison across claims of sexual abuse, more so than across claims in many other mass settlement scenarios, is difficult in general due to the highly fact-specific nature of the claims, especially the resulting damage to the claimant. In addition, the nature of the claimants' own accounts varied, again likely to a greater extent than in other mass settlement scenarios, because the Archdiocese's process was designed to give claimants wide latitude in recounting their abuse in order to promote reconciliation. Lastly, we made little attempt to weight the various factors. Instead, we employed as a device, for purposes of reaching the Matrix Sums, that all of these factors would have been weighted the same by the Archdiocese. In reality, as with the investigation of any claim for damages, weighting the factors used in reaching a settlement decision would have depended on the settlement demand, the strategies employed by the claimant's counsel and most importantly the judgment of those evaluating the settlement. Our Matrix does not fully account for weighting. We do, however, examine in our analysis whether any Matrix Sum-to-settlement disparities that we identify are potentially explained by such

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considerations. We also recognize that there are limitations in the ability of certain factors, as defined, to fully capture the relative objective strength of the claim for settlement purposes. For example, we know that the Matrix Sum does not fully capture the relative severity of the abuse between claimants. Claimants that reported fewer instances of abuse when compared with those that reported abuse that occurred many, many times did not receive a dramatically lower Matrix Sum.

Given these limitations, we tested our methodology with several sets of Claimant Reports chosen at random before we began our full-scale analysis. Our sampling indicated that generally claims with higher Matrix Sums tended to be resolved for higher amounts than those claims with lower Matrix Sums. Satisfied that the Matrix Sums appeared to accurately capture the relative objective valuation of the claims, we completed our analysis.

Lastly, one factor in our Matrix, the statute of limitations, requires special mention here. Unlike typical claim evaluation and settlement in purely civil matters, we discovered that the Archdiocese considered its spiritual, pastoral and reconciliatory obligations to the claimants. It is evident from our interviews and review of the Claimant Reports that these obligations influenced every step of the Archdiocese's evaluation of the claims. In this vein, the Archdiocese presumes that claims will be resolved through negotiation, mediation or binding arbitration. The Archdiocese does not turn claimants away because of the expiration of the statute of limitations. However, the Archdiocese did place an increased value on a limited number of claims, 14 in total, where the statute of limitations had not run. These claims are included in the 311 claims we evaluated. The average settlement value of these 14 claims is extraordinarily higher, in fact 407.9% higher, than the average settlement value of the other 297 claims. This is important to note and to account for given our purposes because 42% (6 out of the 14) of these claims were brought by African American claimants. Thus, for all the comparisons that we ran based on the Matrix Sums, we did so both with a universe of all 311 claims and again with a universe excluding the 14 claims, and we only then drew appropriate conclusions.

One final important note as to our methodology, as would be expected of any mass settlement process, the Archdiocese also considered the overall credibility of each claimant and whether, in general, it doubted his or her account. We, however, excluded this factor from our Matrix Sum because we used the matrix to only factor objective criteria. It is our belief that if the claim review and settlement process was racially biased, this bias would most readily surface in a subjective judgment like whether the Archdiocese believed the claimant. Thus, we separately analyzed the role that credibility played in determining settlement values.



## INTERVIEW SUMMARIES

### Phillip Aaron

We interviewed Mr. Phillip Aaron, counsel for the African American claimants featured on the NBC 5 News and WPWR Channel 50 Perspective reports. Mr. Aaron generally felt that the Archdiocese's counsel was fair and not motivated by racial bias. He expressly said that he has no problems with Cardinal George and has no reason to believe that the Cardinal is anything but a man of God. Mr. Aaron seemed to take issue with the counsel and process employed by the Benedictine Order in resolving claims against Fitzmaurice, but he emphasized that although he has comparatively fewer complaints with the Archdiocese, he does believe there is room for improvement in the Archdiocese's claim review and settlement process.

Mr. Aaron felt that his clients began their contact with the Archdiocese perceiving it as dishonest. Mr. Aaron seemed to feel that this was largely because of the "intermingling" of what he called risk management and benevolent concerns that the Archdiocese was trying to blend to resolve the claims. He said that it was the tension between these two competing philosophies that, as he saw it, created problems. He expressed that this tension needs to be addressed by the Archdiocese. Mr. Aaron understood, however, that these claims are unique for all concerned.

Mr. Aaron also took issue with efforts by the Archdiocese to dissect which negative outcomes in a claimant's life were caused by the abuse and which were caused by other events. In Mr. Aaron's words, whatever the case may be, "if there had not been abuse they [the claimants] would be different." Mr. Aaron views the abuse that his clients experienced to be the proverbial straw that broke the camel's back. Mr. Aaron explained that from his point of view, his clients are merely emotional shells. He described those of his clients with claims currently pending before the Archdiocese as "the most disabled of the disabled."

Elaborating on the claim that his clients were demeaned, Mr. Aaron explained that the questioning his clients experienced was "intrusive." He cited an example where a claimant was asked if his sister was a prostitute. Mr. Aaron contended that the question had no relevance to the claim. He also mentioned that the settlement negotiations of a particular family of claimants were, at times, petty. Mr. Aaron also cited another example in this regard. Lastly, he referred to a committee that he was initially told all claimants of deceased clerics had to appear before. He later learned from other claimants' attorneys that this committee had not been used with their clients.

