

VICTORY FOR PRIESTS' RIGHTS; CASE MERITS REVIEW

On March 2, the Pennsylvania Supreme Court ruled that it will review a Superior Court decision that allowed Renee A. Rice the right to pursue claims against the Diocese of Altoona-Johnstown even though the statute of limitations had long expired.

The Catholic League filed an amicus brief in the case in support of the diocese; the Pittsburgh firm of Jones Day represented us.

The Superior Court held that a grand jury report issued by the state Attorney General in 2016 could trigger the running of statutes of limitation, though it is common practice for the clock to start at the time of an injury.

Rice said she was molested 40 years ago by Fr. Charles Bodziak at St. Leo's Church in Altoona, a charge the priest denies. She further maintains that two bishops tried to cover up his behavior, even though the diocese sent her a letter 10 years before her lawsuit encouraging her to come forward about her alleged abuse. She did nothing until the grand jury report supposedly awakened her.

Attorneys for the Catholic League contend that the Superior Court ruling "effectively enacts window legislation [it allows a look-back provision] from the bench, contrary to decades of precedent."

When our brief was filed in September 2019, we commented on its significance. "We have reached a new level of creative jurisprudence when a court can invoke a jury decision as the new clock determining when the limitations period starts to run. At issue here is the separation of powers between the legislature and the judiciary, not exactly a small issue."

If jurors are allowed to widen the time limits for civil claims in clergy sexual abuse cases, it would create havoc. For instance, 15 “copycat” lawsuits were filed after the Superior Court ruling, beckoning other alleged victims to file suit. No wonder plaintiffs called the decision a “game-changer” that will “open the courthouse doors” to decades-old claims.

It is good news that the Pennsylvania Supreme Court has agreed to hear the appeal by the diocese. It also granted leave for the Catholic League to file an amicus brief on behalf of the diocese, which we will do.

Were the Superior Court ruling to hold, the effects would be felt not only by the Catholic Church but by all religious organizations. Indeed, secular institutions such as schools, hospitals, colleges, and all other employers would be at risk for being sued decades after the alleged offense.

We look forward to a complete reversal of the lower court’s decision. That would ensure that the rule of law will be applied equally to priests, dioceses, and religious organizations.