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Boy Scout Abuse Case Confirms 'Confidential Files'

JURY AWARDS \$7 MILLION AS TESTIMONY CONFIRMS WIDESPREAD PEDOPHILIA PROBLEM

By CHRISTIAN NOLAN

Dozens of civil lawsuits are pending against the Boy Scouts of America across the country, many of them alleging sexual abuse by scout leaders decades ago. Few such cases have gone to trial before a jury.

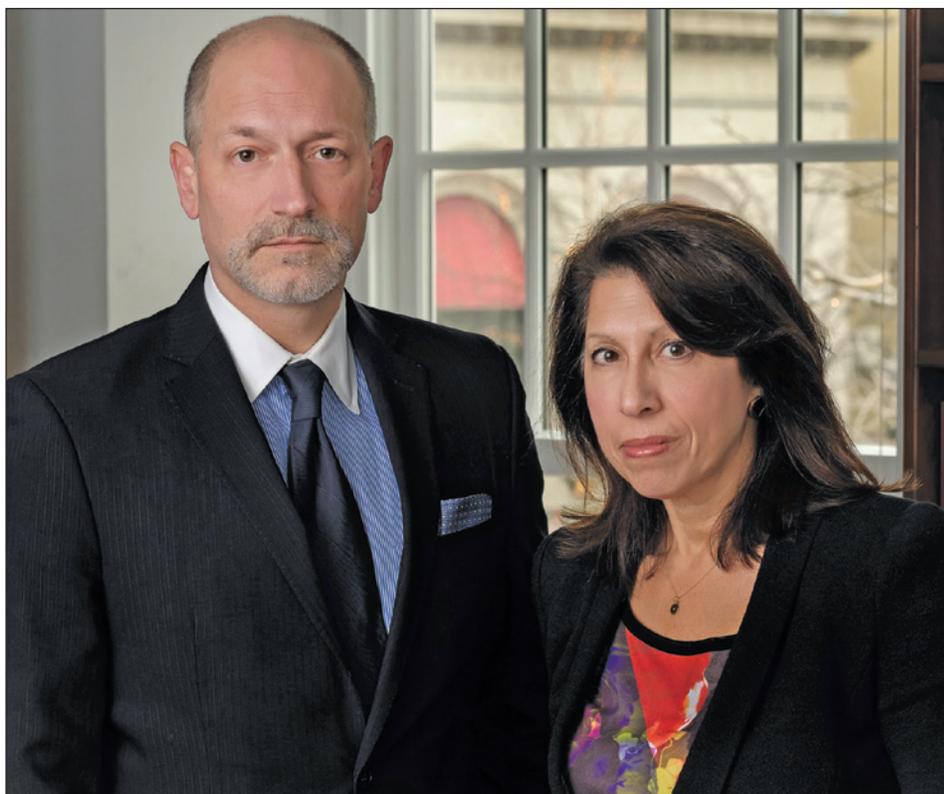
But now a Connecticut case has resulted in a \$7 million verdict against the Boy Scouts. It's believed to be the largest compensatory damages verdict against the organization and the first Boy Scout case to go to a jury verdict in the Northeast.

However, attorneys hesitated to predict how the Waterbury Superior Court verdict might affect other cases.

Frank Bartlett Jr., of Bartlett Burns in Cheshire, has four pending cases against the Boy Scouts of America. "Every once in a while we get a jury verdict, but for every one out there, there are 10 times as many settlements and nobody knows the value except the actual attorneys involved in the case," said Bartlett. "Confidentiality gives defendants a step up on the negotiations."

In the Connecticut case, a Waterbury jury awarded \$7 million to a former Connecticut scout who claims he was sexually abused by his troop leader and an older scout in the mid-1970s. The jury found the Boy Scouts of America, based in the Dallas suburb of Irving, Texas, liable for compensatory damages as well as for punitive damages for recklessness; the punitive damages will be determined at a later time by the judge.

The plaintiff's lawyers claimed the Boy Scouts of America knew for decades before



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Plaintiffs attorneys Paul Slager and Jennifer Goldstein said bringing the sexual abuse lawsuit against the Boy Scouts of America was an important step in the recovery of their client, who has battled substance problems.

verdicts &
settlements

the 1970s that child sexual abuse was widespread in troop activities across the country but did nothing to educate parents, troop leaders or scouts. In this case, the plaintiff said that, among other things, the sexual abuse led to long-running substance abuse problems.

