

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

Coordinated Proceeding	)	
Special Title (Rule 1550(b))	)	
THE CLERGY CASES 1	)	
_____	)	Case No. BC376766
LUIS C., an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JOHN DOE 1, et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF:

RICHARD P. BYRNE

THURSDAY, OCTOBER 29, 2009

**Transcript of deposition taken in Luis C., LASC Case No. BC376766, and approved for release to the public in John VG Doe, BC412464. On June 10, 2010, Counsel for Plaintiff John VG Doe and for Defendants The Roman Catholic Archbishop of Los Angeles, a corporation sole, and St. Thomas the Apostle Church and School in John VG Doe stipulated to redact private information as required by prior orders of the Court, including the Order re Privacy Redactions filed by Judge Haley J. Fromholz on December 8, 2005, and the Order re Privacy Redactions filed by Judge Emilie H. Elias on November 16, 2009. The final redactions were agreed to by the above counsel on June 15, 2010.**

Reported by:  
Rachael Moore

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8 Plaintiff, )  
9 vs. )  
10 JOHN DOE 1, et al., )  
11 Defendants. )  
12 \_\_\_\_\_ )

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16  
17 The deposition of RICHARD P. BYRNE, taken on  
18 behalf of the Plaintiff, before Rachael Moore, Certified  
19 Shorthand Reporter 13098 for the State of California,  
20 commencing at 10:09 a.m., Thursday, October 29, 2009, in  
21 the Law Offices of Manly & Stewart, 4220 Von Karman,  
22 Suite 200, Newport Beach, California 92660.

23  
24  
25

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8 ALSO PRESENT:

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Manly & Stewart

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Danny Colohan, Videographer

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1 Thursday, October 29, 2009, 10:09 a.m.

2 Newport Beach, California

3

4 THE VIDEOGRAPHER: Good morning. This is the

10:09:39

5 videotape deposition of Judge Richard Byrne, retired,

6 taken at 4220 Von Karman Avenue, Suite 200 in Newport

7 Beach, California on Thursday, October 29th, 2009, in

8 the matter of Luis C. versus John Doe 1, et al., Case

9 Number BC 376766. This deposition is on behalf of the

10:10:08

10 plaintiff. My name is Danny Colohan with Dean Jones

11 Attorney Video Services of Los Angeles and Santa Ana,

12 California. This deposition is commencing at 10:10 a.m.

13 Would all present please identify themselves beginning

14 with the deponent.

10:10:25

15 THE WITNESS: Richard Byrne.

16 MR. WOODS: Donald Woods of Hennigan, Bennett &

17 Dorman on behalf of a number of defendants and the

18 witness.

19 MR. STEIER: Don Steier for defendant Baker,

10:10:38

20 Doe 3.

21 MR. DWYER: Christopher Dwyer on behalf of

22 defendant Doe 6.

23 MR. MANLY: John Manly on behalf of the

24 plaintiff. Also appearing Patrick Wall with my office

10:10:51

25 as a consultant. Good morning, Your Honor. Take it

10:10:54 1 away his --

2 THE VIDEOGRAPHER: Please be aware the  
3 microphones are very sensitive. They will pick up all  
4 conversations in the room. Would the court reporter  
10:11:02 5 please administer the oath?

6 RICHARD P. BYRNE,  
7 was called as a witness by and on behalf of the  
8 Plaintiff, and having been first duly sworn by the  
9 Certified Shorthand Reporter, was examined and testified  
10:11:03 10 as follows:

11 EXAMINATION

12 BY MR. MANLY:

13 Q I'll try again. Good morning, Your Honor.

14 A Good morning.

10:11:15 15 Q Your Honor, first of all, thank you for coming  
16 here today. I realize it was a drive, and I'm very  
17 appreciative. The first thing I want to tell you is  
18 that I very much respect you and your service to the  
19 courts, and I want to make you as comfortable as  
10:11:32 20 possible today here as a witness. So at any point if  
21 you need to get up, use the rest room, you want to speak  
22 to Mr. Woods, you need a glass of water, anything, you  
23 just let me know. We'll stop. Okay, sir?

24 A Fine. Thank you.

10:11:44 25 Q Your Honor, you have been a member of the Bar

10:11:46 1 for much longer than I have.  
2 A Yes.  
3 Q And you're generally familiar with the  
4 deposition proceedings?  
10:11:51 5 A Yes.  
6 Q Okay. And you know you're under oath?  
7 A Yes.  
8 Q And by virtue of that oath you understand  
9 you're about to tell the truth?  
10:11:57 10 A Yes.  
11 Q Have you ever been deposed before?  
12 A No.  
13 Q Okay. Well --  
14 A There's always a first time.  
10:12:03 15 Q First time I've ever deposed a judge, Your  
16 Honor, so I guess that makes two of us. Your Honor,  
17 you're here in a case involving allegations against  
18 Father Michael Baker. Do you understand that?  
19 A Yes.  
10:12:16 20 Q Okay. And have you ever met Father Baker?  
21 A I believe so.  
22 Q Do you remember when you met him?  
23 A No.  
24 Q I'm going to ask you a little biographical  
10:12:30 25 information. I don't need your address, but where do



10:12:33 1 you live?

2 A In Los Angeles [REDACTED].

3 Q [REDACTED]?

4 A Yes.

10:12:41 5 Q And when did you become -- where did you grow  
6 up?

7 A In Los Angeles.

8 Q Did you go to Catholic schools?

9 A No.

10:12:49 10 Q All right. Were you -- were you baptized as a  
11 child as a Catholic?

12 A Yes.

13 Q What is the first position, if any, you held in  
14 the church?

10:13:02 15 A I'm not sure I understand what the position  
16 would be.

17 Q Sure. Other than going to mass and being a  
18 parishioner and being a member of the faithful, have you  
19 held any positions of either voluntary or paid within  
10:13:14 20 the Roman Catholic Church or the archdiocese?

21 A I'll have to think back. See, my father was a  
22 Catholic, my mother was not so I -- that would be  
23 important. I was not an altar boy, if that would be a  
24 position. I went to public school.

