

00001

1 IN THE UNITED STATES BANKRUPTCY COURT
2 FOR THE EASTERN DISTRICT OF WISCONSIN

3 _____

4 In re:) Chapter 11
5 ARCHDIOCESE OF MILWAUKEE,) Case No. 11-20059-SVK
6 Debtor,) Honorable Susan V. Kelley

7

8 UNDER SEAL/CONFIDENTIAL

9 _____

10

11

12

13

14 VIDEO DEPOSITION OF

15 BARBARA J. REINKE, PhD

16 Milwaukee, Wisconsin

17 February 8, 2013

18 9:38 a.m. to 11:46 a.m.

19

20

21

22 Kathy A. Halma

23 Registered Professional Reporter

24

25

00002

1 APPEARANCES

2 JEFF ANDERSON & ASSOCIATES, PA, 366
3 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,
4 by MR. MICHAEL G. FINNEGAN, appeared on behalf of the
5 Certain Personal Injury Claimants.

6 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East
7 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,
8 by MR. FRANCIS H. LOCOCO, appeared on behalf of the
9 Debtor.

10 INDEX

11 BARBARA J. REINKE, PhD
12 By Mr. Finnegan.....5
13 By Mr. LoCoco.....67

14 EXHIBITS

15 No. 1 Settlement Agreement and Mutual Release;
16 ADOM035834 to 839.....27
17 No. 2 Entry for File - Father Marvin Knighton;
18 ADOM051672.....35
19 No. 3 Reinke Letter to McCann, 4-5-02;
20 ADOM051670.....46
21 No. 4 ADMO051693.....49
22 No. 5 Entry for File - Father Jerry Wagner;
23 ADOM046968.....49
24 No. 6 Entry for Sexual Abuse Log, 3-24-04;
25 ADOM055584.....50

00003

- 1 No. 7 Entry for Sexual Abuse Log, 7-18-02;
- 2 ADOM055431.....51
- 3 No. 8 Entry for Sexual Abuse Log, 6-3-02;
- 4 ADOM055435.....51
- 5 No. 9 Assignments Chart, 10-31-02;
- 6 ADOM056213 to 219.....54
- 7 No. 10 Collova Letter to Reinke, 10-14-02;
- 8 ADOM008160 to 161.....55
- 9 No. 11 Entry for File, 4-15-02; ADOM040169.....58
- 10 No. 12 Handwritten Note; ADOM012045.....59
- 11 No. 13 ADOM012240 to 241.....69
- 12
- 13
- 14 (The original transcript was sent to Attorney
Finnegan.)
- 15
- 16
- 17 (The original exhibits were retained by the court
reporter and attached to the original transcript.
- 18 Copies were attached to all ordered copies.)
- 19
- 20
- 21
- 22
- 23
- 24
- 25

00004

1 TRANSCRIPT OF PROCEEDINGS

2 VIDEO TECHNICIAN: My name is Steve
3 Peters, CLVS, associated with Halma-Jilek
4 Reporting, Inc., Milwaukee, Wisconsin. This is
5 the beginning of the video deposition of Barbara
6 J. Reinke, PhD, on February 8, 2013; the time
7 9:29 a.m. This is in re the Archdiocese of
8 Milwaukee, Chapter 11, pending in the United
9 States Bankruptcy Court for the Eastern District
10 of Wisconsin. Will counsel now please state
11 their appearances.

12 MR. FINNEGAN: Mike Finnegan for the
13 claimants.

14 MR. LO COCO: Frank LoCoco on behalf of
15 the Archdiocese of Milwaukee and Dr. Reinke.

16 THE COURT: The court reporter, Kathy
17 Halma of Halma-Jilek Reporting, will now swear
18 the witness.

19 BARBARA J. REINKE, PhD, called as
20 a witness herein by the Debtor, after having
21 been first duly sworn, was examined and testified
22 as follows:

23 EXAMINATION

24 BY MR. FINNEGAN:

25 Q Doctor, could you state your full name and spell

00005

1 your last name for the record, please.

2 A Barbara Reinke, R-E-I-N-K-E.

3 Q A couple ground rules at the start here. You

4 understand you are under oath?

5 A Yes.

6 Q You understand that what you testify to under

7 oath today could be used in a court of law?

8 A Yes.

9 Q The next three ground rules are mostly for

10 Kathy's benefit. A lot of times in normal

11 conversation we will nod our heads like that

12 (indicating). She won't be able to get that

13 down, so I will say, "Is that a yes or no."

14 That's not meant to badger you. Does that make

15 sense?

16 A Yes.

17 Q The second thing we do is "um-hum," "unh-unh,"

18 same thing. That's difficult for her to get

19 down. I will do the same thing, "Was that a yes

20 or no."

21 And then the third one that we do --

22 that we have a tendency to do in normal

23 conversation is we talk over each other all the

24 time. There are going to be questions that I ask

25 that you know exactly where I'm going with it.

00006

1 What I'd like you to do is do your best to wait
2 until I'm all the way done with the question, and
3 I will do my best to do the same for you and wait
4 until you are all the way done with the answer.
5 Make sense?

6 A Yes.

7 Q The other rule that I want you to be aware of is
8 if you don't understand a question that I ask,
9 anything in it, just stop, don't answer it and
10 ask me, "Can you rephrase that, I don't
11 understand this part of it," and I will do me
12 best to do that. All right?

13 A Yes.

14 Q The last one is for your benefit. Any breaks you
15 want to take, be it in 10 minutes from now, 15
16 minutes, whatever it is, we can take them. Just
17 let me know.

18 MR. LO COCO: Let's go off the record.

19 VIDEO TECHNICIAN: We're going off the
20 record at 9:31 a.m.

21 (A discussion was had off the record.)

22 VIDEO TECHNICIAN: We're back on the
23 record at 9:32 a.m.

24 BY MR. FINNEGAN:

25 Q Doctor, can you tell me where you are employed

00007

1 currently?

2 A Currently I'm a psychologist in private practice.

3 Q Where at?

4 A My physical office address is 2600 North Mayfair

5 Road, Suite 305. That's Milwaukee, 53226.

6 Q Do you work at a clinic or at a facility? Is

7 there a name for that or are you on your own?

8 A There's a group there called Associated Mental

9 Health Consultants. Basically we're all

10 self-employed sharing office resources.

11 Q How long have you been with them?

12 A I moved to that office in 2007.

13 Q What's your educational background?

14 A I have a bachelor's degree from Brown University

15 and a master's and PhD in clinical psychology

16 from the University of Kansas. I did my

17 internship and post-doctoral fellowship at

18 University Hospitals in Madison.

19 Q And I don't necessarily need all the places that

20 you worked, but if you can tell me just generally

21 background wise what you did from the time that

22 you got the degrees until you started working for

23 the Archdiocese.

24 A I moved to Milwaukee in late '83, early '84,

25 started a family at that point, and have mostly

00008

1 worked in private practice psychology.

2 Q When did you begin work for the Archdiocese?

3 A Right around January 1, 2001.

4 Q Before January 1, 2001, around that time frame,

5 before that did you have any association with the

6 Archdiocese of Milwaukee on a professional basis?

7 A Yes. For three or four years prior to that I had

8 served on a Mental Health Treatment Review

9 Committee led by Bishop Sklba and Liz Piasecki.

10 It met quarterly for a few hours to review

11 treatment plans for abuse survivors. I was paid

12 some stipend for that.

13 Q Before 2001, January of 2001, did you have any

14 other association, professional association, with

15 the Archdiocese besides that?

16 A No.

17 Q How did you become involved with the Mental

18 Health Review --

19 A Probably because I had provided some

20 psychotherapy for sexual abuse survivors, both

21 clergy abuse survivors and non-clergy, such that

22 as I recall Liz Piasecki had called me and asked

23 me to serve on this committee.

24 Q Were some of those that you provided services for

25 people who alleged abuse against priests here in

00009

1 the Archdiocese?

2 A There was one major case that I provided
3 extensive psychotherapy for, but I'm not exactly
4 sure of the timing of that. Well, no, I guess
5 when I think about it that would have had to have
6 been in the 1990's.

7 Q What was the name of the alleged perpetrator, if
8 you remember?

9 MR. LO COCO: Just so we are clear, this
10 deposition, like the others in the case, are
11 under seal, so if it's somebody who's not
12 publicly known, it's okay for you to identify
13 him.

14 THE WITNESS: I'm really struggling to
15 remember his name. He would have been a pastor
16 at St. Bernard's parish in Wauwatosa back in,
17 say, the 1960s. I believe his first name was
18 Roger.

19 BY MR. FINNEGAN:

20 Q Roger Schneider?

21 A I think that's probably it.

22 Q I don't know, I just --

23 A I think that's probably it.

24 Q That's the only Roger I remember off the list.

25 A When I speak with clients, we usually use first

00010

1 names.

