

# EXHIBIT 14

**JAMS**  
**The Resolution Experts**

**Hon. William L. Bettinelli (Ret.)**

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Re:    **CBNA Bankruptcy-Victim Case Valuation Proposal**

Dear Mr. Counsel:

I have been asked by Mr. Roosa to put together a proposal for the valuation of the claims of the various clergy abuse victims in the CBNA bankruptcy.

I understand there may be three separate sets of valuations necessary depending on the eventual resolution of the legal issues.

### CBNA SETTLEMENT ALLOCATION

The first evaluation will relate to the distribution of the net proceeds of the \$9,800,000 settlement with CBNA, the diocese, the parishes, and Alaska National Insurance. In that regard, in light of the fact that I have already evaluated a substantial number of the present claims in regard to the earlier Jesuit settlement, I propose a similar process. That is, each of the claims will be individually evaluated on a matrix of evaluation factors that were developed at the time of the Jesuit settlement, and points will be allocated to each victim in relation to each evaluation category. The evaluation factors are as follows:

- 1) Type, nature and severity of the abuse
  - Exposure, touching or rape, etc.
  - Duration of abuse
  - Number of incidents
  - Circumstances of the incidents
- 2) Vulnerability of the victim
  - The relationship of the child to the perpetrator (position of trust vs. passing acquaintance, etc.)
  - Nature and extent of damages suffered
- 3) Age of victim at the onset of abuse
- 4) Overall conduct of the perpetrator
  - Serial abuser with many victims vs. one time or limited involvement
- 5) Mitigating or aggravating factors
  - Statute of limitations issue
  - Incarceration or criminal conduct of victim
  - Present physical or emotional condition of victim

To accomplish the evaluation and allocation I was allowed free and unfettered access to all of Claimants' counsels' client and case files, and records relating to each Claimant including attorney/client and work product protected documents and

communications. These included new client information forms, client employment and criminal histories, client case summaries, psychological evaluations, data on perpetrators, expert witness files, and similar information. I would expect similar data in relation to these additional evaluations.

My conclusions will be recorded on an Excel spreadsheet, and each Claimant will be awarded settlement proceeds in the ratio of the points received by one Claimant to the total points awarded to all Claimants. Thus, if Claimant A is awarded 20 points and the total points awarded all Claimants is 4,000 points, Claimant A will be awarded  $20/4000$  of the net settlement proceeds.

In the Jesuit settlement, each Claimant was allowed 21 days after mailing of notice of allocation to advise the Fund Trustee of any dissatisfaction with the award. Once the Fund Trustee had advised me of any such objection I arranged to meet with or speak with any such objector. I then reviewed and if appropriate reconsidered my allocation and issued a final award. I would anticipate a similar process here.

I understand there are approximately 290 present Claimants, 113 of whom I have already evaluated in relation to the Jesuit settlement. For that evaluation I billed and was paid a total of \$50,000. Since the 113 will not need to be re-evaluated, approximately 177 remain to be reviewed. I would therefore propose conducting that review and evaluation for a flat fee of \$85,000. This is only slightly more on a per-claimant basis than the prior review, but because the net sum to each Claimant will be much lower than the previous settlement I anticipate many more objections to the initial evaluations.

#### POST ABUSE IMPACT CLAIMS

The second proposed evaluation relates to the "Post Abuse Impact" Claimants, who I understand may have suffered post-abuse injury during the periods of April 15, 1979 to April 15, 1983, while the Catholic Mutual umbrella policies were in force, and April 15, 1988 and July 1, 1990 while the Travelers umbrella policies were in force.

I propose that these evaluations be initially done by way of a document only presentation, whereby each Claimant will submit to me medical records, psychological records, and other documents in support of a finding of post-abuse impact during the above periods. After review of the submitted documents, I will issue a proposed dollar

award to each requesting Claimant. Within 21 days after mailing of notice of the proposed dollar award, any Claimant, or the attorney for any Claimant, may object to the proposed award. In that event, I will set a telephonic hearing with the objecting Claimant and/or attorney. During that telephonic hearing each objecting Claimant and/or attorney may present additional information and argument. I will then review and if appropriate reconsider my proposed award and issue a Final Award.

I am unaware of the number of potential “post abuse impact” claims there may be, except that I have been advised that only three may fall within the Travelers coverage period. I assume substantially more may fall within the Catholic Mutual period. Assuming each document review and proposed award preparation will take approximately 1/3 to 1/2 day, I propose that I be compensated at the rate of \$2,500 for each such claim made. I further propose that I be compensated an additional \$1,500 for each objection heard and resolved.

I understand that these “post abuse impact” claim evaluations may be unnecessary, depending on the decisions of the bankruptcy court after the mid January summary judgment motion hearings.

#### DIRECT CATHOLIC MUTUAL CLAIMS

The final proposed evaluation relates to the 31 claims alleged to have occurred during the periods of the Catholic Mutual coverage. I believe that these claims may require a more detailed analysis than the other two evaluations and may actually require in person hearings to determine both liability and damage components of each claim.

I therefore propose that these claims be evaluated and resolved by one-day in-person arbitration hearings generally conducted pursuant to the JAMS Streamlined Arbitration Rules. Estimating that in addition to each one-day arbitration hearing there will be preparation time and post-hearing review and award drafting, I propose that I be compensated at the rate of \$10,000 per claim presented.

In addition to the above proposed compensation for each of the three types of evaluations, I would expect to be reimbursed for all my travel, lodging and incidental expenses, which will be billed at cost without markup.

As I am sure you are aware, I have worked for almost the last two years voluntarily and without compensation during the mediation of these claims. I believe, however, that these evaluation activities will merit compensation for my work at the reasonable amounts requested.

Please feel free to forward this proposal to all necessary participants. If you have any questions, please call.

Sincerely,

*William L. Bettinelli*

Hon. William L. Bettinelli (Ret.)