

## Questions & Answers Regarding the Mediation Process

### Why mediate?

*This mediation is one more important step on a permanent, continuing diocesan journey to reach resolution with victims/survivors and their families, and to minister to their ongoing pain. Mediation is about those involved, and their representatives, engaging in discussions and negotiations under the supervision of a mutually acceptable mediator. We believe this more direct approach is preferable to a legal proceeding if there's any possibility of finding common ground. The archdiocese looks upon this mediation as an opportunity where we can sit down and talk, face-to-face. Archbishop ListECKI has said he is approaching it with an open mind, a humble heart, and a sincere belief that a mediated resolution is possible.*

*If mediation is successful, victims can receive relief much sooner than through a trial process. For the archdiocese, mediation represents enormous cost savings, which can be used for more productive purposes such as settlement funding. The archdiocese's resources are finite and we would much rather direct funds to victim/survivors than to law firms.*

### Is it possible to reach a mediated settlement? Will this exercise do any good?

*We're pursuing this because we think it can work.*

### Will the Archbishop be involved?

*Archbishop ListECKI will participate in the mediation.*

### Who is the mediator? How was he or she selected?

*Retired Cook County (Ill.) Judge Stuart Nudelman will be the mediator. One crucial ground rule, and a key ingredient of success, is that the mediator selected be acceptable to both parties. Judge Nudelman is someone both sides are comfortable working with. There are many factors that make the mediator acceptable including understanding of the issues, prior experience and credibility among the participants.*

### If this succeeds, will this be the end of this issue?

*A successful mediation can bring some peace and comfort to the claimants and their families. For the archdiocese this mediation is another step on a permanent, continuing journey to minister to the ongoing pain of the victim/survivors and their families.*

### What if it doesn't work?

*At this point we are placing our faith and energies in the belief that we can reach an agreement through mediation. The only way to find out if this will work is to approach it with integrity and openness.*

### **If it doesn't work, will you file for bankruptcy?**

Bankruptcy would be an extremely painful and serious decision that would only come as a last resort. The financial tension we are living under is to do everything we can to reach resolution with victims/survivors while continuing to fund the other essential ministries of the Catholic Church in southeastern Wisconsin. Several other dioceses have come to the conclusion that the only way to manage these demands was to declare bankruptcy. We hope we can find another way. Right now, our focus remains on reaching resolution with victims/survivors through mediation.

*availability of insurance coverage has made additional funds available for victim/survivors. Most settlements have been funded entirely from our own limited resources, without insurance coverage. To maximize the funds available for victim/survivors, the archdiocese has sold property, used interest and investment income, liquidated savings and reduced its operating costs through staff, service and ministry cuts.*

### **Have you ever succeeded with mediation in the past?**

*Yes. To date, settlements have been reached with 190 victims/survivors through mediation.*

### **Why should these 15 believe they can do as well or better through mediation vs. through lawsuits?**

*Mediation is a way to reach a resolution and the agreement to mediate is an indication that we believe a resolution is possible. A mediated agreement is one way of avoiding the additional pain, huge financial costs, lengthy delays and further uncertainty that trials will cause.*

### **Victim/survivors who reached resolution with the Archdiocese through independent mediation in the past received a financial component as part of their settlement. Those who sued in California received much more in the 2006 mediated settlement. Why the disparity?**

*We enter all negotiations in good faith. Our goal is to equitably support all victim/survivors, including those who have not yet come forward, while continuing to carry on the other essential ministries of the Church. In some cases, the*