2 Q Besides the one case involving someone that was
3 at St. Bernard's and possibly the name Roger, any
4 other people that you treated before 2001 that
5 involved alleged perpetrators associated with the
6 Archdiocese of Milwaukee?

7 A Nothing else is coming to mind.

8 Q On approximately January 1, 2001, what position
9 did you take with the Archdiocese of Milwaukee?

10 A Well, the title of the office changed at various
11 points in time, but basically Director of the
12 Sexual Abuse Prevention and Response Office.

13 Q Who hired you for that position?

14 A As in who interviewed me or --

15 Q Sure.

16 A Okay. It was a group interview with 10 or 12
17 people present, Bishop Sklba probably being the
18 highest ranking person at that interview.

19 Q The office that you -- The position that you
20 took, had that already been in existence before
21 2001?

22 A Yes, it was occupied by another psychologist, Liz
23 Piasecki.

24 Q Did you have any relationship with Liz Piasecki
25 besides being on the -- serving on the Mental

00011

1 Health Committee Review?

2 A No. I guess I could note that, I mean, you know,
3 when her husband died suddenly of a heart attack
4 earlier that year, which is I think part of why
5 she vacated the position, it was appropriate for
6 me to go to the funeral, but --

7 Q What were your -- When you first started in 2001,
8 what were your duties and responsibilities as the
9 Director of Sexual Abuse Prevention and Response?

10 A It was a half-time position. Being the victim
11 services coordinator was the primary
12 responsibility.

13 Q Did you do any work at that time as part of the
14 title that you thought was sexual abuse
15 prevention, did you do anything on the prevention
16 side?

17 A Yes, that title probably wasn't adopted until
18 2002. I think when the project had -- when the
19 position had been first formulated around 1989 or
20 1990, it had been called Project Benjamin. That
21 was the title of it with Liz Piasecki. I don't
22 remember exactly, you know, I think in 2001 there
23 was just a lot of discussion of what an
24 appropriate name would be.

25 Q At that time in 2001 did you still have a private

00012

1 practice that you were doing?

2 A Yes.

3 Q At some point after 2001 did the position with
4 the Archdiocese of Milwaukee become full time?

5 A No.

6 Q When is the last time that you were --

7 MR. LO COCO: I'm sorry. Can I hear the
8 last question?

9 COURT REPORTER: "At some point after
10 2001 did the position with the Archdiocese of
11 Milwaukee become full time?"

12 MR. LO COCO: You mean while she was
13 employed there?

14 MR. FINNEGAN: Yes, her.

15 MR. LO COCO: Okay.

16 BY MR. FINNEGAN:

17 Q When was the last day that you were employed by
18 the Archdiocese of Milwaukee?

19 A Early July 2004.

20 Q Why did you leave?

21 MR. LO COCO: Object to the form,
22 relevancy. Go ahead.

23 THE WITNESS: Go ahead?

24 MR. LO COCO: Yes, I mean, go ahead.

25 THE WITNESS: Okay. In early 2004 the

00013

1 Archdiocese started having financial problems,
2 started revamping positions, started cutting
3 positions. Basically they told me that they
4 wanted to fill that position with a full-time
5 paraprofessional, a bachelor's level person, for
6 the same salary they were paying for me half
7 time.

8 BY MR. FINNEGAN:

9 Q After 2004 have you done any work for the
10 Archdiocese of Milwaukee?

11 A No.

12 Q Have you ever had your deposition taken before?

13 A Concerning?

14 Q Anything would be the first question.

15 A Yes.

16 Q Has it concerned anything with the Archdiocese of
17 Milwaukee?

18 A I was called as a witness in a lawsuit -- a
19 criminal -- I think it was criminal, it may have
20 also then turned into a civil lawsuit against one
21 of the priests, 2002 or 2003.

22 Q Was that Marvin Knighton?

23 A Correct.

24 Q Any other depositions or testimony that you have
25 given related to the Archdiocese of Milwaukee

00014

1 besides the one relating to Marvin Knighton?

2 A Nothing is coming to mind.

3 Q Before today's deposition did you review any

4 documents?

5 A No.

6 Q When you left the Archdiocese of Milwaukee, did

7 you take any documents with you from the --

8 A No.

9 Q -- from the time that you worked at the

10 Archdiocese?

11 A No.

12 Q When you were in your position with the

13 Archdiocese of Milwaukee, did you document your

14 interactions with survivors or with clergy that

15 you came into contact through that role?

16 A Yes.

17 Q And what did you -- what was your general file

18 system for those documents?

19 A Well, there would be a file for every abuse

20 survivor who presented, hopefully enough to

21 complete, you know, a complete intake, you know,

22 form, you know, occasionally just notes of a

23 contact, you know, of someone who did not follow

24 up. All other consultations were also documented

25 and in consultation files.

00015

1 Q Besides interacting with the victim survivors,
2 did you have any other involvement with the
3 perpetrators, the alleged perpetrators from the
4 Archdiocese of Milwaukee?

5 A Yes. I'm going to remind you that in the early
6 days we were still very much evolving policies
7 and procedures, and my routine at that time, if
8 we got an allegation against someone who was
9 currently in ministry, to take it to Father Joe
10 Hornacek, Vicar for Clergy.

11 In the early days he and I would call
12 that person in, you know, tell them about the
13 allegation that had come in, and in those early
14 days it wasn't uncommon for a priest to tell us,
15 yes, that happened.

16 Q During those types of meetings with the alleged
17 perpetrators would either you or Father Hornacek
18 document those?

19 A Those meetings?

20 Q Yes.

21 A Yes.

22 Q What would happen with those documents?

23 A I believe those would have gone into Joe
24 Hornacek's files.

25 Q Do you remember what his position was at that

00016

1 time?

2 A Vicar for Clergy.

3 Q At any time that you worked for the Archdiocese
4 of Milwaukee did you maintain files on the
5 alleged perpetrators?

6 A No. I may have contributed paper to files kept
7 elsewhere.

8 Q Are you aware of where files were kept on alleged
9 perpetrators in the Archdiocese of Milwaukee?

10 A I certainly was aware of the complete personnel
11 files in the locked vault in Barbara Anne
12 Cusack's office, and I'm -- I guess I don't
13 really know to what extent files were kept in the
14 Vicar for Clergy's office.

15 Q During the time that you worked for the
16 Archdiocese of Milwaukee, did you have access to
17 any of the personnel files on the alleged
18 perpetrators?

19 MR. LO COCO: Object to the form. You
20 can answer. That's for the record.

21 THE WITNESS: Not directly in that I
22 never, you know, personally, you know, held the
23 file or looked through the file.

24 BY MR. FINNEGAN:

25 Q During the time that you worked for the

00017

1 Archdiocese of Milwaukee, if you wanted to could
2 you go and look at those files on your own?

3 A Certainly not on my own.

4 Q Did you ever review any of the files?

5 A No.

6 Q Did you ever have occasion where you wanted to
7 get information out of the files?

8 A Routinely.

9 Q What was the process that you went through?

10 A Barbara Anne Cusack had deputized a woman named
11 Fay, who was like her administrative assistant,
12 to go in and get whatever information I needed
13 and relay it to me, usually by phone.

14 Q What do you mean by Barbara Anne Cusack deputized
15 Fay?

16 A Fay was my contact person to go into the files to
17 get information.

18 Q Was it your understanding that Barbara Anne
19 Cusack had to give Fay permission to do that?

20 A She was Fay's supervisor. I think she wanted one
21 person to engage in that activity.

22 Q During the time that you worked in your position
23 with the Archdiocese of Milwaukee, did you have
24 any assistants that worked for you?

25 A Yes, an administrative assistant named Shirley

00018

1 Zackzuske (phonetic).

2 Q Did she work the entire time that you were with

3 the Archdiocese of Milwaukee as your assistant?

4 A Yes.

5 Q Was that part time or full time?

6 A Part time.

7 Q I may have -- The next question may have changed

8 throughout the years you were there, but

9 generally did you keep certain hours when you

10 were working for the Archdiocese of Milwaukee or

11 did that change week to week?

12 A No, there were always certain days that I was

13 there, and I also made it my responsibility to

14 make sure that I retrieved and answered phone

15 calls every day, but clearly there were points as

16 the sexual abuse crisis unfolded that I was

17 working a lot more than the half-time hours.

18 Q Have you kept in touch with Liz Piasecki at all?

19 A No.

20 Q Did you discuss your deposition, your upcoming

21 deposition today, with anyone from the

22 Archdiocese besides any attorneys for the

23 Archdiocese?

24 A No.

25 Q Did you have any involvement with any settlement

00019

1 agreements with survivors of sexual abuse within
2 the Archdiocese of Milwaukee?

3 A If we are referring to the process of mediation
4 that occurred -- Is that what you are referring
5 to as settlements or something different?

6 Q In any setting. I mean, in any type of setting
7 where somebody reached a written agreement with
8 the Archdiocese of Milwaukee.

