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Attorney William McMurry defends his request for 40 percent of the \$25.7 million settlement in a hearing last week in Louisville, Ky. A judge approved his fees Friday.

PHOTO BY BRYAN SCHMIDT/STAFF

Settlement: Lawyer's fee is \$10 million

MIKE CLARK, 53, SEX ABUSE VICTIM WHO SUED LOUISVILLE ARCHDIOCESE

At one school the boys had a "buddy system" to avoid being left alone with one priest, who has been named in more than 90 abuse cases. After getting separated from his buddy in the church basement, Clark said, "When I turned around and saw that Cheshire cat grin on the priest's face, I knew it was my turn."

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Last week's hearing produced some victims upset either at the size of the settlement — they didn't think it crippled the archdiocese enough — or at McMurry's 40 percent contingency fee, not uncommon for such difficult-to-win cases. (The judge signed a final order Friday approving both.) But McMurry delivered the settlement in a speedy 14 months and orchestrated a resolution that is being felt far beyond this mid-sized Southern town of 200,000 Catholics on the banks of the Ohio River.

"I've never seen one lawyer take on so many cases in so short a period," said Jeff Anderson, a Minneapolis-based lawyer who since the 1980s has litigated more than 500 sex abuse cases against the Catholic Church in dozens of states. "It's had a powerful impact not just on that archdiocese, but on bishops across the country. The ripple effect is enormous."

Added David Choksy, national director of the Survivors Network of those Abused by Priests in Chicago, "Survivors of clergy abuse are a notoriously difficult group of clients — we've been deeply scarred and are very mistrustful, especially of authority figures."

"This was a brave lawyer who has been sensitive to the victims. He really did understand and commit to the intense care that his clients needed."

Champion of underdogs

McMurry, 47, has taken all kinds of underdog cases, gaining a reputation here as a crusader for the common man despite a high-flying combination of high-end looks, expensive tailoring and a background in competitive sky diving. Louisville attorney Drew White sums him up as "the generic guy you expect to find in a Hollywood screenplay lawyer."

In 1997 McMurry read a newspaper account of a trial involving an HIV-infected woman suing a hospital for improperly disclosing her condition. The woman's lawyers had dropped her when she couldn't pay them, and with the trial starting that day, McMurry drove to the courthouse, took the case for free and won a \$125,000 verdict.

But the suits against the archdiocese were more personal. His younger sister was sexually

abused by a neighbor in Paducah, where McMurry grew up and his father was a judge.

She finally told her family when she was in college, then lived a productive life into her 30s, becoming a mental health professional in Oregon. But as often happens with survivors of childhood sex abuse, the wounds eventually came out.

At 35, McMurry says, his sister became a heroin addict. She has been in and out of rehab and given a baby up for adoption. Now she's pregnant and under house arrest in Portland, Ore., on drug charges.

"I've seen firsthand the destruction of childhood sexual abuse, and it's an ugly thing," McMurry said. "It impacts like a scatter bomb affecting everybody in their lives in a profound way."

An avalanche of lawsuits

The first case against the Archdiocese of Louisville walked through McMurry's door on April 16, 2002. Michael Turner, a construction company owner, had read a story two days earlier in The Louisville Courier-Journal about a priest forced to retire because of sex abuse allegations filed by a niece. He was the same priest, who had molested Turner in 1975, when he was an eighth-grader.

"Bill said he didn't know if I had a case because of the statute of limitations," Turner recalled. "But he got very emotional — he gave me his cellphone number and said call any time."

Turner filed his suit three days later under his own name — Louisville is the only archdiocese in which every plaintiff used by name, rather than John or Jane Doe, according to Choksy — and he talked to the media.

"It was important for

everybody's name to be out there, to have their credibility and reputation in front of the community of victims," McMurry said.

An avalanche followed. Within two months, 100 more lawsuits were filed. McMurry held a news conference after each batch of suits, his anger and bit-of-outrage inspiring more victims to come forward.

"Watching him on TV, you could see he was emotionally connected," said victim Tom Weiner, 50. "I don't think he could have been one of us."