10:13:37 25 Q What I really mean is as an adult did you serve

10:13:40 1 as a lector or things of that nature?  
2 A Yes.  
3 Q When did you become a member of the bar?  
4 A January 1959.  
10:13:51 5 Q And sir, where did you go to law school?  
6 A I went to University of Notre Dame for one year  
7 and USC for two, graduated from USC in 1958.  
8 Q Well, that's the first time I ever heard that.  
9 That must have been very difficult having gone to USC  
10:14:06 10 and then Notre Dame. It's a little bipolar.  
11 A It's a little harder because I went to UCLA as  
12 an undergrad.  
13 Q Okay. Wow. You covered all the bases.  
14 A Yeah.  
10:14:18 15 Q And when did you become -- when were you  
16 appointed to the bench, Your Honor?  
17 A The appointment was March 17, 1972. I took the  
18 oath on April 30th, 1972.  
19 Q So you were appointed by Governor Regan?  
10:14:44 20 A Yes.  
21 Q And how long did you serve as a judge in the  
22 superior court, Your Honor?  
23 A A little over 20 years.  
24 Q So you retired in the early '90s?  
10:14:57 25 A I retired in 1992.

10:15:01 1 Q And since that time have you gone back and  
2 served as a judge -- not judge pro tem but a retired  
3 judge?

4 A On assignment?

10:15:11 5 Q Yes.

6 A No.

7 Q Have you engaged in the practice of law since  
8 you left the bench?

9 A No.

10:15:18 10 Q But you do do mediations and some private  
11 judging work?

12 A Yes.

13 Q And how long have you done that, Your Honor?

14 A Since the day after I retired from the bench,  
15 primarily at this point arbitrations, but in the past  
16 mediations serving as a private judge and referee.

10:15:29 17 Q Did you ever serve on temporary assignment to  
18 the court of appeals?

19 A Yes.

10:15:42 20 Q How many times did you do that, Judge?

21 A One time.

22 Q And when is the first time you recall meeting  
23 the cardinal?

24 A Meeting him?

10:15:57 25 Q Yes, sir. Cardinal Mahony, not Cardinal

10:16:03 1 Manning.

2 A Yes. I can't recall when I met him.

3 Q Was it shortly after he came to Los Angeles in  
4 the mid '80s?

10:16:13 5 A I don't know if it was shortly after.

6 Q Okay.

7 A It was probably sometime in the later '80s.

8 Q At some time -- some point were you asked to  
9 serve on -- on a diocese, an archdiocese and board?

10:16:28 10 A I was asked to participate in committee, but  
11 when you say "board," there were earlier times when I  
12 served on the Catholic Youth Organization Board. There  
13 was another one, Catholic Social Services Board. That  
14 was before Cardinal Mahony came to Los Angeles, I  
15 believe.

16 Q So you were appointed -- were you appointed  
17 those by archbishop or Cardinal Manning?

18 A I'm not really certain.

19 Q You've been a faithful Catholic your life --  
10:17:05 20 basically your whole adult life; right?

21 A I've been a practicing Catholic.

22 Q Fair enough. And you have tried to I take it  
23 serve the church in the best way you can and live the  
24 faith the best way you can; is that fair?

10:17:23 25 A Yes.

10:17:23 1 Q And as Catholic when the bishop or the  
2 archbishop or the cardinal, whatever the appropriate  
3 title is asked you to serve, did you feel an obligation  
4 to serve?

10:17:34 5 A Not necessarily.

6 Q Did you turn down any appointments?

7 A No.

8 Q Maybe "appointment's" not the right word. It  
9 sounds too official. When somebody asks you -- all  
10:17:45 10 these positions were volunteer; right, Judge?

11 A Yes.

12 Q And so -- all right. At some point did the  
13 cardinal ask you to serve on a committee that somehow  
14 dealt with the sexual abuse of children?

10:17:59 15 A Yes.

16 Q When did that happen, sir?

17 A It was 1993 I believe, and there was not a  
18 committee as such at that time.

19 Q How would you describe it? What were --

10:18:16 20 A I was asked to come to a meeting, and there  
21 were other people present and the request was made to  
22 assist in the revision of the archdiocese and policy on  
23 sexual abuse.

24 Q Did [REDACTED] ask you to come to that?

10:18:39 25 A Pardon me?

10:18:40 1 Q Did [REDACTED] ask you to go to that?

2 A I don't recall.

3 MR. MANLY: Do you know -- just for the record  
4 Mr. Gaspari has entered the room. Good morning.

10:18:50 5 MR. GASPARI: Sorry I'm late.

6 MR. MANLY: Mr. Gaspari represents the servants  
7 of the paraclete in this case, Your Honor, and is a very  
8 distinguished lawyer and a good guy so -- I didn't say  
9 that on the record.

10:19:01 10 MR. GASPARI: Don't tell any untruths, John.

11 MR. MANLY: I'm not under oath.

12 THE WITNESS: That's what I was going to say.

13 MR. STEIER: Okay. So what was my last  
14 question before I got all --

10:19:19 15 (Record read)

16 BY MR. MANLY:

17 Q Do you know [REDACTED]?

18 A Yes.

19 Q How long have you known [REDACTED]?

10:19:25 20 A Oh, maybe 40 years, 40 to 45 years.

21 Q All right. He lives in your neighborhood?

22 A Yes.

23 Q He's a friend?

24 A Yes. Children went to the same parochial

10:19:44 25 school.

10:19:45 1 Q Got it. So the [REDACTED] are family  
2 friends?  
3 A Yes.  
4 Q Do you know Mr. Hennigan?  
10:19:50 5 A Yes.  
6 Q Is he a friend?  
7 A I would consider him to be a friend, yes.  
8 Q And he lives in your neighborhood as well?  
9 A Yes.  
10:19:58 10 Q Was [REDACTED] the one that you can recall  
11 who invited you to come to the meeting?  
12 A I can't recall.  
13 Q Do you have any recollection whatsoever of who  
14 asked you to go there?  
10:20:08 15 A No.  
16 Q Can you tell me what the meeting was?  
17 A Well, basically, what I just said. At the  
18 meeting the people who were present were asked to look  
19 at the existing policy concerning sexual abuse by a  
10:20:31 20 priest and to offer its suggestions for revisions.  
21 Q Did you know that there had been priests  
22 that -- had you ever heard of a priest abusing a child  
23 sexually before you went to that meeting?  
24 A Oh, I'm sure I had but I had no -- I have no  
10:20:49 25 specific recollection of that.