9 A In terms of some of those mediations that
10 occurred, yes. That didn't mean that I ever saw
11 the final, written settlement, but sat in on the
12 mediation sessions at someone's request.

13 Q Was that as part of the -- what the Archdiocese
14 has called their mediation program that they
15 started?

16 A Yes.

17 Q Did that begin before you left the Archdiocese?

18 A Yes.

19 Q Were you at all a part of the discussions about
20 the formation of the mediation program?

21 A Yes.

22 Q Who else was involved in those discussions?

23 A To me I would say that the whole process, you
24 know, concerning everything, you know, was a
25 cabinet style, you know, group over basically the

00020

1 whole time frame. From the onset in 2002 until I
2 left, you know, it was a -- kind of an executive
3 cabinet meeting consistently and discussing
4 whatever the issue that week was, and that
5 included Barbara Anne Cusack, Jerry Topczewski,
6 Joe Hornacek, I think usually Bishop Sklba,
7 Maureen Gallagher. I'm not sure who else might
8 have been routinely a part, you know, but it was
9 a very consistent work group.

10 Q During the formation of the mediation program, at
11 any of those meetings that you attended did you
12 or anyone else raise any concerns about the
13 fairness of that process for survivors?

14 MR. LO COCO: Object to the form. You
15 can answer, if you have an answer.

16 THE WITNESS: Yeah, I think I need a
17 little elaboration from you, what angle you're
18 getting at there.

19 MR. FINNEGAN: Sure.

20 MR. LO COCO: Mike, you know, I have let
21 you go into this area. This is -- This
22 deposition is with respect to the cases involving
23 A-12 and A-13, neither of whom were involved in
24 the mediation program, so I don't see how it's
25 relevant to those cases.

00021

1 MR. FINNEGAN: Are you instructing her

2 not to answer?

3 MR. LO COCO: Well, I'm not there yet.

4 MR. FINNEGAN: I will rephrase it.

5 BY MR. FINNEGAN:

6 Q Doctor, did anybody -- I will put it personally

7 to you. As a doctor and somebody who has treated

8 sexual abuse survivors, did you have any concerns

9 about the mediation program and a survivor's

10 ability to go into that program and that they

11 might get taken advantage of in that?

12 MR. LO COCO: I'm going to object to the

13 form of the question, that's compound, it's not

14 relevant and I am going to instruct the witness

15 not to answer that. That has nothing to do with

16 A-12 and A-13.

17 BY MR. FINNEGAN:

18 Q Did anyone raise any concerns at any of those

19 meetings about the fairness of the mediation

20 program for survivors?

21 MR. LO COCO: Same objection, same

22 instruction.

23 THE WITNESS: I would say --

24 MR. LO COCO: Don't answer. And I would

25 say for the record we have had more than one

00022

1 conversation about the scope of these depositions
2 with respect to these cases, and this topic was
3 never raised by Mr. Finnegan in our
4 conversations, so I haven't prepared for it and I
5 haven't prepared with the witness regarding it,
6 so I think it's fundamentally unfair to go into
7 an area that I wasn't prepared for.

8 MR. FINNEGAN: Well, we're talking about
9 stuff that predates, you know, when you are
10 trying to say that these clients, when the
11 statute of limitations ran for them, I think it
12 is relevant what the Archdiocese is doing with
13 regard to survivors.

14 MR. LO COCO: It's not relevant to A-12
15 and A-13. They weren't part of the --

16 MR. FINNEGAN: You are saying that their
17 claims are time barred during this time period.

18 MR. LO COCO: Right.

19 MR. FINNEGAN: So it is relevant.

20 MR. LO COCO: I don't see how.

21 MR. FINNEGAN: I'm not going to sit here
22 and have an argument with you about it. You
23 instructed her not to answer. We will deal with
24 it.

25 MR. LO COCO: Let's go off the record.

00023

1 VIDEO TECHNICIAN: We're going off the

2 record at 9:58 a.m.

3 (A discussion was had off the record.)

4 (A recess was taken.)

5 VIDEO TECHNICIAN: We're back on the

6 record at 10:01 a.m.

7 MR. LO COCO: Mr. Finnegan and I just

8 had an off-the-record conversation, and he

9 allowed me to discuss the issue with my client

10 because it is an area for which we did not

11 prepare. I still think it's not relevant, but as

12 Mr. Finnegan and I both know, you are supposed to

13 do your best to avoid instructing witnesses not

14 to answer, so given all that, I'm going to permit

15 the witness to answer either the questions that

16 are already on the record or if you want to

17 restate them, that's fine. However you want to

18 do it.

19 MR. FINNEGAN: Sure. I will do my best

20 to restate it. I appreciate that.

21 BY MR. FINNEGAN:

22 Q Doctor, during any of the meetings that you had

23 with any of the people that you mentioned, the

24 executive cabinet about the -- regarding the

25 mediation program and the creation about that,

00024

1 did any one of those people, including yourself,
2 raise concerns about the wellbeing of survivors
3 within the mediation process?

4 A You previously used the words, you know, "take
5 advantage of." There was -- It was not in any
6 way motivated to take advantage of abuse
7 survivors. I never heard any such implications.
8 It was truly motivated, and this is what I heard
9 consistently, by an intent to try to help abuse
10 survivors. At that time they really didn't have
11 access to lawsuits in Wisconsin, and many of us
12 felt like they deserved something.

13 Q As a psychologist and therapist who had treated
14 sexual abuse survivors before, did you think that
15 that process that was set up would be fair for
16 abuse survivors?

17 MR. LO COCO: Object to the form. Go
18 ahead.

19 THE WITNESS: I think we were in the
20 process. And, again, I was not responsible for
21 that process. The Archdiocese contracted with an
22 outside mediation person, Eva Soeka, and her
23 group for that. So my role would have been
24 simply to interact with any of the abuse
25 survivors who cared to contact me, you know, talk

00025

1 it over with me, whatever, and we were oriented
2 to making -- to doing whatever they needed to
3 make it work for them, if that's what they were
4 choosing to do. So, for example, you asked if I
5 had ever participated in some of those, and
6 sometimes victim survivors asked me to go along
7 with them to those.

8 BY MR. FINNEGAN:

9 Q Did any of the mediations or settlements that you
10 were involved in as part of that require the
11 abuse survivor to sign a confidentiality
12 agreement or provision in their settlement?

13 A I never was party to the -- any final legal
14 papers.

15 Q Do you remember that being discussed within the
16 context of mediation?

17 MR. LO COCO: That being?

18 MR. FINNEGAN: That being that
19 survivors -- I will clarify the question.

20 MR. LO COCO: Thank you.

21 BY MR. FINNEGAN:

22 Q Do you remember at any point there being a
23 discussion amongst the people in the Archdiocese
24 about requiring abuse survivors to remain
25 confidential or secret about their abuse

00026

1 allegations?

2 A No, that was never in one of those group
3 discussions in the executive cabinet. Again, you
4 know, there was the outside arrangement with Eva
5 Soeka's group of mediators.

6 Q As a doctor and therapist who had treated sexual
7 abuse survivors, do you think that from a
8 psychological standpoint requiring them to stay
9 confidential and secret about some of the
10 allegations is beneficial to them?

11 MR. LO COCO: Objection to the form.
12 There's no foundation for that question. They
13 were never required to keep their allegations
14 secret. What's the basis for your question?

15 MR. FINNEGAN: You are saying that
16 there's no settlement that said that?

17 MR. LO COCO: That they couldn't talk
18 about their allegations?

19 MR. FINNEGAN: Yes, that they had
20 restrictions on who they could tell.

21 MR. LO COCO: If you find one for me, it
22 will be news to me.

23 THE WITNESS: Yeah, I don't think that
24 to be true, okay?

25

00027

1 BY MR. FINNEGAN:

2 Q You don't think there was any settlements that
3 had restrictions on who abuse survivors could
4 tell?

5 MR. LO COCO: Could tell about what?

6 MR. FINNEGAN: About their allegations.

7 MR. LO COCO: Again, I think that's --
8 it's a question for which there's no foundation,
9 so it strikes me as a trick question. I know of
10 no basis for the question being asked.

11 THE WITNESS: Again, I'm going to say I
12 was not part -- you know, I was not party to
13 legal paperwork, but I wasn't aware of people not
14 being able to -- As far as I was concerned, abuse
15 survivors could talk to whoever they chose.
16 Certainly in my interactions with abuse survivors
17 that was the policy, that they could talk to
18 however they chose. They could bring whoever
19 they wanted into those meetings with me, the
20 mediation meetings.

21 (Exhibit 1 was marked.)

22 BY MR. FINNEGAN:

23 Q With you look at Page 5 and 6, Doctor, of

24 Exhibit 1. Is that your signature?

25 A Yes, but what am I reading here?

00028

1 Q It's a -- it appears to me -- what appears to me
2 to be a settlement agreement and release of
3 claims against the Archdiocese. Do you remember
4 signing this or being involved in this?

