

FIRST INTERIM REPORT

Oversight Committee of the Archdiocese of Philadelphia Independent Reconciliation and Reparations Program

1. Overview

On November 13, 2018, the Archdiocese of Philadelphia announced the commencement of its Independent Reconciliation and Reparations Program (the “Program”). Kenneth Feinberg and Camille Biros were retained to administer this program. Ms. Lynn Shiner was selected as the Victim Support Facilitator. Senator George J. Mitchell (Chair), the Honorable Lawrence F. Stengel (ret.), and the Honorable Kelley B. Hodge agreed to serve on the Independent Oversight Committee and to review and publicly report upon the progress of the Program. This is the Oversight Committee’s first interim report.

The Program seeks to address a tragic chapter in the church’s history, and the Archdiocese of Philadelphia’s recognition of the need for reconciliation and reparations, after many years of suffering by victims of this tragedy. This Program is designed to mitigate the harm, while understanding that no remedy can fully recognize what these victims endured—regardless of when the harm occurred.

The rules for administering the Program are set forth in a Protocol, which is appended to this report. Some of its key elements include:

- The Archdiocese has no control over the Independent Reconciliation and Reparations Program. Mr. Feinberg and Ms. Biros act as the Claims Administrators; former Senator Mitchell, former Chief Judge Stengel, and Ms. Hodge serve as the Oversight Committee. Ms. Lynn Shiner acts as the Victim Support Facilitator to assist claimants in filling out their eligibility forms, and to provide counseling and support

as needed and at the specific request of the claimant. All of these professionals function independently of the Archdiocese.

- There is no monetary cap on claims, either in the aggregate or for any individual. Mr. Feinberg and Ms. Biros make independent and final decisions as to the appropriate amount of financial compensation, based upon the circumstances of each case, without regard for the total monies to be expended.
- Claimants need not accept the Claims Administrators' decision if the claimant believes the reparations to be insufficient. Those claimants who accept the Administrators' proposed payment will be required to execute a release of their claims against the Archdiocese. Those who do not will not execute a release.
- Claimants may submit claims even if the statute of limitations has expired as to their claims. This program recognizes that many persons with valid claims may not have asserted their claims in court. Claims may now be filed with the Program whether or not the statute of limitations has expired and without regard to how long ago the events in question occurred.
- All claims forms must be postmarked by September 30, 2019. Those who have already filed a complaint with the Archdiocese were sent claim packets by the Administrators via overnight courier service. Those who have a claim but have not yet contacted the Archdiocese are urged to come forward to register with the Program via the IRRP website noted in the Protocol: www.PhiladelphiaArchdioceseIRRP.com.
- This program applies only to victims of clergy of the Archdiocese of Philadelphia, which currently covers the City and County of Philadelphia as well as Bucks, Chester, Delaware, and Montgomery counties.

A principal objective of the Program is to provide all eligible persons who choose to do so a full and fair opportunity to submit claims. This includes affording victims the resources they require as they document in the claims form the harms inflicted on them. At the outset of the Program, claim packets were sent via overnight courier to all 348 persons who had previously registered their complaints with the Archdiocese. Additionally, during our initial press conference and through ongoing outreach, the Oversight Committee, Claims Administrators, Victim Support Facilitator, and Archdiocese have sought to make the public aware of the Program and to encourage those eligible to come forward, if they so choose. The results so far suggest these outreach efforts are effective. They will continue throughout the Program.

The first claims by victims were filed on November 19, 2018, just six days after the press conference announcing the commencement of the Program. Apart from the holiday season, the claim filing and resolution process has continued at a steady pace. The Oversight Committee has monitored the claims administration process through meetings and calls with the Claims Administrators, Victim Support Facilitator and Archdiocese counsel, and review of claims data. The Claims Administrators operate similar programs for several other dioceses in the States of Pennsylvania and New York. The claims received in the first three months of this Program compare well with response rates from earlier administered programs. We are satisfied from our review that, to date, the Program is being administered in conformity with the Protocol and yielding a positive response in terms of the number of claims received.

The results from commencement through February 12, 2019, are summarized below.

2. Summary of Program Progress

CLAIM STATUS TOTALS THROUGH FEBRUARY 12, 2019			
Total Claims Packets Mailed to Previously-Known Claimants	348		
Total Persons who Registered as Victims on Program Website	120		
a. Total persons who were deemed eligible to file claims		72	
b. Total persons who were deemed ineligible to file claims		39	
c. Total persons with eligibility not yet determined		9	
Total Claims Filed	86		
a. Total from Previously-Known Claimants		70	
b. Total from Persons Who Registered on the Program Website		16	
c. Claims by month:			
i. November (17 days)			20
ii. December			28
iii. January			33
iv. February (12 days)			5
Total Claims with Initial Review Completed	76		
a. Total claims ready for final review		24	
b. Total claims currently incomplete		16	
c. Total Claims with determination letters		36	
i. Total paid			16
ii. Total authorized to be paid but unpaid (offers under consideration)			20
Total Amount Paid or Authorized to be Paid	\$8,425,000		
Total Claimants who Requested Counseling Services	25		

