

## **Bridgeport Diocese Appeals Release Of Priest Sex Abuse Documents**

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The Diocese of Bridgeport has filed a motion today to have the whole Supreme Court rehear their appeal to keep more than 12,000 pages of court records involving lawsuits against their priests sealed.

The church has asked that the entire seven-member court hear arguments on the case, meaning for now the documents will remain sealed.

"The decision raises significant concerns and deserves review by the full Court, as opposed to a divided panel," the Diocese states in its court motion.

Last month a five-member panel ruled by a 4-1 margin that the court documents involving 23 lawsuits against seven priests from the Diocese of Bridgeport should not be sealed. The documents were scheduled to become public in a matter of weeks but now will remain sealed until the court rules on the churches new motion.

The churches decision to seek a full panel marks the latest legal maneuver in a battle that has been on-going for more than seven years.

The churches legal options were limited. Other than seeking a full panel they also could have tried an appeal to the U.S. Supreme Court, but that would not automatically keep the files sealed and there is only a slight chance that the U.S. Supreme Court would take up the case.

The diocese is trying to keep more than 12,600 pages of depositions, exhibits and legal arguments involving 23 lawsuits against seven priests from the Bridgeport diocese sealed. The lawsuits were settled by the church for undisclosed amounts with the agreement that the settlements and the documents be kept sealed.

Among the court documents are three depositions by then-Bishop Edward Egan, who was in charge of the Bridgeport diocese when most of the lawsuits against priests under his control were filed and adjudicated.

Egan recently retired as the Archbishop of New York.

Stories detailing how Egan and other officials in Bridgeport ignored accusations or protected abusive priests were published in The Courant in 2002. The stories were based on some of the secret court documents that the paper obtained on its own.

The case has gone to the Supreme Court twice since 2002. Judge Robert F. McWeeny, in Superior Court in Waterbury, first granted four newspapers - The Courant, Boston Globe, New York Times and Washington Post - the right to intervene in the closed cases and seek the documents.

The Bridgeport Roman Catholic Diocesan Corp. appealed that decision but lost as the court remanded the case back to the court in Waterbury, where Judge Jon C. Alander ruled in 2006 that the files should be public record.

Alander ruled that he didn't find compelling the argument by the diocese that the files remain sealed out of concern for ensuring a fair trial, should one become necessary. The diocese argued that this is a legitimate concern because two sex abuse lawsuits remain pending and future claims could be brought.

But Alander ruled the "right of access to those documents is particularly strong in these cases due to the extraordinary public interest in knowing whether minors in Connecticut were sexually abused by priests employed by the Diocese and whether the Diocese was responsible for perpetuating that abuse."

The diocese appealed that ruling, sending the case back to the state Supreme Court for the second time.

In its second appeal the diocese argued that Alander should have recused himself from the case because he was serving at that time on a judicial committee reviewing public access to court documents along with a reporter from The Courant, one of the plaintiffs in the case.

The court ruled that just because Alander was a member of the task force did not mean that he couldn't be fair and impartial.

"There is no reason to suggest that a judge who is exposed to information concerning potential future changes to the law while he is presiding over a case that implicates existing law in that area compromises his ability to be impartial," Justice Joette Katz wrote.

In his dissenting opinion, Judge William J. Sullivan wrote that any "person of ordinary intelligence and experience" could question Alander's impartiality.

"Judge Alander served as the chairman of the very committee that was charged with making the recommendations for these new policies and procedures, and he served on the committee with a representative of one of the intervenors in the case," Sullivan wrote.