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'Spotlight' panel highlights the power of trial lawyers

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For just the second time in his life, Jim Scanlan stood in front of a crowded room and described what it was like to be abused by a Boston priest when he was a teenager.

Scanlan told his story during a March 16 panel discussion hosted by the North Carolina Advocates for Justice at Byron's South End in Charlotte. The event brought together Scanlan; Mitch Garabedian, the attorney who for decades has led the effort to represent victims of sexual abuse at the hands of priests in lawsuits against the Catholic Church; and Sacha Pfeiffer, a Boston Globe reporter who was part of the Pulitzer Prize-winning team that broke the story of the church's cover up of the sexual abuse scandal in Boston.

All three members of the panel were portrayed in the Oscar-winning film "Spotlight," which told the story of the Globe's reporting effort that uncovered dozens of priests in Boston who had abused children for decades while church officials made little effort to stop them.

But when the movie came out in 2015, Scanlan had not yet said publicly that he was one of the children abused by Rev. James Talbot in the 1970s.

Instead, Scanlan testified anonymously in the criminal case against Talbot that resulted in his pleading guilty to rape charges in 2005. Scanlan was also one of the Globe's unnamed sources, and "Spotlight" includes a scene depicting the moment he told his story to then-Spotlight Team editor Walter V. "Robby" Robinson.

"Like it shows in the movie, I hadn't even told my wife that I was a survivor when I told my story to Robby in 2002. I wanted to remain anonymous, and I was anonymous in the movie," Scanlan told the crowd of about 100 lawyers March 16. "But what 'Spotlight' did was to make it OK to say that I was a survivor of sexual abuse. It helped me realize that there was no shame in telling my story."

Scanlan said he has told his story publicly just one other time at a similar discussion. But he said he has been regularly speaking with other survivors of sexual abuse since the release of the film.

Garabedian said the movie has also helped other survivors come forward to tell their stories. Garabedian said he has received calls from new clients who range in age from those in their late 20s to those in their 70s and 80s, who "want to tell their stories before they pass on."

But Garabedian said the movie has done little to change the Catholic Church's ap-

proach to lawsuits filed by the hundreds of people who were abused by priests, not just in Boston but around the world.

"They're still fighting just as hard," Garabedian said. "And they still haven't made any real changes to help the victims. What have they done? Because I just don't see it."

Pfeiffer noted that earlier this month the last survivor serving on an advisory commission created by Pope Francis to look at ways to respond to the sexual abuse scandal resigned in protest of what she said was a lack of progress made by the commission.

That prompted Garabedian to jump in, saying, "You don't need a commission to publish the names of pedophile priests and to make documents public."

Clever tactics

Garabedian said that the litigation against the Catholic Church has raised some interesting questions of law that could serve as lessons for future cases against powerful defendants.

He said in the 1990s, when he first began representing victims of priest abuse, the Catholic Church frequently tried to argue that the First Amendment protected it from having to turn over documents during discovery. "But we were able to argue that the First Amendment doesn't apply to wrongful conduct," Garabedian said.

Even when the church did turn over documents to plaintiffs, the court record was often sealed, which made it impossible to show the public just how far-reaching the abuse and cover up was, he said.

Some of the records in question included internal church communications which showed Cardinal Bernard Law, who oversaw the Boston Archdiocese at the time, had been told about the predatory habits of former priest John Geoghan, yet approved his transfer to another parish.

To make the records public, Garabedian employed a tactic depicted in "Spotlight" that allowed the records to become public, despite the court order sealing them. After requesting to depose a priest for a second time, the church filed an objection.

"That's when I had them," Garabedian said. "When I filed my motion in response to the objection, I had to provide supporting evidence of why this guy needed to be interviewed again. So I attached all of the records to the motion, which had to be public."

Pfeiffer said she wished more attorneys would do that because it gave the Globe the evidence it needed to break the story. At the time Garabedian filed his motion, the Globe was suing the church to make the records public.

Keeping quiet

Pfeiffer said the Globe's reporting effort was often complicated by confidentiality agreements signed by victims of sexual abuse. The Catholic Church paid out millions of dollars to hundreds of victims over the years. But getting victims to talk was difficult because they had signed confidentiality agreements.

Pfeiffer said confidentiality agreements are a necessary legal tool. But she said they can be "counterproductive" from the standpoint of giving victims of sexual abuse the ability to speak out against an institution as powerful as the Catholic Church.

Pfeiffer said some of the Globe's sources included attorneys who had their clients sign confidentiality agreements, only to realize later that those agreements had allowed pedophile priests to continue abusing children.

"Some of the same people who were part of the solution were part of the problem because they made millions of dollars off these settlements but actually hurt the effort to stop the abuse," Pfeiffer said.

Pfeiffer said she believes one of the key takeaways from the reporting of the Catholic sexual abuse scandal is that "you have to question authority. Because of how powerful the church was in Boston, no one questioned its authority. That's what led to this tragedy."

Future lawyers

The NCAJ hosted the panel discussion to raise funds for its recently launched Academy Fund, which aims to support educational programming to help build better trial lawyers. The fund will support technological improvements, speaker honoraria and tuition for new and public service lawyers.

NCAJ President Bill Powers of Powers McCartan in Charlotte said the organization decided the discussion of the events depicted in "Spotlight" was a good way to highlight the good that trial lawyers can do.

Powers said it also helped that one of NCAJ's executive committee members, Sonya Pfeiffer of Rudolf Widenhouse in Charlotte, is the sister of the Globe's Sacha Pfeiffer. Sonya Pfeiffer moderated the panel, which was interspersed with clips from the movie.

"The courage all of these guests displayed is not unlike what NCAJ members display every day when they are with their clients," Powers said. "They know that it's about telling a story and telling it right. That's what we do for a living."

North Carolina Lawyers Weekly was the media sponsor for the program.

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