

## PRESS RELEASE

RE: SEXUAL ABUSE CASES INVOLVING THE ARCHDIOCESE OF DUBUQUE

FEBRUARY 21, 2006

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Thomas Staack and Chad Swanson of Dutton, Braun, Staack & Hellman, P.L.C. announce the resolution of 20 pending cases against the Archdiocese of Dubuque. The terms of the settlement were reached through private mediation which occurred on February 16 and 17, 2006 in Dubuque. Archbishop Jerome Hanus and Vicar General James Barta personally participated in the entire mediation process. Archbishop Hanus met with two of the survivors as part of the mediation process to listen to their experiences and offer words of healing, compassion and support. Several other survivors will be meeting personally with Archbishop Hanus in the future.

The pertinent terms of the settlement are as follows:

**1. Non-Economic Issues:**

- a. The Archdiocese shall 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 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.
- c. The Archdiocese will allow any Plaintiff or 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 Plaintiff or Claimant.
- d. Archbishop Hanus will send private letters of apology to all Plaintiffs and Claimants, and he will cause a written public apology to be released to the media no later than February 23, 2006, expressing and offering support for all 20 Plaintiffs and Claimants and their families, and for all other survivors of sexual abuse perpetrated by Archdiocesan “church personnel.”
- e. Each Plaintiff or 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.
- f. The total amount of the settlement shall not be confidential, although the Archdiocese shall not release the name of any Plaintiff or Claimant whose lawsuit or claim has been settled. Although some Plaintiffs or Claimants may request confidentiality as a condition of the settlement, the Archdiocese may not demand confidentiality of any Plaintiff or 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 Plaintiffs and Claimants.
- g. Plaintiffs and Claimants reserve the right to distribute the settlement proceeds among themselves without intervention by the Archdiocese and without notification to the Archdiocese of which Plaintiff or Claimant received what portion of the settlement.

**2. Economic issues:**

- a. The Archdiocese will pay the sum of \$5.0 million in cash.
- b. The Archdiocese will allow each Plaintiff and Claimant (and the spouse of each Plaintiff and Claimant) the opportunity to start or continue therapy or counseling with a therapist, counselor, psychiatrist or psychologist of each Plaintiff’s, 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, 2006) without the Plaintiff or Claimant or spouse having to submit such charges to any health insurance carrier.

In exchange for these terms, the attorneys will dismiss 15 pending lawsuits against the Archdiocese. In addition, 5 other pending claims against the Archdiocese where lawsuits were not filed will be released by other clients. Regarding the 15 lawsuits, 7 are pending in Federal Court for the Northern District of Iowa, 3 are pending in Dubuque County, 3 are pending in Fayette County, 1 is pending in Delaware County, and 1 is pending in Black Hawk County. Of the group of 20, 12 are male and 8 are female. The first of the 15 cases to be tried was currently scheduled to begin on March 7, 2006 in Dubuque County.

The cases settled related to sexual abuse involving the following priests with the following parish assignments at the following times:

<u>Priest</u>	<u>Parish</u>	<u>Dates</u>
Albert Carman	Loras Academy, Dubuque	1954
William Goltz	St. Raphael, Dubuque Sacred Heart, Oelwein	1952-1953 1954
Patrick McElliott	St. John, Waterloo St. Patrick, Colesburg	1959-1963 1964
Julius Olinger	St. Mary, New Hampton	1957-1958
John Peters	St. Joseph, Harpers Ferry	1962
Robert Reiss	Holy Trinity, Luxemburg	1962-1964
William Roach	Immaculate Conception, Cedar Rapids Key West, Dubuque	1962 1972

John Schmitz	Sacred Heart, Dubuque	1959
William Schwartz	St. Joseph, Waterloo Columbus High School	1964-1966 1978

The attorneys will not discuss or share with the media how the settlement proceeds will be divided between the 20 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. 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 clients for what amounts to anywhere between 28 and 54 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 payment made to this group of survivors, it is more important for the public to see that the Archdiocese has agreed to 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 be commended for choosing to take this step to further the healing process for these individuals.

Today's announcement represents the culmination of work that began in June 2004 with the filing of a lawsuit in Federal Court by Jim Cummins, although neither the attorneys nor the Archdiocese know whether other survivors will now choose to come forward in light of this resolution. Unfortunately, this may not be the final chapter to this sad history of the Archdiocese.