News

A wooden gavel sits on top of a round, wooden sound block

A gavel and block are seen in this undated file photo. (OSV News photo/Andrew Kelly, Reuters)

Gina Christian

View Author Profile

OSV News

View Author Profile

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

May 3, 2023

Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

A federal judge has recused himself from an archdiocesan bankruptcy case, following an Associated Press report on his affiliations with and donations to the Catholic Church, and despite a vote of confidence from a federal judicial conference committee.

In an order filed April 28, U.S. District Judge Greg Guidry said he had stepped away from the Archdiocese of New Orleans' bankruptcy filing "in order to avoid any possible appearance of personal bias or prejudice."

The move was a reversal of Guidry's April 21 announcement that he would remain on the case, due to a formal advisory opinion from the federal Judicial Conference's Committee on the Codes of Conduct -- quoted in proceedings that day by Guidry -- that "multiple factors (weighed) against the recusal" under the Code of Conduct for United States Judges.

An April 21 article by AP had pointed to Guidry's donations to local Catholic charities, totaling close to $50,000 and made from "leftover (campaign) contributions (Guidry) received after serving 10 years as a Louisiana Supreme Court justice."

AP said some $36,000 of that amount was donated after the archdiocese's May 2020 Chapter 11 filing, which Archbishop Gregory M. Aymond, writing at the time, had described as a "difficult decision" made in response to clergy abuse settlements, "pressing ministerial needs and budget challenges," and "the unforeseen circumstances surrounding COVID-19," which had intensified the archdiocese's "financial hardships."

Guidry and his wife, as well as Guidry's election campaign committee, were listed as donors to Catholic Charities of the Archdiocese of New Orleans (CCANO) in 2017, with AP noting that Guidry had "previously provided pro bono services and served as a board member" for the organization between 2000 and 2008, as the archdiocese faced several sex abuse lawsuits. The archdiocese and CCANO settled one case in 2009 for $5.2 million.

But the federal judicial conference committee held that "none of the charities" to which Guidry had contributed a portion of his wind-down campaign funds "has been or is an actual party" in any proceeding before him.

The committee found that the contributions, though "generous and substantial," had totaled less than 25% of the campaign funds available for donation. Guidry's role as a CCANO board member had ended 15 years ago, "a significant span of time and over a decade before" the archdiocesan bankruptcy filing," said the committee.

Advertisement

Several other decisions already entered by Guidry "(did) not uniformly favor any interested party … a concrete indication of impartiality," wrote the committee.

The committee also noted that "simply participating … in the life of your parish and the Archdiocese of which it is a part cannot amount to a reasonable basis for questioning impartiality in litigation involving the church without effectively forcing judges to choose between their faith and their adjudicative duties."

More broadly, legal professionals and faith-based organizations often partner to provide equitable legal access to underserved populations. The nonprofit Louisiana Bar Foundation has supported a number of faith-based agencies, providing free or low-cost legal aid, donating several thousand dollars to CCANO, Catholic Charities of the Diocese of Baton Rouge and Catholic Charities of North Louisiana, as well as to other outreaches, in 2018. Guidry himself was listed among the 2018 donors to the foundation.

Prior to the AP report's publication, Guidry had on March 27 dismissed the consolidated appeals of abuse claimant attorney Richard C. Trahant, whom the bankruptcy court had sanctioned for violating the court's protective order in disclosing confidential information to third parties. A call placed by OSV News to Trahant's office has not yet been returned.

The Archdiocese of New Orleans declined to comment to OSV News on Guidry's recusal.

In a May 1 statement, SNAP (Survivors Network of those Abused by Priests) said Guidry's recusal was "the obvious and correct decision," while calling for "all of Judge Guidry's cases involving the Archdiocese of New Orleans ... (to) be scrutinized carefully and sent back to be re-litigated if necessary," saying that "the judge has had conflicts of interest for years."

Guidry's office referred a call placed by OSV News to the Office of Public Affairs at the Administrative Office of the U.S. Courts in Washington, which provided transcripts of April 13 and April 21 status conferences during which Guidry addressed lawyers in the Archdiocese of New Orleans bankruptcy case, as well as a copy of Guidry's April 28 order announcing his recusal.