10:20:50 1 Q Did you ever handle one of those cases on the  
2 bench?

3 A No.

4 Q When you were on the bench or as a lawyer did  
10:20:55 5 you ever encounter the issue of somebody accused  
6 criminally of molesting a child?

7 A Yes.

8 Q Did you sentence some of those people to state  
9 prison?

10:21:06 10 A I can't recall.

11 Q Did you sit as a criminal judge for awhile?

12 A Just one year, 1994. I handled overflow  
13 criminal from time to time in various assignments.

14 Q But in '94 you -- had you left -- were you  
10:21:27 15 sitting on assignment then?

16 A I'm sorry. '74.

17 Q '74. I got it.

18 A I stand corrected.

19 Q No. That's okay. So did you ever encounter  
10:21:39 20 the issue of sexual abuse of children when you were  
21 sitting in juvenile court?

22 A Yes.

23 Q And did you have -- did you consider yourself  
24 in the early '90s to have some familiarity with the  
10:21:49 25 issue?



10:21:49 1 A Yes.

2 Q And do you know why you were asked in -- by  
3 whoever you were asked to to go to that meeting?

4 MR. WOODS: Calls for speculation.

10:22:04 5 THE WITNESS: No, but I assume it was because  
6 of my background and experience.

7 BY MR. MANLY:

8 Q Okay. Where was the meeting held, the first  
9 one we were talking about?

10:22:19 10 A I believe it was -- I don't have a clear  
11 recollection of the meeting itself. I have a  
12 recollection of having attended one or two meetings at  
13 the archdiocese and offices I guess you'd call them, the  
14 chancery offices when they were located on 9th Street,  
10:22:38 15 which is now James M. Woods.

16 Q Do you remember who was at the meeting?

17 A I'm not sure if I remember everybody but the  
18 others that I do remember -- want me to name them?

19 Q Yes, please.

10:22:56 20 A I believe that now Bishop Curry -- I don't  
21 think he was a bishop at the time -- maybe he was at the  
22 meeting, Monsignor Timothy Dire was at the meeting.  
23 There may have been another priest or two, I can't  
24 recall, and I do believe the other lay people who were  
10:23:23 25 involved at that time were present, although I don't

10:23:27 1 have a clear recollection.

2 Q Who were the lay people involved, do you  
3 recall?

4 A [REDACTED]

10:23:40 5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q Okay. Anybody else you can recall?

9 A No.

10:24:03 10 Q Your Honor, did -- did the cardinal attend that  
11 meeting?

12 A I don't recall.

13 Q And was it in a conference room?

14 A Yes.

10:24:13 15 Q And who presided, if anybody?

16 A I don't have a clear recollection. It probably  
17 would have been Monsignor Dire or I think at the time  
18 Monsignor Curry.

10:24:32 19 Q Okay. And did -- did they discuss that there  
20 was going to be -- they wanted to write a new policy or  
21 what was the stated purpose of the meeting when you were  
22 there?

23 A I think it was to expand and revise the  
24 existing policy.

10:24:47 25 Q Okay. Were you given a copy of the existing

10:24:50 1 policy?

2 A Probably.

3 Q You don't have a copy of that today?

4 A I don't -- I don't have a copy of that with me.

10:24:56 5 Q Okay. Did you -- do you still retain a copy of  
6 those policies?

7 A Pardon?

8 Q Your Honor, at home do you retain or at your  
9 office do you retain a copy of those policies?

10:25:07 10 A I probably have a copy of that at home.

11 Q And was Steven Blair there, Monsignor Blair,  
12 now Bishop Blair?

13 A I'm not sure. I have no recollection of -- I  
14 know who he is.

10:25:24 15 Q Did the committee during that meeting agree to  
16 undertake, assist the archdiocese for the rewriting of  
17 the policy?

18 A Yes.

19 Q Was there a process by which the committee  
10:25:36 20 tried to educate itself on what to do or how to do it or  
21 how did you physically -- let me ask a question instead  
22 of a series of questions. How did you go about revising  
23 the policy?

24 A I can't really recall. I think that we looked  
10:25:52 25 at the policy that existed and discussed it and then

10:25:59 1 through a process suggested revisions and eventually  
2 came up with a revision.

3 Q Did anybody at -- Judge, were you under the  
4 impression at that time that there were priests in  
10:26:19 5 ministry in the archdiocese that had molested kids?

6 MR. WOODS: Calls for speculation.

7 THE WITNESS: Did I have the impression at that  
8 time?

9 BY MR. MANLY:

10:26:27 10 Q Yeah. Did you know that was the case at that  
11 time?

12 MR. WOODS: Okay. That's a new question. So  
13 "did you know" is the question now.

14 THE WITNESS: Well, I assumed that there was a  
10:26:38 15 need for a policy.

16 BY MR. MANLY:

17 Q Let me ask a different question. I think  
18 Mr. Woods makes a good point. I'm not saying that's  
19 going to continue, but at this point he makes a good  
10:26:48 20 point. Did you personally -- did they make you aware at  
21 that meeting that at that time there were priests  
22 serving in parishes or other ministries that had  
23 previously molested kids?

24 A No.

10:27:03 25 Q And you had no awareness of that at that time;

10:27:06 1 is that right?

2 A No. I understood this was an issue.

3 Q Okay. All right. But you didn't have any  
4 understanding of the depth of it or the scope of it or

10:27:16 5 anything of that nature because you were new to it; is  
6 that fair?

7 A Correct.

8 Q Okay. So did that committee that revised the  
9 policy sort of morph into what became known as the SAAB

10:27:27 10 Committee?

11 A Yes.

12 Q How did that change come about? How did you go  
13 from writing the policy to becoming the Sexual Abuse  
14 Advisory Board to the cardinal? "You" being not you but  
10:27:40 15 the committee.

16 A The policy -- it's -- this whole thing is a  
17 work in progress.

18 Q Understood.

19 A The original policy was very perfunctory as I  
10:27:53 20 recall, and so we expanded upon that and in the course  
21 of drafting a revision identified an advisory board.

22 There was no name given to it originally. We came up  
23 with a -- what we considered to be a new policy. That  
24 was changed several times in the course of the next few

10:28:24 25 years or so, but the first version that we came up with

10:28:32 1 called for an advisory board.