In addition, Mr. Aaron feels that those of his clients who took polygraphs should not have had to do so to substantiate their claims. In Mr. Aaron's view, there rarely exists corroborating evidence in clergy sex abuse cases. He rejected the suggestion, which he understood certain comments from counsel for the Archdiocese to be indicating, that because his clients were perceived as knowing each other, their claims had less credibility than others. In Mr. Aaron's mind, it should not be surprising that some of his clients' accounts were similar because according to Mr. Aaron, abusers have a *modus operandi* that they employ to lure children.

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In terms of suggestions, Mr. Aaron thought that efforts at expunging or sealing criminal records of his clients that need such services should be something the Archdiocese offers as well as life-skills training. At bottom, Mr. Aaron feels that his clients need “a real second chance.”

### **Jeff Anderson**

Mr. Anderson related that he has represented survivors of clergy sexual abuse for over 25 years and has resolved cases specifically with the Archdiocese for the last decade. Mr. Anderson estimated that since about January 2003 the Archdiocese has been employing a mediation process that he was instrumental in developing and noted that he has had many disagreements with the Archdiocese over the years. Mr. Anderson stated that our society would like to believe that it is color blind but it is not. He is hopeful that given his prior work with the NAACP and other civil rights initiatives that he is sensitive to matters of racial bias.

Since learning of our investigation and in preparation for our interview, he has had an opportunity to reflect upon the claims of former and current African American clients and how they were treated by the Archdiocese. Reflecting on these clients, he believes that they were treated with respect and that the Archdiocese’s decision making with regard to them was race neutral. In his experience, he has not observed the Archdiocese target any of his African American clients with overt racial bias, nor does he believe that any of these clients were the subject of indirect racial bias. Although he does believe that in at least one case he handled before the Review Board, racial bias of the Review Board may have impacted its decision, he has no evidence that this was the case.

Mr. Anderson, however, has been concerned for some time that his clients with criminal records, some of whom are African American, may be receiving lower settlements because of their records. In evaluating claims generally, if a client has a criminal record he tends to value their claim lower because of the likelihood that a jury will not want to award a higher verdict to a claimant with a criminal record. However, this assessment is dependent upon many factors, one of which is the venue where the case would be tried should the matter proceed to trial. For example, Mr. Anderson believes that juries in large metropolitan areas like Chicago tend to be less negatively impacted by such a background. Mr. Anderson does not attribute his concerns for these clients to any discernable conduct by the Archdiocese or its counsel. He noted that the Archdiocese is more proactive than almost any other Archdiocese in the country in terms of survivor outreach. To improve the process, Mr. Anderson recommends that the Archdiocese diversify OAM and CAIR to help further greater cross-cultural racial understanding.

### **Hinshaw & Culbertson, LLC**

From Hinshaw & Culbertson, counsel for the Benedictine Order of St. Procopius Abbey, we interviewed the attorney who facilitated the settlements of the claims against Fitzmaurice and questioned the Fitzmaurice claimants during a transcribed statement similar in some respects to a deposition.

Although counsel made clear that his client had participated in the negotiations and mediations in good faith, and acknowledged the defense-plus-reconciliation posture that the Archdiocese has adopted in resolving claims, counsel indicated that his client was entitled to assert all defenses available to it. Counsel believed that his decision to take transcribed statements with questioning was a sound way of evaluating the claims. He emphasized that the statements were voluntary and always conducted with the claimant's representative and/or counsel present, who never objected to the taking of transcribed statements or to the manner in which they were conducted.

### **The Mediator**

We interviewed the mediator for the vast majority of claims brought by African American claimants. This mediator was agreed upon by Mr. Aaron and counsel for the Archdiocese. He has mediated nearly 800 clergy sex abuse cases across the country.

The mediator described the mediation process. He emphasized its informality and non-adversarial nature. He explained that a mediation begins with the claimant making a statement of his or her choosing. In his experience, the mediator has found that this appears to be a very therapeutic and beneficial experience for the claimants.

The mediator also elaborated on the factors he understands the Archdiocese considers in reaching settlement. He emphasized that the impact of the abuse on the claimant's life is often paramount.

The mediator stated with utmost confidence that he does not believe race has factored into the Archdiocese's settlement process. He stated that the Archdiocese's counsel are extremely compassionate. He also believes that the Archdiocese of Chicago's entire claim-review process, aimed as it is at reconciliation, is one of the most compassionate he has encountered throughout the country. He likewise noted that Mr. Aaron is extremely compassionate, noting that he continues to counsel his clients after settlements are concluded.

As to the claim of Mr. Aaron's clients that they were demeaned, the mediator specifically opined that the deposition-style statements required by counsel for the Benedictine Order might be at the claim's root. The mediator felt that this process was deeply difficult for the claimants and, by its very nature, amounted to "re-victimization." He has not encountered the use of deposition-style statements in any of the archdioceses for which he has mediated claims.

### **Office of Assistance Ministry**

From the Office of Assistance Ministry ("OAM"), we interviewed the Director, Assistant Director and Former Director. They explained OAM's central role in promoting the healing and reconciliation envisioned by the Archdiocese's claims-handling process. They described in detail OAM's procedures and policies.

