OVERSIGHT COMMITTEE OF THE ARCHDIOCESE OF PHILADELPHIA INDEPENDENT RECONCILIATION AND REPARATIONS PROGRAM

FINAL REPORT

May 12, 2022

I. INTRODUCTION

A. The Program

On November 13, 2018, the Archdiocese of Philadelphia opened its Independent Reconciliation and Reparations Program ("the IRRP" or "the Program"). The objective of the Program was to provide compensation and supportive services to victims of childhood sexual abuse by clergy of the Archdiocese.

The Program operated in three parts: (1) Claims Administrators, (2) an Independent Oversight Committee; and (3) a Victim Support Facilitator. Claims Administrators Kenneth Feinberg, Esquire and Camille Biros were retained to provide administration of the claims submission and payment process. Mr. Feinberg and Ms. Biros have extensive experience with the administration of clergy sexual abuse claims throughout the country, in addition to their vast experience in administering settlement funds of various kinds. They are highly regarded nationally and have participated in a variety of complex and high-profile cases.

The Honorable Lawrence F. Stengel, retired, former Chief Judge of the United States District Court for the Eastern District of Pennsylvania; the Honorable Kelley B. Hodge, former District Attorney for Philadelphia; and Charles Scheeler, Esquire, a prominent attorney with a national law firm, were appointed to serve on the Independent Oversight Committee. Judge

Stengel was asked to chair the Oversight Committee, which was charged with reviewing the claims administration process, ensuring compliance of the Program with the adopted Protocol, and publicly reporting on the progress of the Program. To date, the Independent Oversight Committee has published three interim reports.

Ms. Lynn Shiner, former Director of the Office of Victim Services of the Pennsylvania Commission on Crime and Delinquency and a current victim's services consultant, was selected to be the Victim Support Facilitator.

B. The Purpose

The IRRP was formed to address a tragic chapter in the church's history and to carry out the Archdiocese of Philadelphia's recognition of the need for reconciliation with victims of childhood clergy sexual abuse and reparations in response to their claims. The Program was designed to further assist victims while understanding that no remedy can fully recognize what these victims endured, regardless of when the harm occurred.

C. The Protocol

As a first step, the Independent Oversight Committee adopted a Protocol, which sets forth the rules for administering the IRRP. The Protocol is appended to this report as Exhibit 1. In addition to appointing the Claims Administrators, members of the Oversight Committee, and the Victim Support Facilitator, key elements of the Protocol include:

(1) The Archdiocese of Philadelphia was to have no control over the IRRP. To the contrary, the Claims Administrators, Independent Oversight Committee, and Victim Support Facilitator were to conduct themselves independently of the Archdiocese.

(2) Mr. Feinberg and Ms. Biros, in their role as Claims Administrators, were to make decisions on the merits and value of claims independently and in their sole discretion.

(3) The Protocol established and described the role of the Victim Support Facilitator to assist Claimants who desired help in filling out their claim forms and to provide referrals for counseling and support to Claimants desiring such services.

(4) There is no monetary cap on claims, either in the aggregate or for any individual. Mr. Feinberg and Ms. Biros were to make independent and final decisions as to the appropriate amount of financial compensation for each eligible Claimant. In so doing, they were to take into account the circumstances of each claim without regard for the total monies to be expended. The Archdiocese committed to paying each Claimant that the Claims Administrators deemed eligible the amount of compensation independently determined by the Administrators.

(5) Claimants were not required to accept the Claim Administrators' decision. Claimants who decided to accept the Administrators' proposed payment were required to execute a release of their claims against the Archdiocese. The Program required that each such Claimant meet with an attorney of their own, or an attorney was provided free of charge, to explain the terms of the release before the Claimant signed.

(6) Claimants were eligible to make claims without regard to any statute of limitations under Pennsylvania law. This Program recognizes that many persons with valid claims may not have asserted their claims in court and may not be eligible to do so because of the passage of time. Claims were asserted and processed without regard to the age of the Claimant or when the events in question allegedly took place.

(7) All claim forms were to be postmarked by September 30, 2019. Persons who had shared allegations of abuse with the Archdiocese prior to November 13, 2018 received claim forms in the mail. In addition, persons who had not previously made their claims known to the

Archdiocese were encouraged to register with the Program via the websites noted in the Protocol to request a claims package.

(8) For all claim forms submitted, the Archdiocese insured notification to law enforcement.

(9) This Program was designed to apply only to victims of childhood sexual abuse by members of the clergy of the Archdiocese of Philadelphia, which covers the City and County of Philadelphia, as well as Bucks, Chester, Delaware, and Montgomery Counties.

II. THE IRRP PROCESS

At the beginning of the Program, a claims form package was mailed to all persons who had previously reported their allegations to the Archdiocese of Philadelphia. There were additional efforts made to notify the community of potential Claimants that the Program was open and available to them. These efforts included the Independent Oversight Committee's initial press conference, as well as various forms of advertising and outreach, all designed to make the public aware of the Program and to encourage those eligible to come forward with their claims. These initial outreach efforts were effective and were renewed as the filing deadline approached.

The first claims were filed on November 19, 2018, just six days after the press conference announcing the commencement of the Program.

The Claims Administrators independently considered the eligibility of each Claimant and whether—based on appropriate factors (such as evidence, law enforcement activities, and credibility)—a Claimant was entitled to receive an offer of compensation.

Claimants who received offers of compensation were provided at least sixty days to initially consider their offers. After that time, the Administrators followed up with all Claimants

that had not yet responded and provided them with an additional fourteen days to accept the pending offers and additional flexibility, as requested.

All Claimants were also given the opportunity to work with the Victim Support Facilitator if they so desired.

The Oversight Committee monitored the claims administration process through regular meetings and calls with the Claims Administrators and the Victim Support Facilitator. The Oversight Committee also conducted regular reviews of claims data as the Program progressed.