2 Q Was [REDACTED] involved in that process?

3 A You know, I don't recall. I don't believe so.

4 Q You knew, Judge, that [REDACTED] was the

10:28:44 5 counsel of the archdiocese?

6 A At some point I learned that he was, but I  
7 wasn't sure at that time.

8 Q Did you know that he was handling -- did he  
9 disclose to you at any point in the first year you

10:28:58 10 became -- began to work on that policy that he was  
11 actively defending molestation allegations against the  
12 archdiocese?

13 A No. Let me say this. It's not responsive to  
14 any question, but just to give you a little more

10:29:13 15 background.

16 Q Sure.

17 A I was not close to the hierarchy of the church.

18 Q Okay.

19 A So I didn't know who the people were, what the  
10:29:23 20 positions were, things of that sort.

21 Q Okay. Understood. So you didn't have a  
22 preexisting relationship with the cardinal or Bishop  
23 Curry or Monsignor Curry or anybody else?

24 A Correct.

10:29:35 25 Q You know [REDACTED] ?

10:29:36 1 A I knew him. I was active in my own parish.  
2 Q Right.  
3 A That was principally plus these other things  
4 I've already identified like the Catholic Youth  
10:29:46 5 Organization and the social services.  
6 Q You were an active Catholic lay person in your  
7 parish and with other organizations affiliated with the  
8 faith?  
9 A Yes. My wife was involved in some, too.  
10:29:59 10 Q And what was your parish and is your parish?  
11 A [REDACTED]  
12 Q To the present?  
13 A To the present.  
14 Q Yes. Okay. And --  
10:30:19 15 A And you asked a question about holding  
16 positions. I -- within the parish I was involved in  
17 things as lector, as a member of their parish committee  
18 and some of that stuff.  
19 Q The parish lector?  
10:30:33 20 A Yes.  
21 Q And you volunteered your time at the parish,  
22 donated to the parish and did typical things that  
23 Catholic people involved in the faith do?  
24 A Yes.  
10:30:45 25 Q Are you -- have you received any awards or a

10:30:50 1 member of any Catholic fraternal organizations like the  
2 Knights of Malta or anything of that nature?

3 A I received an award -- I think it was last year  
4 to become a member of the Knights of Saint Gregory I  
10:31:09 5 believe it is.

6 Q And who did you receive that from?

7 A From the cardinal. A letter was sent to me,  
8 but I had never been a member of the Knights of Malta or  
9 the Knights of the Holy Sepulchre or something. I had  
10:31:28 10 some opinions about those organizations and do not feel  
11 I wanted to become involved.

12 Q Okay.

13 MR. WOODS: You know, you should just answer  
14 the questions.

10:31:37 15 THE WITNESS: I'm straining from --

16 BY MR. MANLY:

17 Q Well, I'm glad you asked because that was what  
18 my next question -- you said it because that was my next  
19 question. I have some opinions about them too, but  
10:31:47 20 we'll talk later. Okay. And what is the Knights of  
21 Saint Gregory, Your Honor?

22 A Well, it's a -- an order that was established a  
23 long time ago and the purpose of it now apparently is to  
24 support the house of prayer for priests in the Los  
10:32:12 25 Angeles archdiocese, and that's a physical facility



10:32:18 1 where a priest will go for retreats or for recollection  
2 or things of that sort.

3 Q And staffed by a Jesuit?

4 A I don't think so, but I don't know.

10:32:26 5 Q The one in Orange is, so I just thought I'd  
6 guess. And did the cardinal give you that award at a  
7 ceremony?

8 A There was a ceremony at the cathedral. I was  
9 one of maybe 20 or 30 men and women.

10:32:49 10 Q All right. And who -- who's the chapel of that  
11 organization, if you know?

12 A I should know and -- but I can't think of their  
13 name.

14 Q Okay. All right. So do you recall how much  
10:33:11 15 time elapsed from when you began to write the policy as  
16 a committee and then you became to advise the cardinal  
17 on these issues?

18 A We didn't advise the cardinal.

19 Q Okay. Who did you advise? What did the  
10:33:24 20 committee do?

21 A It was called an advisory board but what we did  
22 was consider hypothetical cases that were presented to  
23 us by the vicar for clergy and attempt to arrive at some  
24 kind of consensus or -- we did not arrive at

10:33:47 25 recommendations, per se, and the information was

10:33:58 1 provided I would assume at some point to the cardinal if  
2 necessary, but it was directed basically to the vicar  
3 for clergy.

4 Q Who would you presume then would discuss it  
10:34:11 5 with the cardinal?

6 A We assumed that he probably would, although I  
7 don't know what the vicar or clergy's authority was.

8 Q That makes two of us. Okay. So the primary  
9 conduit from the hierarchy would be the vicar for clergy  
10:34:32 10 with the clergy?

11 A If there's a conduit, maybe there is.

12 Q Maybe "conduit" isn't the right term. Contact  
13 or interaction?

14 A Right.

10:34:40 15 Q And so the first person that you were dealing  
16 with, was that Monsignor Curry?

17 A I think there was a transition about that point  
18 where he -- where Monsignor Dire was stepping in to  
19 become the vicar for clergy.

10:34:58 20 Q And --

21 A If he wasn't already and Monsignor Curry was  
22 either the outgoing vicar for clergy at the time at the  
23 period of transition or had been the vicar for clergy  
24 and participated because of his experience as vicar for  
10:35:18 25 clergy.

10:35:19 1 Q Your Honor, from '92 to 2000 do you have an  
2 estimate on how many hypothetical cases were brought to  
3 the board?

4 A No.

10:35:30 5 Q Was it more than 20?

6 A Probably.

7 Q Okay. And whose idea was it to make the cases  
8 hypothetical?

9 A I don't recall.

10:35:42 10 Q Okay. So when you say "hypothetical cases," I  
11 think I understand what you mean, but can you explain in  
12 a little more detail how that process worked?

13 A Well, the vicar for clergy was the one who  
14 would present a hypothetical case. The priest was  
15 identified as Father Fred. Everybody was Father Fred.

16 Q Okay.

17 A And it would be put such as "This is what the  
18 hypothetical is, Father Fred was involved in" and so  
19 forth and then the matter would be open for discussion,  
10:36:27 20 and at some point there was a consensus arrived at or  
21 maybe not, but usually then you'd move on to the next  
22 case.

