

# Urgency for Plaintiffs Lawyers Filing Clergy Abuse and Childhood Sexual Assault Claims

**Recent developments in the legal landscape indicate that the potential for justice is within sight, but injury lawyers need a practical strategy on how to proceed with complex abuse cases while the clock is ticking, according to personal injury attorney Mary Alexander.**

**By Mary Alexander**

Plaintiffs' lawyers should have their eye on the calendar, because a critical deadline is approaching for those who wish to file certain sexual abuse claims in California. And that deadline closes on Dec. 31.

In 2019, California Gov. Gavin Newsom signed into law AB 218, which enhanced protections for survivors of crime and abuse. AB 218 raised the age limit for abuse survivors to bring legal action against their clergy or other church-affiliated abuser. The law gives victims of childhood sexual abuse until age 40—or five years from discovery of the abuse—to file civil lawsuits. The previous age limit had been 26, or within three years from discovery of the abuse. Perhaps most importantly, AB 218 provides a three-year lookback window for previously expired claims—but that window closes on Dec. 31, 2022, regardless of the age of the victim or how long ago the assault occurred.

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proceed with complex abuse cases while the clock is ticking.

## Why Clergy Abuse Is Different

AB 218 expanded the definition of childhood sexual abuse, and began referring to it as childhood sexual assault. Furthermore, its enactment strengthened legal rights for survivors, who may have struggled with the decision to come forward.

It has been established that patterns of sexual assault have occurred among the ranks of the Catholic Church. Catholicism is one of the dominant religions in the United States and people's faith and religion is so intricately woven into the lives of many congregants. Clergy abuse has been a hot button topic in American culture because claims continually emerged—as did several cover-ups—for generations. And they demonstrated that laypeople working within the system have acted as perpetrators and enablers.

When the attacker is a member of the clergy or the leader of a house of worship, the situation can be even more complex, especially if religion and spirituality are already cornerstones of



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the victim's life. The wounds are not limited to physical contact. It can take years to manifest itself emotionally and psychologically, which is why AB 218's lookback window is so critical.

**Sexual and physical.** Physical abuse such as beatings, lashings and burnings may have been supplemented by sexual acts performed or demanded by the attacker.

It has been widely reported that when the cycle of abuse occurs for so long in private, this horrific pattern can become normalized. The physical pain endured by the victims can lead to trauma that will haunt them for years.

**Emotional.** Physical contact is often associated with

levels of emotion, and it is well documented by organizations like the Department of Health & Human Services that victims feel shame, guilt and embarrassment surrounding the abuse they suffered. When the attacker is a religious leader, complications can arise because they often know how to trigger responses from people.

Many priests are expected to be able to soothe and convince people in times of emotional distress. It is reasonable to believe that if that same priest had engaged in physical or sexual abuse, he could use that specialized ability in more sinister ways—namely to muzzle a victim, shame their family or tarnish their reputation in the community.

**Psychological.** Psychological trauma often occurs with the emotional abuse. But while emotional abuse affects what people feel, psychological abuse can shape how they think.

Victims of psychological abuse often experience depression, suicidal ideation, low self-esteem, difficulty trusting others, and post-traumatic stress disorder (PTSD). PTSD has effects that can last for years, and can paralyze people's mental states and prevent them from working, concentrating, caring for others or for themselves.

### Critical Developments and Trends

In an effort to prevent future abuse, Pope Francis initiated the biggest overhaul of the Roman Catholic Church's criminal code in 2021. These new rules made sexual abuse and other despicable

acts, such as grooming minors for sex, possessing child pornography and covering up abuse a criminal offense under Vatican law.

Despite the pope's calls for reform, sex abuse claims against the clergy and the Catholic Church in the United States have remained on the rise. This was to the dismay of the Church, of course, which attempted to take action.

In May, nine Catholic dioceses in California asked the U.S. Supreme Court to review their case challenging AB 218. They argued that the law is unconstitutional because the state already gave victims a chance to sue in 2002—when it opened a one-year portal for sex abuse survivors to file claims with no time limit attached—and because it retroactively adds new liabilities.

In late June, the U.S. Supreme Court rejected the plea of the bishops and archbishops. This was welcome news for the victims and especially the lawyers who had filed their claims.

NBC Bay Area reported in June that in Northern California, more than 200 plaintiffs have filed lawsuits against the church so far, with hundreds more lined up to file new claims by the time the window closes on Dec. 31. The Survivors Network of those Abused by Priests (SNAP) has been tracking the new cases and are seeing new patterns emerging.

"Among the current crop of victims, we are likely to see more from the 1980s to the 2000s," SNAP stated in June 2022. "This new demographic of victims will likely name some known pepe-

trators, but also others that are yet unknown and may pose a danger to today's boys and girls."

### Preparing Final Claims Under AB 218

Ultimately, while it was fortunate for claimants that the Supreme Court rejected the clergy's pleas, that there was even a chance of overturning AB 218 should have been cause for alarm. If this law will truly be the last of its kind in California for the foreseeable future, more claimants will likely come forward through the end of the year.

These plaintiffs will need capable and organized advocates to be their courtroom voices, since many will be bringing actions against one of the world's most well-funded entities. Injury lawyers need to honestly assess their capabilities before filing abuse claims in 2022 while AB 218 is still in effect. These weighty cases against religious institutions can linger for years in the court systems, and require total dedication in order to achieve favorable resolutions.

Injury lawyers who cannot meet these expectations can still serve clients and claimants by referring them to other practitioners in California.

*Widely recognized as one of San Francisco's top personal injury attorneys, **Mary Alexander** established her stellar reputation in the legal community after obtaining some of the largest and highest profile verdicts and settlements in the state of California over the course of her career.*