

THIRD INTERIM REPORT

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

1. Overview

This report is the third provided by the Independent Oversight Committee (IOC), which is monitoring the Independent Reconciliation and Reparations Program (IRRP) for the Archdiocese of Philadelphia. This report summarizes the work of the IRRP through May 31, 2020. The initial interim report was issued on February 15, 2019. The second report was issued on June 3, 2019.

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. The Honorable Lawrence F. Stengel (Ret.) serves as Chair of the Independent Oversight Committee, with the Honorable Kelley B. Hodge and Charles Scheeler, Esq., as members.

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 with and reparations to survivors of clergy sexual abuse. This Program is designed to recognize and mitigate the harm to survivors, while understanding that no remedy can fully recognize what they 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 Chief Judge Stengel, former Interim District Attorney of Philadelphia Kelley Hodge and Charles Scheeler, Esq. serve on the Oversight Committee. Lynn Shiner, an experienced and widely respected crime victim advocate, serves 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. Those Claimants who accept the Administrators' proposed payment will be required to execute a release of their claims against the Archdiocese. Before executing a release, the Claimant must consult with an attorney. If the Claimant is not represented by counsel, a pro bono attorney is provided to the Claimant to review and explain the release before the Claimant signs. Those who do not accept the Administrators' decision will not execute a release.
- Claimants were eligible to 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 were permitted to be filed with the Program whether or not the statute of limitations had expired and without regard to how long ago the events in question occurred.

- All claims forms were required to be postmarked by September 30, 2019. Those who were deemed potentially eligible to participate in the IRRP were sent claim packets by the Administrators via overnight courier service. As the September 30 deadline approached, there was a significant surge in claims submitted.
- This program applies only to victims of abuse by clergy of the Archdiocese of Philadelphia, which covers the City and County of Philadelphia as well as Bucks, Chester, Delaware, and Montgomery counties.

The first claims by victims were filed on November 19, 2018, just six days after the commencement of the Program. The claim filing and resolution process continued at a steady pace, until the surge in claims just before the deadline for submission. The IOC has monitored the claims administration process through meetings and calls among the Committee's members, the Claims Administrators, and/or Victim Support Facilitator, and review of claims data. We have also met with a number of Claimants who have requested an opportunity to provide input about the Program and received and responded to communications from Claimants' counsel.

The Claims Administrators operate similar but separate programs for several other dioceses in Pennsylvania, New York, New Jersey, California and Colorado. The claims received in this Program compare well with response rates from previous programs administered by Mr. Feinberg and Ms. Biros in other dioceses. The IOC has received a relatively small number of complaints by Claimants about the Program and the manner in which their claims were handled. In each of these instances, we have (consistent with the IOC's powers under the Protocol)

addressed these issues with the victims, the Claims Administrators, and the Victim Support Facilitator to attempt to address the victims’ concerns. We remain 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 and processed.

The results from commencement through May 31, 2020, are summarized below.

2. Summary of Program Progress

The below chart depicts the progress made to date:

Claim Status Totals through May 31, 2020		<u>Totals</u>
<u>Potential Claimant Population</u>		-
Total Claims Packets Mailed to Previously-Known Victims		359
Total Persons who Registered as Victims on Program Website		
a. Total Persons Deemed Eligible to File Claims		410
b. Total Persons Deemed Ineligible to File Claims		158
c. Total Persons with Eligibility not yet Determined		-
<i>Total Persons Registered to Date</i>		568
<u>Claims Filed</u>		
Total Claims Filed		
a. Total from Previously-Known Claimants		238
b. Total from Persons who Registered on the Program Website		378
<i>Total Claims Filed to Date</i>		616
<u>Claim Review Status</u>		
Total Claims with Initial Review Completed		
a. Total Claims Ready for Final Review		246
b. Total Claims Currently Incomplete		82
c. Total Claims with Determination Letters		284
d. Total Claims withdrawn prior to determination		1
<i>Total Claims with Initial Review Completed to Date</i>		613
Claims with Final Determination Letters		
a. Total Claims Determined Eligible		250
b. Total Claims Determined Ineligible		34
<i>Total Claims with Final Determination Letters to Date</i>		284
<u>Claims Released and Paid</u>		
Total Signed Releases		226
Total Paid Claims		222
Total Amount Paid or Authorized to be Paid		\$ 50,585,000

The overwhelming majority of those who have come forward with eligible claims have presented meritorious claims. As of May 31, 2020, thirty-four of these claims have been denied; four of the settlement offers have been declined. Many of these Claimants are also taking the Administrators up on the offer to speak with them about their experiences and claims, including one hundred forty-eight Claimant meetings with the Administrators.

Ms. Shiner, the Victim Support Facilitator, assisted Claimants in filling out their eligibility forms and has been providing emotional support for Claimants in person and over phone and email. She has also provided referrals for counseling and other support services to victims following the conclusion of their claims process, recognizing that financial compensation is only one element of the support contemplated by the Program. Ms. Shiner has worked with and supported over 120 survivors through more than 540 telephone conversations and email exchanges.

3. Final Phase of the IRRP

Since the last Interim Report, the deadline for registering with the IRRP has passed. The IRRP experienced a significant surge of claims just before the deadline resulting in a large number of claims which have yet to be reviewed and evaluated. At this time there remain approximately 250 claims in various stages of review and approximately 82 are currently incomplete, though the Administrators are in communication with those Claimants to address any deficiencies.

The Victim Support Facilitator, Ms. Lynn Shiner, continues to be available to assist potential Claimants and to provide emotional support. Ms. Shiner's services may be requested by emailing the program site at: claimantservices@PhiladelphiaArchdioceseIRRP.com.

The Protocol also provides that 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. Ms. Shiner has continued her review of the Archdiocese policies regarding victim support and outreach, while the Oversight Committee has continued its review of the Archdiocese’s other policies related to preventing, reporting, and investigating alleged abuse. From a preliminary review, these policies generally have been found to be sound and in line with the current state of the art. Our review of these policies is ongoing, and the IOC has decided to defer our recommendations or comments regarding these policies until the conclusion of the Program.

The Claims Administrators expect to be able to conclude the claims determination process in approximately six months. Following the completion of the program, we will issue a final report summarizing the entire program.

The Archdiocese of Philadelphia IRRP continues to make an impact through the thoughtful and efficient process of reviewing claims from survivors, making difficult and sensitive evaluations and calculating awards. The surge of claims just before the deadline demonstrates that the IRRP is known to be an available resource to survivors of clergy abuse. The acceptance rate of awards demonstrates that the overwhelming majority of claimants find the compensation awarded to them to be satisfactory. The Claims Administrators have approved awards totaling over \$50 million in just over 18 months, with the average time for an award to be processed and approved running in the range of four to five months. The Victim Support Facilitator has been an invaluable resource to survivors who enter the IRRP and has provided much needed emotional support to those who request her assistance.

The IOC will prepare a final report at the conclusion of the Program.

