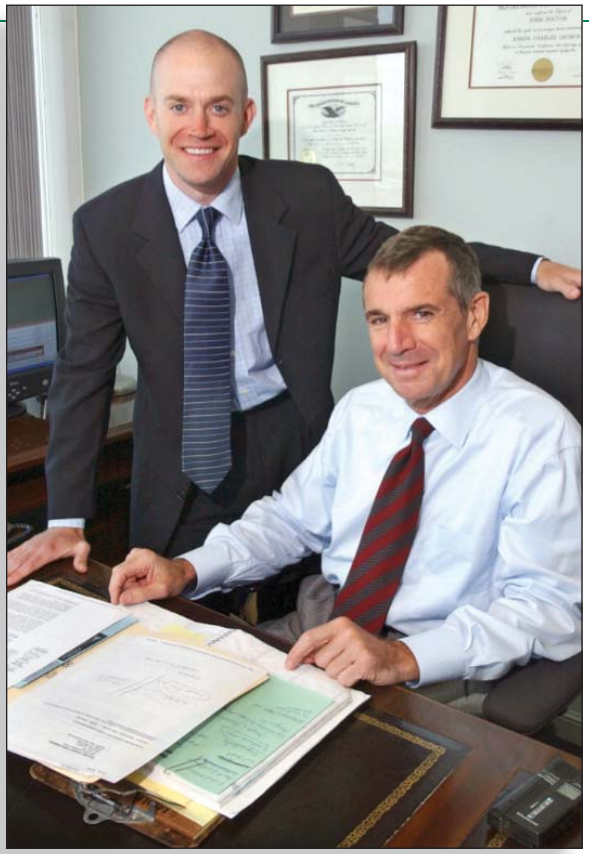
"Pillah" Talk©

with Joseph C. George, Ph.D, Esq.

An ongoing series of interviews with pillars in the legal community

By: Joe Marman



Father-and-son legal team Joseph George Jr. and (right) Joseph C. George, Ph.D.

Q. When did you first start to represent victims of sexual molestation?

After being admitted to the Bar in November 1985.

Q. How many cases have you handled during your career or in the last 10 years for sexual molestation victims?

Hundreds.

Q. What other types of law do you practice?

Mental health malpractice cases focusing on harmful exploitative relationships and therapist-patient sex, and personal injury cases representing persons who have suffered a traumatic brain injury. During my 25 years, the majority of my cases have been outside of Sacramento County.

Q. Could you give some history of your work as a lawyer, or even your history leading up to becoming a lawyer?

I was originally trained as a psychologist, and I am both an attorney and licensed psychologist in California. After completing an internship in clinical psychology, I commenced to fulfill an obligation to the United States Air Force. I was assigned as a psychologist to David Grant Medical Center, Travis Air Force Base, California. While at Travis, I earned my law degree at McGeorge.

As a comment staff writer and assistant editor for the *Pacific Law Journal* at McGeorge, I authored an article proposing a mandatory reporting law for incidents of psychotherapist-patient sex.

Subsequently, after earning my law degree and fulfilling my obligation to the Air Force, I served as a member of the California Senate Task Force on Psychotherapist-Patient Sexual Relationships, and authored Civil Code 43.93, which imposes liability on psychotherapists for sexual contact with a current patient and with a former patient for up to two years following termination of the psychotherapist-patient relationship.

While attending McGeorge, I was an intern at the U.S. Attorneys Office-Civil Division, and worked under (now) Judge Garland Burrell, so I could be gain courtroom experience. At the time, I wanted to learn as much as I could about trial practice. Ultimately, during an interview down in the Bay Area, I was told point blank that I was not going to be hired because I had already "functioned as a professional Ph.D. psychologist" and that would cause a problem with the incoming group of first-year lawyers. I also interviewed with (now) Judge Kevin Culhane and interestingly, he recommended that I go into private practice because I would have far more autonomy and flexibility than joining a large law firm.

After becoming a lawyer, the Sacramento County District Attorneys Office had a program for inexperienced lawyers where a lawyer could volunteer for a month to try cases. Basically, we showed up, were handed a DUI case and informed to go to Department X and try the case. In retrospect, that was exciting and enjoyable. Also, I was able to obtain consultations and general support from experienced lawyers in the community like Doug deVries and then-retired Judge Michael J. Virga. Their advice and support was extremely helpful, and I have always been very grateful to them.

I served eight years in the Anthony Kennedy Inn of Court at McGeorge, which was extremely enjoyable. I enjoy the Inns of Court because we have dinners with judges and lawyers and have presentations and thoughtful discussion, which promote ethics, civility and professionalism in the legal profession.

