News



After a sex abuse claimant filed a motion claiming the Archdiocese of Santa Fe is violating a non-monetary covenant it made with abuse survivors, the archdiocese is back in U.S. Bankruptcy Court at the Pete V. Domenici United States Courthouse in Albuquerque, New Mexico. (Elizabeth Hardin-Burrola)

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More than a year after the Archdiocese of Santa Fe's Chapter 11 plan of reorganization was confirmed, the archdiocese is back in U.S. Bankruptcy Court. A clergy sexual abuse claimant has filed a motion alleging church officials are violating a key non-monetary agreement with abuse survivors, about how the archdiocese lists priests accused of abuse.

The reorganization plan was approved in December 2022 and involved payment of some $121.5 million into a settlement trust and establishment of a new public archive of clergy sexual abuse documents.

According to the new motion filed by her attorneys, Mela LaJeunesse was sexually abused as a child by Fr. Richard Spellman beginning in approximately 1957. LaJeunesse eventually disclosed and received treatment for her abuse beginning in 2016, she filed a sexual abuse proof of claim in the archdiocese's bankruptcy case in May 2019, and she was compensated through the archdiocese's settlement trust in January 2023.

Thus far, however, Spellman's name has not been added to the archdiocese's list of credibly accused clergy abusers, which LaJeunesse and her attorneys claim violates one of the non-monetary covenants agreed to by the Archdiocese of Santa Fe. In addition, their motion claims "more than fifty additional clergy" identified as abusers in the bankruptcy proof of claims have also not been added to the archdiocese's listing of abusers.

"The Archdiocese has always considered itself to be the sole arbiter of truth with respect to abuse allegations," Levi Monagle, one of LaJeunesse's attorneys, said in a news release issued when the motion was filed Feb. 20. "Our client's position is that the Archdiocese explicitly forfeited that right with respect to priests like Father Spellman."

Monagle's law firm represented more than one-third of the bankruptcy case's approximately 400 sex abuse claimants, and its attorneys were instrumental in working with the archdiocese to establish a future public archive of clergy sexual abuse documents at the University of New Mexico.

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Conflicting interpretations of a 142-word paragraph in the non-monetary covenants, entitled "Publication of Accused List," and one key sentence in the middle of the paragraph, are at the heart of the dispute. Referring to the Archdiocese of Santa Fe as "ASF," the sentence states, "ASF will update the list to include any clergy who are identified in any proof of claim filed in the Chapter 11 Case (unless the identification has been withdrawn in any amendment or supplementation to the Proof of Claim)."

In her motion, LaJeunesse's attorneys argue the covenant is titled "Publication of Accused List" rather than "Publication of *Credibly* Accused List," and "the plain language" of the covenant suggests the archdiocese committed itself to listing *any* clergy who are identified in *any* proof of claim filed in the Chapter 11 case (emphasis from the motion).

The Archdiocese of Santa Fe's credibly accused listing is currently divided into two separate lists — one for individuals who abused in the archdiocese and have been deemed credibly accused by archdiocesan officials, and a second for individuals who worked in the archdiocese but were deemed credibly accused by other dioceses.



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Chancery officials with the Archdiocese of Santa Fe, along with Thomas Walker, one of its bankruptcy attorneys, did not respond to emails sent from NCR on April 5 and April 9 seeking comment about the legal dispute.

Walker, however, did respond to Monagle in an email exchange in July 2023, with copies of those emails included with LaJeunesse's motion. Walker also explained the archdiocese's interpretation of the covenant in a response filed in bankruptcy court on Good Friday.

"Credibly accused is determined by the Archbishop in consultation with the Independent Review Board," Walker stated in an email July 24, 2023. "It is not determined by the survivor who made the accusation. The accusation in a proof of claim gives rise to the requirement that the accused be considered for the credibly accused list but it does not mandate inclusion on the list."

In his response filed in bankruptcy court March 29, Walker maintained that as an individual claimant, LaJeunesse lacks standing to seek enforcement of any of the terms of the non-monetary covenants. Instead, Walker said, that belongs to the Official Committee of Unsecured Creditors, which negotiated the covenants with the archdiocese, or "any trust created for the benefit" of sexual abuse claimants.

Walker argued the non-monetary covenant does not require the automatic inclusion of any clergy member identified in a proof of claim, and he cited legal precedent that confirmed Chapter 11 plans are interpreted "under the rules governing the interpretation of contracts," and he also cited New Mexico law regarding the interpretation of contracts which may include the context in which the agreement was made.

Walker and archdiocesan officials did not respond to a question posed about the number of new names of individuals identified in proof of claims that have been added to the archdiocese's credibly accused abusers listing. NCR compared the archdiocese's latest revised list of Feb. 19, 2024, to a previous list released nearly five years before on March 8, 2019, the same day the bar date deadline was set for proof of claims. That earlier list can be found on the website of BishopAccountability.org, a clergy abuse tracking database.

The comparison indicates that after more than four years in bankruptcy court, after the filing of more than 400 proofs of claims, and "more than fifty additional clergy" named as alleged abusers in the proof of claims — as asserted in LaJeunesse's motion filed Feb. 20, the Archdiocese of Santa Fe has added only four additional names to its list of credibly accused abusers. There were 79 names on the list updated by the archdiocese in March 2019. In contrast, there are 83 names on the

list updated in February 2024.

In an April 6 email to NCR, Monagle said he thought the archdiocese has "had sufficient time — years, in most instances — to investigate the credibility of the allegations against the 50-plus individuals identified in Proofs of Claim but not publicly acknowledged by the Archdiocese as even *alleged* abusers" (emphasis his).

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"We have only asked after Fr. Spellman, in this case, but can it really be the case that the Archdiocese has now investigated the allegations against all 50-plus individuals noted in our Motion, and has deemed *all* of those allegations to lack credibility?" the lawyer asked. "I struggle to believe such a thing."

Monagle said he also "cannot claim to understand" why the archdiocese — or its insurance companies — would authorize payment for more than 50 abuse claims they didn't believe to be credible.

"If we were only talking about one or two claims, I suppose there could be an appeal to pragmatism, to moving ahead without getting sidetracked by a dispute of minimal scale," he said.

"But 50-plus claims represents over 12.5% of the full body of creditors, which would in turn represent approximately $15 million of what was ultimately a $121.5 million settlement pool. That would be a tremendous amount of money to pay out on claims that lacked basic credibility, and I do not believe it is a common practice of any insurance company to pay out money on claims that lack basic credibility."

Monagle said of LaJeunesse, "Our client hopes that her public stand on this issue can spark important debate in the Church and its communities as to what these lists are *for*, how they should be constituted, and how they should be held out to the public."

A preliminary hearing was held before U.S. Bankruptcy Judge David T. Thuma April 3. Thuma scheduled oral arguments in the case for May 15.