

Judge Orders Many Records in Priest Sex Abuse Cases to Be Kept Secret

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Lawyers for Cardinal Roger M. Mahony opened a new front Wednesday in their fight to keep files on priests accused of sexual misconduct secret, persuading a judge to order lawyers to keep many of the records confidential before trial.

The request came as the first three of 560 lawsuits alleging sexual abuse by Los Angeles Archdiocese priests head toward a November trial date.

Los Angeles County Superior Court Judge Haley J. Fromholtz ordered lawyers to keep secret the names of church employees who are not defendants or witnesses as well as general background information and medical and financial records of individual plaintiffs and defendants.

The decision followed arguments in a downtown Los Angeles courtroom. Anthony M. De Marco, one of the lawyers suing the Roman Catholic Church, argued that public disclosure is “an extremely significant public safety issue.” He said the material may indicate that individual church officials failed to protect against dangerous priests.

De Marco also argued that the documents the church has surrendered thus far are incomplete.

“What they’re withholding from us in the majority of cases are the most significant documents,” De Marco said.

Church lawyers said they would not release to the public or to lawyers for the victims information that is privileged under state law and the Constitution, such as data about psychiatric treatment.

Mahony has said he and other church officials originally believed that pedophile priests could be cured through therapy. Those suing the church say its officials would send suspect priests off to treatment, then return them to ministry, without warning parishioners or alerting authorities.

“The name of every accused priest is a matter of public record,” said Donald F. Woods Jr., lawyer for the church. “Anybody who wants to check it out can check it out online. To reveal psychiatric records is unnecessary.”

The church’s points recalled those made by lawyers over the last three years in an unsuccessful attempt to stop disclosure of

priest personnel files to a criminal grand jury investigating the clergy sex abuse scandal.

The U.S. Supreme Court in April ended that battle by declining to hear the archdiocese’s appeal.

The question about public disclosure was just one element in a hearing attended by 25 lawyers. The suits were filed under a special law passed by the Legislature in 2002 to allow the victims of older sex abuse cases to have their day in court.

Most of the sprawling litigation had been frozen for the past 3 1/2 years as judges tried to negotiate a settlement, similar to the record \$100-million pact the Diocese of Orange reached with its accusers in 2005.

Settlement talks continue in Los Angeles but have failed to produce a deal that would avoid trials.

Katherine Freberg, the lawyer representing accusers in the first case queued up for trial, said she had not received all the records to which she is entitled.

“We are entitled to get all the records on the accused perpetrators. Those documents are necessary to show the pattern of the cover-up,” Freberg said.

Lawyers also argued over who should get access to a massive database that contains most of the documentary evidence of the clergy sex scandal, and what the church hierarchy did or failed to do to protect parishioners from pedophile priests.

De Marco argued that defendants in one case should not be allowed to access the files of defendants in other cases.

The judge directed lawyers to act in good faith and gave them access to all information “necessary to prosecute or defend their cases,” according to his written ruling.

“They want ours public and theirs not,” Woods said. “We’ve taken the position that no accusations have been proved, and this stuff should be protected until the trial.”

LATM000020060608e2680006k

California; Metro Desk

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649 Words

08 June 2006

Los Angeles Times

Home Edition

B-3; English