5 A No, I haven't yet figured out quite what this is.

6 Q I will give you time to look over it, if you
7 want.

8 MR. LO COCO: Well, the signature dates
9 on Bates 35838 are June of 2001 -- let me just
10 finish -- May and June of 2001, which is before
11 the mediation program was instituted that you
12 were just asking Dr. Reinke about.

13 MR. FINNEGAN: I wasn't limiting it to
14 the mediation program.

15 MR. LO COCO: Okay.

16 THE WITNESS: I thought that's what we
17 were talking about.

18 BY MR. FINNEGAN:

19 Q Do you need to -- Do you need some of those
20 questions back? Do you want me to ask you a
21 clarifying question, Doctor?

22 A I'm trying to understand what this --

23 MR. LO COCO: Well, you take your time
24 to read it. If there's a particular section or
25 paragraph you want to focus the witness to, that

00029

1 would be helpful, but otherwise, if we need to go
2 off the record so you can read through this,
3 that's fine, too.

4 BY MR. FINNEGAN:

5 Q Would it be helpful, Doctor, to see the names of
6 the people that are involved here?

7 A Yes, it would.

8 Q This is the -- We weren't supposed to have the
9 names, but here's one copy here that -- I blacked
10 it out on the one for the record, but there is --
11 I will just show this to you. By agreement I
12 don't want this to go in this record, but this
13 you will see on Page 3, right down here, I don't
14 want to say the names on the record, so don't say
15 them out loud, but those two people, and it's
16 been redacted in Exhibit 1.

17 A Who would have presented me with this paperwork,
18 Matt Flynn or --

19 Q You tell me.

20 A That's what's puzzling to me.

21 MR. LO COCO: Well, if you don't have a
22 memory of this document, you need to tell
23 Mr. Finnegan that and then let him go from there.

24 THE WITNESS: I don't have a memory of
25 this document, and I'm noticing that it's

00030

1 relatively early in my tenure at the Archdiocese
2 before all these other events start to unfold.
3 I'm guessing that much of this must have predated
4 me and that somehow I was in place, you know, at
5 this time. I don't know those people.

6 BY MR. FINNEGAN:

7 Q Do you remember those people?

8 A No.

9 Q You will see at Page 4 of Exhibit 1, Paragraph 5?

10 A Um-hum.

11 MR. LO COCO: Just a minute. There's no
12 question.

13 MR. FINNEGAN: I'd like you to read that
14 first.

15 BY MR. FINNEGAN:

16 Q After reading Paragraph 5 on Exhibit 1, does that
17 refresh your memory about any -- anything that
18 you were involved with with survivors where there
19 were restrictions on who they could tell about
20 the allegations?

21 A I clearly see what it says, but, no, I don't
22 have --

23 MR. LO COCO: What's the question?

24 THE WITNESS: Yes, what's the question.

25 COURT REPORTER: "After reading

00031

1 Paragraph 5 on Exhibit 1, does that refresh your
2 memory about any -- anything that you were
3 involved with with survivors where there were
4 restrictions on who they could tell about the
5 allegations?"

6 MR. LO COCO: So does that refresh your
7 memory.

8 THE WITNESS: Not really.

9 BY MR. FINNEGAN:

10 Q Did you have any discussions with anyone at the
11 Archdiocese about limitations about survivors'
12 ability to tell other people about the
13 allegations?

14 A No.

15 Q At any point either before, during or after the
16 time that you were with the Archdiocese of
17 Milwaukee did you ever treat any of the alleged
18 perpetrators from the Archdiocese off Milwaukee?

19 A No.

20 MR. LO COCO: Are you done with this
21 area of mediation, because I want to put
22 something on the record, but I don't want to do
23 it until you are done with those questions in
24 that area.

25 MR. FINNEGAN: I'm done right now. I

00032

1 mean, I may go back to it. I'm not planning on
2 it, but --

3 MR. LO COCO: Okay. Do you have any
4 other agreements you intend to show her?

5 MR. FINNEGAN: I don't.

6 MR. LO COCO: Then I want to for the
7 record make a statement that we got down this
8 road because both I and apparently the witness
9 thought that you were asking about the mediation
10 program that Dr. Soeka developed for the
11 Archdiocese of Milwaukee. You then got into a
12 discussion regarding asking abuse survivors to
13 not disclose the facts of their abuse. Again, my
14 comments and my objections dealt with the formal
15 mediation program that was developed and
16 publicized.

17 To my knowledge, none of those
18 settlement agreements included anything like
19 what's in Paragraph 5 on Page 4 that's Bates
20 35837. And as Mr. Finnegan knows, both the
21 Dallas Charter and Archdiocesan policy removed
22 any such requirement post 2002. So I think this
23 was an unfair area of questioning, but I have
24 made my record.

25 MR. FINNEGAN: Anything else you want to

00033

1 put on the record or take the stand for?

2 MR. LO COCO: No, no. I think it's, you
3 know, you try to paint with such a broad brush,
4 Mike, and I don't think it's fair.

5 MR. FINNEGAN: She signed this
6 agreement. I'm asking her questions about it.

7 MR. LO COCO: She has no memory of
8 signing it.

9 MR. FINNEGAN: And I should be able to
10 refresh her memory on that. Your whole point
11 here is trying to say that all these survivors,
12 that their statute of limitations is up. Right
13 here you have other survivors that you are making
14 sign agreements that say they can't tell. I
15 mean, that goes right to the heart of what we are
16 talking about.

17 MR. LO COCO: I disagree.

18 MR. FINNEGAN: And I asked her does she
19 remember it. Fair question. I asked her were
20 there other conversations about this. Completely
21 fair.

22 MR. LO COCO: And neither A-12 nor A-13
23 were abused by Lawrence Murphy who's identified
24 in this particular settlement agreement.

25 MR. FINNEGAN: That doesn't matter.

00034

1 They are still doing this to survivors, trying to
2 keep information about abuse --

3 MR. LO COCO: You can't prove a fraud
4 case by innuendo, Mike. It's black letter law.

5 MR. FINNEGAN: I'm talking about the
6 statute of limitations, Frank.

7 MR. LO COCO: Well, I'm also talking
8 about the substantive case. Go on.

9 BY MR. FINNEGAN:

10 Q I think I got an answer to the last one, but any
11 treatment that you provided to any alleged
12 perpetrators from the Archdiocese of Milwaukee?

13 A No. Of course, that would be a conflict of
14 interest.

15 Q Do you have a memory of signing any other
16 agreements like Exhibit 1?

17 A No, but I didn't remember this one, either.

18 Q Being a psychologist and a therapist and having
19 treated survivors, seeing that paragraph in
20 there, does that cause you any concerns for the
21 survivors?

22 MR. LO COCO: Objection, form. You can
23 answer, if you have an answer.

24 THE WITNESS: I basically agree with
25 what Frank was saying a few minutes ago about,

00035

1 you know, there were a lot of changes that we
2 sought to be necessary to implement come 2002.

3 BY MR. FINNEGAN:

4 Q Was this one of the things that you thought
5 needed to be changed.

6 A Um-hum.

7 Q Is that a yes?

8 A Yes.

9 (Exhibit 2 was marked.)

10 BY MR. FINNEGAN:

11 Q I'm now handing you Exhibit 2. Is this a
12 document that you prepared?

13 A Yes.

14 Q And as a general matter documents of this nature
15 that were about the alleged perpetrators that you
16 wrote, what did you generally do with these after
17 you completed them?

18 A Well, it says here it's for the file of Father
19 Marv Knighton, so I believe it would have gone to
20 Joe Hornacek's office.

21 Q And you will see in the third sentence down
22 regarding your conversation with Paul Tiffin
23 about Father Knighton, it says, "He assured me
24 that he would let us know if any charge is filed.
25 He understands the importance of us managing

00036

1 disclosure on that." What did you mean by that?

2 A Let me point out -- I mean, one of my small jobs

3 right now is I'm the Sexual Abuse Response

4 Coordinator for the Salvatorians here in

5 Milwaukee contracted for something like six hours

6 a month. The policies currently, you know,

7 dictate that if someone is in active ministry,

8 which Marv Knighton was not at the time, they be,

9 you know, removed from ministry, the DA

10 investigate the case, the DA let us know whether

11 they are going to file charges or not, because

12 the DA has the right of the first conversation

13 with the accused before we can inform, you know,

14 have a meeting with that person to kind of say

15 that that allegation has come in.

16 Now at the time of this, you know, Marv

17 Knighton case, I believe that Marv Knighton, I

18 mean, did at that point know that there was a

19 case, you know, that there was, you know, a case

20 brewing, but it simply is the, you know, you've

21 got to let us know, you know, if you are going to

22 handle this, you know, or if it falls back on our

23 turf again.

24 Q And what's the -- When you use the word "managing

25 disclosure," what did you mean about -- what did

00037

1 you mean there?