III. RESULTS OF THE IRRP: DATA AND STATISTICS

A. Overview

The Program's statistical data tells a story of both tragedy and hope. It is tragic in that, in the end, 623 persons came forward to assert claims of abuse. If the story is hopeful, it is in that 619 of those claims went through the process and received a determination. Compensation offers totaling more than $81 million were issued for 475 claims, and—in its commitment to provide reconciliation and reparation to victims of abuse by its clergy—the Archdiocese of Philadelphia has paid $78,465,000 to date to the 438 Claimants who have accepted their offers of compensation.

B. Additional Data

In full, more than 800 people came forward to interact with the Program, although not all of them ultimately filed claims.

At the beginning of the Program, 363 claims packets were mailed to persons who had previously reported their allegations to the Archdiocese of Philadelphia. 67% of those persons chose to participate in the IRRP. An additional 569 persons who were previously unknown to the Archdiocese registered on the Program website, confirming the importance of offering the

opportunity for new claims. 407 (nearly 72%) of those in the latter group were deemed eligible to file claims, while 162 were deemed ineligible. To be eligible, a Claimant had to assert a claim of childhood sexual abuse by a member of the clergy of the Archdiocese of Philadelphia (or be the legal representative of such a person), among other criteria.[1]

The IRRP tracked claims filed from the two aforementioned sources: those filed by previously known Claimants (243 claims) and those filed by persons who registered on the website (380 claims), for a total of 623 filed claims.

Some of those submitting claims requested meetings with the Claims Administrators. The Protocol emphasized the opportunity for Claimants to meet face-to-face with the Administrators. These meetings were not a requirement of the Program but were available at the sole discretion of the Claimants. This opportunity was very favorably received. Other Claimants preferred the option of submitting their claims on paper only. Of all the claims filed, 234 Claimants held meetings with the Claims Administrators, who thus met with nearly 40% of all Claimants.

Of the 623 claims filed, 619 received final determination letters. Three of the 623 claims filed remain "on hold" as a result of ongoing criminal investigations of these claims, and one claim was withdrawn by the Claimant prior to determination.

Of the 619 Claimants who received determination letters, 475 were determined to be eligible for compensation, while 144 were determined to be ineligible.

Of the 475 eligible claims, as of the writing of this report:

---

[1] Eligible newly reported Claimants were also required to self-report their claims to law enforcement.

- 438 Claimants (more than 90% of those eligible) have accepted their offers and been paid a combined total of $78,465,000;[2]
- one claim was withdrawn after the determination was made;
- fifteen claims missed the acceptance deadline, meaning that the Claimants did not respond to the original determination letter and they did not respond to additional follow up by the Administrators' "expiration-of-the-offer letter," providing an additional fourteen days to respond;[3] and
- twenty-one offers (totaling $2,040,000) were rejected by the Claimants.

In full, the Claims Administrators assigned claim values that totaled more than $81 million. As of the date of this report, $78,465,000 has been paid to eligible Claimants. A chart summarizing the statistical data for the Program is attached as Exhibit 2.

IV. VICTIM SUPPORT FACILITATOR

The IRRP provided Claimants with the option of working with the Victim Support Facilitator, Ms. Lynn Shiner, who has described her duties pursuant to this Program as follows:

(1) providing direct service to survivors who were considering or choosing to participate in the IRRP.

[2] Each of these Claimants met with an attorney of his or her own or an attorney representing the Claimant's interests was provided free of charge for the sole purpose of explaining the terms of the release before the Claimant signed.

[3] Most of these fifteen Claimants (i.e., eleven) were represented by counsel, while four were *pro se*.

(2) working together with the Oversight Committee and the Archdiocese to establish internal best practices for the Archdiocese to continue its ongoing services to the community as a whole. This included a review of current policies to provide interactions with victims/survivors.

(3) providing input for internal training programs.

(4) making recommendations to the Archdiocese, which recognizes the need for further healing in the community, regarding other appropriate outreach and events that would help promote emotional and spiritual healing.

Few, if any, other dioceses employ this feature in their restitution and reparations programs.

Feedback from Claimants who employed Ms. Shiner's services was overwhelmingly favorable. Examples of reactions from Claimants regarding Ms. Shiner's services include:

> "Thank you so very much for taking the time to listen to me. Albeit very difficult, you helped me get through it. The worst is over . . . again. I wanted to just throw the application in the trash, however, I believe it is important to follow through since it is an outside source trying to address this issue and have the church face the wrongdoings rather than hiding behind their garments."

Another Claimant commented:

> "I had time to think about the question that was asked to me during my meeting with the claims administrators concerning, did I think the Archdiocese was making a good-faith effort and how do I think about? I do think the effort made is a start. I think the most important part for me is one, I have Ms. Lynn in my corner and she has been one of, if not the best, started healing from all this. The compassion she has for victims can't be understated. If all victims have a chance to have a victim's advocate this credible, you will have more victims ready to come to the table. The second thing I would like to see is when bad things happen to victims, what and how is it stopped by the church? Put it out there for everyone to see."

A third Claimant commented:

> "I can't thank you enough for all you have done for me: I am grateful to have you listened to my story, even though I wished to be dead and tried to take my own life, many times."

In the end, Ms. Shiner supported 215 Claimants with personal, telephonic, and electronic assistance during the course of the Program. She also reviewed over twenty Philadelphia Archdiocesan policies, charters, authorizations, and forms to make recommendations for the continued improvement of the Archdiocese's efforts to prevent child and sexual abuse. She has shared her recommendations with the Archdiocese, and they are currently under discussion.