23 Q And how frequently during from '92 to 2000 did  
24 you meet?

10:36:49 25 A We met -- I have produced some materials that I

10:36:54 1 keep from my own personal calendar what meetings were  
2 scheduled.

3 Q But I mean, rough -- I'm not going to hold you  
4 to it.

10:37:04 5 A I'd say four, five times a year maybe.

6 Q And were those regularly scheduled, or were  
7 they called by the archdiocese?

8 A They -- when you say "called by the  
9 archdiocese" --

10:37:20 10 Q Let me rephrase.

11 A The vicar -- there was an attempt at the end of  
12 the year to set up the time for a meeting for the  
13 following year.

14 Q Got it.

10:37:33 15 A And they would be scheduled for maybe --

16 nothing in January. So according to my own review of  
17 the calendars, copies of which are being produced today  
18 there would be a meeting scheduled for each month,  
19 February, March, April, May, maybe into June, but they

10:37:58 20 weren't always held. Some were canceled, some I did not  
21 attend.

22 Q Who was -- was there a chair of the board  
23 during those years?

24 A The vicar for clergy was the one who I would  
10:38:13 25 characterize as the chair.

10:38:14 1 Q Was there a vice chairman, or were there  
2 different officers?

3 A No.

4 Q I've seen it and this may be a different  
10:38:21 5 committee or another evolution where you were named in  
6 the media as the vice chairman of the committee. Is  
7 that accurate?

8 A If it's the sexual abuse advisory board, it  
9 would be inaccurate.

10:38:32 10 Q Okay. Were you the vice chairman of some other  
11 committee that was similar?

12 A No, not to my recollection.

13 Q Have you ever been vice chairman of any  
14 committee affiliated in any way, shape or form of the  
10:38:44 15 archdiocese?

16 A I am presently the vice chair of the Clergy  
17 Misconduct Oversight Board.

18 Q Okay. When was that formed?

19 A In the time the scandal broke in early 2002 and  
10:39:03 20 there was a -- it was finalized. I remember there was a  
21 press conference on June 20th of 2002.

22 Q So the SAAB Board existed until the Clergy  
23 Oversight -- Misconduct Oversight Board was formed; is  
24 that accurate?

10:39:24 25 A Yes.

10:39:25 1 Q Did you -- earlier I think I had my dates off  
2 because I was asking you about '92 to 2000. Did the  
3 meeting levels increase between 2000 and 2002 and the  
4 activity increase, or did it stay the same?

10:39:42 5 A I'm not really sure it would be reflected in --  
6 the meetings themselves would be reflected in the  
7 calendars that I produced. The number -- I have no  
8 feeling that there was an increase in the volume of  
9 cases that were presented at each meeting. The meetings  
10:40:04 10 would last usually two hours starting about 9:30 pretty  
11 much going sometimes in the afternoon, but there are  
12 only so many cases that you could hear in that period of  
13 time.

14 Q I didn't mean to interrupt you. I'm sorry,  
10:40:20 15 Your Honor. You anticipated by next question is: How  
16 long did the meetings typically last?

17 A I'd say they were about two and a half hours.

18 Q And essentially I think what you're telling me  
19 is what would happen is you'd get there, say hello,  
10:40:36 20 you'd sit down to business and there would be a  
21 discussion about a Father Fred, it's always Father Fred,  
22 and then they would give you the particular facts of  
23 this case and then they would ask for your input; is  
24 that right?

10:40:48 25 A Yes. They would give us a hypothetical.

10:40:52 1 Q And did the hypothetical always involve  
2 allegations of sexual misconduct by the priest with a  
3 child?  
4 A No.  
10:40:58 5 Q Okay. How often did that happen?  
6 A I can't recall.  
7 Q Well --  
8 A We considered adults as well.  
9 Q Did it always involve -- did the allegations --  
10:41:12 10 in terms of SAAB now, so from '92 to 2002 always involve  
11 allegations of sexual misconduct?  
12 A Right. That's why they called it -- eventually  
13 called it the Sexual Abuse Advisory Board.  
14 Q At some point when you were sitting on this  
10:41:31 15 committee and you began to, you know, see these  
16 allegations come forward, did you become concerned at  
17 any point there was a problem within the archdiocese, a  
18 larger problem that needed to be addressed between '92  
19 and 2002 with sexual abuse?  
10:41:49 20 A No.  
21 Q Did anybody -- were you under the impression  
22 based on these hypothetical cases that you learned about  
23 that there were priests serving in the archdiocese that  
24 had previously molested children and were allowed to  
10:42:07 25 return to ministry?

10:42:09 1 A I had no idea.

2 Q I take it as a member of the bench that if that  
3 had brought to your attention that there were priests  
4 who had molested kids who were serving in -- had

10:42:22 5 previously molested kids and were serving in parishes  
6 you would have asked somebody to call law enforcement;  
7 is that fair?

8 MR. STEIER: Objection. Speculation.

9 MR. WOODS: Calls for speculation. It's

10:42:33 10 hypothetical in nature.

11 THE WITNESS: That is hypothetical. It didn't  
12 come up.

13 BY MR. MANLY:

14 Q It never came up?

10:42:40 15 A Correct. I mean --

16 Q Did anybody at any point during these Father  
17 Fred discussions ever discuss calling the police?

18 A I can't recall.

19 Q Did you ever raise that?

10:42:51 20 A I don't believe so.

21 Q Why were the cases hypothetical, Your Honor, if  
22 you know?

23 MR. STEIER: John, are we talking now about

24 SAAB or CMOB or any --

25



10:43:08 1 BY MR. MANLY:

2 Q Fair enough. Between '92 and 2002 do you know  
3 why they -- these cases were presented to you and your  
4 fellow board members as being hypothetical?

10:43:19 5 A No, although, you know, I have my own opinions,  
6 but that's all it would be.

7 Q What's your own opinion?

8 A Well, we're concerned about protecting the  
9 identity of the children, the identity of the priest  
10:43:35 10 while the matter was being investigated because of the  
11 seriousness of the allegations. When I was on the court  
12 I served in juvenile court for six years, and all the  
13 files are confidential. I also served as the adoption  
14 judge for one year, all of the files are confidential.  
10:43:58 15 I was familiar generally with the idea of  
16 confidentiality involving children and relationships  
17 that were sensitive.