By last August, McMurry had 186 clients. Turning down all other litigation, he barely kept up. Working in an office with one lawyer, he brought on six more, including former law partner Jim Oldfather, renowned locally for high-profile divorce cases. Every client had his cellphone number and he was called constantly — McMurry was the first person to whom many had told their story. He became as much therapist as lawyer.

Said Oldfather, "We would interview a client and look at each other with utter horror and emotional desperation and walk out of the room and say, 'Is that the worst thing you ever heard?'"

If that's not bad enough, McMurry said, he has two other balls from a previous marriage — filed for divorce. "She had enough," McMurry said.

By April 2003, McMurry had more than 200 plaintiffs. Six other lawyers filed lawsuits on behalf of 29 victims, largely emboldened by McMurry.

"Other lawyers wouldn't have taken cases if they didn't know Oldfather were involved," said

White, who represents six victims. McMurry still worried that the cases, which dated from the '50s to the '90s, would be tossed because the statute of limitations had expired, as has happened to hundreds of similar lawsuits in Boston and New York. But the archdiocese, which also believed many of the cases would be dismissed, nevertheless lessened years of litigation, said Brian Reynolds, chancellor and chief administrative officer of the archdiocese.

McMurry joined the 243 plaintiffs as a class for purposes of a settlement, and the two sides agreed to mediation. McMurry's opening bid, \$150 million. The church, without litigation insurance, offered \$5 million. The final settlement for \$25.7 million, reached June 10, was more than half the archdiocese's more restricted funds.

The archdiocese also agreed from then on to refer to the plaintiffs as "victims," not "alleged victims."

Archdiocese cuts back

In anticipation of a settlement, the archdiocese in April reduced its \$9 million annual budget by \$2 million and laid off 34 employees. Additional cuts of about \$1 million are expected, said Reynolds.

"It's unclear yet how deeply those cuts will affect the archdiocese's funding charitable and social service programs, which range from food banks to English classes for immigrants. Reynolds allowed that the consequences would be "substantial."

He added, "I'm glad we settled, but I'm angry about what is behind the need to settle. Children were hurt, and it was criminal and evil."

"The church has to earn people's trust back," he went on. "We have to be different. The question is

people [all] years out will be: Did they live by what they said, or did they do it because the cameras were on and they were under legal pressure?"

"I'm convinced change is under way and we will not go backward."

Some victims not satisfied

Many victims aren't convinced. There's a petition for the removal of Archbishop Thomas Kelly, in office since 1992, who victims believe had knowledge of some abuses and didn't take sufficient action. They also don't trust the archdiocese to monitor its own recently initiated safeguards, including programs to educate staff and students about inappropriate behavior.

And there still are the archdiocese staff and students about whose didn't pay dearly enough. If the settlement is divided up equally — that's still to be determined — each victim will receive about \$260,000, after McMurry's fees, which total more than \$10 million.

Most victims say nothing would adequately compensate them, that they have to be satisfied with finally having their darkest torment exposed and accepted by the community. They say they're stronger for it and ready to move on.

"No amount of money is going to return our childhood to us," said Weiner.

McMurry is ready to move on, too. He filed a \$10 billion federal lawsuit in 1994 in a class action that would affect as many as 10,000 people who allegedly suffered from radiation exposure at a plant using nuclear fuel in Paducah.

A court recently dismissed the suit, but McMurry plans to appeal. And he's already gotten some personal satisfaction from it.

To prove the radiators' effect, McMurry was allowed to exhume the bodies of three plant workers to test their bones for osteoporosis. It was a gruesome process, and none of the bones proved McMurry's point.

But one of the bodies McMurry chose was that of the neighbor who molested his sister.

"I had to pick three bodies, so I thought, 'What the hell, he's been working at the plant 40 years,'" McMurry said, taking a late-night smoke break outside his office. "So I had that pedophile dug up and chopped into pieces."

He smiled.

"It was a real catharsis."

WILLIAM McMURRY, IN HIS OWN WORDS

"It has worn me to a frazzle. Listening to grown men cry and tell their story over and over again — it's been the hardest undertaking of my life."

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