

Bishop addresses lawsuit issues

To the People of the Diocese of Davenport:

I am writing to you in response to concerns by some about the manner in which the Diocese of Davenport is defending itself in several lawsuits concerning sexual abuse by clergy. Lawyers for the diocese, in Iowa and now in California, have raised the protections of statutes of limitations as part of their defenses. These statutes exist to protect all defendants from the prosecutions of claims that are too old.

The reason for statutes of limitations is fairness. Over time, memories of witnesses fade, evidence is lost or never found and witnesses die. This is exactly the situation involving claims concerning James Janssen. Both bishops who served during Janssen's priesthood and numerous other priests who served at the same parishes are dead. This leaves the diocese unable to adequately defend itself because all the facts and circumstances that existed can never be known without these witnesses.

Because of the passage of so many years, the diocese has also been unable to locate records of insurance coverage for claims involving conduct over 30 years ago. While the diocese is working with some insurance companies to establish the existence of coverage, the insurance situation is still unclear. While insurance is

paying for some legal fees, it is unknown to what extent insurance coverage will be available to pay damage awards. The financial assets of the diocese are limited and large damage payments will jeopardize the current good works of the church. The diocese must resist huge award payments to a few that will restrict the diocese from providing services to others. The diocese believes that asking current members of the church to pay large damage awards for misconduct that occurred decades ago is unfair.

In my report to you on Feb. 25, 2004, I said, "I would like to personally meet with anyone who has been injured by a priest in our diocese. The Diocese of Davenport, with the assistance of its insurers, will also strive to resolve pending litigation and claims fairly and honorably. The diocese is willing to enter into non-binding mediation for those interested in attempting to privately resolve claims free from time-consuming and expensive litigation."

Since I issued my report, the diocese has constantly urged the Jeffrey Anderson law firm and Mr. Craig Levien to mediate all of the claims of their clients. We have asked what amount of money the plaintiffs demand for settlement. Instead, the Diocese of Davenport has been sued through Mr. Levien two more times and the diocese has learned that Mr. Anderson filed a second suit in California on behalf of the same 'John Doe II' who already sued the diocese in Clinton County, Iowa. The plaintiffs in cases in southern Iowa who have responded have asked for amounts of money in the millions.

On May 29, 2004, the diocese received a letter from attorney Levien which stated a willingness to mediate two of the claims that are currently in court and to mediate a number of other claims in the future. No monetary amounts have yet been stated and no specifics about these additional claims have been provided.

The diocese will certainly explore the prospects of mediation, but under these circumstances, the diocese must still fully defend itself, including the assertion of the legal protections of the statutes of limitations and its Constitutional rights, especially the right to due process of law. The diocese has a legal right and an obligation to be a good steward for the people of the Diocese of Davenport and to defend itself from bankruptcy.

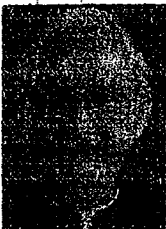
I continue to pray daily for the victims of abuse and their families. We continue to offer to mediate these cases and provide care to all victims, whether they have sued the diocese or not. I also pray that the Diocese of Davenport can continue to serve all people who are in need.

Sincerely yours in Christ,



Most Rev. William E. Franklin
Bishop of Davenport

A copy of my February 2004 report is available on the diocesan website: www.davenportdiocese.org



Bp. Franklin