

PRESS RELEASE

RE: SEXUAL ABUSE CLAIMS INVOLVING THE ARCHDIOCESE OF DUBUQUE

MARCH 27, 2007

Lawyers Thomas Staack and Chad Swanson of Dutton, Braun, Staack & Hellman, P.L.C. in Waterloo announce the resolution of 9 sexual abuse claims against the Archdiocese of Dubuque. The terms of the settlement were reached through private mediation which occurred on March 22 and 23, 2007 in Dubuque. Archbishop Jerome Hanus and Vicar General James Barta personally participated in the entire mediation process. Archbishop Hanus met with one of the survivors as part of the mediation process to listen to his experiences and to offer words of healing, compassion and support. Others in this group will be meeting personally with Archbishop Hanus in the future.

With respect to these 9 individuals, no lawsuits were publicly filed against the Archdiocese. Rather, these individuals, through their lawyers, approached the Archdiocese with details of abuse. Each individual provided written information to the Archdiocese, underwent questioning under oath, and underwent two psychological evaluations.

Highlights of the settlement are as follows:

1. Non-Economic Issues:

- a. The Archdiocese shall continue to post on its diocesan website the names of all church personnel accused of sexual abuse of minors when such accusations have been proven in a court of law, or found to be true through a criminal investigation,

or ruled by the Review Board to be “sustained” after an outside non-criminal investigation, or admitted by the person in connection with the settlement of a civil lawsuit. All church personnel accused of sexual abuse of minors whose conduct is the basis for a lawsuit against the Archdiocese will also be listed. No person will be listed if the information comes only from medical reports (which are governed by civil law restrictions – HIPAA, etc.) or from the Sacrament of Penance. “Church personnel” is defined in this Memorandum to mean all eleven categories listed in Appendix A of the Archdiocesan Policy for the Protection of Minors.

- b. The Archdiocese shall update its Table of Accused Priests on its website to note that the earliest claimed abuse by John J. Brickley occurred in the 1950s.
- c. The Archdiocese shall update its Table of Accused Priests on its website to note that the earliest claimed abuse by Patrick W. McElliott occurred in the 1940s.
- d. The Archdiocese will publish a minimum of two times per year a statement urging victims of sexual abuse by “church personnel” to come forward and contact law enforcement or the Archdiocese.
- e. The Archdiocese will allow any Claimant represented by Dutton, Braun, Staack & Hellman, P.L.C. who is a victim of sexual abuse the opportunity to speak at their home parish or in the parish where they were abused following a Sunday Mass, provided an appropriate release prepared by the Archdiocese is first executed by such Claimant. A request to address a Parish should be made through the office of the Vicar General.
- f. Archbishop Hanus will send private letters of apology to all Claimants and their families who have not previously received such a letter, and he shall cause a written public apology to be released to the media no later than March 30, 2007, expressing and offering support for all 9 Claimants and their families, and for all other survivors of sexual abuse perpetrated by Archdiocesan “church personnel.”
- g. Each Claimant shall be granted a private interview with Archbishop Hanus at any time in the future should they choose to want such a meeting to occur.
- h. As it relates to each priest accused in this mediation, the Archdiocese will direct that all photographs, names and other depictions of such priests be removed from public display in all Archdiocesan facilities, including but not limited to all parishes within the Archdiocese and the Archdiocesan headquarters. This action will be taken in response to the request of some victims, not at the initiation of The Archdiocese of Dubuque.
- i. The total amount of the settlement shall not be confidential, although the

Archdiocese shall not release the name of any Claimant whose claim has been settled. Although some Claimants may request confidentiality as a condition of the settlement, the Archdiocese may not demand confidentiality of any Claimant as a condition of settlement, and the Archdiocese may not demand a non-disparagement clause as a condition of settlement, although the Archdiocese retains and preserves all statutory and common law defamation rights against all Claimants.

2. Economic issues:

- a. The Archdiocese will pay the sum of \$2.6 million in cash.
- b. The Archdiocese will allow each Claimant (and the spouse of each Claimant) the opportunity to start or continue therapy or counseling with a therapist, counselor, psychiatrist or psychologist of each Claimant's or spouse's choosing, and the full cost for up to twelve (12) therapy or counseling sessions shall be paid for directly by the Archdiocese (provided that such therapy or counseling sessions take place on or before December 31, 2007) without the Claimant or spouse having to submit such charges to any health insurance carrier.

In exchange for these terms, each of the 9 Claimants will enter into settlement and release agreements with the Archdiocese and each will promise as part of those agreements not to pursue lawsuits against the Archdiocese.

The claims settled relate to sexual abuse involving the following priests who were affiliated in some fashion with the following parishes or assignments at the following times:

<u>Priest</u>	<u>Location</u>	<u>Approximate Dates of Abuse</u>
Patrick McElliott	St. Patricks – Ryan, Iowa	1940s Late 1970s
William Schwartz	Columbus High School Waterloo, Iowa	Mid to Late 1970s
John Brickley	St. Patrick's Nevada, Iowa	Mid 1950s to Mid 1960s

Joseph Patnode ¹	St. Patrick's Anamosa, Iowa	Early 1970s
Timothy DeVenney	St. Columkille's Dubuque, Iowa	Mid 1990s
Allen Schmitt	Sacred Heart Waterloo, Iowa	Early to Mid 1970s

The attorneys will not discuss or share with the media how the settlement proceeds will be divided between the 9 different clients, but it will be distributed on an equitable basis based primarily on the nature of the sexual abuse, the extent of the sexual abuse, and the impact that the abuse has had on the lives of the survivors. On an "average per person" basis, the settlement is the highest known global settlement of clergy sexual abuse claims in Iowa to date – \$288,888 per Claimant. On an average per person, it is higher than the global settlement reached with the Archdiocese in February 2006, which was \$250,000 on average per person.

The settlement is significant and the amount of money included in the settlement may appear substantial, but on a per person basis, it will never be sufficient to compensate these Claimants for all of the years of living with the shame, embarrassment, and stigma of the abuse. The injuries to this group of survivors cannot be overstated. It has been significant to each and every survivor in his or her own way.

Rather than focus solely on the lump sum or per person payment made to this group of survivors, it is more important for the public to see that the Archdiocese continues to

¹Patnode was retired by the early 1970s but had some affiliation with the St. Patrick's parish in Anamosa.

take steps to further the healing process for these people. This includes guaranteed counseling for each survivor and their spouse, a private letter of apology, the continued ability to speak out about their experience, and certain other assurances to this group of survivors that the Archdiocese is taking steps and will continue to take steps to reduce or eliminate the risk that such conduct involving church personnel will ever again occur within the boundaries of the Archdiocese of Dubuque. It is very important to this group of survivors to know that their decision to come forward had made the Catholic churches within the Archdiocese a safer place for children to be. Archbishop Hanus should again be commended for choosing to take this step to further the healing process for these individuals.

In February 2006, we told the media in the wake of the initial announcement of the settlement of 20 claims that we did not know whether other survivors would choose to come forward in light of that resolution. We told the media that the initial settlement, "may not be the final chapter to this sad history of the Archdiocese." We again believe the settlement of these 9 claims will not be the final chapter, and that more survivors will now choose to come forward.