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*Counsel to the Official Committee  
of Tort Claimant Creditors*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

*In re:*

THE DIOCESE OF CAMDEN, NEW JERSEY,

Debtor.

Chapter 11

Case No.: 20-21257 (JNP)

**REPLY TO OBJECTIONS MADE TO THE MOTION OF THE OFFICIAL  
COMMITTEE OF TORT CLAIMANT CREDITORS FOR THE ENTRY  
OF AN ORDER AUTHORIZING THE RETENTION OF EXPERTS**

The Official Committee of Tort Claimant Creditors (the “**Committee**”) of the Diocese of Camden, New Jersey (the “**Diocese**” or the “**Debtor**”) submits this reply (the “**Reply**”) to (i) the opposition filed by the Debtor [Dkt. 240] (the “**Debtor’s Objection**”), (ii) the joinder to the Debtor’s Objection filed by the parishes (“**Parishes**”), mission, and certain schools [Dkt. 245], and (iii) the objection filed by the United States Trustee [Dkt. 246] (collectively, the “**Objections**”) to the *Motion of the Official Committee of Tort Claimant Creditors for the Entry of an Order*

*Authorizing the Retention of Experts* [Dkt. 204] (the “**Motion**”). In support of this reply, the Committee states:<sup>1</sup>

I.

**PRELIMINARY STATEMENT**<sup>2</sup>

1. What the Debtor’s Objection asserts as ambitious is commonplace: experts are often retained in diocese cases and other cases involving claims of sexual abuse. While the Committee has not yet determined whether expert testimony is necessary, it is inarguable that the Committee may retain the experts it needs to aid its advisors in addressing the esoteric issues raised by a nonprofit religious entity filing for Chapter 11 protection. Indeed, the Committee may hire experts of its choosing under Bankruptcy Rule 1103(a) if those experts serve in the best interest of all creditors represented. A creditors’ committee not only has the power to employ other agents to represent or perform services for the committee, “it has the duty to determine what assistance it requires in order to perform its duties, when such assistance is required, and to select those best qualified to render such assistance.” *See Matter of Advisory Comm. of Major Funding Corp.*, 109 F.3d 219, 224 (5th Cir. 1997) (citations omitted).

2. The use of experts is especially needed here. First, they are necessary to address the unique issues raised by the Debtor’s Bar Date Motion. As this Court will hear from the Committee, the date by which survivors must assert their claims should consider the unique psychological obstacles faced by many survivors to their disclosure of abuse and filing of a proof of claim. For that reason, among others, the Committee seeks to retain an expert to educate this

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<sup>1</sup> While filed as an objection, the United States Trustee agreed with the Committee that an order of this Court was not required for the Committee to retain experts. However, the United States Trustee asserts that if an order was entered granting the Motion, the Committee should first disclose the experts it sought to retain and the compensation it sought to pay the experts for their services.

<sup>2</sup> Capitalized terms not defined in this Preliminary Statement shall have the meaning ascribed to them below.

Court on the effect of childhood sexual abuse on individuals and on what constitutes fair notice to abuse survivors.

3. Second, not only is the bankruptcy case of nonprofit religious organizations unusual, but the Catholic diocesan debtor here is unique among nonprofit organizations in bankruptcy because of its mandated affiliation with the Catholic Church, which establishes its organizational structure, practices and procedures. Thus, the Committee must have an expert with a deep understanding of the property rights and agency relationships of entities within the Diocese, the organizational hierarchy of the Diocese, how it supports its related Catholic organizations and more generally, the unique governance protocols employed by the Diocese.

4. While the Federal Rules do not require the Committee to disclose its proposed Experts now, in a continued effort to be transparent with all parties and to assuage the concerns raised in the Objections, the Committee lists the names, qualifications, and anticipated subject matter of the Experts below.<sup>3</sup> That said, neither the Debtor nor the Parishes—whose efforts of obstruction have not gone unnoticed and whose relationship is a central point of examination—have the right to dictate to the Committee how to litigate this case. Every action has a reaction. The Debtor commenced this proceeding and is thus responsible for its costs. The Debtor filed a Bar Date Motion seeking to cut short the hard fought rights that the State of New Jersey just granted to survivors and it must now explain to this Court why it seeks to do so. But the Debtor may not decide what evidence this Court considers in deciding this issue and the other critical issues that will arise in this case.

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<sup>3</sup> The Committee reserves its rights to retain additional experts as it deems necessary. If it so chooses, it will disclose the identity of the expert, the scope of their engagement and the expert's compensation structure.