18 Q When there was a jury trial in court when you  
19 were in juvenile court or when --

10:44:14 20 A No juries in juvenile.

21 Q When there was a bench trial was the name of  
22 the victim kept confidential from the trier of fact?

23 A No, but the records were and the public was not  
24 admitted unless there was a reason for them to be

10:44:31 25 admitted.

10:44:32 1 Q And was the name of the alleged if there was  
2 a -- an adult involved, was the name of the adult kept  
3 secret from the trier of fact?  
4 A No, but the entire proceeding was confidential.

10:44:44 5 Q Understood. How many different Father Freds  
6 were there, Your Honor, in '90 -- between '92 and 2000?  
7 A I don't know.

8 Q Did you take notes at the meetings?  
9 A No, not that I recall.

10:45:04 10 Q When you went to the meetings, was there an  
11 agenda?  
12 A You mean a written agenda?  
13 Q Yes, sir.  
14 A That was presented?

10:45:14 15 Q Yes.  
16 A No, not that I recall.  
17 Q Not that you recall. You don't ever recall  
18 seeing -- were there ever any type of written materials  
19 distributed to board members between '92 and 2002?

10:45:27 20 A I don't believe so.  
21 Q So the case was presented orally to the vicar  
22 for clergy?  
23 A Yes.

10:45:36 24 Q So you would say something like "Father Fred  
25 serves at a parish. He's accused of doing X, Y and Z.

10:45:42 1 We talked to the victim, and the alleged victim says X,  
2 Y and Z" and gave you a basic summary of the case?

3 A Well, that's a hypothetical, but it's generally  
4 the case. And then there would be questions if anybody  
10:45:53 5 had "What about this? What about that?" I looked upon  
6 the SAAB as a sounding board for the vicar for clergy.  
7 We weren't there to make formal recommendations, we were  
8 to assist because of our own background and experience  
9 to help the vicar for clergy think the case through and  
10:46:23 10 what the vicar would do with it. We really didn't know,  
11 although we assumed that there had to be some kind of  
12 contact at some point with the archbishop, but whether  
13 there was in every case or not, I have no idea. As I  
14 said before, I don't know what the authority for the

10:46:42 15 vicar for clergy was.

16 Q Your Honor, who decided to give the alleged  
17 perpetrator the name Father Fred, if you know?

18 A I can't recall.

19 Q And you gave some names of -- you gave some  
10:46:55 20 names of board members that served I think you said the  
21 vicar for clergy [REDACTED]

22 [REDACTED] Who else served between '92 and 2002?

23 A Well, there were other -- the others were  
24 priests. The four lay people, myself and the other  
10:47:16 25 three that I've identified served the entire period of

10:47:20 1 time.  
2 Q Who were the other priests that served?  
3 A I'm trying to remember the names. One was  
4 [REDACTED].  
10:47:29 5 Q [REDACTED]?  
6 A I don't know --  
7 Q [REDACTED]?  
8 A [REDACTED], I think.  
9 Q [REDACTED]?  
10:47:36 10 A [REDACTED] It was a -- there was some  
11 Vincentians that came and went, but I can't recall the  
12 names of the other priests.  
13 Q And for the record the Vincentians are the  
14 names of that religious order, you mean?  
10:47:59 15 A The religious order, right.  
16 Q And the other priests there were other priests  
17 that served?  
18 A Now Monsignor then Father Gabriel Gonzalez was  
19 a member for awhile and --  
10:48:18 20 Q So --  
21 A I'm not really sure. It's a kind of meeting  
22 where you had the generic priests that were present,  
23 you'd come in and there was a -- the priest that you'd  
24 seen before, you'd say hi, maybe you'd know who it was,  
10:48:34 25 and you'd start the meeting by "Let's all introduce

10:48:38 1 ourselves." So a new priest would show up and we would  
2 just go on and --

3 Q How about [REDACTED], does that sound  
4 familiar?

10:48:47 5 A I know [REDACTED]. I don't know that  
6 he was involved with SAAB. I have no recollection.

7 Q So did you and the other board members  
8 understand that these even though they were hypothetical  
9 these were actual cases that were occurring?

10:49:08 10 A We felt that they were probably similar but --

11 Q So -- and did some of the -- did some of the --  
12 some of the hypotheticals present factual scenarios that  
13 if were real were you as a member of the bar and a judge  
14 recognize that there had been a crime committed?

10:49:30 15 A If they were real?

16 Q If they were real. In other words, if Father  
17 Fred turned out to be, you know, Father Baker or Father  
18 Whoever and they had molested a child, you understood  
19 that was a crime if that had occurred; right?

10:49:47 20 A Yes.

21 Q Okay. Did anybody, Your Honor, ever -- ever  
22 ask about the police being called or the law enforcement  
23 had been contacted?

24 A I don't believe so.

10:50:04 25 Q Why not?

10:50:05 1 A I don't know. Didn't occur to me. I assumed  
2 that the -- by virtue of the fact that this was a  
3 committee that was established by the archdiocese they  
4 were interested in trying to learn about these things  
10:50:21 5 that -- and do something about it that they were doing  
6 what they were supposed to do and -- we were not an  
7 oversight board, we were an advisory board.

8 Q Now, did anybody ever discuss [REDACTED]  
9 [REDACTED]  
10:50:42 10 [REDACTED]

11 A [REDACTED]

12 Q Was there any member of law enforcement on the  
13 committee, Your Honor?

14 A No. Excuse me. No.

10:51:31 15 Q So the only -- the only people who as far as  
16 you know were given the facts of these cases, the  
17 hypothetical facts were the members of the board  
18 including yourself and the vicar for clergy; is that  
19 right?

10:51:50 20 A Well, I don't know who else the vicar may have  
21 talked to. I mean, as far as the board is concerned,  
22 all I know is what was given to us.

23 Q I mean, were -- were you at all concerned or  
24 did you ever -- was there ever -- strike that.

10:52:07 25 Was there ever a time during any of these

10:52:10 1 meetings where the possibility of other victims were  
2 discussed in each factual scenario and whether the  
3 archdiocese had made announcements of parishes to alert  
4 people that Father Fred had molested children?