2 A Well, again, when -- I mean, I can't recall
3 specifically about this situation, but in
4 general, you know, what was going on. Again,
5 it's all a question of, you know, how the
6 policies were evolving over the course of this
7 year, but a priest has been removed from his
8 parish. Obviously, a group of us would have to
9 go out there and make an announcement about that
10 at Sunday mass.

11 Q And he was already removed at this time, correct?

12 A I don't remember what he was doing at that time.

13 He wasn't a parish priest at that time, but he
14 was doing something.

15 Q And this is talking about -- My read of your
16 words is that what you are describing is the
17 charge, whether a charge is filed against him.
18 Why is that important for the Archdiocese to
19 manage disclosure of whether files are charged
20 against him?

21 MR. LO COCO: Objection, asked and
22 answered. You can answer.

23 THE WITNESS: It seems as though you are
24 implying a culture of secrecy, but that was not
25 my experience of working there.

00038

1 BY MR. FINNEGAN:

2 Q Was it your experience that the Archdiocese
3 shared with the public everything that they knew
4 about the alleged perpetrators?

5 MR. LO COCO: Object to the form.

6 THE WITNESS: Shared with the public. I
7 mean, what does that mean, shared with the --
8 what does that mean, "shared with the public."

9 BY MR. FINNEGAN:

10 Q Ever publicize the history of Marvin Knighton?

11 A At that point in time, obviously -- I mean, this
12 was headed to a court case.

13 Q Pick any of the perpetrators.

14 MR. LO COCO: Well, you can finish your
15 answer. You interrupted Dr. Reinke.

16 MR. FINNEGAN: My apologies. Did you
17 still have more?

18 THE WITNESS: Ask your question again.

19 MR. FINNEGAN: Sure.

20 BY MR. FINNEGAN:

21 Q At any point that you worked for the Archdiocese
22 of Milwaukee, did they ever publicize any of the
23 knowledge that they had on the alleged
24 perpetrators?

25 A I would refer you to, you know, the decision to

00039

1 publish the list of perpetrators in the Journal

2 Sentinel.

3 Q Anything besides releasing those names?

4 A It was routine practice in my office, if you came

5 forward as an abuse survivor, to tell you what

6 history we knew. You know, could you share --

7 You weren't restricted as to who you might talk

8 to about that, but I don't think I can go around,

9 you know, publicizing things about people that

10 haven't been established in a court of law, may

11 be established in a court of law. So if you came

12 forward as an abuse survivor naming father so and

13 so, my practice in my office was to -- This is

14 what I would call Fay for, you know, what do we

15 know about this guy. You know, I would come back

16 and share the information; this is how many other

17 people we have heard from, this is when we first,

18 you know, received a complaint. He's been out of

19 ministry since whenever.

20 Q Can you name any abuse survivors that you told

21 that to?

22 MR. LO COCO: Well, that's a yes or a no

23 at this point. Sitting here today are you in a

24 position where you could name them, any of them.

25 THE WITNESS: I don't think I could name

00040

1 any of the abuse survivors in general, because
2 that's not been my intent to save their names,
3 you know, in my head. When I left the
4 Archdiocese, my intent was to do a memory dump of
5 all these names and facts. If I saw a list, if I
6 saw things, I would recall them, but, no, I
7 couldn't recall in general any names off the top
8 of my head.

9 BY MR. FINNEGAN:

10 Q Did you ever document it anyplace, the
11 information that you gave to an abuse survivor?

12 A It never occurred to me, you know, that
13 documentation of that might be important back at
14 that point in time. I had, you know, I would
15 call Fay and I would routinely do it. I mean,
16 even if I've heard of Father Marv Knighton
17 before, although he wouldn't be a good example,
18 and so I might recognize, oh, yeah, he's
19 definitely on our list, okay, you know, but I
20 would still call Fay to kind of get all the facts
21 straight. I would have it on a sheet of paper
22 like you have, you know, in front of you and
23 would share that information, you know, with the
24 abuse survivor who was there in the office.

25 Q So is it your testimony that each abuse survivor

00041

1 that came to you, that you shared with them
2 whether or not the perpetrator was on the list
3 and you shared with them --

4 A Well, the list --

5 Q Hold on. We will start with that. Did you share
6 with each survivor, abuse survivor, whether or
7 not their perpetrator was on the list?

8 A Well, the list wasn't constructed until later,
9 okay, so, no, what I'm sharing with the abuse
10 survivor at this point in time is the, you know,
11 have other people come forward with abuse
12 allegations against that person, how many other
13 people have we heard from, when did we start
14 hearing that, what's the current status of the
15 person.

16 Q Did you tell each abuse survivor that you met
17 with all those things?

18 A I offered that information to each person.

19 Q So it was your standard practice to give each
20 abuse survivor all that information?

21 A I offered it.

22 Q What do you mean you offered it?

23 A I can get that for you, if you would like that
24 information.

25 Q And your source of getting it would be to call

00042

1 Fay?

2 A Correct.

3 Q Any other source that you would look at to answer
4 those questions?

5 A No.

6 Q At that point in the early years when you started
7 in 2001, 2002, was there any type of list that
8 was maintained within your office or that you are
9 aware of in the Archdiocese of alleged
10 perpetrators?

11 A No. I was learning about them on a case-by-case
12 basis.

13 Q When you said that you offered to give that
14 information to abuse survivors about their
15 perpetrators and the numbers of people that had
16 come forward, did you make that offer to every
17 survivor that you met with?

18 A Well, generally, yes, but I can't be sure that --
19 in every single case.

20 Q The general practice is to tell them that?

21 A General practice, yes.

22 Q Did you ever in any way during the time that you
23 worked for the Archdiocese make it publicly known
24 in any form that you were willing to provide that
25 type of information to abuse survivors?

00043

1 MR. LO COCO: Objection to form. It's
2 vague.

3 THE WITNESS: There were those listening
4 sessions that were occurring at that time. I
5 can't recall that it would have ever been stated
6 as a matter of outright policy, but I think it
7 was being shared between abuse survivors as
8 practice.

9 BY MR. FINNEGAN:

10 Q How many abuse survivors, approximately, did you
11 meet with?

12 A 200 to 300.

13 Q Were you involved at all in the discussions
14 surrounding the publication of the list of
15 offenders with substantiated allegations against
16 them in the Archdiocese of Milwaukee?

17 A The publication in the Journal Sentinel?

18 Q And on the website, as well.

19 A Yes.

20 Q How were you involved?

21 A This was part of the, you know, the ongoing
22 discussion in these executive cabinet meetings.
23 Weeks of work went into the preparation of those
24 lists. That was handled by, you know, Barbara
25 Anne Cusack's office, the specific list, but, no,

00044

1 I mean, that had been --

2 Q Were you still with the Archdiocese of Milwaukee

3 when that list was first published?

4 A In the Journal Sentinel, yes. Part of the

5 intention behind that was to get additional

6 victims to come forward.

7 Q Why?

8 A Because this executive cabinet that I'm referring

9 to, we wanted to do the right thing for the abuse

10 survivors. Like Catholics everywhere, we were

11 all horrified by this. This executive cabinet is

12 a group of lay people, you know, we are not part

13 of the clergy.

14 Q What did you mean by "do the right thing by

15 survivors?"

16 A Get them to come forward, hear their stories,

17 provide whatever we could to help them with

18 healing.

19 Q Anything else?

20 A Nothing is coming to mind.

21 Q Were there people in the executive sessions that

22 you discussed that were opposed to the list of

23 perpetrators being published?

24 A I don't recall so. It definitely emerged as a

25 group consensus.

00045

1 Q Do you remember when the decision was first made
2 that the list would be made public?

3 A Do you know when it was published in the Journal
4 Sentinel? Can you help me refresh me with the
5 dates on that?

6 Q My memory of it is July of 2004.

7 A No, it was in the Journal Sentinel well before
8 that. I believe so. That may have been when it
9 was put on the Archdiocesan website.

10 Q What's your memory of when it was published?

11 A I thought it was -- I was leaving in July of
12 2004. It was definitely, you know, before I
13 left, because the fallout from that was coming to
14 my office.

15 Q What do you mean "the fallout?"

16 A Well, I mean, again, part of the intention behind
17 that had been to encourage whoever else out there
18 might be a victim to, you know, to come forward
19 and, of course, it had some of that effect.

20 MR. LO COCO: Are you kind of moving
21 topics?

22 MR. FINNEGAN: Yeah.

23 MR. LO COCO: Can we take a break?

24 MR. FINNEGAN: Sure.

25 VIDEO TECHNICIAN: We're going off the

00046

1 record at 10:40 a.m.

2 (A recess was taken.)

3 VIDEOTAPE TECHNICIAN: We're back on the

4 record at 10:49 a.m.

5 (Exhibit 3 was marked.)