II.

**THE COMMITTEE'S RETENTION OF EXPERTS IS VITAL TO PROTECTING THE UNIQUE INTERESTS OF SURVIVORS**

**A. Disclosure of Experts**

5. Under Section 1103(a) of the Bankruptcy Code, the Committee may employ agents to perform services for the Committee, including experts and consultants. *See* 11 U.S.C. § 1103(a). Although disclosures on its experts (the "**Experts**") are not required at this point in time, in the interest of complete transparency, which was also the original basis for filing the Motion, the Committee will disclose each Expert and the services each will provide.

6. The Experts will generally provide services about issues relating to, *among other things*:

- (a) the trauma suffered by victims of abuse and how those victims recognize and understand the connection between an act of abuse and its impact or damage;
- (b) the effect of statutes of limitations and revival laws on survivors;
- (c) effective methods by which to grant survivors opportunities to seek justice;
- (d) the structure and organizational nature of the Catholic Diocese; and
- (e) other advice on the unique operations of the Diocese and Parishes.

7. It is essential that the Committee retain an expert to inform it on the unique needs of survivors confronted by a truncated claims bar date and, in turn, a shortened statutes of limitations and to assist it in formulating a response to the Debtor's proposed bar date for sexual abuse survivors. Equally important, given that the structure and relationship between the Diocese and the Parishes is central to this case, the retention of an expert with a background in the internal procedures and operations of dioceses and their related entities is necessary.

**Marci A. Hamilton**

8. The Committee requests authority to engage Marci A. Hamilton as an expert on the effects of sexual abuse on children and statute of limitations in sexual abuse cases. Ms. Hamilton is the Fels Institute of Government's Professor of Practice at the University of Pennsylvania. She taught constitutional law and law and religion at the Benjamin N. Cardozo School of Law. Ms. Hamilton is the foremost constitutional law scholar on revival laws, and has advised Congress, state governors, legislatures, including New Jersey's, and courts on the constitutionality and public policy of revival window laws for child sex abuse throughout the United States. Ms. Hamilton is also the founder and CEO of CHILD USA, the leading nonprofit think tank working to end child abuse and neglect in the United States. She has also authored the only book on child sex abuse statutes of limitation, *Justice Denied: What America Must Do to Protect Its Children*. Ms. Hamilton's Curriculum Vitae is **Exhibit A**.

9. The Committee proposes to compensate Ms. Hamilton at her customary hourly rate, which is \$750. To the best of the Committee's knowledge, Ms. Hamilton represents no other entity having an adverse interest in connection with this Chapter 11 case, or have any connection with Debtor, creditors, any other party in interest, their respective attorneys, and accountants, the United States Trustee or any person employed in the office of the United States Trustee, or any District of New Jersey bankruptcy judge.

10. The Committee seeks to retain Ms. Hamilton to provide these services:
- a. expert consulting services and potential expert testimony on the effects of sexual abuse on survivors, particularly on survivors' ability to file claims;<sup>4</sup>
  - b. expert consulting services and potential expert testimony in connection with the *Diocese's Motion for Entry of an Order Establishing a Deadline for Filing Proofs*

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<sup>4</sup> The Committee plans to submit a declaration from Ms. Hamilton in support of its objection to the Bar Date Motion. Actual testimony, which will increase the costs to the estate, will only be necessary if the Debtor will not consent to its admission.

*of Claim and Approving the Form and Manner of Notice Thereof* [Dkt. No. 74] (the “**Bar Date Motion**”) and any contested matters or litigation arising here as reasonably requested by the Committee;

- c. expert consulting services and potential expert testimony on the form of sexual abuse proof of claim forms;
- d. as may be requested by the Committee, helping prepare affidavits/declarations, depositions, and briefing concerning issues for which Ms. Hamilton is providing expert consulting services and potential expert testimony;
- e. preparing for and providing potential deposition and court testimony about the issues for which Ms. Hamilton is providing expert consulting services and expert testimony; and
- f. such other consulting and advisory services as may be requested by the Committee.

