

After 42 Years, Kevin Sidaway Finally Found Justice

In early April 2009, SDSBS and co-counsel Sheldon Stevens announced that a settlement had been reached in the case of Kevin Sidaway v. The Archdiocese of Miami, bringing to an end a struggle that began in 1967 when Kevin was an 11-year-old altar boy.

Kevin's story of abuse by a pedophilic priest is, unfortunately, not entirely unique. During a two-week trip, Kevin was repeatedly sodomized by Rocco D'Angelo, a priest with whom Kevin's family had shared their home on numerous occasions. What makes the Sidaway case so unusual is that Kevin had sued the Archdiocese of Miami a dozen years ago for that abuse and the subsequent cover-up by the Church hierarchy. That case was settled in 1998 for monetary compensation as well as a series of reforms that the Church had agreed to enact "as soon as reasonably possible." The record is replete with testimony confirming the importance which Kevin attached to those reforms, for they would effect changes in Church policy that would make it much more difficult for abusive clergy to remain undetected and unpunished.

In 2003, following the major international scandal surrounding pedophilic abuse in the Boston-area Catholic Church, Kevin learned that the Archdiocese of Miami had done nothing to effect the policy changes they had promised in their agreement with him. By the time some of the reforms had been adopted four years later (in response to the scandal in Boston), at least five priests from the Miami Archdiocese had been identified in charges of abuse that occurred after Kevin's bargained-for safeguards should have been put in place. It is extremely likely that these crimes would not have occurred had the Church followed through on its commitment to the reforms. Many children's lives would have been spared the horrors of this most heinous of crimes.

Kevin sued the Archdiocese again, this time for fraud in the inducement. It was apparent that the Church never intended to follow through on the policy changes – they had merely capitalized on Kevin's desire to protect other children, promising reforms as an incentive to reduce, by millions of dollars, the amount of money for which Kevin was willing to settle.

Attorney Stevens, seeking help with the case, approached SDSBS in 2008. Attorney **Jack Scarola** and case analyst

Courage and persistence by a plaintiff, even ten years after settlement for damages, finally compel the Archdiocese of Miami to follow through with their commitment to reform that would hold pedophiles in the clergy accountable for abuse.

Mark Poncy worked tirelessly to help bring about justice for Kevin Sidaway. While the settlement has been kept confidential to protect Kevin's financial privacy, attorney Scarola noted, "This was a case involving very substantial issues of cover-up and fraud, and the money paid to Kevin properly reflects that seriousness and the very substantial injury Kevin sustained."

The case presented some challenges for the SDSBS team – both Scarola and Poncy are Catholics who received their educations from Catholic institutions, including Georgetown University, and each continues to practice his faith. While regretting the state of affairs within the Church hierarchy that led to the suit, they were motivated by a commitment to achieve justice for Kevin and a desire to air the problems that have beset the clergy-dominated closed society that enabled such abusive behavior. "The Church continues to do so many good works, works that are often obscured by the taint of scandal that hopefully will be eradicated by the courageous stepping forward of victims like Kevin," they said.

Kevin Sidaway himself believes that the Church may finally be learning its lesson. "It is up to the members of the Catholic Church to take charge of their own institution," he said. "People need to realize that the clergy is made up of human beings, just like any other segment of society, and there will be failings on their part. Only by holding them accountable will the laity be able to ensure that the principles of the Church are upheld, rather than compromised."

Thanks to the courage and persistence of one very determined individual, those principles took a significant step toward reestablishment with the resolution of the case of Kevin Sidaway. ■

