

Priest sex abuse lawsuit settlement reached in Twin Cities, Winona

Madeleine Baran · St. Paul, Minn. · Oct 13, 2014

Religion

Attorney Jeff Anderson at a news conference Tuesday, Oct. 7, 2014, in Rochester, Minn. *Elizabeth Nida Obert/ Rochester Post-Bulletin via AP*

Attorney Jeff Anderson will announce a settlement agreement Monday in the landmark public nuisance lawsuit against the Archdiocese of St. Paul and Minneapolis and the Diocese of Winona, according to a source with knowledge of the announcement.

The settlement will include an agreement for how church officials will handle future allegations of abuse, the source said. Vicar General Charles Lachowitz and Auxiliary Bishop Andrew Cozzens, both of the Twin Cities archdiocese, are slated to attend the news conference at the Landmark Center in St. Paul. Victims of abuse have also been invited.

Anderson said Monday that the agreement will require ongoing disclosure to his law firm and the public about abuse cases. He said that the agreement is more extensive than a deal reached years earlier with St. John's Abbey about its handling of clergy abuse claims.

Anderson had filed the suit in Ramsey County last year on behalf of a man who said he was sexually abused as a child by the Rev. Thomas Adamson in the late 1970s. Adamson, who served in the Twin Cities archdiocese and the Winona diocese, is no longer a priest.

The lawsuit accused the Twin Cities archdiocese and the Winona diocese of creating a public nuisance by keeping information on abusive priests secret. Anderson and his colleague Mike Finnegan argued in court that the secrecy placed children at risk of abuse from unknown offenders.

Those claims were bolstered by an MPR News investigation last fall that showed top church officials continued to protect priests accused of abuse. One priest, the Rev. Clarence Vavra, had privately admitted to sexually abusing a child on an Indian reservation in South Dakota in the 1970s. MPR News found him living half a block from a school. In another case, Harry Walsh, a former priest who was accused of abusing two children, had been hired by Wright County to teach sex ed to at-risk teenagers.

Archbishop John Nienstedt and former Archbishop Harry Flynn did not notify police or the public about the allegations against Vavra and Walsh and kept other clerics in ministry despite allegations of sexual misconduct, according to documents obtained by MPR News. Flynn and Nienstedt also gave special monthly payments to priests who had admitted to sexually assaulting children.

The lawsuit filed by Anderson led to the court-ordered disclosure in December of the names of priests flagged by church officials for "credible" allegations of child sex abuse.



[\(http://minnesota.publicradio.org/collections/catholic-church/\)](http://minnesota.publicradio.org/collections/catholic-church/)

Explore the full investigation Clergy abuse, cover-up and crisis in the Twin Cities Catholic church

[\(http://minnesota.publicradio.org/collections/catholic-church/\)](http://minnesota.publicradio.org/collections/catholic-church/)

The broad public nuisance claim also forced church officials to testify under oath and turn over decades of documents that showed a widespread cover-up of clergy sex abuse. Unlike a standard negligence case, the public nuisance argument allowed Anderson to obtain more than 50,000 pages from the files of every priest accused of abuse dating back decades — over the objections of a team of church lawyers who argued that the information was not relevant and could ruin the reputations of innocent men.

The documents include handwritten notes from high-ranking church officials, letters from victims demanding that church officials remove perpetrators from ministry, psychological evaluations of several priests and other documents dating from the 1970s to mid-2014.

Over the past several months, Anderson has released several of the files and has said he plans to release more in the coming weeks. However, as of last week, Anderson could only release files on so-called "credibly accused" priests. The rest of the files — on priests not considered "credibly accused" by church officials — remain under seal.

The lawsuit is one of dozens of cases filed after state lawmakers passed the [Child Victims Act \(#cva\)](#) in May 2013. The law eliminated the civil statute of limitations for new cases of child sex abuse. It also gave victims three years to file lawsuits for past abuse. The window for past cases expires in mid-2016.

• [Minnesota's Child Victims Act at a glance \(#cva\)](#)

Prior to the law's passage, victims had to file lawsuits before age 24. Since most victims don't come forward for years, the old law effectively shielded Catholic organizations from most clergy sex abuse litigation.

Over the past year, some parishioners have withheld donations out of fear that the money could be used for abuse lawsuits, and the Twin Cities archdiocese and the Winona diocese are considering filing for bankruptcy, according to documents and interviews with former high-ranking church officials.

However, both Catholic organizations have insurance that will likely cover a significant portion of financial settlements and attorneys' fees.

Prosecutors have not filed criminal charges against church officials for failing to report a suspected child sex abuse to police or social services providers, despite a state law that requires priests, teachers, medical professionals and others to report recent allegations of abuse.

Minnesota's Child Victims Act

Today's settlement is part of the first lawsuit brought under Minnesota's Child Victims Act, which was enacted in May 2013. The Child Victims Act:

- Lifts the civil **statute of limitations** for new cases of sexual abuse against children
- Gives victims **three years** (beginning in May 2013) to file lawsuits for past abuse
- Forbids lawsuits for **past abuse** after the three-year window expires in mid-2016

Before the Child Victims Act was passed, Minnesota state law, as interpreted by its Supreme Court, required victims of child sexual abuse to file any lawsuits before they reach age 24.

Many victims of sexual abuse and their supporters say that is not enough time. Victims often keep abuse secret for decades, and it can take years to realize that other problems, such as intimacy issues, depression or drug addiction, stem from childhood sexual abuse.

[The law \(https://www.revisor.mn.gov/bills/bill.php?f=HF681&y=2013&ssn=0&b=house\)](https://www.revisor.mn.gov/bills/bill.php?f=HF681&y=2013&ssn=0&b=house):

Notwithstanding any other provision of law, in the case of alleged sexual abuse of an individual under the age of 18, if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 541.073, or other time limit, an action for damages against a person, as defined in Minnesota Statutes, section 541.073, subdivision 1, clause (2), may be commenced no later than three years following the effective date of this section. This paragraph does not apply to a claim for vicarious liability or respondeat superior, but does apply to other claims, including negligence.

The evolution of the law:

- Feb. 2013: Child Victims Act is proposed (<http://www.mprnews.org/story/2013/02/13/politics/child-victims-act>)
- May 1, 2013: Passes the House with 115 votes in favor, 7 opposed (<http://www.mprnews.org/story/2013/05/01/politics/child-victims-act-passes-house>)
- May 8, 2013: Unanimously passes the Senate (<http://www.mprnews.org/story/2013/05/09/politics/child-victims-act-wins-unanimous-state-senate-approval>)
- May 29, 2013: St. Paul attorney Jeff Anderson files the first lawsuit under the Child Victims Act: Doe 1 v. Archdiocese of St. Paul and Minneapolis, Diocese of Winona and Thomas Adamson (<http://www.mprnews.org/story/2013/05/30/news/first-lawsuit-sex-abuse-civil-actions>)

The case (<https://www.documentcloud.org/documents/781517-adamson-summons-5-29-13-ramsey-county-civil-court.html>): An alleged victim of the Rev. Thomas Adamson sued the Archdiocese of St. Paul and Minneapolis, the Diocese of Winona and Adamson for negligence and creating a public nuisance that puts children at risk.

Broadcast dates

MPR News Update

6:40 PM · Oct 12, 2014

About the author

Madeleine Baran • Reporter

mbaran@mpr.org • [651-290-1021](tel:651-290-1021) • [@madeleinebaran](https://twitter.com/madeleinebaran)

Madeleine Baran is a general assignment reporter for MPR News.