V. THE ARCHDIOCESE'S EFFORTS TO PROVIDE A SAFE ENVIRONMENT

Institutions entrusted with the development and care of minors have a duty to create a safe environment. In June 2002, the United States Conference of Catholic Bishops ("USCCB") approved a Charter and Norms to address allegations of sexual abuse in the church. In the following years, the Archdiocese of Philadelphia developed policies to protect youth in its care, culminating in the Archdiocese's "Policies for the Protection of Children and Young People" (the "Policies").[4] The Policies became effective on October 10, 2012 and have been the subject of subsequent revisions. Additionally, following the Penn State child sex abuse scandal, the Commonwealth of Pennsylvania enacted a series of laws applicable to all organizations engaged in activities involving minors. These laws established reporting requirements for inappropriate conduct, mandatory background checks and training for persons interacting with youth, and other safeguards.

[4] These policies are publicly available. *See* Policies-Nov2016.pdf (archphila.org).

The Policies seek to promote dual objectives: (1) providing a safe environment, and (2) providing a fair and effective response to allegations of misconduct. The means by which these objectives are pursued include:

- the establishment of the Office of Child and Youth Protection, which serves as a victim assistance program;
- "The Safe Environment Program," which oversees the training and background checks of all adults coming into contact with youth in a church setting;
- screening and education of clerics and seminarians, including as to appropriate "boundaries" with minors;
- prohibitions against transferring clergy who have been credibly accused of or found to have committed sexual abuse against a minor;
- the establishment of the Office of Investigations, to report all alleged crimes to law enforcement and, upon declination of any criminal investigation or prosecution, to conduct the canonical investigation;
- mandates to immediately notify law enforcement upon discovery of any child sexual abuse allegations against a clergy member or any other person; and
- processes for the reporting, investigation, review, and resolution of charges of sexual abuse allegedly committed by an Archdiocesan priest against a minor, including anti-retaliation policies.

The Policies are carefully constructed and comprehensive and include a commitment to ongoing review and updating. But they are not free from criticism (see Section VII). The Archdiocese should continue to monitor these policies to ensure that they represent evolving best practices.

VI. INTERFACE BETWEEN THE ARCHDIOCESE OF PHILADELPHIA AND LOCAL LAW ENFORCEMENT ON REPORTS OF CLERGY SEX ABUSE

The Oversight Committee took the step of independently contacting and speaking with the District Attorney's offices for the five counties that comprise the Archdiocese of Philadelphia: Philadelphia, Delaware, Chester, Montgomery, and Bucks. The purpose of this outreach was to determine the manner, consistency, and cooperation of the Archdiocese in applying the Protocol that is in place through this Program to address any reports of possible clergy sexual abuse. In our contact with each of these District Attorney's offices, we spoke with the Chief of the Unit or the Supervising Deputy or Assistant District Attorney ("ADA") handling crimes of sexual violence against adults and children. We also confirmed that the Archdiocese reports all allegations of criminal conduct to law enforcement regardless of when the conduct is alleged to have occurred or the status of the alleged perpetrator. The Archdiocese does not make a determination of an allegation's potential viability for prosecution, but rather leaves that determination to the law enforcement authorities with appropriate jurisdiction over the allegation.

A. Philadelphia

The Supervising ADA/Chief of the Family Violence Sexual Assault Unit ("FVSA Unit") reported that the Protocol has worked well. The Archdiocese of Philadelphia provides notification of abuse claims to the District Attorney's Office in writing. The contact usually comes in the form of a letter or correspondence from John Delaney, Director of Investigations for the Archdiocese's Office of Investigations. The information provided by the Archdiocese is consistent, clear, and provides all information known to the Archdiocese at that time. The District Attorney's Office conducts an immediate assessment of the case and, based on information received or known at that time, the matter may be assigned to a District Attorney's

Office Detective, who will take appropriate steps to contact the victim and/or family. Based on information received from that contact, if the clergy member is living, then a referral to the Philadelphia Police Special Victims Unit Detective is made for further investigation. The Philadelphia District Attorney's Office finds the Protocol to be consistent and clear and did not express any concerns with the method and manner of communication and cooperation from the Archdiocese.

B. Delaware County

The Supervising ADA noted that Delaware County has not encountered many referrals from the Archdiocese. That was due, however, to the Supervising ADA's brief time in Delaware County, having joined the office from a previous role as Senior Supervising ADA in the FVSA Unit in Philadelphia. While in Philadelphia, the Supervising ADA prosecuted a member of the clergy on charges of sexual abuse of a minor child. Based on knowledge gained in Philadelphia, as well as experience in Delaware County with a reported case, the ADA found the Protocol to be followed. The Supervising ADA noted that written notification from the Director of Investigations of the Archdiocese was clear and contained all necessary information to prompt the required follow-up investigation by the Delaware County District Attorney's Office. Delaware County's engagement with the Archdiocese was professionally appropriate and cooperative.

C. Chester County

The Supervising ADA discussed with us the Protocol that is in place with the Archdiocese and their office. The Supervising ADA noted that the Protocol has been in place for several years and that the Director of Investigations for the Archdiocese provides written notification to the office in the appropriate case. The Supervising ADA noted that their office

maintains records for all matters of which the office has been notified by Mr. Delaney or his predecessor. The Supervising ADA stated that the Protocol has been followed consistently. The office gets all reports from the Archdiocese of Philadelphia, even those outside the statute of limitations. The Archdiocese of Philadelphia waits for the District Attorney's Office to finish its necessary internal review and investigation on any report received. The Archdiocese maintains a level of communication while the internal investigation is pending with appropriate follow up (every thirty days) to determine the status of any report submitted. The relationship with the Archdiocese is cooperative and professional. The Supervising ADA has prior supervisory experience with the Philadelphia District Attorney's Office in the FVSA Unit and was aware of clergy abuse cases before retiring from that office and joining Chester County.