11. Ms. Hamilton will coordinate and work with the Committee’s professionals to minimize any duplication of services on behalf of the Committee

**Dr. Jennifer Haselberger**

12. The Committee also requests authority to engage Dr. Jennifer Haselberger as an expert on diocesan structure, organization, and operations. Dr. Haselberger is a canon lawyer and owner of Canonical Consultation and Services, LLC. She received her licentiate degree in canon law from the Catholic University of Leuven, Belgium and received a Doctorate in Philosophy from the University of London, England. Dr. Haselberger served as a Judge on the Metropolitan Tribunal of the Archdiocese of Saint Paul and Minneapolis and became Director of the Tribunal of the Diocese of Crookston as well as Director of the Diocesan Safe Environment Program. Dr. Haselberger then served as the Bishop’s Delegate for Canonical Affairs in the Diocese of Fargo, and later returned to the Archdiocese of Saint Paul and Minneapolis to serve as Chancellor for Canonical Affairs. Besides her appointments, Dr. Haselberger hosted various seminars, lectures, and workshops on issues related to diocesan structure, organization, and operation. Dr. Haselberger’s Curriculum Vitae is **Exhibit B**.

13. The Committee proposes to compensate Ms. Haselberger at her customary hourly rate, which is \$300 for depositions and testimony and \$225 for all other consulting work. To the best of the Committee's knowledge, Dr. Haselberger represents no other entity having an adverse interest in connection with this Chapter 11 case, or have any connection with Debtor, creditors, any other party in interest, their respective attorneys, and accountants, the United States Trustee or any person employed in the office of the United States Trustee, or any District of New Jersey bankruptcy judge.

14. The Committee seeks to retain Dr. Haselberger to provide these services:

- a. expert consulting services on the structure and formation of the Debtor and its related entities, including the ownership of assets within the Diocese;
- b. expert consulting services on the internal operations of the Debtor and its related entities;
- c. expert consulting services in the review and evaluation of reports prepared by the Debtor and its professionals;
- d. as may be requested by the Committee, helping prepare affidavits/declarations, depositions, and briefing on the issues for which Dr. Haselberger is providing expert consulting services; and
- e. such other consulting and advisory services as may be requested by the Committee.

15. Dr. Haselberger will coordinate and work with estate professionals to minimize any duplication of services on behalf of the Committee.

**B. Expert Retention Regarding Bar Date Issues is Commonplace and is Necessary in this Case**

16. In its Objection, the Debtor attempts to gloss over the significance of the bar date in this case. The Committee's bar date objection and accompanying declaration will establish, among other items, the reasons why survivors of sexual abuse need a longer period to file claims. To downplay this important issue, the Debtor makes the blanket assertion that expert testimony on this topic is not required, without knowing what the substance of the proposed testimony is. The

Debtor suggests that the Committee depend on the testimony presented to the New Jersey State Legislature when it determined to reopen the statute of limitation for abuse claims. This is insufficient, and Ms. Hamilton's declaration and testimony will go beyond her legislative testimony. More importantly, it is not up to the Debtor to decide what evidence the Committee can and should present—that is solely up to the Committee, subject to the Court's gatekeeping authority.

17. While the Debtor concedes that experts on sexual abuse have been retained in at least three other diocesan cases, it asserts that “not a single other diocese bankruptcy case has retained experts to establish a bar date,” (Debtor's Objection ¶ 4).<sup>5</sup> That is false. While the Committee does not believe that the Debtor made this false statement with the intent to deceive this Court, its inclusion evidences, at a minimum, a lack of diligence or understanding on the salient issues of diocesan bankruptcy cases. Indeed, just this month, the Official Committee of Unsecured Creditors of The Roman Catholic Diocese of Rockville Centre, New York received Court approval to retain two experts with respect the setting of a claims bar date in that case. *See In re The Roman Catholic Diocese of Rockville Centre, New York*, Case No. 20-12345 (SCC), ECF Nos. 248 and 249. The debtor in that case did not even object to the proposed retentions.

18. In addition, in the Archdiocese of New Orleans case, the Committee relied on an expert opinion that “the length of time between notice and the bar date must be longer than typical in order to allow for individuals sexually abused as children to overcome psychological barriers to make sexual abuse claims” in support of its objecting to the fixing of the debtor's proposed bar date. (Committee's Suppl. Obj. to Debtor's Ex Parte Mot. for Order Establishing Deadlines for

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<sup>5</sup> Additionally, an expert was retained in the Archdiocese of Milwaukee case. He did not testify, but assisted the committee in reaching a resolution with the debtor regarding the bar date.