6 BY MR. FINNEGAN:

7 Q You are welcome, Doctor, to read the whole thing.

8 I will point you to one sentence here, and then

9 if you need to read more of it, definitely take

10 however much time you need, but it doesn't

11 necessarily have to do with this specific letter.

12 A Okay.

13 Q The second paragraph, second sentence which

14 begins "However, Father Joe Hornacek." The last

15 part of that ends "...because we previously

16 interpreted these allegations as falling within

17 our protocol for allegations outside of statute

18 of limitations." What was the then protocol in

19 2002 as it related to allegations outside the

20 statute of limitations?

21 A Yes, this was sort of a critical turning point

22 and, look, this is in April of 2002. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

00047

1

2

3

MR. LO COCO: Can I have that back?

4

COURT REPORTER: "Yes, this was sort of

5

a critical turning point and, look, this is in

6

April of 2002.

7

8

9

10

11

MR. LO COCO: I have to object to the

12

last half of that answer and move to strike it as

13

being protected by the attorney-client privilege.

14

I should have caught you as soon as I heard the

15

words "Matt Flynn."

16

MR. FINNEGAN: I would disagree with

17

that, but we can take that up later.

18

THE WITNESS: So at this point in time I

19

realized that I'm very uncomfortable with that

20

procedure, and as far as I'm concerned, it's not

21

right, it's not working, okay, so this would be

22

approximately, you know, when I go to Archbishop

23

Weakland and say, "Look, I think all of these

24

should get turned over directly to the District

25

Attorney's Office." He agreed. I within like

00048

1 the next 24 hours or so met with E. Michael
2 McCann down at the Archdiocese. So I'm thinking
3 that must be the conversation yesterday that's
4 being referred to there, okay, and E. Michael
5 McCann agrees that everything can come directly
6 to his office. So we do that retroactively to
7 the beginning of 2002. I mean, I'm not
8 completely sure of, you know, how far back we
9 went, but that would be my guess.

10 BY MR. FINNEGAN:

11 Q What was the understanding between you and
12 Michael McCann when you met with him about what
13 they would do then with the reports that you were
14 giving them?

15 A The same as the protocols say now, you know, they
16 will determine whether these are actionable by
17 the District Attorney's Office before we and the
18 Archdiocese, meaning Father Joe Hornacek, take
19 any action on them. So we are giving him all
20 cases going forward, and we are also giving him
21 quite a backlog of accumulated.

22 (Exhibit 4 was marked.)

23 BY MR. FINNEGAN:

24 Q You can take as much time again to look through
25 this as you want, but my first question is did

00049

1 you create this document?

2 A No.

3 Q Do you know who did?

4 A No, I never saw it before. I have never seen one
5 like this before.

6 Q Have you ever seen the document before?

7 A No, nor any others like it pertaining to any
8 priest. Was this done in Barbara Anne Cusack's
9 office?

10 MR. LO COCO: He asks the questions.

11 (Exhibit 5 was marked.)

12 BY MR. FINNEGAN:

13 Q I'm now showing you Exhibit 5, and you can read
14 that over. The first question I didn't get on
15 the other one, but you will see at the bottom
16 underneath what's presumably your initials it
17 says "received" and then a date and "typed" and
18 then a date. What is that referring to there?

19 A This would have been dictated.

20 Q And then Shirley would type them?

21 A Correct.

22 Q After getting this -- Have you had a chance to
23 read that? You tell me when you are done.

24 A Okay.

25 Q After getting this information regarding Father

00050

1 Jerry Wagner, what did you do with the
2 information after that?

3 A I can only guess that I would have --

4 MR. LO COCO: I don't want you guessing.

5 THE WITNESS: Yes. I don't remember
6 specifically.

7 BY MR. FINNEGAN:

8 Q Do you remember anything related to any actions
9 that you took or reports that you made regarding
10 Father Jerry Wagner at this time?

11 A No. Again, you know, it says, "For the File of
12 Father Jerry Wagner," which says this would have
13 been sent to Joe Hornacek's office.

14 (Exhibit 6 was marked.)

15 BY MR. FINNEGAN:

16 Q Having now looked at Exhibit 6, do you remember
17 who the funeral director was that's referenced
18 there?

19 A No.

20 Q Do you remember if he was a priest?

21 A He was not a priest.

22 Q Was he a former priest?

23 A Not to my knowledge.

24 Q Do you remember why he was -- why he couldn't be
25 permitted to access youth?

00051

1 A That would have been Father Jeff Haines opinion,
2 I believe.

3 Q Do you remember what you did in response to this
4 information?

5 A No, I don't.

6 MR. FINNEGAN: We will mark this one
7 Exhibit 7.

8 (Exhibit 7 was marked.)

9 BY MR. FINNEGAN:

10 Q Do you see here in Exhibit 7 in the third
11 sentence you say, "I explained to him that could
12 not give him confidential information, but I
13 would pass along his concerns." What did you
14 mean by "could not give him confidential
15 information?"

16 A At this point in time I don't know.

17 Q Was there information at that time in 2002 about
18 Father Jim Godin that was of a confidential
19 nature?

20 MR. LO COCO: Object to the form.

21 THE WITNESS: I wasn't aware of any
22 information about Father Jim Godin that was of a
23 confidential nature.

24 (Exhibit 8 was marked.)

25

00052

1 BY MR. FINNEGAN:

2 Q I will show you Exhibit 8. In this exhibit here
3 when you are discussing the duty to report, are
4 you referring to the duty to report to law
5 enforcement?

6 A Correct. Her concern that -- about being a
7 mandatory child abuse reporter.

8 Q Did you seek out any opinion as to whether she
9 would have to report this, or did you -- where
10 did you come to the belief that when you
11 explained to her there's no duty to report in
12 this instance?

13 A Well, that was -- that was, I guess, another
14 aspect of my job, albeit a minor one at this
15 point in time, but I was the consultant for the
16 Catholic schools in the Archdiocese about all
17 duty to report requirements under the child abuse
18 law.

19 Q Did you have any documents that you worked off of
20 in that role to determine whether somebody had to
21 report an alleged crime or not?

22 MR. LO COCO: Objection to the form to
23 the extent it requests privileged information
24 provided by an attorney, but other than that, you
25 can answer.

00053

1 THE WITNESS: We were routinely
2 educating people about the child abuse reporting
3 law as in giving inservices and so forth.

4 BY MR. FINNEGAN:

5 Q At that time when you were the -- as part of your
6 job being the consultant for Catholic schools,
7 did you also inform the people working at the
8 Catholic schools that in addition to what their
9 duties are to report to the police, that they
10 should also report abuse allegations to your
11 office or a different office in the Archdiocese?

12 A No, they report to the police and Child
13 Protective Services and inform us that it had
14 been done, and frequently they were calling me to
15 sort of say, "Am I supposed to do this." "Yes,
16 you are."

17 Q Is there anyone else you worked with in the
18 Archdiocese that helped you in that role?

19 A Not explicitly, no. I mean, I can't say for
20 certain that, you know, there may not have been
21 questions that came into the Schools office, but
22 I think by and large they were directed to me.
23 And, of course, in this instance the person is
24 now an adult who has his own rights to go to law
25 enforcement officials.

00054

1 Q Was it your understanding at this time that if it
2 was an adult making the allegation of child
3 sexual abuse, there is no duty to report?

4 A Correct, that -- Again, in my office now, I mean,
5 I will, you know, I will encourage an adult --
6 Right now I'm involved in a process like that,
7 you know, of encouraging an adult to go to the
8 DA's Office.

9 MR. FINNEGAN: Exhibit 9.

10 (Exhibit 9 was marked.)

11 BY MR. FINNEGAN:

12 Q You can take as much time as you need. My first
13 question will be have you seen this list before.

14 A No.

15 Q Around this time in 2002 were you involved at all
16 with providing information to come up with a list
17 of alleged sexual offenders that had been priests
18 in the Archdiocese?

19 A I think this -- I'm thinking that this was the
20 process that I referred to, you know, that this
21 would have been around the time period I believe,
22 you know, that we were coming up with that list
23 to publish in the newspaper, and Barbara Anne
24 Cusack's office was taking responsibility for
25 this. However, I mean, what I'm also noting, you

00055

1 know, in terms of the day, this would have
2 followed the Dallas Charter, and that was one of
3 the requirements that came at us, was to compile
4 a list like this. But, again, that all came from
5 Barbara Anne Cusack's office.

6 Q Were you involved in putting together any of the
7 information for the John Jay College regarding
8 the number of offenses or number of allegations
9 within the Archdiocese?

10 A No. I mean, I think some information was coming
11 out of my office, but, no, I had nothing to do
12 with completing that. Copies of my intake
13 reports automatically went to Barbara Anne
14 Cusack, and I'm not sure who else would have been
15 on the distribution list that might have -- If it
16 was someone in active ministry, it would have
17 gone to Father Joe Hornacek's office, but
18 everything automatically went -- a copy
19 automatically went to Barbara Anne Cusack's
20 office.