10:52:27 5 A I can't recall.

6 Q You don't have any recollection of that,  
7 though, as you sit here?

8 A Correct.

9 Q Your Honor, did you ever get the impression  
10:52:38 10 while sitting on that board between '92 and 2002 that  
11 the archdiocese was trying to keep this quiet?

12 A No. I never had the impression they were  
13 holding back.

14 Q I don't mean from you, I mean from anybody  
10:52:54 15 else.

16 A No.

17 Q Like law enforcement?

18 A No.

19 Q How many priests can you recall that you became  
10:53:01 20 aware of were arrested for sexual crimes that you  
21 learned of between '92 and 2002?

22 A I have no recollection at all.

23 Q Did you ever wonder, Your Honor, or discuss  
24 with your fellow committee members -- well, that's two

10:53:18 25 questions. Let me break it down. Did you ever

10:53:20 1 personally wonder given the amount of Father Freds that  
2 were being presented to the committee why there weren't  
3 more arrests?

4 MR. WOODS: I'm going to object to the form of  
10:53:30 5 the question. It assumes facts in evidence -- that are  
6 not in evidence and calls for speculation.

7 THE WITNESS: No.

8 BY MR. MANLY:

9 Q And that issue never came up?

10:53:41 10 A Correct.

11 Q Do you know the -- do you have an estimate of  
12 the number of Father Freds that came before that board  
13 between '92 and 2002?

14 A No.

10:53:53 15 Q More than 100?

16 A Not more than 100.

17 Q More than 50?

18 MR. STEIER: I'm going to object. I think this  
19 has been asked earlier and answered.

10:54:04 20 MR. MANLY: No, it hasn't. Don't coach the  
21 witness, please.

22 THE WITNESS: No. No. I recall the other  
23 question and it -- I would be surprised if it was 50.

24 BY MR. MANLY:

10:54:18 25 Q In your career in law enforcement in juvenile



10:54:20 1 court did you learn while you were serving on the bench,  
2 Your Honor, that pedophiles frequently had more than one  
3 victim?

4 A No, but when you talk about my career in law  
10:54:31 5 enforcement, that's --

6 Q That's a misnomer. I'm sorry.

7 A People confuse the judiciary with law  
8 enforcement.

9 Q You're absolutely right. I apologize. Let me  
10:54:40 10 rephrase it. In your career as a judge did you ever  
11 come to understand that there was a huge problem with  
12 recidivism with regard to pedophiles?

13 A When you say "huge problem with recidivism" --

14 Q Let me rephrase it, Your Honor. It's a crappy  
10:55:02 15 question. I'm sorry.

16 Did you ever learn that frequently people who  
17 molest children almost always do it more than once?

18 A I was aware of the fact that child molesters  
19 often reoffended, but I did not really pick that up from  
10:55:28 20 the court.

21 Q Where did you?

22 A My father who was a career California youth  
23 authority parole officer and board member and  
24 occasionally would talk about some cases, and I think  
10:55:41 25 there was one case that he had where he had taken an

10:55:44        1        interest in a child abuser and then at a later time  
                 2        after the person was no longer on parole found that the  
                 3        person had committed another offense elsewhere, and he  
                 4        talked about that particular case.

10:56:06        5            Q        Now, I understand from your bio that you were a  
                 6        DA for a period of time?

                 7            A        Year and a half.

                 8            Q        Did you prosecute child molesters?

                 9            A        I can't recall. I may have but as a year and a  
10:56:20       10       half I was in Compton for a year. We had a heavy  
                 11       volume, mostly DUI cases, but there were other cases as  
                 12       well. We did preliminary hearings, so there may have  
                 13       been some cases in there, but I have no recollection.

                 14            Q        The case that's been in the news recently is  
10:56:38       15       the Polanski case. Were you on the bench when that was  
                 16       occurring?

                 17            A        I went on the bench in 1972.

                 18            Q        I think he was arrested in '73. You may not  
                 19       have a recollection of it.

10:56:51       20            A        I don't have a recollection of it.

                 21            Q        And that didn't play any role in your thinking  
                 22       in these cases or --

                 23            A        No.

                 24            Q        I thought you might have been involved with it  
10:56:59       25       but I don't --

10:57:00 1 A Surprisingly I don't really follow most of the  
2 publicity cases.

3 Q I think that's --

4 A Friends will ask me about them and I don't --  
10:57:09 5 I'm not really that interested. I see enough at work or  
6 saw enough at work. I wasn't looking for other things  
7 to think about.

8 Q I think that speaks well of you, Your Honor.  
9 Okay. We've been going about an hour. Why don't we  
10:57:22 10 take about a 10-minute break.

11 THE VIDEOGRAPHER: Videotape deposition's off  
12 record at 10:57 a.m.

13 (Pause in the proceedings.)

14 THE VIDEOGRAPHER: Videotape deposition's back  
11:26:16 15 on record at 11:26 a.m.

16 MR. MANLY: Your Honor, before we went back on  
17 the record I showed you a document we've -- are going to  
18 mark as Exhibit 2, which is an article dated -- I've  
19 represented is dated February 17th, 2006, from The  
11:26:34 20 Tidings entitled "Oversight Board Exercises Vigilance to  
21 Insure Child's Safety."

22 (Plaintiff's Exhibit 2 was  
23 marked for identification.)

24 BY MR. MANLY:

11:26:40 25 Q Judge, did you have an opportunity to read that

11:26:44 1 document?

2 A Yes.

3 Q Does that look familiar to you?

4 A I may have read this particular article, I'm

11:26:49 5 not sure, but the substance is familiar.

6 Q Okay. And it quotes you in the article several

7 times. Did you notice that?

8 A Yes.

9 Q Are those quotes accurate?

11:27:01 10 A I assume so.

11 Q You have no reason to believe as you read it

12 they're inaccurate?

13 A Correct.

14 Q Did -- this article accurate sort of

11:27:12 15 summarize -- well, let me ask you a different question.

16 I'll go -- I think I can go point by point. You're

17 quoted in the second paragraph the article, Your Honor,

18 "Our mission is to make sure all allegations of

19 misconduct by priests are investigated." Is that -- is

11:27:29 20 that accurate?