Filing Proofs of Claims ¶ 4(a), *In re the Roman Catholic Church of the Archdiocese of New Orleans*, No. 20-10846 (Bankr. E.D. La. Sept. 10, 2020), ECF No. 412.) Similarly, an expert submitted an affidavit in the Archdiocese of St. Paul and Minneapolis case in support of the Committee's assertion that the bar date should be coterminous with the statutorily prescribed date set by the state legislature. (Committee's Obj. to Debtor's Mot. for Order Establishing Claims Bar Date at 5, *In re the Archdiocese of Saint Paul and Minneapolis*, No. 15-30125 (Bankr. D. Minn. April 10, 2015), ECF No. 175.) Additionally, an expert retained by the creditors' committee in the Archdiocese of Milwaukee case helped the committee resolve on the bar date with the debtor. (Hr'g Audio File at 02:30, *In re Archdiocese of Milwaukee*, No. 11-20059 (E.D. Wis. June 22, 2011), ECF No. 301.)

19. The Debtor also ignores the fact that an expert was retained in the Boy Scouts of America case specifically in connection with a bar date motion. (See Jon R. Conte Decl. in Supp. of Committee's Obj. to Debtors' Mot. to Establish Deadlines for Filing Proofs of Claim, *In re Boy Scouts of America and Delaware BSA, LLC*, No. 20-10343 (Bankr. D. Del. May 11, 2020), ECF No. 601-6.)

20. Additionally, while the Debtor attempts to split hairs between an expert retained on the fixing of a bar date and an expert retained on proper noticing procedures and forms, expert opinions on these topics are likely to be interrelated because both issues require consideration of the unique injuries suffered by sexual abuse survivors. Indeed, if the Committee cannot resolve with the Debtor the proposed proof of claim form, it intends to object to the form and to proffer an expert on that issue as well.

C. **The Bar Date Motion is a Contested Matter**

21. Perhaps even more absurdly, the Debtor argues that a plenary hearing on the bar date is not appropriate. A motion to fix a bar date may become a contested matter if an objection is filed. See the 1983 Advisory Committee Note to Federal Rule of Bankruptcy Procedure (“**Bankruptcy Rule**”) 9014 (“Whenever there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter. For example, the filing of an objection to a proof of claim, to a claim of exemption, or to a disclosure statement creates a dispute which is a contested matter.”). Here, there is an actual dispute about when the bar date should be set for—the Debtor would like to set a premature bar date and rush this case through, while the Committee, on behalf of survivor creditors, believes the bar date should consider the effect that the unique nature of sexual abuse has on survivor’s ability to file a claim. This is one of the most important issues that will arise in this case. The Committee takes its fiduciary obligations to its constituency seriously, and will be objecting to this effect in accordance with the relevant deadline.

22. Reading beyond the headnotes, the cases cited by the Debtor state that a request for a bar date is not a per se contested matter for purposes of notice requirements under Bankruptcy Rule 2002. See *In re GST Telecom, Inc.*, No. 00-1082 (GMS), 2002 WL 1737445, at \*5 (D. Del. July 29, 2002); *In re Spenlinhauer*, 573 B.R. 343, 359 n.15 (Bankr. D. Mass. 2017) (“Were the request for a bar date considered to be a contested matter, different service requirements would have to be satisfied.”). To the contrary, courts have recognized that a “proceeding to fix the claims bar date . . . might morph into a contested proceeding” if a party objects to the proposed bar date. *In re 2715 N. Milwaukee LLC*, 422 B.R. 675, 683 (Bankr. N.D. Ill. 2010); see also *In re Energy*

*Future Holdings Corp.*, 522 B.R. 520, 533 (Bankr. D. Del. 2015) (noting that a bar date in another case was “contested by counsel to [certain tort] claimants,” which led to a hearing on the matter).

23. In many diocesan cases, bankruptcy courts have held hearings on the specific issue of setting a bar date (besides cases in which the notice procedures and forms were the subject of contested proceedings). *See, e.g.*, Hr’g Tr. 29:10–14, Apr. 16, 2015, *In re Archdiocese of Saint Paul and Minneapolis*, No. 15-30125 (Bankr. D. Minn. May 5, 2015), ECF No. 206; Hr’g Audio File 08:20, Oct. 15, 2020, *In re The Roman Catholic Diocese of Syracuse, New York*, No. 20-30663 (Bankr. N.D.N.Y. Oct. 15, 2020), ECF No. 176; Hr’g Tr. 8:14–17, Feb. 11, 2020, *In re The Diocese of Rochester*, No. 19-20905 (Bankr. W.D.N.Y. Mar. 3, 2020), ECF No. 433. While these hearings did not include expert testimony, in at least one of these cases, an expert affidavit was submitted in support of the creditor committee’s objection to the proposed bar date.