D. Montgomery County

The Supervising ADA, who has been in that role since 2017, is in charge of managing reports from the Archdiocese and receives notification in writing from the Director of Investigations for the Archdiocese. The written notification typically contains the name of the alleged victim and the person's date of birth. With the information received, the District Attorney's Office conducts an internal review and assessment through a referral to the Lieutenant of the Special Victims Unit. The assessment may require contacting the victim to obtain additional information. Based on the follow up and information received, there is a determination of whether the timeframe for criminal prosecution has expired. The Montgomery County District Attorney's Office has not received a case from the Archdiocese that has been eligible for prosecution. In the Supervising ADA's opinion, while they have not had a need to follow up with the Archdiocese based on the case notifications they have received, they feel they

can engage in follow up with the Archdiocese as needed and would consider the relationship to be cooperative.

E. Bucks County

The Supervising ADA, Chief of Adult Special Victims, has received written notification from John Delaney, Director of Investigations at the Archdiocese, for any reports of clergy sexual abuse. The letters received from the Archdiocese provide the District Attorney's Office with the necessary information for their office to conduct an assessment and any follow-up investigation. The Supervising ADA noted that they have prosecuted matters based on the notification and information received from the Archdiocese. The Archdiocese has alerted them to matters outside the statute of limitations. While the office has not had to do so, if there is a need for follow up or continued engagement with the Archdiocese after written notification is received, they are confident they can follow up with the Archdiocese and the Archdiocese would be open and responsive. The Supervising ADA finds the Protocol and engagement with the Archdiocese to be consistent and cooperative.

VII. COMMENTS AND OBSERVATIONS

In the course of our oversight of the IRRP, the Committee from time to time received comments and suggestions from members of the Archdiocese and community. These essentially fell into three categories: (1) concerns about ongoing efforts to protect children; (2) concerns about the experiences of some survivors in the IRRP; and (3) concerns about efforts taken to address complaints of abuse against priests who are still in active ministry.

Among other interested parties, we interacted with advocacy groups comprised of outspoken commentators and critics of the Archdiocese's efforts. In addition, Lynn Shiner, the Victim Support Facilitator, provided valuable input from her many interactions with survivors

and their families. We also spoke with several survivors who shared their specific experiences and insights about the Program.

Our function was primarily to listen and learn from these interactions. We raised many of the concerns expressed to us in a meeting with Archdiocese of Philadelphia leadership. We were satisfied with the answers we received and the descriptions provided to us about ongoing efforts to promote the interests of child protection and to manage complaints about priests in active ministry. Consistent with our recommendations, the Archdiocese has committed to continuing to monitor best practices in the safe environment policy field, periodically review its own policies, and be prepared to adapt and evolve its approaches as needed.

VIII. CONCLUSION

Overall, the Program was effective in its goals of compensating and providing supportive services to Claimants asserting claims of childhood sexual abuse by the clergy of the Archdiocese. The Program's outreach was extensive and its non-adversarial claims model was successful. For many Claimants, participation in the Program positively impacted their lives, whether through the opportunity to receive victim support services, the ability to meet with and be heard by the Claims Administrators, or simply the ability to submit a claim. The Program also provided for positive collaboration with law enforcement to ensure that allegations of clergy sexual abuse are properly reported by the Archdiocese regardless of the timing of the alleged conduct or the status of the alleged perpetrator. Finally, the Program provided the opportunity for the Archdiocese to make valuable commitments to continue to monitor best practices in the safe environment policy field, periodically evaluate its own policies, and be equipped to adapt and evolve its approaches as needed.

IRRP INDEPENDENT OVERSIGHT COMMITTEE

By:_____
Hon. Lawrence F. Stengel (Ret.), Chair

By:_____
Charles Scheeler, Esquire

By:_____
Hon. Kelley B. Hodge (Ret.)

EXHIBIT 1

ARCHDIOCESE OF PHILADELPHIA
INDEPENDENT RECONCILIATION AND REPARATIONS PROGRAM
FOR CLAIMS OF CLERGY SEXUAL ABUSE OF MINORS

PROTOCOL

NOVEMBER 13, 2018

I. PURPOSE AND OVERVIEW

In 2003, the Archdiocese of Philadelphia ("Archdiocese") established the Office for Child and Youth Protection ("OCYP") based on its deep concern for victims/survivors sexually abused as minors by clergy.[1] The OCYP has reached out to victims/survivors and assisted those impacted regardless of the legal status or time-barred nature of the potential claim.[2]

The Archdiocese desires to extend its efforts to further assist victims/survivors of clergy sexual abuse. To that end, the Archdiocese is implementing an additional program – the Independent Reconciliation and Reparations Program ("IRRP" or "Program") – to provide support and compensation for victims/survivors abused as minors by priests or deacons of the Archdiocese. The Program has been designed by two nationally recognized claims administration experts, Kenneth R. Feinberg and Camille S. Biros (the "Administrators"). The Program reflects input from victims/survivors and has been approved by a committee of community leaders who are not affiliated with the Archdiocese.

Through this Program, the Archdiocese wishes to acknowledge the wrongs endured by victims/survivors, the Archdiocese's failure to prevent that harm, and offer an opportunity to submit claims for sexual abuse of minors. Each eligible claimant (the "Claimant") who participates in this Program - which is purely voluntary - will have the opportunity to receive reparations (i.e., compensation) and, at the Claimant's option, request support for emotional and pastoral needs.

The IRRP is effective November 13, 2018 and is available to all Claimants regardless of when they were harmed. The claim of clergy sexual abuse must be directed against clergy of the Philadelphia Archdiocese only, which currently covers the City and County of Philadelphia as well as Bucks, Chester, Delaware, and Montgomery counties. Claimants who assert claims of sexual abuse directed against a member of a religious order or clergy of any other archdiocese or diocese are not eligible to participate in this Program.