21 (Exhibit 10 was marked.)

22 BY MR. FINNEGAN:

23 Q I'm going to show you Exhibit 10. Rather than
24 having you -- making you read the whole thing,
25 you will see on the second page, Doctor, that

00056

1 this is signed by Father -- I don't know if he's

2 still a priest at this point, but Joseph Collova.

3 Do you remember receiving this letter?

4 A No.

5 Q If you look at -- I want to focus on the first

6 page that says, "Case No. 2." In here Joe

7 Collova is describing the abuse of a young man

8 and student that he witnessed of a fellow priest

9 within the Archdiocese of Milwaukee. Do you know

10 what you did with this information once you

11 received it? I can give you the name of the

12 priest in the case, too, if that helps you.

13 A I don't specifically remember. Clearly it would

14 have been pertinent to both Barbara Anne Cusack's

15 office and Joe Hornacek's office.

16 Q So you would have given it to them?

17 A Correct.

18 Q Do you remember having any dealings around this

19 time with Joseph Collova?

20 A No, I don't believe I ever spoke to him in person

21 or on the phone.

22 MR. FINNEGAN: I'm going to show you,

23 Counsel, if you can read my writing, it's the

24 name of the priest in Case 2. He's not on the

25 list, but I just wanted to show her the name and

00057

1 see if that jogs her memory about anything that

2 was done around this time.

3 MR. LO COCO: That's fine.

4 BY MR. FINNEGAN:

5 Q We're not going to say this name out loud, but if

6 you can read my writing, do you recognize the

7 name of that priest? Just for the record, this

8 name is the one in Case 2 of Exhibit 10 that's

9 described there.

10 A And had this victim ever come forward?

11 Q This is a fellow -- So Joseph Collova is a fellow

12 priest.

13 A I realize that. Do we think the abuse survivor

14 ever came forward?

15 Q Don't know.

16 A I vaguely recognize the name, but I don't

17 remember what the context would have been.

18 Q Would it have mattered if the abuse survivor came

19 forward or not? Would that change how you

20 handled it, if you got a report about one of the

21 priests abusing a kid?

22 A No, but remember I'm -- my job is to deal with

23 the, you know, the abuse survivors, so if I don't

24 have a live abuse survivor, you know, to interact

25 with, as I said, this would have then gone to

00058

1 Barbara Anne Cusack or Joe Hornacek. Both,
2 presumably.

3 Q Okay. It would have been out of your hands then?

4 A Right, right.

5 MR. FINNEGAN: I will take this piece
6 back. I'm showing you Exhibit 11. Let her mark
7 that.

8 (Exhibit 11 was marked.)

9 BY MR. FINNEGAN:

10 Q Did you have a chance to read 11?

11 A Um-hum, yes.

12 Q And you will see in the last sentence there it
13 states, "In response to his questions about
14 previous moves between parishes, I assured --
15 redacted -- that we're not aware of allegations
16 against Father Hanser before 1988." Where did
17 you get the information that the Archdiocese
18 wasn't aware of allegations against Hanser before
19 1988?

20 A This would be an example of where I would have
21 called and gotten information from Fay from --
22 who was looking in the files.

23 Q Did you know whether the information she gave you
24 was accurate or not?

25 A No. No, there was always -- and I was aware of

00059

1 that. I was always calling down for that

2 information and trusting what was given to me.

3 Q Are you aware of any mistakes being made in their

4 process of getting that information for you?

5 A I'm not aware of any mistakes.

6 Q Have you ever been told that there were

7 allegations against Father Hanser in the

8 Archdiocese files before 1988?

9 A No.

10 (Exhibit 12 was marked.)

11 BY MR. FINNEGAN:

12 Q Have you had a chance to read this exhibit now?

13 A Yes.

14 Q You will see that it's dated November 1975.

15 A I see it.

16 Q And it says, "Informed that DH had taken teenage

17 boy -- redacted -- to his cottage at the lake to

18 help him, et cetera, but while there went to bed

19 with the boy and touched him indecently." Have

20 you ever seen this before?

21 A No.

22 Q This is the first time you have gotten this

23 information?

24 A Yes.

25 Q If the Archdiocese was to provide you with a list

00060

1 of abuse survivors that you met with, would you
2 be able to go through that list and identify for
3 us which survivors you had provided information
4 about their perpetrators on?

5 A No.

6 Q Is there any way that you are aware of that we
7 could find out that information?

8 A No. As I acknowledged earlier, that was not
9 documented. I didn't realize at the time that
10 that would be important to document.

11 MR. FINNEGAN: Why don't we go off the
12 record.

13 VIDEOTAPE TECHNICIAN: We're going off
14 the record at 11:20 a.m.

15 (A recess was taken.)

16 VIDEOTAPE TECHNICIAN: We're back on the
17 record at 11:27 a.m.

18 BY MR. FINNEGAN:

19 Q Doctor, you mentioned that you have a position
20 currently, very minimal position, part-time
21 position with the Salvatorians. What's that
22 position? I didn't catch that before.

23 A Sexual Abuse Response Coordinator.

24 Q What do you do in that role?

25 A Help them walk through the policies and

00061

1 procedures if any allegation comes forward, make
2 sure someone is removed from active ministry and
3 all of that, and I'm also supervising three of
4 their members on safety plans, prepare the safety
5 plans for the Community Review Board.

6 Q Safety plans for the alleged perpetrators?

7 A Yes, substantiated perpetrators.

8 Q Are they still in active ministry?

9 A Absolutely not.

10 Q Are their names public?

11 MR. LO COCO: Pardon me?

12 MR. FINNEGAN: Are their names public?

13 THE WITNESS: This isn't the Archdiocese
14 of Milwaukee, this is a Religious Order.

15 BY MR. FINNEGAN:

16 Q I asked a question. Are you not going to answer
17 it? Just a yes or no.

18 MR. LO COCO: I will object because I
19 don't think it's relevant to A-12 and A-13.
20 Dr. Reinke clearly has some professional
21 relationship with the Salvatorians, and if she's
22 not comfortable answering that, particularly
23 without talking to the Salvatorians, I'm okay
24 with her not answering it. So I'm not in a
25 possession to instruct her not to answer that

00062

1 question, but if I were, I would tell her not to.

2 So it's your call.

3 THE WITNESS: I don't think we're here

4 to talk currently about, you know, the

5 Salvatorian policies and procedures.

6 BY MR. FINNEGAN:

7 Q So you are going to refuse to answer that

8 question? The question was just are those names

9 public, the three, yes or no.

10 MR. LO COCO: Same objections.

11 THE WITNESS: Yeah. There's variability

12 among the cases. It's not one consistent answer.

13 BY MR. FINNEGAN:

14 Q Are there at least -- Is there at least one of

15 those substantiated perpetrators that is not --

16 whose name has not been made public?

17 MR. LO COCO: Same objections.

18 THE WITNESS: I think I just basically

19 indicated to you that that's the case.

20 BY MR. FINNEGAN:

21 Q So that's a yes?

22 A Yes.

23 Q Do you handle with the Salvatorians, do you deal

24 with the survivor intakes or is that somebody

25 else?

00063

1 A No, I do not.

2 Q When you left the Archdiocese of Milwaukee, did

3 Amy Peterson take your spot?

4 A Yes.

5 Q Was there any time between you leaving and Amy

6 Peterson starting within that office where

7 there's nobody in it?

8 A I suspect so, but I don't officially know.

9 Q Did you meet with Amy Peterson ever to discuss

10 the job that she was taking?

11 A No.

12 Q By name can you tell me one survivor that you

13 provided information on his or her perpetrator?

14 A I have told you that I have, you know,

15 deliberately, you know, kind of put all those

16 names out of my head. One would be the -- and I

17 can't remember the guy's name. I was referencing

18 it to you yesterday, Frank. If you go to in

19 June 2002 there was an article on the -- a

20 Sunday -- front page of the Sunday paper about a

21 victim's meeting with me sat in by a reporter,

22 Meg Kissinger, and that would have been one

23 example where that occurred.

24 Q Do you remember who that -- what that survivor's

25 name is?

00064

1 A No, I can't -- I can picture him, but I can't

2 remember his name.

3 Q Do you have any other specific instances like

4 that in your head about where a survivor came to

5 you and you told them about his or her alleged

6 perpetrator?

7 A You know, Mike, this was -- this was daily

8 practice to get this information and share it

9 with people, and if I couldn't get it right then

10 and there, you know, to call you later, you know,

11 with that information. It wasn't a once in

12 awhile kind of thing.

13 Q And all that I'm asking is if you can identify

14 any of the survivors that you gave that

15 information to.

16 A No, I don't have names of survivors in my head.

17 Q When you would make the request to Fay for

18 information about an alleged perpetrator, did you

19 ever do that in writing?

