

CALIF. HIGH COURT DECLINES TO HEAR FRANCISCANS' CASE; PAVES WAY FOR RELEASE OF CHURCH FILES

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LOS ANGELES — The California Supreme Court on Wednesday declined to review an appeals court decision to unseal the files of nine Franciscan friars accused of child molestation, meaning thousands of pages of potentially incriminating documents will be made public within weeks.

The order covers four categories of files kept by the religious order on the California friars, including psychological records, confidential papers and documents related to the defrocking of some of the men over sex abuse allegations, said Tim Hale, an attorney for plaintiffs whose lawsuits prompted the ruling.

The files are expected to contain records of the friars' sessions with therapists and psychotherapists, disciplinary files and defrocking paperwork — all things that could show how much the Franciscans knew about their employees' behavior and when they knew it.

In some cases, files related to the defrocking of priests and other clerics include correspondence between local religious leaders and the Vatican.

The Franciscans are disappointed with the ruling but are preparing for the papers to be released within three weeks as directed by the court's order, said Brian Brosnahan, an attorney for the Franciscans.

When the files become public, it will have a chilling effect on the willingness of future priests and others to be honest with therapists and psychologists about any incidents of molestation, said Robert Howie, an attorney representing six of the individual friars.

"They would be reluctant to reveal it to a person that their employer sent them to because it would be public if the employer was allowed to touch it," he said.

Twenty-five plaintiffs settled lawsuits for \$28.4 million in 2006, and the agreement called for the release of confidential files.

Most of the accused friars, however, did not sign the settlement agreement.

A trial judge ruled that the public interest outweighed the friars' privacy rights, but six of the friars appealed.

The 2nd District Court of Appeal ruled last September that the papers could be made public.

"All citizens have a compelling interest in knowing if a prominent and powerful institution has cloaked in secrecy decades of sexual abuse," the court wrote in its opinion.

Six of the friars are still living and three are dead, Hale said.