24. Outside the context of diocese cases, bankruptcy courts have held hearings on bar dates, including when tort claimants and other classes of creditors have contested the proposed bar date. *See, e.g.*, Hr’g Tr. at 29:10–32:21, *In re Chemtura Corp.*, No. 09-11233 (Bankr. S.D.N.Y. Aug. 17, 2009), ECF No. 1015; Hr’g Tr. at 96:15–111:25, *In re New Century TRS Holdings, Inc.*, No. 07-10416 (Bankr. D. Del. June 27, 2007), ECF No. 1876); *In re Sacred Heart Hosp. of Norristown*, 177 B.R. 16, 20 (Bankr. E.D. Pa. 1995); *In re CS Assocs.*, 160 B.R. 899, 902–03 (Bankr. E.D. Pa. 1993); *In re Old BBP, Inc.*, No. 19-12502, 2020 WL 7074642, at \*5 n.37 (Bankr. D. Del. Dec. 1, 2020); *In re Nicolet, Inc.*, 80 B.R. 733, 736 (E.D. Pa. 1987) (noting that at a hearing, the court “invited all interested counsel to provide input as to when the bar date should be established”); *In re Kamine/Besicorp Allegany, L.P.*, 214 B.R. 953, 961 (Bankr. D.N.J. 1997).

**D. Retention of Experts is Within the Committee's Discretion**

25. The Debtor cannot dictate how the Committee chooses to present its case. Instead, because the Committee acts as a fiduciary, it may hire experts of its choosing under Bankruptcy Rule 1103(a) if those experts serve in the best interest of all creditors represented. In fact, a creditors' committee not only has the power to employ other agents to represent or perform services for the committee, "it has the duty to determine what assistance it requires in order to perform its duties, when such assistance is required, and to select those best qualified to render such assistance." See *Matter of Advisory Comm. of Major Funding Corp.*, 109 F.3d 219, 224 (5th Cir. 1997) (citations omitted).

26. Further, the Debtor's reference to Federal Rule of Evidence 702 is irrelevant. While the Experts *may* testify, they will also act as consultants to the Committee. There is no requirement that experts the Committee retains be qualified under Fed. R. Evid. 702. See *Westmoreland Hum. Opportunities, Inc. v. Walsh*, 327 B.R. 561, 573 (W.D. Pa. 2005) ("The committee is empowered under the Bankruptcy Code to take certain actions for the benefit of the class of unsecured creditors that it represents: the power to hire counsel and other agents . . ."); *In re Int'l Oil Trading Co.*, 548 B.R. 825, 833-34 (Bankr. S.D. Fla. 2016) (applying "agent" categorization to "non-testifying experts and consultants"); *In re Alert Holdings Inc.*, 157 B.R. 753, 759-60 (Bankr. S.D.N.Y. 1993) (authorizing committee to retain industry expert).

**WHEREFORE**, the Committee requests that this Court (i) authorize the Committee to retain Experts without the need for filing retention applications or fee applications; (ii) direct the Debtor's estate to pay the fees and expenses incurred by the Experts; and (iii) grant such other and further relief as is just and proper.

Dated: January 7, 2021

**LOWENSTEIN SANDLER LLP**

*/s/ Jeffrey D. Prol*

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*Counsel to the Official Committee of Tort Claimant  
Creditors*

# **EXHIBIT A**

**MARCI A. HAMILTON**

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Philadelphia, PA 19104  
(215) 746-4165 (office)  
marcih@sas.upenn.edu

CHILD USA  
3508 Market St, Suite 202  
(215) 539-1906 (office)  
mhamilton@childusa.org

**EMPLOYMENT**

**UNIVERSITY OF PENNSYLVANIA**

Fels Institute of Government Professor of Practice, 2019-Present  
Fox Family Pavilion Senior Fellow in Residence, 2015-present  
Program for Research on Religion  
Robert A. Fox Professor of Practice, 2017-19

**CHILD USA** Error! Hyperlink reference not valid.

Founder, Chief Executive Officer, and Legal Director, 2016-present  
Interdisciplinary think tank to prevent child abuse and neglect  
Leading CHILD USA's mission to end child abuse and neglect through  
cutting edge legal analysis and social science research.