They each very strongly disagreed with the claim made by Mr. Aaron's clients that OAM's counseling services were not offered to African American claimants. They explained that they have met with Mr. Aaron to explain OAM's various policies and procedures. Each of the OAM personnel noted that, as they perceive it, they speak more often with Mr. Aaron than any of the other attorneys representing claimants. They also explained that Mr. Aaron's Client Services Director, Ruby Harris, speaks with them often as well. They have met with her to go over lists of concerns and needs of Mr. Aaron's clients. They expressed that they believed they had developed a good rapport with Mr. Aaron, Ms. Harris and the rest of his staff. Notably, the Assistant Director recalled a meeting where she, counsel for the Archdiocese, Mr. Aaron and Ms. Harris were present. At the meeting, Mr. Aaron suggested that his clients had not been offered counseling. Ms. Harris corrected him by stating that OAM personnel had in fact offered these clients counseling and other support services. The current Director also noted that OAM has even offered its services to those individuals bringing allegations against Fitzmaurice, although he is a religious order cleric.

The OAM personnel each expressed that their ability to serve claimants is sometimes curtailed by claimants' counsel, including Mr. Aaron. They explained that some counsel tend to be hesitant to allow OAM to have contact with their clients. They explained that because OAM's policy is to inform counsel and not those represented by counsel directly of available services, they sometimes have no way of knowing whether counsel passed on the information to their clients. In some cases, they added, claimants' counsel forbid OAM from contacting their claimants directly. As to Mr. Aaron particularly, the OAM personnel explained that Mr. Aaron's office sometimes fails to return OAM's calls. In one instance, they recalled, OAM attempted to get permission from Mr. Aaron to speak to several of his clients to offer services and arrange therapy at the Archdiocese's expense. Ultimately, Mr. Aaron allowed the contact, but nobody from Mr. Aaron's offices alerted the clients that OAM would be calling, as had been agreed. As a consequence, many claimants were confused and upset when OAM contacted them. After some of the claimants had accepted OAM's assistance in locating therapists near their homes, it is OAM's understanding that Mr. Aaron cancelled the therapy, insisting that his clients receive therapy from an African American therapist. OAM would like to be able to speak to claimants at least to some degree without obtaining counsel's prior consent.

The OAM personnel also noted that although many claimants of all races are hesitant about beginning counseling, they perceive the resistance to be greatest among African American males. The current Director expressed that he has always wished more African Americans came to OAM's group counseling or sought therapy. He explained that OAM is trying spread the word about its services in predominantly African American parishes in Chicago.

In response to the claim by Mr. Aaron's clients that the Archdiocese's process is demeaning, OAM personnel expressed that they do not believe claimants were deliberately treated differently because of their race when they interacted with OAM or CAIR. They attributed differences that do result largely to the varying styles of the claimants' counsel, how well those counsel understand the claims process and the number of clients they have. They were, however, sensitive to the fact that "subtle messages [can] come through from those

who . . . don't have full sensitivity to the Black experience . . . ." They do wish they had more OAM counselors that had such greater sensitivity.

### **Office for Child Abuse Investigations and Review**

From the Office for Child Abuse Investigations and Review ("CAIR"), we interviewed the Director. She explained the role of CAIR and the Review Board in facilitating the reconciliation envisioned by the Archdiocese's claims handling process. She also described the CAIR intake process and the two-stage review of the Review Board.

Regarding the claim of Mr. Aaron's clients that the Archdiocese's review process is "demeaning", the Director expressed that she and the Assistant Director endeavor to make the interview with CAIR as unobtrusive as possible. They see their role as to listen attentively and not form any judgments regarding the interviewee's account. The Director stated that an interviewee has never informed her that he or she felt that undergoing a CAIR interview was demeaning or that he or she felt attacked. The Director explained that she does sense that some interviewees unfortunately feel disbelieved when she asks follow-up questions. The Director explained that she tries to ask the necessary follow-up questions so that she will not have to call the interviewee back later and make them revisit the abuse. The Director concluded that she has never detected any racial discrimination in the Archdiocese's process of handling claims of abuse.

### **Office of Legal Services**

From the Office of Legal Services for the Archdiocese, we interviewed the Director. He oversees internally the settlement process of clergy sexual abuse claims. He personally participates in the negotiation and mediation of the individual claims.

The Director regards the complaints of discrimination of Mr. Aaron's clients with utmost seriousness. However, the Director believes that the complaints are based on some faulty premises. First, he believes that Mr. Aaron was upset by a public announcement of a high settlement amount that another attorney had obtained in a recent round of mediations. This number was distortive, the Director explained, because for one of the claims, the statute of limitations had not expired. The Director also believes that Mr. Aaron is upset by settlement figures he sees nationally from other archdioceses, some of which are higher than settlements entered into by the Archdiocese of Chicago. The Director explained that these figures are simply not accurate comparisons because each Archdiocese is independent and takes a different approach to handling claims of clergy child sexual abuse.