20 A No, it was over the phone.

21 Q Ever an email?

22 A No. Often it would be in the format of early in

23 an interview with a victim survivor after they

24 have identified, call down to Fay, "Fay, could

25 you put this together, you know, I will keep

00065

1 talking with this person for awhile, you know,
2 maybe before they leave we will have some
3 information to give them."

4 Q Would Fay give it to you, the information in
5 written form?

6 A No, over the phone.

7 Q During your work with survivors here in the
8 Archdiocese of Milwaukee, did you have the
9 opportunity to work with deaf survivors from St.
10 John's?

11 A No, that had mostly been done by my predecessor,
12 Liz Piasecki.

13 Q Did you meet with or interact with any deaf
14 survivor from St. John's during the time you were
15 with the Archdiocese of Milwaukee?

16 A I don't ever remember a situation in which there
17 would have been an interpreter present. It's
18 possible that I could have spoken with a family
19 member or --

20 Q Do you have a memory of that?

21 A No.

22 Q With regard to the mediation program and the
23 discussions that you had leading up to that, were
24 there any concerns raised that you remember about
25 having the deaf survivors from St. John's

00066

1 participate in that?

2 A I don't remember any discussion about that.

3 Again, you know, I want to say that, you know,
4 after the decision was made to contract Eva Soeka
5 for the mediation program, I did not have
6 anything to do with the discussions about the
7 mediation program, the setup of the mediation
8 program. Again, I think that was handled mainly
9 by Barbara Anne Cusack.

10 Q And then would you, when survivors contacted you,
11 would you alert them of the mediation program?

12 A Absolutely.

13 Q How many mediations were you in on?

14 A I don't know specifically. In the three, four,
15 five range.

16 Q What about after you left, did you have any
17 contact with Amy Peterson or did she have any
18 contact with you?

19 A Concerning the business at the Archdiocese?

20 Q Concerning the Archdiocese of Milwaukee.

21 A No.

22 Q Did you have reason to have contact with her in
23 some other setting?

24 A Yes, and minimal, but it seemed at -- I'm trying
25 to -- I took the position with the Salvatorians

00067

1 I'm guessing in 2006, and Amy Peterson was doing
2 a similar kind of position in addition to her
3 Archdiocese job for the Capuchins in Milwaukee,
4 and she was the person who kind of convened the
5 Milwaukee area Review Board.

6 MR. FINNEGAN: I don't have anything
7 else.

8 EXAMINATION

9 BY MR. LO COCO:

10 Q Dr. Reinke, I just have a few follow-up questions
11 that I want to ask you about. In your dealings
12 with abuse survivors during the time that you
13 were at the Archdiocese, did anyone, particularly
14 anyone in authority over you, ever tell you not
15 to provide information to an abuse survivor that
16 came forward?

17 A Absolutely not.

18 Q Were you ever told to mislead an abuse survivor
19 who came forward?

20 A Absolutely not.

21 Q You were asked a question about Exhibit 7. If
22 you could take a look at that.

23 A I guess my comment about what you just asked,
24 Frank, is that that was -- I had -- one of my
25 reasons for maintaining my outside private

00068

1 practice and, therefore, keeping my employment
2 with the Archdiocese only officially half time
3 was because something like that would have caused
4 me to have left the Archdiocese at that point and
5 returned to my private practice, if I had felt in
6 any way restricted to doing what was in the best
7 interest of victims.

8 Q And that was never the case?

9 A No.

10 Q All right. In Exhibit 7, it's a note dated
11 July 18, 2002, and I want to read a couple of
12 sentences from it and then ask you some follow-up
13 questions. "I received a call from a man who
14 refused to identify himself. He is aware that
15 Father Jim Godin abused -- so and so -- and he
16 wonders if this situation is being addressed as
17 with other priests who have been removed from
18 ministry or whether this is being covered up. I
19 explained to him that I could not give him
20 confidential information, but that I would pass
21 along his concerns."

22 I want to focus specifically on the
23 clause "could not give him confidential
24 information." If I had called -- If I had been
25 the person that called you, if I called you,

00069

1 didn't identify myself and wanted to know whether
2 an abuse survivor came forward and what the abuse
3 survivor reported, would you have considered that
4 confidential?

5 A Of course. So abuse survivors can tell whomever
6 they want whatever they want, but I can't tell
7 anyone anything about them.

8 Q All right. Let me ask you then about Exhibit 11.
9 If you could pull out 11. Just the last sentence
10 reads -- Again, this is a note from you?

11 A Right.

12 Q "In response to his questions about previous
13 moves between parishes, I assured so and so that
14 --

15 A "We" should be in there.

16 Q -- we were not aware of allegations against
17 Father Hanser before 1988." I read that
18 correctly?

19 A Correct, and I would have gotten that information
20 from Fay's office.

21 MR. LO COCO: Right. Let me mark as --
22 Is 13 next?

23 (Exhibit 13 was marked.)

24 BY MR. LO COCO:

25 Q Doctor, if you could take a look at Exhibit 13.

00070

1 This is Bates No. 12240 and 12241. And,
2 actually, before I ask you about that, I want to
3 finish the context here. So Mr. Finnegan asked
4 you about Exhibit 11. He then showed you
5 Exhibit 12, which is this note. It's in
6 handwriting, correct?

7 A Correct.

8 Q Which appears to have a date of November 1975,
9 correct? Correct?

10 A Yes.

11 Q And then if we look then at Exhibit 13 -- First
12 of all, have you ever seen this document?

13 A No.

14 Q I will represent to you and just ask you to
15 assume that this is a document that was prepared
16 as part of, at least as I understand it, putting
17 together a case that was sent over to Rome to the
18 CDF.

19 A Um-hum.

20 Q And there is a section at the bottom of this
21 first page call "Accusations." Do you see that?

22 A Yes.

23 Q And the first year says 1975?

24 A Yes.

25 Q And if you go to the far, right-hand column, the

00071

1 document says, quote, "Note in record that a file
2 was found in 1989 in a locked file in an
3 Auxilliary Bishop's office (Bishop Brust) with a
4 complaint from 1975 about sexual improprieties
5 with children from this family; file not located
6 currently." Did I read that correctly?

7 A Yes.

8 Q Did you put together that comment or provide that
9 comment to Barbara Anne Cusack or the Chancery to
10 be included in this document, Exhibit 13?

11 A No, I knew nothing about this.

12 Q When you met with abuse survivors, at least for
13 some of them did they voice any concerns about
14 family members finding out that they had been
15 abused?

16 A Often that had been -- was given as a reason why
17 they had not come forward previously.

18 Q So that did happen?

19 A Yes.

20 MR. LO COCO: That's all I have. Thank
21 you.

22 MR. FINNEGAN: I don't have anything
23 else.

24 VIDEOTAPE TECHNICIAN: This ends the
25 video deposition of Barbara J. Reinke, PhD, on

00072

1 February 8, 2013; the time 11:44 a.m.

2 MR. LO COCO: Off the record.

3 (A discussion was had off the record.)

4 THE WITNESS: I'm willing to waive
5 signing.

6 (At 11:46 p.m. the deposition
7 concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

00073

1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

3 I, KATHY A. HALMA, Registered

4 Professional Reporter and Notary Public in and for the

5 State of Wisconsin, do hereby certify that the

6 deposition of BARBARA J. REINKE, was taken before me at

7 the Law Offices of Whyte, Hirschboeck & Dudek, S.C.,

8 555 East Wells Street, Suite 1900, Milwaukee,

9 Wisconsin, on the 12th day of December, 2012,

10 commencing at 9:38 in the forenoon.

11 That it was taken at the instance of the

12 Claimants upon verbal interrogatories.

13 That said statement was taken to be used

14 in an action now pending in the UNITED STATES DISTRICT

15 COURT FOR THE EASTERN DISTRICT OF WISCONSIN BANKRUPTCY

16 COURT in which the ARCHDIOCESE OF MILWAUKEE is the

17 Debtor.

18 A P P E A R A N C E S

19 JEFF ANDERSON & ASSOCIATES, PA, 366

20 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,

21 by MR. MICHAEL G. FINNEGAN, appeared on behalf of the
Certain Personal Injury Claimants.

22 WHYTE HIRSCHBOECK DUDEK, S.C., 555

23 East Wells Street, Suite 1900, Milwaukee, Wisconsin,

24 53202, by MR. FRANCIS H. LOCOCO, appeared on behalf of
the Debtor.

25 That said deponent, before examination,

was sworn to testify the truth, the whole truth, and

00074

1 nothing but the truth relative to said cause.

2 That the foregoing is a full, true and
3 correct record of all the proceedings had in the matter
4 of the taking of said deposition, as reflected by my
5 original machine shorthand notes taken at said time and
6 place.

7

8

9

10

Notary Public in and

11

for the State of Wisconsin

12

13

Dated this 9th day of February, 2013,

14

Milwaukee, Wisconsin.

15

16

17

18

19

20

21

22

23

24

25