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# BUSINESS MEETING & REPORT OF THE GENERAL COUNSEL, NCCB/USCC

WILFRED R. CARON, ESQUIRE

Since our last meeting, there have been some changes in the staff of lawyers in the office. The arrival of two new ones last week makes this a good occasion to make some introductions. What I'd like to do is say a few words about each. Some you know, and some you don't. I shall ask each to rise in his own turn, but please hold your thundering applause until the end so we have a single, warm earthshaking roar.

First, of course, there's my deputy, Gerry Lamberti. Now, he wrote this for me. It says, "The old man in the office who keeps reminding us of the good old days." Well, I'm dutiful, so there it is, Gerry. Gerry was admitted to practice almost 28 years ago and began his career as law clerk for Chief Judge Albert Conway for the New York Court of Appeals. He came to the Conference after more than 20 years of federal service, during which his experience included administrative law, legislative analysis and litigation. Gerry's major substantive responsibility in the office is in immigration law. With that I would just ask Gerry to rise.

Next is John Liekweg whose nearly ten years in the office makes him senior in tenure. When I find him sitting in my chair, I think maybe he thinks he's senior in rank. Many of you know John and are quite familiar with his very exemplary cooperative attitude and spirit and his diversified expertise, particularly in the fields of civil rights, education, and related First Amendment issues. John received his law degree from the University of Maryland in 1974. His service at the Conference was preceded by service as law clerk to the Honorable DeWitt S. Hyde of the Superior Court of the District of Columbia. John, could you do a turn for us?

The third member of the staff whom I'd like to introduce is Dierdre Dessingue — I'm gonna do it, Dierdre — often referred to by one of our preeminent laymen as "yummy counselor." Because of her substantial telephone practice, many of you know her well. A Phi Beta Kappa stu-

dent, Dierdre received her undergraduate degree summa cum laude from Catholic University and her law degree in 1975 from that university's Law School, where she served on Law Review. Before coming to the Conference, Dierdre was a senior tax law specialist at the National Office of the Internal Revenue Service where she worked for five years and developed her expertise in the area of tax-exempt organizations, which is her primary area of responsibility. Dierdre, would you rise please?

The fourth lawyer with whom I'm privileged to work is Katherine Grincewich. Katherine was a Phi Beta Kappa student and a member of several honor societies at the University of Delaware where she took her undergraduate degree. She received her law degree with distinction from Catholic University Law School in 1981. While in law school Katherine served as intern in the Common Carrier Bureau of the Federal Communications Commission, and after graduation she became an associate in the communications department of a prominent law firm in Washington, D.C. As you know or surmise, Katherine's principal responsibility in the office is in the field of communications. Her expertise is also available on a timeshare basis to the Catholic Telecommunications Network of America, which is, as I think you know, a wholly owned subsidiary of the Conference. Katherine!

And now I come to our two very recent arrivals. In alphabetical order they are Mark Chopko and Regina McGranery. Mark received his graduate degree summa cum laude from the University of Scranton, and in 1977 received his law degree cum laude from the Cornell Law School. After graduation and before joining the staff, Mark served in various litigating capacities in the Office of General Counsel, U.S. Nuclear Regulatory Commission. He has handled appellate work involving the construction and operation of nuclear power plants, such as Diablo Canyon, and related accidents such as Three Mile Island. He's been involved in several Supreme Court cases, and has district court litigation experience involving the Commission's licensing and enforcement activities. Mark, please rise.

And finally, it's a pleasure to present Regina McGranery. Regina received her undergraduate degree magna cum laude from Trinity College in Washington, D.C., and received a law degree in 1970 from the Law School of the University of Virginia. After law school Regina served as law clerk to Chief Judge Edward M. Curran, the U.S. District Court, District of Columbia. In 1973 she became an Assistant United States Attorney for the District of Columbia where she served until she joined our staff. During the last six years she was a senior appellate assistant. She had primary responsibility for civil cases, as well as criminal prosecutions, and she practiced in both federal and local courts. One personal note about Regina! Her father, James P. McGranery, was Attorney General of the United States under President Truman.

These are the lawyers in the office. I would like them to stand, to be acknowledged.

The staff is building, in quantity and quality. I should make a special point about the obvious increase in our litigation capability. We'll be able to do more now, not only by way of *amicus curiae* participation, but also by being of more immediate and concrete service to you, especially in cases involving church-state issues of potential national significance.

I should say that as I go through my fifth year, which I started on St. Patrick's Day, I intend to make a very substantial reassessment of the needs and capabilities and mission of the office. I don't know what I'll come out with at the end, but I certainly expect to complete that exercise before the end of my fifth year.

What I should also do, and am pleased to do, is ask George Reed to be acknowledged. George has been with you a long time, and as my predecessor is a person on whom I have leaned considerably from time to time. George, would you be good enough to rise?

A few observations about the meeting next year. As you know, I'm general counsel of Catholic Telecommunications Network of America. With us today is Wasyl Lew, its president. Was, would you stand up? I've had some preliminary discussion with Was about the possibility of arranging some live coverage and teleconferencing during selected sessions of our Chicago meeting. This would allow you to invite your chancery staff and others to sit in on the meeting, so to speak. Whether this will be economically or practically feasible is a very open question. However, I thought you might like to know that with Was's cooperation, we might just be able to do something like that.