In that vein, the Director expressed that he was surprised by the complaint aired in the NBC 5 News report that counseling services were not offered to African American claimants. He believes that the OAM staff is highly qualified, compassionate and motivated solely to try and help those who come forward. He has noticed a tendency among most attorneys representing the victims, Mr. Aaron included, to exhibit some defensiveness about allowing their

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clients to participate in the OAM programs because OAM is part of the Archdiocese. He explained, however, that the Archdiocese makes every effort to keep the settlement negotiation process separate from OAM and its work.

Overall, the Director exhibited great sensitivity to the race-based dynamics that can arise when African American claimants must recount their stories of abuse to white personnel. He would like to create a “monitor” to whom individuals can relay such concerns.

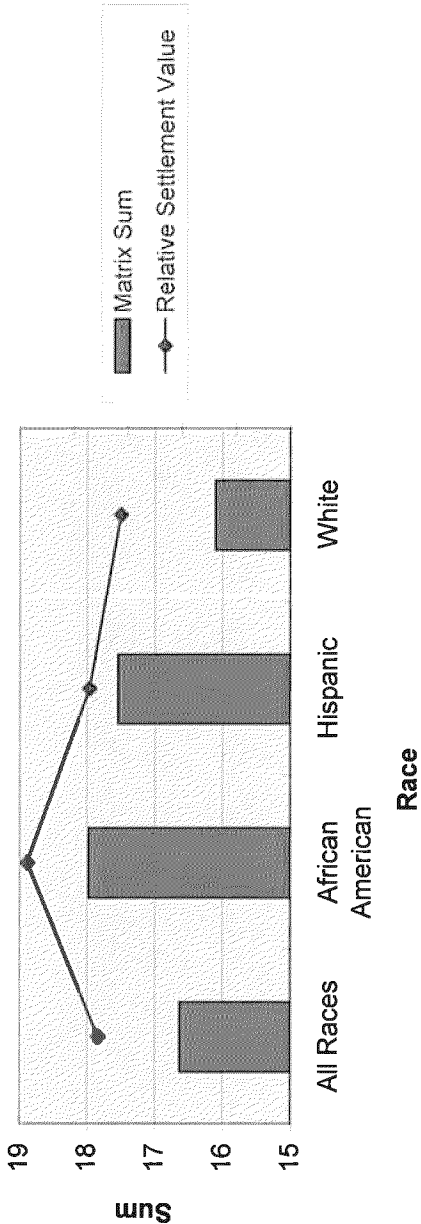


# **EXHIBITS**

311 Total Claims: Report by Race of Claimant (including 14 SOL)

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
311	All Races	17	0.0%	7.0%
69	African American	18	19.9%	28.3%
24	Hispanic	18	2.3%	9.5%
218	White	16	-6.6%	0.0%

Averages by Race (Including 14 SOL)



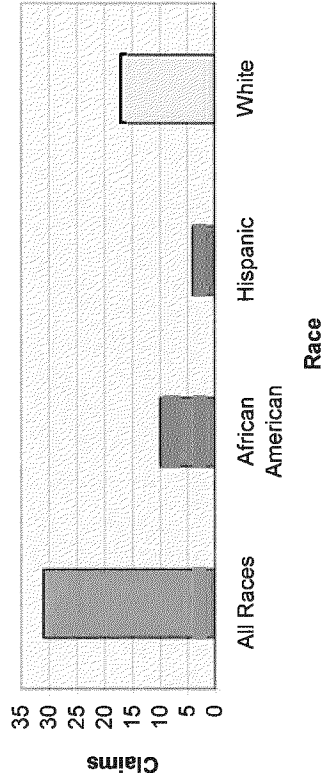


**311 Total Settled Claims (including 14 SOL)  
Report of Top 10% and Bottom 10% of Claims**

**Top 10% of Claims by Total Settlement Value**

<u>Race</u>	<u>Claims</u>	<u>Percentage of Claims in Top 10%</u>
All Races	31	100.0%
African American	10	32.3%
Hispanic	4	12.9%
White	17	54.8%

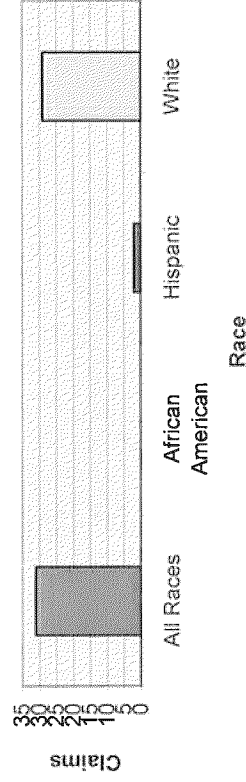
**Top 10% of Claims by Total Settlement Value**



**Bottom 10% of Claims by Total Settlement Value**

<u>Race</u>	<u>Claims</u>	<u>Percentage of Claims in Bottom 10%</u>
All Races	31	100.0%
African American	0	0.0%
Hispanic	2	6.5%
White	29	93.5%

