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PROBLEM PARISHIONERS

WILLIAM J. WOOD, ESQ.*

Deirdre Halloran: Good Afternoon Ladies and Gentlemen. For our first time attendees, I am Deirdre Halloran, of the Office of General Counsel at the United States Catholic Conference. It is my pleasure to introduce our first, and for that matter, our *only* panel of this afternoon, Bill Wood of Indianapolis, Bill Cambria of Newark, New Jersey, Jack Hammel of San Francisco, and Roger Schmitt of St. Cloud, Minnesota, who will speak in that order.

Our four panelists are all diocesan attorneys with over seventy years of collective diocesan legal experience among them. They will discuss actual case studies involving what we have termed generically the “problem parishioner.” Those of you who have represented your dioceses for any length of time will recognize these individuals. If you haven’t yet run across them, give it some time, you will. You will hear allegations of witchcraft, tales of psychologically unstable individuals disrupting worship services, women stalking parish priests, out-of-control school parents and even harassment via e-mail. You will hear recommendations from these experienced diocesan counsel on what to do about these situations. So, sit back and enjoy the ride. Don’t worry, when it’s over, you will have the opportunity to share your own stories.

Bill, would you like to start?

William Wood: Thank you, Deirdre. There is a woman in Indianapolis named Kathy. She is an ideal parishioner, but about every five or six years she has a spell where she enjoys herself by making a disturbance in the back of church during the most sacred part of Sunday Mass. When an usher comes over to

* Wood, Tuohy, Gleason, Mercer & Herrin; Archdiocese of Indianapolis.

quiet her, she starts screaming all the louder accusing the usher of assaulting her. Finally, somebody calls the cops. She is such a genius that just before the police arrive, she can dematerialize out the side door and make her escape. Next Sunday, she will show up at another parish.

The first time this happened, I wrote Kathy a cease and desist letter. She responded by writing to the Archbishop asking when she would get the \$25,000 that Mr. Wood promised in settlement of her claim against the Archdiocese. You can imagine the phone call I got that morning when they opened the mail up at the Chancery Office. So, that gets me to my first practice pointer, which is, "Don't make eye contact with these people." If you must write a letter, make your junior associate sign it.

I will never forget a particular Red Mass in Indianapolis. The church was filled with judges, prosecutors, law enforcement officials, lawyers and other distinguished guests. The Archbishop was just getting warmed up in his homily, when a derelict man began walking up the side aisle, and before anybody got their wits, he walked right up and flung himself prostrate at the feet of the startled Archbishop. It's interesting that the one who got there first to save the Archbishop from this man was the county sheriff who recognized this poor wino as one of the sheriff's chief "customers" at the jail.

This story illustrates one of my pet peeves, that ushers should do more than just greet and seat. I wish that all the church ushers in the United States would get some kind of security training, at least to know where the telephone is to call 911, where the fire extinguisher is, the first aid kit and that sort of thing. I think Kathy's problem is that periodically she thinks she's well enough and stops taking her medicine.

The big problem is that in Indiana the mental health laws are so protective of mentally ill people that it is almost impossible get an arrest warrant for somebody who is disruptive like that, unless you are a member of the family, or unless the police actually pick up the person and take them directly to a mental health clinic. There they can get treatment. I suggest that everyone in this room become familiar with the mental health laws in your state and how to get a pick up order issued. In the larger cities, there is usually a deputy county clerk who is called the Mental Health Clerk. You might want to make a note

to know who that is, and find out the protocol, the ritual you need to go through.