"It's very important to our client both that the jury has publicly said the Boy

Scouts should be held accountable for keeping this important information secret and also that the jury recognized how much his abuse has impacted his life," said one of the plaintiff's lawyers, Paul Slager, of Silver Golub & Teitell in Stamford.

"That said, we don't view this as a victory and we're not celebrating," continued Slager. "When you represent people who are child victims of sexual abuse, there are no true court victories, only important steps in the survivor's recovery."

Slager, who has another lawsuit pending

against the Boy Scouts, agreed with Bartlett that it's hard to say how this verdict will affect other cases.

"The only prediction I would make is that each case will continue to be evaluated by individual plaintiffs and defendants on a case-by-case basis," said Slager. "It's possible, however, that this case could help highlight that the emotional effects of child sexual abuse are very serious and longstanding, and that juries can learn about this during trials and understand how significantly this terrible experience can hurt someone's life."

Slager said that over time the Boy Scouts of America has made changes to rid the organization of pedophiles, and it will not face as many sexual abuse lawsuits as the Roman Catholic Church has.

The plaintiff's lawyers claimed that the Boy Scouts of America knew for decades before the 1970s that child sexual abuse was widespread in troop activities across the country but did nothing to educate parents, troop leaders or scouts.

In the latest case, the Boy Scouts of America is represented by Philip Newbury Jr., of Howd & Ludorf in Hartford. Newbury declined to comment, though he did say the Boy Scouts would pursue an appeal of the Dec. 12 verdict.

In a statement, Deron Smith, the organization's communications director, said: "The Boy Scouts of America appreciates the court's time in the evaluation of this matter. Though we disagree with the findings, we will review the decision and comply accordingly. In addition, while we can't comment on the lawsuit, we extend our sympathies to those involved."

Locked Cabinets

The plaintiff, referred to as John Doe throughout the case, was a member of a New Fairfield troop in the mid-1970s. He testified during the trial that he was sexually molested three times by Siegfried Hepp, a long-serving troop leader from New Fairfield. Evidence revealed that another boy in the troop also claimed to have been molested by Hepp around the same time.

The plaintiff's lawyers said that in 2000, years after the abuse at issue in this trial, Hepp pleaded guilty to unlawful sexual touching of a minor and received a seven-year suspended sentence and 20 years of probation. He's now a registered sex offender.

The victim filed his civil suit against the Boy Scouts of America and the Connecticut Yankee Council, the local council of scouts for the southern part of the state. The jury ultimately found that the local chapter was not responsible for the abuse.

The plaintiff's lawyers alleged that the Boy Scouts of America knew for decades before the 1970s about widespread sexual abuse among the ranks of scoutmasters. Witnesses acknowledged that the Boy Scouts maintained thousands of secret files it called "the Confidential Files," dating to the early 1920s. These files were reportedly held in secrecy in locked cabinets in the Texas national headquarters.

The plaintiff's lawyers argued that rather than using the information in these files to inform and educate local troop leaders, parents and young scouts about the existence of sexual abuse, the national organization hid the information, partly out of concern for protecting the Boy Scouts' image.

Slager said he introduced into evidence several examples of confidential files to demonstrate the Boy Scouts of America's awareness of the problem, and its motivations for keeping the information secret. One file revealed that a particular Scout leader molested no fewer than 34 young victims. Other files showed Boy Scout executives were aware of instances where older scouts molested younger troop members. Several executives from the national office testified during the trial, through live and videotaped testimony, and each acknowledged the existence of the files.

The Waterbury trial lasted two weeks before Superior Court Judge Salvatore Agati on the complex litigation docket. The jury deliberated for about seven hours over parts of two days before awarding the plaintiff \$7 million in compensatory damages. The jury also found the scout organization was reckless in its conduct and should be held liable for punitive damages. The punitive damages would potentially compensate the plaintiff for attorney fees. That amount will be determined at a later date.

The jury also found the Boy Scouts of America liable for a violation of the Connecticut Unfair Trade Practices Act.

Attorney Jennifer Goldstein, who tried the case with Slager, said she is proud to have represented John Doe, who "had the courage to overcome his own fear to bring this claim in a public forum and to testify about the terrible experiences he had."

She added, "One of the results of sexual abuse is the corrosive effect of shame and guilt that sex abuse survivors can carry for years, even decades. He brought this lawsuit partly because he knew it was important to confront this part of his own past, and partly because he wanted to show others that they can do this too." ■