**BENJAMIN N. CARDOZO SCHOOL OF LAW, Yeshiva University**

Paul R. Verkuil Research Chair, 2016-18  
Paul R. Verkuil Chair in Public Law, 2000-2016  
Professor of Law, 1995-2000  
Associate Professor of Law, 1993-95  
Assistant Professor of Law, 1990-93  
Advisor and Founder, Cardozo Advocates for Kids  
Founder and Director, Cardozo Intellectual Property Law Program, 1995-2002  
Courses: First Amendment Law, Law and Religion; Constitutional  
Law I and II

**PRINCETON UNIVERSITY**

Visiting Professor of Public Affairs, Woodrow Wilson School  
Martin and Kathleen Crane Senior Research Fellow  
Program in Law and Public Affairs, 2007-2008

**PRINCETON THEOLOGICAL SEMINARY**

Visiting Scholar, 1997-98; Fall 2004  
Fellow, Center of Theological Inquiry, Princeton, NJ, 1997-98

**NEW YORK UNIVERSITY SCHOOL OF LAW**

Visiting Professor of Law, 2000-0

**EMORY UNIVERSITY SCHOOL OF LAW**

Distinguished Visiting Professor of Law, Fall 1999

## **PREVIOUS EMPLOYMENT**

**JUSTICE SANDRA DAY O'CONNOR**, United States Supreme Court,  
Judicial Clerk, 1989-90

**JUDGE EDWARD R. BECKER**, United States Court of Appeals  
for the Third Circuit, Judicial Clerk, 1988-89

**OFFICE OF THE SOLICITOR GENERAL**, United States Department  
of Justice, Summer, 1988

## **EDUCATION**

### **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**

Juris Doctor, *magna cum laude*, 1988

Editor-in-Chief, UNIVERSITY OF PENNSYLVANIA LAW REVIEW

Fellow, American Association of University Women

Order of the Coif

### **PENNSYLVANIA STATE UNIVERSITY**

Master of Arts, English, Highest Honors, 1984

Master of Arts, Philosophy, 1982

Eric A. Walker Fellowship, 1980-81

### **VANDERBILT UNIVERSITY**

Bachelor of Arts, *summa cum laude*, 1979

Majors: Philosophy and English

*Phi Beta Kappa*

## **HONORS AND AWARDS**

Distinguished Daughter of Pennsylvania, appointed by Gov. Tom Wolf in recognition  
of child protection leadership and service to the larger community (2019)

Distinguished Service Award for Excellence in the Media for documentary, *At the Heart  
of Gold: Inside the USA Gymnastics Scandal*. This award is given annually by the  
Institute of Violence, Abuse, and Trauma (IVAT), and the Leadership Council on  
Child Abuse & Interpersonal Violence (LC)

Louis H. Pollak Service Award, honoring justice through service to others, University of  
Pennsylvania Law School, 2017

Distinguished Alumni Award, Department of Philosophy, Penn State, 2018

Voice of Courage Award, Voice Today, 2016

Annual Religious Liberty Award, American Humanist Association, 2015

Pulitzer Prize and ABA Silver Gavel Award Nominations by Cambridge University Press,  
for *GOD VS. THE GAVEL: THE PERILS OF EXTREME RELIGIOUS LIBERTY* (2014)

Freethought Heroine of the Year, Freedom from Religion Foundation, 2014

Frank Carrington Champion of Civil Justice Award, National Crime  
Victims Bar Association, 2012

Pennsylvania Woman of the Year, 2012

E. Nathaniel Gates Award, Cardozo Law School, for outstanding scholarly work and public  
advocacy, 2008

Distinguished Alumnus, Wheaton North High School, Wheaton, IL, Oct. 2, 2009

*Foreword Magazine*, Annual Political Science Book Award, Silver, 2005



Special Assistant District Attorney, Philadelphia District Attorney's Office, Grand Jury Investigation of Philadelphia Archdiocese involving Clergy Sex Abuse, 2004-05  
Volunteer Lawyers for the Arts, for defense of First Amendment rights for artists, 2002  
Lifetime Achievement Award for Pro Bono Legal Service to veterans' groups, presented by the Air Force Association, the National Association of Uniformed Services, and CORMV, for assisting veterans in saving the Old Soldiers and Airmen's Home, 2001  
Teaching Award, Cardozo Law School, 2001, 2000, 1998, 1992  
Order of the Coif, University of Pennsylvania Law School, 1988  
Nathan Burkan Memorial Competition  
University of Pennsylvania Law School Prize, 1988  
National Prize, 1988  
For *University of Pennsylvania Law Review* Comment, quoted in *CCNV v. Reid*, 490 U.S. 730 (1989)  
Fellowship, American Association of University  
Women Education Foundation, University of Pennsylvania Law School, 1987-88  
Eric A. Walker Fellowship, Pennsylvania State University, 1980-81