---

[1] Since its establishment, the OCYP has served hundreds of people and paid for therapy and care in an amount of nearly $18 million.

[2] The Archdiocese has also implemented a Safe Environment Program. The OCYP audits all parishes, schools, and youth-serving entities and provides required training for all clergy, staff, and volunteers who have regular contact with children. For more information about the numerous reforms the Archdiocese has put in place to protect children, please see https://view.winstormdp.com/AOP/13/Website.

Claims will be handled in the order in which they are received, starting with claims of clergy sexual abuse previously reported to the Archdiocese (prior to the date of this Protocol). Claim forms and other relevant Program information will be sent to each potentially eligible Claimant.

The exclusive claims period for filing a claim pursuant to this Protocol shall be November 13, 2018 through September 30, 2019. All individual claims submitted to the IRRP must be postmarked within this period.

Individuals who have not previously reported claims of clergy sexual abuse to the Archdiocese may, nevertheless, register to participate in this Program on the Program's website (www.PhiladelphiaArchdioceseIRRP.com) from November 13, 2018 through July 31, 2019. To register, potentially eligible Claimants need to provide their name, contact information, and a summary description of the nature of the claim, including the dates and location of the abuse and name of the perpetrator. Upon registration, the Administrators will perform an initial eligibility review and will then send each potentially eligible Claimant a packet of information including a Claim Form. All claims must be submitted by September 30, 2019. In addition, new allegations of abuse received through this Program will be reported to the local office of the District Attorney and to the Archdiocese for review. To ensure that no person credibly accused of child sexual abuse remains in ministry, if a claim of abuse is brought against a cleric presently in ministry,[3] the Archdiocese will follow its usual policy[4] for such allegations, including having the matter investigated by the Office of Investigations and presented to the Archdiocesan Professional Responsibility Review Board.

As part of this Program, a Victim Support Facilitator (the "Facilitator") will be available to assist Claimants in submitting their claims if requested by the Claimant. If the Claimant so requests, the Facilitator will confidentially provide an assessment of the victim's/survivor's needs to the Administrators who will review this additional information, along with all submitted supporting documentation provided by the Claimant and/or the Claimant's attorney. At their sole option, Claimants will have the opportunity to meet with the Administrators prior to a determination of their claim and may request to meet with representatives of the Archdiocese and/or the OCYP's Victim Assistance Program to foster the emotional and pastoral needs of the victim/survivor. Whether the Claimant meets with any individuals as part of this process is solely the Claimant's decision.

After the Administrators' determination, if the Claimant seeks assistance in obtaining referrals to appropriate counseling or other support services, the Administrators will forward such request to the Facilitator, who will be available to help connect Claimants to Church-based or secular resources in their area. If the Claimant decides to accept the reparations awarded through this Program, the Claimant will sign a release of all past and future claims relating to the abuse at the conclusion of this process. Before signing such a Release, the Claimant will be required to

[3] "In ministry" includes a priest or deacon with full faculties of the Archdiocese.
[4] The Archdiocese policies are available here: http://archphila.org/wp-content/uploads/2016/11/Policies-Nov2016.pdf.

consult with an attorney for the sole purpose of advising the Claimant concerning the language and binding nature of the Release. If the Claimant does not have an attorney, the Administrators shall provide an attorney to consult with the Claimant for this purpose free of charge.

II. INDEPENDENT OVERSIGHT COMMITTEE

An Independent Oversight Committee has approved this Protocol, and will oversee and periodically review the implementation and administration of the IRRP. The following individuals will serve as members of the Oversight Committee:

Senator George J. Mitchell, Chair
Judge Lawrence F. Stengel (Ret.)
Kelley B. Hodge

The Oversight Committee has reviewed and approved this Protocol. To advance the goals of this Protocol, the Oversight Committee has appointed Lynn Shiner to serve as the Victim Support Facilitator. The Victim Support Facilitator has also reviewed and approved this Protocol.

Periodically, at the request of the Oversight Committee, the Administrators shall meet with the Oversight Committee to report certain findings and determinations. The Oversight Committee may request to review supporting documentation for a particular claim The Oversight Committee, as and when it deems appropriate, will also report to the Archdiocese as to the implementation and administration of the Program.

Neither the Oversight Committee nor the Archdiocese has authority to modify or reject any individual claim determination governing eligibility or reparations awarded by the Administrators, and neither will function as an appeal board for any Claimant At the conclusion of the claims administration process, the Oversight Committee will review the process as a whole and make appropriate recommendations to the Archdiocese.

III. ELIGIBILITY REQUIREMENTS

A Eligible Claimants

The persons eligible to participate in this Program are: a) individuals who allege they were sexually abused as a minor by clergy of the Archdiocese of Philadelphia or b) the Legal Representative (as defined below) of those Claimants. The following additional criteria apply:

- The claim of clergy sexual abuse must be directed against clergy of the Philadelphia Archdiocese only, which currently covers the City and County of Philadelphia as well as Bucks, Chester, Delaware, and Montgomery counties Claims of sexual abuse directed against a member of a religious order, clergy of any other archdiocese or diocese, or a lay person are not eligible under this Program.

- For new claims not previously reported to law enforcement or the Archdiocese, the Claimant must first report the claim of abuse in writing (with a copy submitted to the Administrators) to the appropriate District Attorney to participate in this Program. A finding of criminal liability by the District Attorney is not required for participating in this Program. All new allegations of abuse received through this Program will also be reported to the appropriate Office of the District Attorney by the Archdiocese as required by law and Archdiocesan policy.

- The Claimant must not have previously entered into a settlement agreement resolving the claim of clergy sexual abuse against a member of the clergy of the Archdiocese.