In the text, I've discussed ten of these types of cases that I have encountered over the years along with the lessons that I've learned. Here, I am just going to summarize some of the more unforgettable events. For example, there was an incident a few years ago where a man stood up in the middle of Sunday Mass and loudly accused the celebrant of having an adulterous affair with the man's wife. It just so happened the celebrant was an aged, retired archabbot from a nearby archabbey. But that's not the end of the story. A few days later, the Archdiocese received a letter from this man's lawyer demanding damages for "alienation of affections" of this man's wife. I took a lot of pleasure in calling that lawyer and informing him about the anti-heart balm laws in Indiana.¹ Some of you younger lawyers here may not know what an anti-heart balm law is. In the old days, the early parts of this century, it was not unusual to see a lawsuit for a breach of promise to marry or alienation of affections. Unfortunately, these cases lent themselves to blackmail and extortion. So, early on in this century most of the legislatures in the country outlawed lawsuits for alienation of affections or breach of promise.² Indiana has one of the toughest statutes, because in Indiana, it's a crime even to accuse somebody of alienation of affections. So, I enjoyed calling this lawyer and informing him of the Indiana law. I never heard from him again. I'll say this, however he did not go to law school in Indiana. It was some other state. Also, I want to report that the archabbot had the savoir faire to finish Mass that Sunday.

I just discovered this the other day, there are nine states that still permit heart balm lawsuits. This is not in your text, so let me read them. The nine states that still would permit a heart balm lawsuit are: South Dakota, Hawaii, Illinois, Mississippi, Missouri, New Hampshire, New Mexico, North Carolina and Utah.³

Now, let me tell you a little about the problems that arise when someone tries to impersonate a priest, which happens

¹ See IND. CODE ANN. § 34-12-2-1 (West 1999).

² 41 AM. JUR. 2d *Husband and Wife* §§ 269-272 (1995).

³ See Jennifer E. McDougal, *Legislating Morality: The Actions for Alienation of Affection and Criminal Conversation in North Carolina*, 33 WAKE FOREST L. REV. 163, 172-173, 180 n.135 (1998).

every once in a while. Awhile back in our state, a man came along impersonating a priest, had the Roman collar, all the proper garb, knew the lingo and called himself Father Roger. He was able to fool several pastors before anybody caught on to him. He pretended to be looking for young men who might think they had a vocation for the priesthood. He arranged for a meeting at one parish, and several young men came. He greeted them at the door with a parrot on his shoulders. Apparently, nobody thought that it was extraordinary for a priest to walk around with a parrot on his shoulder! Nobody suspected anything until Father Roger told them that on the side he also worked for the FBI. Then people got a little suspicious. Finally, we obtained a protective order against Father Roger. You know what he did next, he called a news conference to complain publicly that he was being denied the sacraments and was forbidden to attend Mass. I haven't heard from Father Roger since, but I think it behooves all of us to find out how to get protective orders, and to know the law on disorderly conduct in our states. There is also this canonical problem about depriving somebody of the sacraments, since Canon Law requires the Church to allow everybody access to the sacraments. I am not going into that issue here today.

I don't know what became of Father Roger's parrot. I think maybe he gave it to Frasier's brother Niles.

As Deirdre said, occasionally a parishioner becomes enamored of a member of the clergy or staff. This is usually a female, who begins to stalk the clergy. You will hear more about that from the other panelists. My experience is not to take these people lightly. Stalkers are dangerous. They will escalate and push as far as they can until somebody stops them. Unfortunately, many pastors think that the "Christian" thing to do is to temporize with people like that and try to deal with them rationally. We had one pastor who wanted to meet with someone who had a gun and was threatening to kill him. After talking to the sheriff in his county, he wore a bullet-proof vest for a while. The true Christian thing to do with people like this, of course, is to get them help. That's what they need. They usually respond to modern drugs. Most states have stalking laws that can be used in these situations.

To summarize, I have these suggestions:

1. Make a police connection, *i.e.*, that is a local law

enforcement official with whom you can speak confidentially when seeking help in these strange situations.

2. Your diocese should have a designated spokesperson, an expert in dealing with the media, someone who knows the local media personnel and can talk their language.

3. Caution pastors and other parish personnel against attempting to appease obsessive or threatening persons.

4. Educate ushers in security precautions.

5. Become familiar with the laws in your state concerning mental health, protective orders, heart balm lawsuits, disorderly conduct, stalking and that sort of thing. It is fun for me to stand here and talk about these war stories, but some situations are deadly serious. There is a dark side to the problem parishioner issues. Those are hard subjects that I have left the rest of the panel to talk about.

Bill, I'll turn it over to you.

