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NEWS

Divided State Supreme Court Clears the Way for Child Sexual Abuse Cases Against Church, Schools

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By Allison Dunn

A divided Maryland Supreme Court issued a historic ruling Monday that gave several plaintiff attorneys the green light to continue pursuing their claims of child sexual abuse against the Roman Catholic Archbishop of Washington and educational institutions.

The plaintiffs in three consolidated cases, initially filed in state and federal courts, claim they were sexually abused decades ago by church leaders in *John Doe v. Roman Catholic Archbishop of Washington*, as well as two school entities. In all three cases, the defendants challenged the constitutionality of the Maryland Child Victims Act of 2023, which opened the statutory window to allegations that would otherwise be time-barred.

In 2017, Maryland legislators enacted legislation with a new time restriction of 20 years after the date on which the victim reaches "the age of majority." The General Assembly later revised those rules by enacting the Child Victims Act of 2023, which eliminated all time restrictions for child sex abuse claims, including the 2017 time provision, Chief Justice Matthew Fader wrote Monday on behalf of the 4-3 majority. "We hold that the relevant provision of the 2017 law created a statute of limitations and that the running of a statute of limitations does not establish a vested right to be free from liability from the underlying cause of action," Fader wrote. "We further hold that it was within the power of the General Assembly to retroactively abrogate that statute of limitations.

The Child Victims Act of 2023 is therefore constitutional as applied to the defendants in the three cases before us." The majority's decision rejected arguments from the archdiocese, as well as the Harford County Board of Education and The Key School, that the legislature created a vested right shielding them from liability. Justices Shirley M. Watts, Brynja M. Booth and Peter K. Killough joined the chief justice's opinion, allowing several adult plaintiffs to proceed with civil claims in Prince George's and Harford county courts and the U.S. District Court for the District of Maryland, respectively.

"I think the court's ruling of holding the Child Victims Act as constitutional confirms what the legislature in Maryland had intended, and that is to eradicate and extinguish any statute of limitation for children who were sexually abused in Maryland," Jonathan Schochor, the founding partner and chairman of Schochor Stanton, told Law.com on Monday. "It permits Maryland survivors to come forward in civil actions and hold those responsible and accountable for decades of sexual abuse that happened in our state. It affects not only the church."

Schochor, along with attorneys with Janet, Janet & Suggs in Baltimore, as well as The Center for Constitutional Litigation in Washington, D.C., represent the plaintiffs in litigation against the archdiocese. Schochor stressed that beyond the legal issues, it is essential that his clients get closure against those who should be held accountable.

"The court agreed with our arguments that the legislature had not created a vested right in the defendants to be free from accountability for what was long-hidden but still had continuing traumatic effect and had the authority to right this wrong," said Robert Peck, the founder and president of the Center for Constitutional Litigation.

The driving force behind the change to the statute of limitations was a report issued by the Maryland attorney general's April 2023 report documenting decades' worth of child sex abuse allegations in the Archdiocese of Baltimore.

"The legislature can, and did, reopen the doors to the courthouse in order to rectify this problem. The enactment was not just constitutional, but essential," said Andrew S. Janet, a partner at Janet, Janet & Suggs.

Attorneys with Jenner Law and the Joel Bieber Firm represent Valerie Bunker in a federal suit against the Key School, a private pre-kindergarten through grade 12 institution in Annapolis, Maryland. The case is captioned *Bunker v. The Key School* and was filed in U.S. District Court for the District of Maryland.

"This is more than just a legal victory—it is a moral one," the attorneys backing Bunker said in a statement provided to Law.com. "The impact of this ruling extends far beyond this case. For the first time, survivors in Maryland will have the opportunity to seek justice in court without being barred by outdated legal constraints.

"The hundreds of cases that had been filed under the Child Victims Act but were stayed pending this ruling can now proceed. Lawyers representing survivors across the state can return to the courts and request that these stays be lifted, allowing long-delayed cases to finally move forward toward trial," they added.

Messages seeking comment were not immediately returned from Andrew Graham, a Baltimore-based Kramon & Graham attorney defending the archdiocese, nor from Sean Gugerty of Goodell, DeVries, Leech & Dann, on behalf of Key School.

In the third case against the Harford County school district, Aaron Blank of Blank Kim in Maryland and Philadelphia-based Laffey Bucci D'Andrea Reich & Ryan attorneys Michael McFarland and Gaetano D'Andrea represent the plaintiffs. The defendant is represented by Edmund O'Meally of Pessin Katz Law in Townson, Maryland. Messages seeking comment from the attorneys in *Doe v. Board of Education for Harford County* were not immediately returned.

On a personal note, Schochor said Monday's decision was among some of the most meaningful in his lengthy legal career. More than a decade ago, he led a \$190 million class action settlement against Johns Hopkins Hospital for nearly 8,000 victims who claimed they were secretly taped and photographed by an obstetrician-gynecologist, Dr. Nikita Levy. At the time, it was reported to be the largest settlement in U.S. history involving sexual misconduct by a physician, and it remains the highest class action settlement in Maryland.

When the opportunity for the current case presented itself, Schochor, 78, said he jumped on it because he simply wanted to help. Monday's ruling gave him a sense of pride in the legal profession, as well as his own work, including his involvement in the Archdiocese of Baltimore's Chapter 11 reorganization. In a statement, Rev. William E. Lori said reorganization was the best path forward after the Archdiocese of Baltimore faced several lawsuits for child sexual abuse cases after the 2023 legislation.

"I've been practicing for more than 50 years, half a century. I am proud to have been an integral part of seeing that children in Maryland who are sexually abused have a remedy," Schochor said, adding that research shows it can take survivors years to disclose the abuse they faced as youth.

However, three justices disagreed with the majority's decision. On Monday, Justices Jonathan Biran and Robert McDonald issued separate dissenting opinions that were joined by Justice Angela M. Eaves.

Biran said that the General Assembly "did not break new ground" by using the age of the majority as the trigger for a statute of repose. He said a section of the 2017 act created a statute of repose with respect to claims against a non-perpetrator defendant. Any claims against the defendants that were untimely on the effective date of the 2017 act, or that became untimely before the 2023 act, could not be revived without violating the defendants' vested rights, the judge wrote.