- The individual Claimant must not have previously litigated his/her claims to resolution against the Archdiocese or any related entities. However, a Claimant whose claims were dismissed or resolved solely on the grounds that they were barred by the Pennsylvania statute of limitations and no other basis, remains eligible to participate in the Program

- The Administrators will determine, in their sole discretion after reviewing all of the information submitted, whether the allegations of clergy sexual abuse of a minor are credible and likely to have occurred. To do so, the Administrators will consider appropriate factors, including but not limited to:

    - The level of documentation, corroboration, or other circumstantial evidence regarding the nature, frequency, time, and other details of the alleged sexual abuse. Such evidence would include medical or counseling records relevant to the abuse and contemporaneous notification of the abuse by the Claimant to church official, law enforcement authorities, parents, friends or others.

    - Whether or not there exists any information and/or pertinent findings offered by the appropriate Office of the District Attorney or other law enforcement agency.

    - Whether or not the Administrators find the claims of the individual to be credible after a complete review of all relevant documentation provided by the Claimant and the Archdiocese.

B. Legal Representatives of Eligible Claimants

The "Legal Representative" of the individual Claimant shall mean: (1) in the case of a Claimant who is currently a minor, a parent or legal guardian authorized under law to serve as the minor's legal representative; (2) in the case of an incompetent or legally incapacitated individual Claimant, a person with proof that he or she has been duly appointed as the Claimant's legal representative in accordance with applicable law, (3) in the case of a Claimant who was deceased prior to the effective date of the Program or a Claimant who submitted a claim while alive but passed away during the claims process, the spouse, descendant, relative or other person who is authorized by law to serve as the decedent's legal representative, or (4) an attorney authorized to

represent the Claimant, in which case the Claimant must provide a retention agreement signed by both the Claimant and the attorney.

Legal representatives must supply proof of representative capacity – such as a power of attorney, guardianship, appointment as guardian or attorney ad litem, or the equivalent – as is required to establish authority to act in a representative capacity under the law of the resident state of the decedent, minor, or incompetent or legally incapacitated individual.

IV. CLAIMS ADMINISTRATION PROCESS

A. Guiding Principles

The following non-exclusive principles apply to the administration of claims in the IRRP:

- The Claims Administrators are independent. Any decision rendered by the Administrators as to any claim will be fully binding on the Archdiocese. The Archdiocese has no authority to reject the Administrators' determination as to any claim. Further, the Administrators' determination may not be appealed to the Oversight Committee, the Archdiocese, the Victim Support Facilitator or any other party or entity.

- The Administrators will evaluate each eligible claim in a prompt and fair manner.

- Participation in this IRRP is completely voluntary and does not affect any rights the Claimant may have until and unless the Claimant accepts the reparations and signs a Release after consultation with a lawyer.[5]

- All Claimants will be treated with respect, dignity, and fairness, without regard to race, color, sexual orientation, national origin, religion, gender, or disability. To ensure claims will be adjudicated fairly, the Administrators will manage the process so that all Claimants can equally access the Program's claim submission process. Individuals with disabilities will be given the opportunity to effectively communicate their claims and to request special process accommodations. Accommodations will be made for individuals with language barriers to ensure that they have meaningful access to the process and to the Program

B. Claim Submission Process

1. *Claim Form*

The Administrators will send each victim/survivor that has previously reported a claim of abuse to the Archdiocese a packet of information about the Program with a copy of the Claim Form

[5] As explained below, a lawyer will be provided free of charge to Claimants to receive this consultation Further, because participation in this Program is voluntary for the Archdiocese and every Claimant, none of the aspects of this Program give rise to any actionable legal claim of any kind by any Claimant

Those that have not previously reported a claim of abuse can register on the Program website to receive the Claim Form and accompanying Program information A list of Frequently Asked Questions will also be made available to Claimants. Program materials may be translated into Spanish upon request.

All Claim Forms must be completed and postmarked no later than September 30, 2019. Claim Forms should be mailed via overnight courier (a pre-paid courier voucher will be included with each packet) to the Independent Claims Administrators at the following address:

The Independent Reconciliation and Reparations Program
For the Archdiocese of Philadelphia
c/o Feinberg Law Offices
1455 Pennsylvania Avenue, NW – Suite 390
Washington, DC 20004

Claimants are invited to provide documentation identified in the Claim Form, and any other corroborating or supporting information sufficient to substantiate the claim, satisfy eligibility requirements, and allow the Administrators to review, process, and evaluate the claim. If the claim is being presented by a Legal Representative, then the Legal Representative will be responsible for submitting the necessary documentation relating to the represented Claimant.

For claims of abuse previously reported to the Archdiocese, the documentation previously provided to the Archdiocese regarding that claim will be provided to the Administrators. By submitting a claim to this Program, the Claimant consents to the Archdiocese sharing this information and documents with the Program. Additional documentation may be requested at the discretion of the Administrators Both the Claimant and the Archdiocese will be afforded the opportunity to submit to the Administrators any information deemed relevant to the evaluation and determination of the claim before the final disposition of the claim

If a Claimant submits an incomplete claim (i e., the Claimant failed to include required documentation or failed to sign the Claim Form), the Administrators will notify them, explain the additional information that is needed, and work with the Claimant to assist in submitting a complete claim

2. *Victim Support Facilitator*

Claimants may, at their sole discretion, choose to work with the Victim Support Facilitator appointed by the Oversight Committee to assist in the submission of their claims. The Facilitator is trained and experienced in social work and victim advocacy. The Facilitator may involve and

oversee additional individuals with the same or similar qualifications to fulfill her role in this Program.[6]

The Facilitator will be available to meet with Claimants in person, by telephone, or by video conference. The Facilitator recognizes that each victim/survivor may approach this Program from a different stage in their healing process, and seeks to meet victims/survivors where they are and offer appropriate support. The Facilitator will be a resource to discuss the Program, hear from victims/survivors, and assist Claimants in answering the questions on the Claim Form. For Claimants that so request, the Facilitator may also complete a Victim Support Assessment ("Assessment"), which may include the Facilitator's recommendations for future support services, such as therapy or counseling (individual, group, relationship, marital, family, substance abuse, and career), alternative therapies, outpatient addiction treatment services, or spiritual counseling of any denomination. The Assessment is a confidential, internal Program document. The Facilitator will provide the confidential Assessment directly to the Independent Claims Administrators upon completion of the Facilitator's review. Regardless of whether a Claimant elects to work with the Facilitator, all Claim Forms must be timely submitted to the Administrators, i.e., postmarked by no later than September 30, 2019.