I should add that this opportunity would be available only to dioceses which are affiliated with CTNA. At present, there are 47 affiliates comprising 52% of the Catholic population. Twenty-six of those are already on the air, reaching roughly a million and a quarter cable households. Those 26 have a potential household cable population of about five-and-a-half million. This is by way of saying that while it has a way to go, CTNA is an operating reality.

[Mr. Caron then discussed problems associated with litigation against dioceses rising out of the torts of diocesan priests.]

I'd like to move on then, at this point, to brief comments on the lawsuit in Tucson on which Dave Young touched yesterday. Most of you know all about it. It's a defamation action brought by a Catholic priest against people in his own parish and diocese. To prepare the defense of the action, the defendants subpoenaed the priest's personnel file in the chancery. The Bishop declined to produce the file on grounds of confidentiality under the canon law, thus giving rise to services issues under the First Amendment. I don't propose to talk about the merits of the case beyond underscoring its adverse potential for the church in the field of

constitutional law.

What I do want to talk a little bit about are the solicitations of amicus curiae briefs in the Court of Appeals for the Ninth Circuit. Because of the problems with the case, the Conference, with the understanding and support of the Apostolic Delegate, has considered it important that the First Amendment issues tendered in this case be decided in a case whose factual content is more hospitable to the argument. Mooting the appeal is a desirable result, and to that end I'm pursuing an amicable resolution of the suit and the collateral discovery effort.

In response to the diocese's extensive solicitation, some dioceses did seek permission to file an amicus brief in the Ninth Circuit. I had a check made last week, and we were informed by the clerk of the court that two dioceses had been allowed to file amicus briefs, and that motions for leave to file by 13 others had been denied.

Now I must make these observations: First, I do want to thank those who correctly perceived the national implications of the case, and placed the matter of amicus support within the aegis of the Conference and its Office of General Counsel. The bishops and diocesan attorneys from more than 30 dioceses contacted us, and we were in a position to share our views, analyses and concerns. This was a very useful employment of the resolution you adopted in Savannah in 1981, which was subsequently endorsed by the administrative board of the USCC. Second, I must observe that our efforts to bring about an amicable resolution are not advanced by amicus support which drives the engine the other way.

Third, and perhaps most important, the denial of 13 motions by the court of appeals was a predictable rejection of duplicative and unnecessarily burdensome amicus participation. That action underscores the need for good order in our ranks. In short, it does seem that a due regard for the role of the Conference best serves the church's interests. That does not mean that there cannot be legitimate differences of opinion, but it does mean that orderly processes have value in themselves and do not derive their wisdom or their validity from an unattainable unanimity.

There is miscellaneous business that I should touch on at this point, related to the welfare of the Association. The first is the matter of finances, and that gives me the chance to ask Paul McMahon to deliver his annual financial report. Paul!

MR. McMAHON: Although this is somewhat of a disaster, I must urge you to resist the temptation to file under chapter 11. Results of operations and changes in fund balance, year ended December 31, 1983: Revenue-membership fees — \$18,814. Allocated investment income — \$3,867. Total revenue — \$22,681. Expenses, conventions and meetings — \$15,008; printing and supplies — \$6,222; postage and mailing — \$3,465; telephone and telegraph — \$350; professional services — \$5,739; staff travel — \$3,215. For total expenses of \$33,999. Excess of expenses over

revenue — \$11,318. Fund balance, January 1, 1983 — \$56,284. Fund balance, December 31, 1983 — \$44,966.

MR. CARON: So on a current basis, we are beginning to experience some red ink. Now the fact is the dues have not been increased since 1976. I think that all in all you've done very well without increasing dues over the course of these very difficult eight years of inflation. When I met with the members of your executive group on Sunday, we discussed the need to change the dues structure. With your consent, what they have approved is that my office take a hard look at the financial position, and then implement a different dues structure for the next year after consulting with them. It's got to be effective for next year. These meetings are getting better, but they are also getting more expensive. So unless there is a difficulty with that procedure, that is what I would expect to do.

The next item relates to membership. This is a relatively small, but important item. There are no longer firm criteria for membership. This organization began as a diocesan attorney's group, but has expanded on a random basis to include others. I'm not suggesting that that's not a good thing, but I believe we ought to understand what constitutes the ranks so that when someone asks to attend our meeting or to be on the mailing list, we will have criteria to guide us. That's something that we should get into quickly, and I think I shall poll the group to see what your feelings are on the matter. This is not my decision to make.

The third item relates to the National Legal Data Bank and referral service for diocesan attorneys, about which I've talked in the past. Last year the Conference, at my request, allowed a budget of \$10,000 — this is Conference money, now — to determine the technical and practical feasibility of such a system. We're presently working with Coopers & Lybrand on the matter, as well as consulting with our own data processing department and Wasyl Lew of CTNA.

In this regard, I would note that depending upon the system which emerges, a diocesan affiliation with CTNA could be invaluable. Dioceses which are already on air would have a built-in capability for data bank updating and information retrieval.

Within a week or two, you'll be receiving a questionnaire which we prepared with Coopers & Lybrand. It borrows from the good work which was done by a certain small group of you to generate the kinds of topics with which you deal in your work for the church. We've pruned that down from something like 700 or 800 to something in the range of 450. The purpose of the questionnaire is to ask each of you to identify the topics you think are important, and to indicate whether you have work products in existence for the system. We've been working pretty hard at this for your benefit. I hope that the response you give to the questionnaire will be complete and prompt.

Well, I think that does it. Let me close by saying that I am very

grateful for your help, your attendance, your interest; and we'll go on now to the last substantive topic on the program. I hope you will have a good and safe journey home. Thank you.