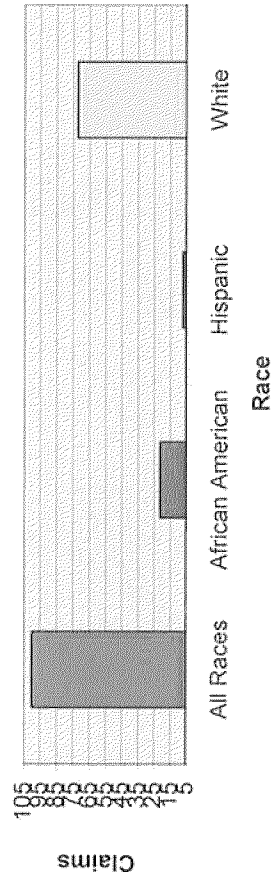
**Bottom 10% of Claims by Total Settlement Value**



311 Total Settled Claims - Including 14 SOL  
Report of Top 100 and Bottom 100 Settled Claims- by Settlement Amount

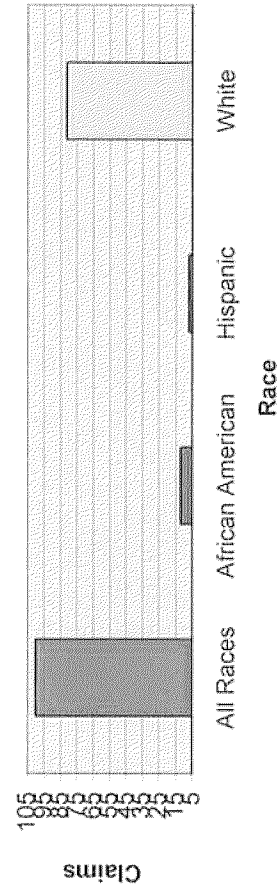
Top 100 Claims by Total Settlement Value		
Race	Claims	% of Total Top 100 Claims
All Races	100	
African American	21	21.0%
Hispanic	7	7.0%
White	72	72.0%

Top 100 Claims by Total Settlement Value



Bottom 100 Claims by Total Settlement Value		
Race	Claims	% of Total Bottom 100 Claims
All Races	100	
African American	12	12.0%
Hispanic	7	7.0%
White	81	81.0%

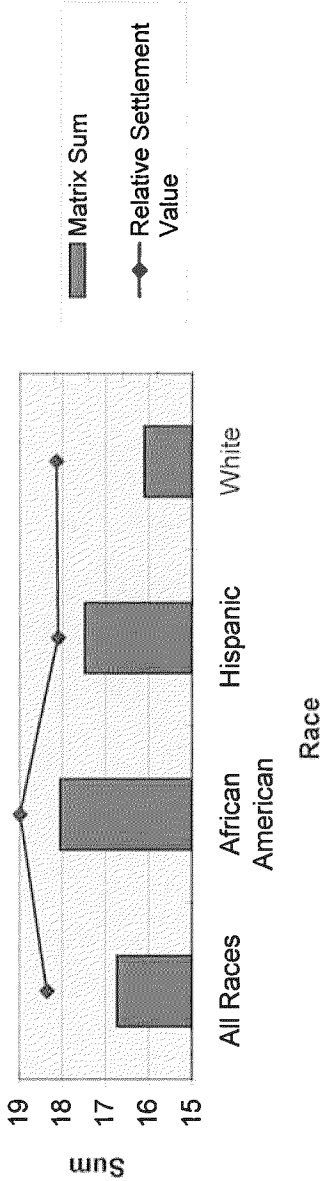
Bottom 100 Claims by Total Settlement Value



263 Total Settled Claims 2002-2009: Report by Race of Claimant (including 14 SOL)

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
263	All Races	17	0.0%	3.8%
67	African American	18	11.1%	15.3%
23	Hispanic	17	-4.5%	-0.8%
173	White	16	-3.7%	0.0%

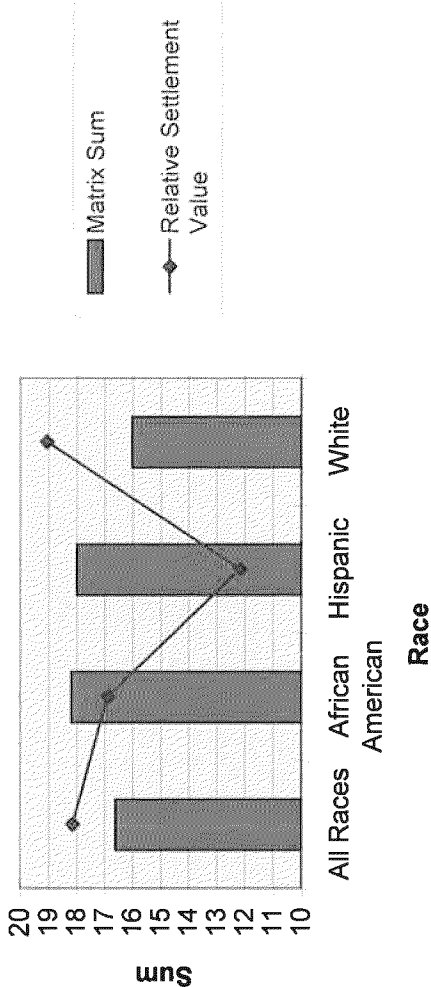
Averages by Race (including 14 SOL)  
2002-2009 Settled Claims