21 A Correct.

22 Q And is that, in fact, the board's mission?

23 A That's one of the things we do.

24 Q You say, "Also, our objective is to make sure

11:27:43 25 no priest who poses a danger to others is serving in

11:27:46 1 ministry in the archdiocese of Los Angeles." Did you  
2 say that?

3 A I believe so.

4 Q Is that accurate about the current board?

11:27:54 5 A Yes.

6 Q Are those two statements also true of the SAAB  
7 Board that preexisted this board formed in 2002?

8 A No.

9 Q Okay. So what was -- what was the mission or  
10 objective of the SAAB Board?

11 A I don't know that we ever had a formal mission  
12 statement. Mission of the SAAB Board would probably  
13 be -- best be characterized by the vicar for clergy as a  
14 member of the board. I can state that my own  
15 participation was to respond to the hypothetical cases  
16 that were presented and to ask questions that I felt  
17 needed to be asked, follow to flush out other facts  
18 which may not have been presented.

19 Q Whose job, if anybody, on the board was to be  
11:28:56 20 an advocate for victims, meaning the SAAB Board?

21 A The SAAB Board?

22 Q Yes.

23 A There was no one designated to be an advocate  
24 for victims.

11:29:05 25 Q Well --

11:29:07

1

A

2

3

Q

4

A

11:29:21

5

6

7

Q I remember seeing it, Your Honor. I know what  
you mean.

8

9

A Yes.

11:29:39

10

Q And moving down the document it says -- I think

11

it's one, two, three, four, fifth paragraph down it

12

says, "The 13 member (seven man, six woman) board

13

includes clergy, religious and laity, as well as a range

14

of ethnic and cultural groups, occupations and life

11:30:07

15

experiences to bring different points of view, Judge

16

Byrne explained," and it names the members, one of whom

17

is [REDACTED]. Who is [REDACTED] identified

18

there, please?

19

A Yes. That's [REDACTED]. I think it's spelled

11:30:23

20

[REDACTED]. He's at [REDACTED]. The members of the board

21

have been made public.

22

Q Okay.

23

A Identities.

24

Q Did [REDACTED] serve on the SAAB Board as

11:30:37

25

well?

11:30:38 1 A No. [REDACTED]

2 Q I'm sorry. Thank you. [REDACTED]. Who's [REDACTED]

3 [REDACTED] identified here?

4 A The -- [REDACTED].

11:30:54 5 Q Did he serve --

6 A And [REDACTED].

7 Q Did they serve on the SAAB Board?

8 A No.

9 Q Now, do you recall any instances involving a

11:31:18 10 Father Fred case where the board was upset at the action

11 the cardinal had taken?

12 A We didn't know what the action was that was

13 taken.

14 Q Do you ever remember an instance where

11:31:36 15 Monsignor Loomis came to discuss the Father Baker case

16 with the board?

17 A No.

18 Q At any time?

19 A No.

11:31:49 20 Q The policy you helped write, did that include

21 notification to the parishes of alleged sexual

22 misconduct?

23 A I believe at some point it did. I'd have to

24 look back at it. It's all there. We have copies of

11:32:06 25 that.

11:32:08 1 Q Did you participate in the --

2 A We're talking now about the CM -- or the SAAB

3 policy?

4 Q SAAB policy.

11:32:16 5 A I believe it's in there some place, but I'm not

6 sure.

7 Q Was it your expectation as a member of the

8 board that the cardinal would follow the policy?

9 MR. WOODS: Again, the SAAB Board?

11:32:26 10 MR. MANLY: SAAB Board, yeah.

11 THE WITNESS: Well, I don't know that it

12 indicated what he was supposed to do.

13 BY MR. MANLY:

14 Q Well, do you remember as -- there was a policy

11:32:39 15 in place, oral or written in the archdiocese between '92

16 and 2002 that required that the church notify a parish

17 where a priest had been -- had molested?

18 A Are you talking now about the overall policy as

19 opposed to that portion of the policy that related to

11:33:00 20 the advisory board?

21 Q I'm talking about the overall policy, yes, sir.

22 A I believe there was something like that in

23 there.

24 Q Was it your expectation as a member board that

11:33:08 25 the -- that the archdiocese would follow that policy?



11:33:12 1 A Yes.

2 Q Okay. Now, do you ever remember SAAB meetings  
3 where Monsignor Loomis would relate cases to you?

4 A Yes.

11:33:25 5 Q Do you ever recall a time where you now know  
6 that the Baker case even though he was called Father  
7 Fred was related to the board?

8 A No. I've heard that it was, but I have no  
9 recollection of that.

11:33:38 10 Q So you don't dispute that it was, you just  
11 don't remember it?

12 A Correct.

13 Q Do you remember a discussion at any time by  
14 Monsignor Loomis while he was the vicar for clergy  
11:33:53 15 talking about the cardinal had decided not to notify  
16 parishes?

17 A No.

18 Q Are you saying that didn't happen or you just  
19 don't have any recollection?

11:34:05 20 A I have no recollection of that.

21 Q Okay. Thank you. Did you handle or -- not  
22 handle. That's the wrong term. I apologize. Were you  
23 involved in -- in any way as a board member in handling  
24 the allegations against Monsignor Loomis himself?

11:34:32 25 A When you say "as a board member," we're talking

11:34:34 1 now of the CMOB.

2 Q Post 2002.

3 A Clergy Misconduct Oversight Board?

4 Q Right.

11:34:40 5 A Yes.

6 Q And in the Clergy Misconduct Oversight Board  
7 were there priest names used?

8 A On occasion if the priest was known. For  
9 instance, if there were articles in the newspaper  
10 identifying the priest, then the name would be used.

11:34:57

11 Q What about if there were not?

12 A Then they were Father X. We changed from  
13 Father Fred because we didn't know whether there might  
14 at some point be a Father Fred.

11:35:13

15 Q Okay. Why didn't they just use the names?  
16 You're advising the cardinal on it. I mean, did you  
17 ever suggest to them that they should just use the  
18 names?

19 A No, not really. The -- it's a matter of great  
11:35:31 20 sensitivity to the victims that their names not be  
21 known, to the priests. We didn't feel it was essential  
22 for us to know who the priests were in order for us to  
23 do what we needed to do, and an allegation of child  
24 sexual abuse once made is very, very serious and hard to  
11:35:55 25 change. It's like the unringing the bell.