## **PUBLICATIONS**

### **BOOKS**

CHILDREN AND THE LAW, Textbook with co-author Martin Gardner (Carolina Academic Press, 2017).  
GOD VS. THE GAVEL: THE PERILS OF EXTREME RELIGIOUS LIBERTY (Cambridge University Press 2014) (nominated for Pulitzer Prize and ABA Silver Gavel Award).  
FUNDAMENTALISM, POLITICS, AND THE LAW (Palgrave Macmillan 2011) (Marci Hamilton & Mark Rozell, eds.)  
JUSTICE DENIED: WHAT AMERICA MUST DO TO PROTECT ITS CHILDREN (Cambridge University Press 2008); (paperback with new Preface, 2012).  
GOD VS. THE GAVEL: RELIGION AND THE RULE OF LAW (Cambridge 2005, paperback 2007) (*Foreword Magazine*, Annual Political Science Book Award, Silver, 2005).

### **WHITE PAPERS/BOOK CHAPTERS/ENCYCLOPEDIA ENTRIES**

*Testing the Claim that Catholic Archdioceses Have Established the "Gold Standard" for Child Sex Abuse Prevention: A Study and Ranking of the 32 United States Archdioceses' Policies*, with Stephanie Dallam, Ph.D., June 2, 2020.  
*Religious Practices that Have Contributed to a Culture of Secrecy Regarding Child Sex Abuse in Five Religious Organizations*, *The Handbook of Domestic Violence* (Todd K. Shackelford, ed., SAGE Publications 2020).  
*The Ways in Which Religion Is Permitted to Shield Child Maltreatment*, OXFORD HANDBOOK OF CHILDREN AND THE LAW, with Prof. Leslie Griffin, (James G. Dwyer, ed., Oxford University Press 2019)  
*The Missing Children in Law and Religion Scholarship*, in *THE CONSCIENCE WARS: RETHINKING THE BALANCE BETWEEN RELIGION, IDENTITY, AND EQUALITY* (Susanna Mancini and Michel Rosenfeld, eds., Cambridge University Press 2017)

- Entry for *Boerne v. Flores*, AMERICAN GOVERNANCE (Stephen L. Schechter, ed., Macmillan 2016)
- Religion in the Public Square*, in THE HANDBOOK OF CONTEMPORARY PHILOSOPHY OF RELIGION (Graham Oppy ed. 2015)
- Secrecy and the Underpinnings of Cycles of Child Sex Abuse in Religious Organizations*, chapter in FUNDAMENTALISM, POLITICS AND THE LAW (Marci A. Hamilton & Mark Rozell eds., 2011).
- Introduction*, in FUNDAMENTALISM, POLITICS AND THE LAW 1 (Marci A. Hamilton & Mark Rozell eds., 2011).
- Lynch v. Donnelly and Allegheny County v. ACLU: “Christ Is Not a Turkey” in LAW AND RELIGION CASES IN CONTEXT 177 (Leslie C. Griffin ed., 2010).
- The History of the Religious Land Use and Institutionalized Persons Act*, chapter in THE RLUIPA READER: RELIGIOUS LAND USES, ZONING AND THE COURTS (Michael Giamo and Lora A. Lucero eds., 2009).
- The Unintended Consequences RLUIPA Has Visited on Residential Neighborhoods* chapter in THE RLUIPA READER: RELIGIOUS LAND USES, ZONING AND THE COURTS (Michael Giamo and Lora A. Lucero eds., 2009).
- Entries for “Religious Freedom Restoration Act” and the “Religious Land Use and Institutionalized Persons Act,” ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Paul Finkelman, ed., Routledge, 2006).
- The Reverend John Witherspoon and the Constitutional Convention*, chapter in: LAW AND RELIGION: A CRITICAL ANTHOLOGY (Stephen Feldman ed., 2001).
- The Paradox of Calvinist Distrust and Hope at the Constitutional Convention*, chapter in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Angela Carmella et al. eds., 1999).