297 Total Claims: Report by Race of Claimant (Excluding 14 SOL)

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
297	All Races	17	0.0%	-4.0%
63	African American	18	-5.6%	-9.4%
20	Hispanic	18	-27.0%	-29.9%
214	White	16	4.2%	0.0%

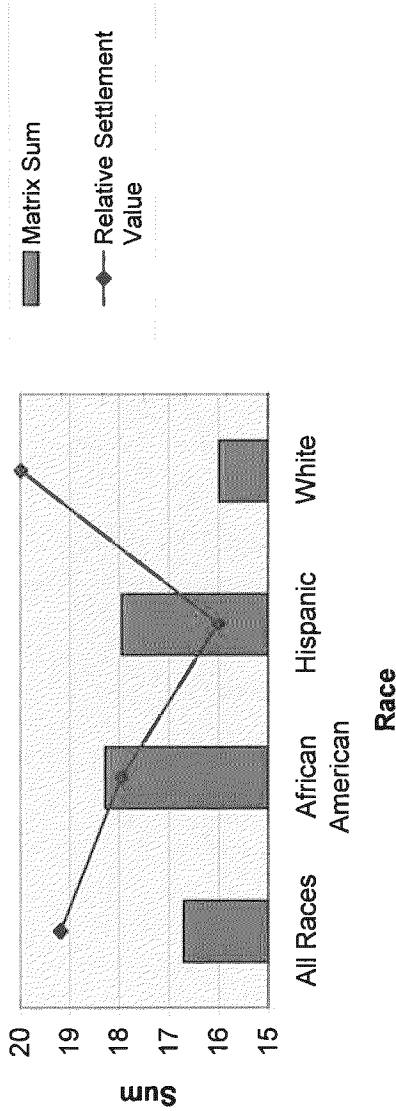
Averages by Race (excluding 14 SOL)



263 Total Settled Claims 2002-2009: Report by Race of Claimant (excluding 14 SOL)

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum Average</u>	<u>% Difference From All Races Settlement Average</u>	<u>% Difference From White Settlement Average</u>
249	All Races	17	0.0%	-7.4%
61	African American	18	-12.2%	-18.7%
19	Hispanic	18	-31.8%	-36.8%
169	White	16	8.0%	0.0%

Averages by Race (excluding 14 SOL)  
2002-2009 Settled Claims



311 Total Claims: Report by Status of Cleric (Living/Deceased)

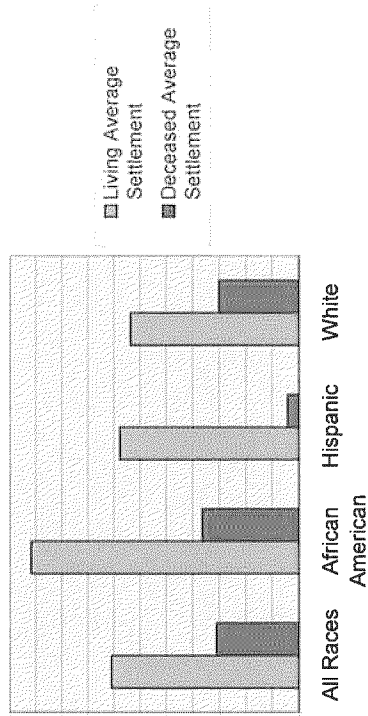
Claims	Race	Living	Deceased
311	All Races	192	119
69	African American	34	35
24	Hispanic	20	4
218	White	138	80

Matrix Sum	Race	Living Average Sum	Deceased Average Sum
	All Races	17	16
	African American	17	19
	Hispanic	18	13
	White	17	15

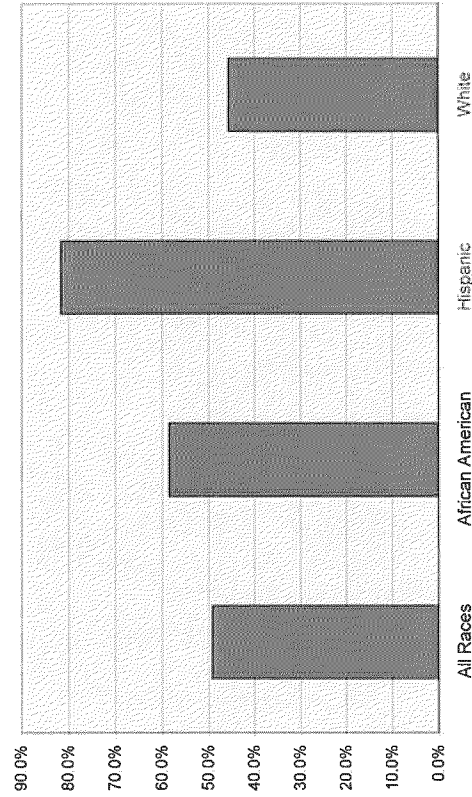
Comparison of Living and Deceased Cleric Settlement Amount

Race	Living Cleric Settlement Average % Higher than Deceased Cleric Settlement	
	Average	
All Races	49.2%	
African American	58.5%	
Hispanic	81.6%	
White	45.6%	

Average Living/Deceased Cleric Settlement  
(including 14 SOL)



Living Cleric Settlement Average % Higher than Deceased Cleric  
Settlement Average (including 14 SOL)