Individuals who allege they were sexually abused as a minor by clergy of the Archdiocese of Philadelphia, and meet certain other criteria set forth in Section III.A of the

Protocol, are eligible for the Program. Three hundred forty-eight persons had previously filed a complaint with the Archdiocese as victims of abuse. In mid-November, the Administrators sent each of these victims a claims packet via overnight courier. The claims packet included copies of the Protocol, the FAQ's, the Claim Form and instructions for completion of the Claim Form.¹

To date, 70 out of 348 previously-identified claimants (just over 20%) have filed claims. The Claims Administrators have been working with the claimants, meeting with claimants in person, via Skype and via teleconference. Determination letters are typically prepared and sent to the claimant within thirty to sixty days of receipt of the claim. Some claimants have elected to proceed with counsel, others without.

Additionally, one hundred twenty previously unknown persons have come forward with allegations and registered on the Program website. Thirty-nine of these new registrants were deemed ineligible. All of these registrants were deemed ineligible to participate in the Program because they did not meet the Protocol criteria—specifically: the alleged abuse was by clergy from a different diocese or religious order, or the registrant alleged abuse by lay or non-Catholic Church personnel.

Over \$8.4 million has been authorized for claimant payments thus far, and over \$4.5 million has been paid. To date, every offer for settlement made by the Claims Administrators has either been accepted or is currently under consideration by the victim and/or their representatives. All victims who obtained funds received the advice of their own counsel, at their own expense, or a pro bono attorney was provided to all unrepresented claimants for the sole purpose of advising the claimant regarding the language and meaning of the release. One

¹ Some mailings were returned by the U.S. Postal Service due to undeliverable addresses. The Archdiocese has engaged in additional efforts to identify these previously-registered claimants. There are now only fifteen claimants whose current address is still unidentified.

claimant, who was represented by counsel, elected to terminate his pending litigation against the Archdiocese and accept compensation under the Program.

The Claims Administrators continue to schedule and participate in one-on-one meetings (most of these meetings are in person, some via Skype and some via teleconference) at the request of the claimant. The optional request for a meeting with the Administrators is a major component within the Philadelphia IRRP as it is in every one of the seven dioceses' programs administered by the Administrators. The Administrators work closely with each victim or their attorney to assure the completeness of the victim's file.

Additionally, the Victim Support Facilitator has provided an extra means of support for some Program participants, and is an added service not included in other current archdiocese programs. Several claimants have expressed gratitude for the opportunity to discuss highly sensitive issues in a supportive and confidential environment. Claimants must specifically request this service; there is an opportunity to do so in the claims packet. Thus far, roughly 30% of the claimants (25 out of 86) have opted for this service.

Some claimants have conveyed that they wished the claims review process moved more quickly. This is understandable. The data, however, show that claims are being resolved typically within a thirty to sixty day period. We believe this to be a reasonable period to review the allegations, engage in the necessary discussions with the claimant or their designee, and reach a careful judgment as to a monetary offer.

The Program has led to the unearthing of new allegations, including one against a clergy member who is currently in active ministry but had not previously been the subject of claims of wrongful conduct. As the Protocol mandates, these allegations were referred for a criminal investigation, as well as an internal investigation by the Archdiocese. The clergy member has

been placed on administrative leave pending the outcome of these investigations. See Protocol at Section III.A; <http://catholicphilly.com/2019/02/news/local-news/phila-priest-placed-on-leave-decades-old-abuse-alleged/>.

3. Next Steps as the Program Continues Through September 30, 2019

The progress to date is very positive and on track. As with any claims program, outreach at the appropriate time is a routine component. Statistically the flow of claims with any program will show submission rates upon implementation are very high, leveling off in the middle of the submission period and ultimately the highest percentage of claims are filed within the last 30 days. The Administrators will continue to periodically reach out to all eligible victims and encourage them to file their claims with the Program. There remain close to 262 persons who have previously reported being victimized but who have not yet filed claims. (We recognize that some may choose not to do so, and we respect whatever decision a victim may make). We will continue outreach efforts to these previously-identified persons, to provide them with opportunities to file claims, as well as the opportunity to receive emotional support. In the meantime, we urge all eligible persons (or their counsel or representatives) to contact the Claims Administrators. See www.PhiladelphiaArchdioceseIRRP.com. The Victim Support Facilitator, Ms. Lynn Shiner, is also available to assist potential claimants and provide emotional support. Ms. Shiner's services may be requested by emailing the program site at: claimantservices@PhiladelphiaArchdioceseIRRP.com.

The Protocol further provides the Victim Support Facilitator and this Committee will work with the Archdiocese to review current policies and “establish best practices for the Archdiocese to better serve the community as a whole.” Protocol, Section V. With the Program successfully launched, we will address this task in the coming months.

The Oversight Committee will provide its next interim report in May 2019, six months after Program commencement.