The services of the Facilitator are completely optional. The Facilitator will not make any determinations, representations, or recommendations about a Claimant's eligibility, the validity of the claim, or the amount of reparations a Claimant should receive—all of which are in the sole discretion of the Administrators. In addition, no Claimants will be penalized if they choose not to work with the Facilitator or obtain the Assessment

C. Reparations

Based upon all of the information available, the Independent Claims Administrators will evaluate each claim to determine the monetary reparations that should be paid to an eligible Claimant. The Administrators may involve and oversee additional staff, as needed, to carry out their duties.

1. *Opportunities to Be Heard*

The Claimant will be afforded an opportunity to be heard before the Administrators' determination. Upon request by the Claimant, the Administrators will be available to meet in-person, by video conference, or by telephone to further discuss his or her claim, but these meetings are voluntary. Requests to meet with the Administrators should be sent by email and will be scheduled at a mutually convenient time and location The Administrators may also request a meeting with a Claimant or his or her representative at a reasonable mutually convenient time and location, though the Claimant is not obligated to attend any such meeting.

[6] The Victim Support Facilitator is a neutral and independent party available to assist Claimants The Facilitator is not an attorney or advocate, and will not be representing any Claimant in this Program

In addition, a Claimant may, at any time in this process, request an in-person or telephonic meeting with officials of the Archdiocese and/or a professional of the OCYP's Victim Assistance Program. If there is a particular individual within the Archdiocese the Claimant wishes to meet with to further the healing and reconciliation process, the Archdiocese will make every reasonable effort to accommodate that request. Further, if a Claimant would find it helpful to meet with officials from the Archdiocese or Victim Assistance Program with other Claimants, rather than individually, the Program will seek to provide that opportunity.

2. *Claim Determination*

As relevant to any particular claim, the Administrator may consider the following non-exclusive factors in determining the reparations to be paid to any eligible Claimant:

- The nature and extent of the harm to the Claimant as a result of the sexual abuse, including but not limited to the emotional and spiritual harm.
- The nature and extent of the Claimant's physical or psychological damage.
- Verifiable documentation of medical, counseling, or prescription expenses incurred as a result of the abuse.
- The credibility of the claim based upon all of the facts and circumstances
- The Victim Support Facilitator's Assessment, if one was requested by the Claimant

Prior to a final determination by the Administrators, all new claims against a cleric presently in ministry will be investigated by the Archdiocese's Office of Investigations and presented to the Archdiocesan Professional Responsibility Review Board.[7]

The Administrators, in their sole discretion, shall determine the reparations to be offered each eligible Claimant The Administrators will confidentially send the Claimant the following in writing. (1) the Administrators' decision regarding the claim, (2) the amount offered; (3) a Release to be signed by the Claimant if the Claimant accepts the offered compensation and (4) a Payment Option Form. The Administrators' offer must be accepted by the Claimant within 60 days, after which it will no longer be valid. The Claimant may not appeal or seek to have the Administrators' determination reviewed by the Oversight Committee, Archdiocese, Victim Support Facilitator, or any other party or entity

[7] The Administrators will consider the outcome of any investigation in determining the claim among all of the other information available The result of any criminal or internal investigation will not be binding on the Administrators in this Program Likewise, the Administrators' determinations in this Program will not be binding on any potential future criminal or internal investigation involving the same or similar allegations or Claimants

3. *Payments*

Upon the Claimant's acceptance of the Independent Claims Administrators' determination and receipt of the Claimant's signed Release, the Administrators will authorize payment, by check or electronic funds transfer, to each eligible Claimant. Checks will be sent to Claimants via overnight courier service If so requested by the Claimant, the Administrators will work with the Claimant to offer alternatives to lump-sum payments, such as an annuity to have the money administered by a third party.

4. *Release*

In order for the claim to be eligible for payment, all Claimants must voluntarily consent to participate in the IRRP and agree to be bound by its terms. No such agreement will be enforceable until the Claimant is made aware of the awarded amount. Until a final Release is executed, each individual Claimant retains all rights under the law.

By submitting a claim in this Program, a Claimant is seeking to resolve all claims against all responsible parties relating to allegations of sexual abuse involving the Archdiocese of Philadelphia. If a Claimant chooses to accept a final payment pursuant to this Program, the Claimant will be required to sign a full Release, in a form satisfactory to the Archdiocese, of all past and future claims against any party relating to such allegations of sexual abuse. Before signing a Release, the Claimant will be required to consult with an attorney selected by the Claimant or, if the Claimant so requests, the Program will provide an attorney to provide free legal counseling to the Claimant for the sole purpose of advising the Claimant concerning the language and binding nature of the Release. The Release will waive any rights the Claimant and his/her heirs, descendants, legatees or beneficiaries may have against the Archdiocese of Philadelphia and any potentially responsible party to assert any claims relating to such allegations of sexual abuse, to file an individual legal action relating to such allegations, or to participate in any legal action associated with such allegations. However, the Release will not operate to preclude or limit the Claimant's ability to report and discuss allegations of abuse with law enforcement.