297 Total Claims: Report by Status of Cleric (Living/Deceased) - Excluding 14 SOL

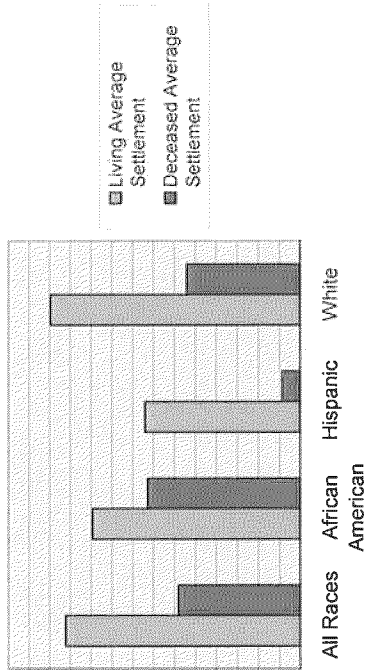
Claims	Race	Living	Deceased
297	All Races	179	118
63	African American	28	35
20	Hispanic	16	4
214	White	135	79

Matrix Sum		Living Average Matrix Sum	Deceased Average Matrix Sum
	Race	17	16
	All Races	17	19
	African American	19	13
	Hispanic	17	15
	White		

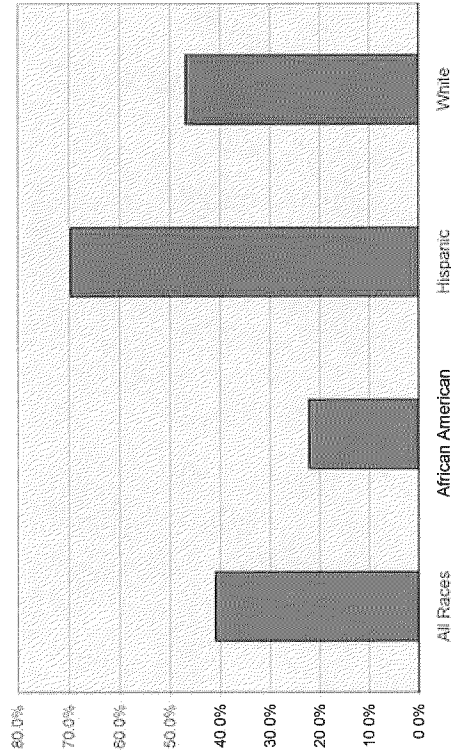
Comparison of Living and Deceased Cleric Settlement Amount

	Living Cleric Settlement Average % Higher than Deceased Cleric Settlement Average
Race	Average
All Races	40.9%
African American	22.1%
Hispanic	69.6%
White	46.8%

Average Living/Deceased Cleric Settlement (excluding 14 SOL)



Living Cleric Settlement Average % Higher than Deceased Cleric Settlement Average (excluding 14 SOL)



311 Total Settled Claims - Including 14 SOL  
Report of Top 25% and Bottom 25% of Settled Claims

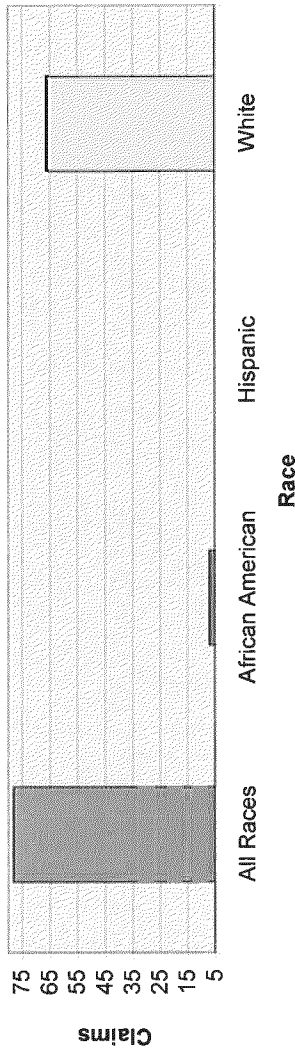
Top 25% of Claims by Total Settlement Value			
		Percentage of	Average
Race	Claims in Top 25%	Matrix Sum	
All Races	78	100.0%	19
African American	14	17.9%	18
Hispanic	6	7.7%	18
White	58	74.4%	19

Bottom 25% of Claims by Total Settlement Value			
		Percentage of	Average
Race	Claims in Top 25%	Matrix Sum	
All Races	78	100.0%	14
African American	7	9.0%	15
Hispanic	5	6.4%	16
White	66	84.6%	14

Top 25% of Claims by Total Settlement Value



Bottom 25% of Claims by Total Settlement Value





**311 Total Claims: Report by Length of Time Claim Open (including 14 SOL)**  
**2 Claimants Excluded for Lack of Information**

<u>Claims</u>	<u>Race</u>	<u>Matrix Sum</u>	<u>Aaron Claimants</u>	
			<u>Average Length</u>	<u>Average Length</u>
		<u>Average</u>	<u>Open (in days)</u>	<u>Open (in days)</u>
309	All Races	17	702	465
69	African American	18	545	468
24	Hispanic	18	985	268
216	White	16	721	N/A