Currently, it has been an interesting experience to practice law with my son. Again, I was originally trained as an a psychologist, and in many ways, think as much like a psychologist as a lawyer which is reflected is some poorly worded questions in a deposition and trial. By contrast, my son, who was originally a deputy district attorney and thereafter trained and worked with a well-known plaintiffs product liability attorney in

major products cases involving (airline and automobile), is far more precise and detailed which makes for an interesting combination since I bring the psychological expertise to the practice. That was reflected in our last trial verdict ($1.35M) for a child molest victim against her adopted father. By the way, she was over 26 years old when that claim was filed, and we survived a MSJ and directed verdict motions regarding the statute of limitations. We recently were retained to represent some of the children victims for the acts of sexual molestation by the principal of the Creative Frontier Church in Citrus Heights.

Q. How did you begin to focus your practice on representing child victims of clergy sexual abuse?

I always had a boutique practice in mental health malpractice, usually involving cases of sex between a psychotherapist and patient, and child sex abuse. Most of my cases were in Southern California. Insurance coverage (lack of) had a huge effect on undermining financial recovery for victims of child sex abuse by babysitters, etc. Beginning in the late-1980s, an occasional victim of clergy sex abuse would contact me about a potential civil claim.

However, in the mid-1990s, more clergy sex abuse cases began to surface after Father Oliver O'Grady (Stockton Diocese) was arrested, convicted and sentenced to a prison term at Mule Creek State Prison. After Cardinal Law and the Boston Diocese investigations became public, a revival statute was passed in California. With help from of the CAOC and Ray Boucher the statute of limitations was tolled for victims of sexual abuse. Essentially, in 2003, any one victim of sexual abuse (regardless of their age) could file a claim against their abuser and an employer if the victim could show that the employer knew or had reason to know about the child sexual molestation.

Q. Did you partner up with any of the larger law firms in LA for San Francisco to handle some of those coordinated clergy cases?

Yes. We worked with Larry Drivon, Stockton, CA, now retired and former CTLA president, and Jeff Anderson, St. Paul, MN who is the leading clergy child sex abuse trial attorney in the United States.

Q. How have you been prevailing on the statute of limitation issue for those plaintiffs that have not raised their claims until they were in their 30s?

Understanding that survivors of childhood sexual abuse suffer long-lasting injury well into adulthood, the Legislature has amended the applicable limitations statute four times since its enactment. With each successive enactment, the limitations period has been extended for longer periods and/or broadened to apply against larger groups of defendants.

The current version of CCP 340.1, provides a victim has until their 26th birthday to file an action, or within three years of the date that the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse, whichever period expires later. For example, the three-year window enables someone who is 32 years of age to file suit if they had not been aware of an adult psychological injury that had been caused by the child sexual abuse. Events later in life often trigger connections for victims who have been ashamed and silent about what happened to them.

In short, the California Legislature recognized the substantial and devastating effects of childhood sexual abuse are complex, and a "one size fits all" approach should not be used against victims of childhood sexual abuse. As a result, the CCP 340.1 delayed discovery provision enables victims who have not disclosed their molestations, and certainly not received treatment, to file claims after their 26th birthday, if the facts of their abuse and their adult psychological illness meets the statutory requirements.

Q. Have you been able to obtain insurance coverage for many of these cases?

We have been able to. We have to show that under a negligence theory that the upper level administrators knew or had reason to know of the child sexual abuse that has been going under their "supervision." The majority of the sex abuse settlements are funded entirely by insurance dollars, while the other settlements are funded by both insurance and defendant dollars. On a few rare occasions, the available insurance has been exhausted and liable defendant funds the entire settlement.

To me, I am still amazed that the Catholic Church continues to act with arrogance and refuses to act aggressively to stop any further sexual molestation by its priests. In 2011, on a daily basis, victims of Clergy sexual abuse continue to contact our office.

Q. Have you heard of any dire consequences of what is happening to the great wealth of some of the major churches that have been hit hard financially with these lawsuits?

I do not believe there has been any long-term financial hardship. Religious institutions were using public relations campaigns to promote the nonsense that they were going to have to shut down schools and social services in order to pay for their decades of criminal cover-ups (for which they purchased insurance). In fact, while some schools have closed, they typically were in poor neighborhoods where enrollment, tuition and parishioner donations were down. The churches and schools in the more affluent areas have remained cash cows for religious institutions and are certainly not threatened in any way.

During this time of claimed "financial crisis," tens of millions of dollars were raised and spent on renovations to at least three different Roman Catholic cathedrals in California. Author Jason Berry recently published a book, *"Render Unto Rome: The Secret Life of Money in the Catholic Church,"* which is an investigation of financial intrigue in the Catholic Church. That book showed how the money has and continues to flow uphill to the Vatican.