No one affiliated with this Program will provide tax or legal advice to those receiving payments from this Program. Claimants are urged to consult with a tax advisor concerning any questions regarding tax liability for payments pursuant to this Program.

D. Additional Victim Support

After the Independent Claim Administrators' determination, the Victim Support Facilitator will be available upon request by the Claimant to help connect Claimants with resources in their area for future emotional and spiritual care. Such services will include those offered through the OCYP's Victim Assistance Program and other secular options not affiliated with the Archdiocese or the Catholic Church

E. Program Integrity

For the purpose of protecting the integrity of the Program and resources for legitimate Claimants, the Independent Claims Administrators will institute all necessary measures to prevent the payment of fraudulent claims, including taking steps to verify claims and analyze submissions for inconsistencies, irregularities, or duplication.

Each Claimant who signs the Claim Form at the time of submission certifies that the information provided in the Claim Form is true and accurate to the best of the Claimant's knowledge, and that the Claimant understands that false statements or claims made in connection with such submission may result in fines, imprisonment, and/or any other remedy available by law. Suspicious claims will be forwarded to federal, state, and local law enforcement agencies for possible investigation and prosecution. Individual claims submitted pursuant to this Program may be forwarded, in appropriate cases, to an appropriate Office of the District Attorney for review.

F. Privacy

This Program is confidential [8] By filing a claim with the IRRP, the Claimant or his or her representative agree that information submitted by a Claimant and the Archdiocese pursuant to this Program will be used and disclosed only for the following purposes:

1) Processing the Claimant's claim, including procedures for payment;

2) Administering the Program, including work by the Oversight Committee and Victim Support Facilitator;

3) Program-related work, including internal investigations, by the Archdiocese and its designees;

4) Reports to law enforcement, and

5) The protection of children under the Safe Environment Program.

When documents maintained by the Archdiocese (including OCYP, Office of Investigation, and Office of Clergy) become part of a Claimant's file for purposes of this Program, such materials will be reviewed by the Independent Claims Administrators to assist in evaluating the claim, but will otherwise remain confidential These files are not available for inspection, review, and copying by the Claimant or his or her representatives during or after the Program

[8] All Claimants agree they are using the services of a third-party administrator in this Program to help them reach a resolution of their claims, and that this Program is entitled to confidentiality and protection from disclosure under Pennsylvania law *See* 42 Pa Stat and Cons Stat Ann § 5949(a), (c) However, no aspect of this Program shall preclude or limit the Claimant's ability to report and discuss allegations of abuse with law enforcement

To protect the privacy of Claimants that participate in the IRRP, one year after the conclusion of the Program all personal information provided by the Claimant during this process will be destroyed, except to the extent otherwise required by law.

Participating Claimants may, at their sole and voluntary option, disclose information in their possession regarding their claim, reparations, and their experience with the Program.

All confidentiality requirements are subject to law, regulation, and judicial process.

V. RECOMMENDATIONS FOR BEST PRACTICES & COMMUNITY HEALING

To complement the claim process available through this Program, the Victim Support Facilitator, Oversight Committee, and Archdiocese will work together to establish internal best practices for the Archdiocese to better serve the community as a whole. This will include a review of current policies to improve interactions with victims/survivors, prevent future harm, and protect public safety. The Victim Support Facilitator will also provide input for internal training programs.

The Archdiocese also recognizes the need for further healing in the community Based upon the Victim Support Facilitator's training, experience, and work with individuals participating in this Program, the Facilitator will make recommendations to the Archdiocese regarding other appropriate outreach and events that would help promote emotional and spiritual healing in the community.

EXHIBIT 2

Philadelphia Claim Status Totals through January 19, 2022		
		Totals
Potential Claimant Population		
Total Claims Packets Mailed to Previously-Known Victims		363
Total Registrants who Newly Reported as Victims on Program Website		
a. Total Registrants who were deemed eligible to file claims		407
b. Total Registrants who were deemed ineligible to file claims		162
Total Persons Registered		*569*
Claims Filed		
Total Claims Filed		
a. Total from Previously Known Claimants		243
b. Total from Persons who Registered on the Program Website		380
Total Claims Filed to Date		*623*
Number of Administrator/Claimant Meetings to Date		234
Claim Review Status		
Total Claims with Initial Review Completed		
a. Total Claims with determination letters		619
b. Total Claims sent to archdiocese/ready for determination letter		0
c. Total Claims ready for final review		0
d. Total Claims currently deficient / on hold [1]		3
e. Total Claims withdrawn prior to determination		1
Total Claims with Initial Review Completed to Date		*623*
Claims with Final Determination Letters		
a. Total Claims Determined Eligible		475
b. Total Claims Determined Ineligible		144
Total Claims with Final Determination Letters to Date		*619*
Claims Determined		
a. Total Claims with Offers Outstanding		*0*
b. Total Claims withdrawn after determination		*1*
c. Total Claims that missed the deadline (offer is null and void) [2]		15
d. Total Claims with Offers Rejected by Claimant		21
e. Total Claims denied by Administrators		144
f. Total Claims released but not paid		0
g. Total Claims paid		438
Total Claims Determined		*619*
Award Amounts		
a. Total Claims with Offers Outstanding	$	-
b. Total Claims withdrawn after determination	$	10,000
d. Total Claims that missed the deadline to accept the offer (offer is null and void) [2]	$	1,185,000
c. Total Claims with Offers Rejected by Claimant	$	2,040,000
e. Total Claims denied by Administrators	$	-
f. Total Claims released but not paid	$	-
g. Total Claims paid	$	78,465,000
Total Amount Awarded	$	78,465,000

[1] All 3 claims are currently on hold for investigation.

[2] These Claimants did not respond to the original determination letter and there was no response to the expiration of offer letter, providing an additional 14 days to respond. 11 Claimants are represented by counsel and 4 are pro se.