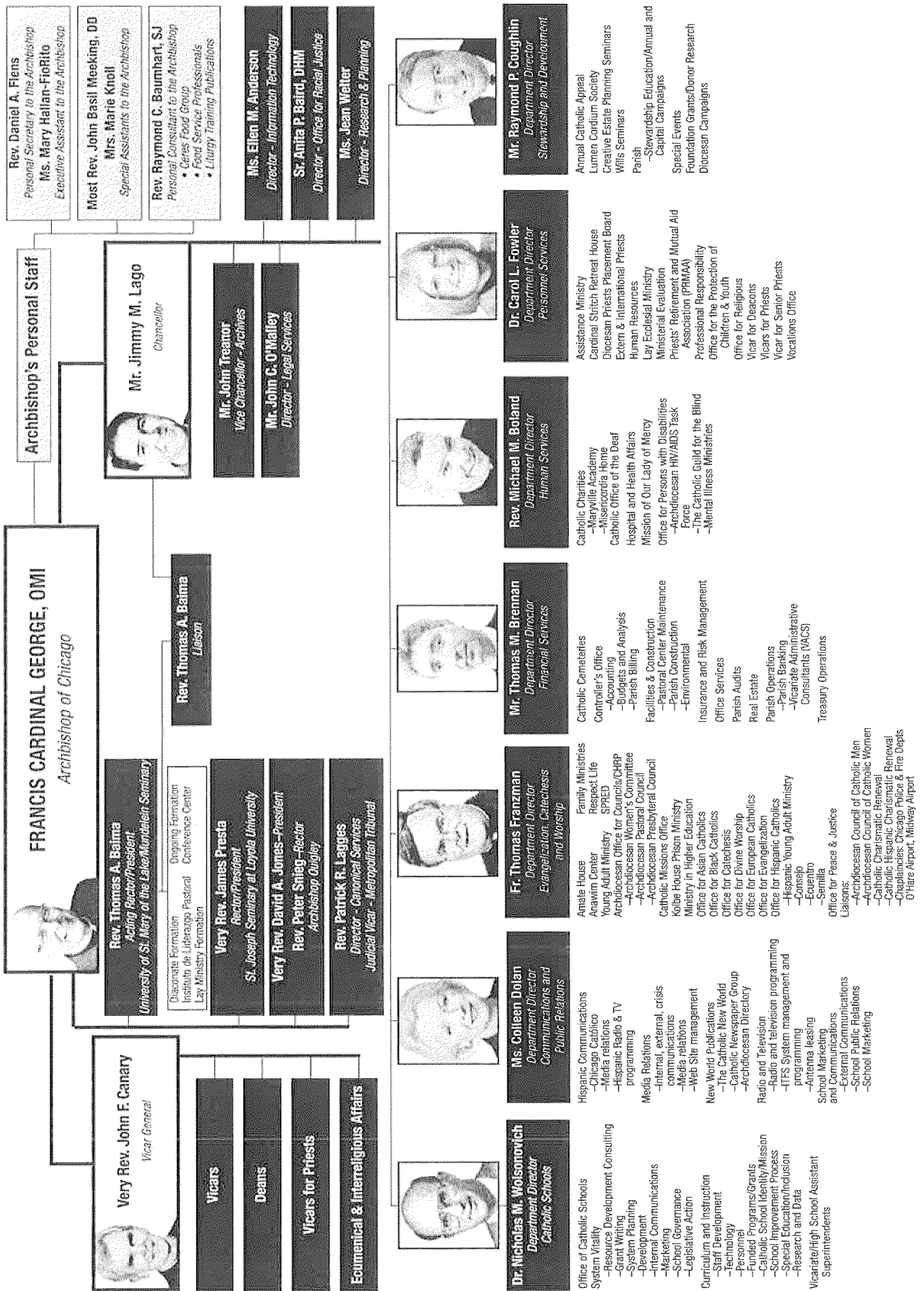
<u>Claims</u>	<u>Race</u>	<u>Matrix Sum</u>	<u>Aaron Claimants</u>	
			<u>Median Length</u>	<u>Median Length</u>
		<u>Median</u>	<u>Open (in days)</u>	<u>Open (in days)</u>
302	All Races	17	541	402
69	African American	19	462	409
24	Hispanic	17	889	268
209	White	16	555	N/A

**297 Total Claims: Report by Length of Time Claim Open (excluding 14 SOL)  
2 Claimants Excluded for Lack of Information**

<u>Claims</u>	<u>Race</u>	Matrix Sum <u>Average</u>	Average Length <u>Open (in days)</u>	Aaron Claimants Average Length <u>Open (in days)</u>
295	All Races	17	673	454
63	African American	18	512	458
20	Hispanic	18	728	268
212	White	16	715	0

<u>Claims</u>	<u>Race</u>	Matrix Sum <u>Median</u>	Median Length <u>Open (in days)</u>	Aaron Claimants Median Length <u>Open (in days)</u>
295	All Races	17	526	389
63	African American	19	421	402
20	Hispanic	19	762	268
212	White	16	546	0

# ARCHDIOCESAN ADMINISTRATIVE STRUCTURE



# ARCHDIOCESAN VICARIATE / DEANERY STRUCTURE