## SELECTED ACADEMIC ARTICLES

- The Framers, Faith, and Tyranny*, \_\_ ROGER WILLIAMS UNIVERSITY L. REV. \_\_ (forthcoming 2020).
- The Failure of the U.S. and State Governments on the Investigation of Child Sex Abuse: Some Groundbreaking Studies, But Too Few*, CHILD ABUSE AND NEGLECT, Special Issue on Australian Royal Commission (2018).
- The Cognitive Dissonance of Religious Liberty Discourse: Statutory Rights Masquerading as Constitutional Mandates*, HARVARD L. PUB. POL. (2017).
- The Case for Evidence-based Free Exercise Accommodation: Why the Religious Freedom Restoration Act Is Bad Public Policy*, 9 HARVARD L. POL. J. 129 (2015).
- The Time Has Come for a Restatement of Child Sex Abuse*, 79 BROOKLYN L. REV. 397 (2014).
- Child Abuse in Institutional Settings: What is Next*, 89 U. DET. MERCY L. REV. 421 (2012).
- RLUIPA Is a Bridge Too Far: Inconvenience Is Not Discrimination*, 39 FORDHAM URBAN L. J. 959 (2012).
- Employment Division v. Smith at the Supreme Court: The Justices, the Litigants, and the Doctrinal Discourse, 32 CARDOZO L. REV. 1671 (2011).
- The Endorsement Factor*, 43 ARIZ. ST. L. J. (2011).

- The "Licentiousness" in Religious Organizations and Why It Is Not Protected Under Religious Liberty Constitutional Provisions*, 18 WM. AND MARY BILL RTS. J. 953 (2010).
- The Rules Against Scandal and What They Mean for the First Amendment's Religion Clauses*, 69 MD. L. REV. 115 (2009).
- The Constitutional Limitations on Congress's Power Over Local Land Use: Why the Religious Land Use and Institutionalized Persons Act Is Unconstitutional*, 2 ALBANY GOV'T L. REV. 366 (2009).
- Review Essay: *An Imperfect Vocabulary of Religious Liberty*, 25 J.L. & RELIGION 101 (2009).
- The Waterloo for the So-Called Church Autonomy Theory: Widespread Clergy Abuse and Institutional Cover-Up*, 29 CARDOZO L. REV. 225 (2007).
- Church Autonomy Is Not a Better Path to "Truth": A Comment in Response to Kathleen Brady*, 22 J. L. & RELIGION 215 (2007).
- The Religious Origins of Disestablishment Principles*, 81 NOTRE DAME L. REV. 1755 (2006) (with Rachel Steamer) (prior version was translated into French for distribution by the University of Paris).
- What Does "Religion" Mean in the Public Square?* 89 MINN. L. REV. 1153 (2005).
- Religious Institutions, the No-Harm Doctrine, and the Public Good*, 2004 BYU L. REV. 1099 (2004).
- Direct Democracy and the Protestant Ethic*, 13 J. CONTEMP. LEGAL ISSUES 411 (2004).
- Federalism and the Public Good: The True Story Behind the Religious Land Use and Institutionalized Persons Act*, 78 IND. L.J. 311 (2003).
- Religion, the Rule of Law, and the Good of the Whole: A View from the Clergy*, 18 J.L. & POLITICS 387 (2002).
- The Elusive Safeguards of Federalism*, 574 ANNALS AM. ACAD. POL. & SOC. SCI. 93 (Mar. 2001).
- "SEPARATION": From Epithet to Constitutional Norm*, 88 VA. L. REV. 1433 (2002).
- Free? Exercise*, 42 WM & MARY L. REV., 823 (2001).
- Religion and the Law in the Clinton Era: An Anti-Madisonian Legacy*, 63 LAW & CONTEMP. PROBS. 360 (2000).
- On School Vouchers and the Establishment Clause: Power, the Establishment Clause, and Vouchers*, 31 CONN. L. REV. 807 (1999).
- Farewell Madison Avenue*, 16 CONST. COMM. 529 (1999).
- The Religious Freedom Restoration Act Is Unconstitutional, Period*, 1 PENN J. CONST'L LAW 1 (1998).
- Slouching Towards Globalization: Charting the Pitfalls in the Drive to Internationalize Religious Human Rights*, 46 EMORY L.J. 307 (1997).
- The Constitution's Pragmatic Balance of Power between Church and State*, 2 NEXUS 33 (1997).
- Art Speech*, 49 VAND. L. REV. 73 (1996).
- Appropriation Art and the Imminent Decline in Authorial Control Over Copyrighted Works*, 42 J. COPYRIGHT SOC'Y U.S.A. 93 (1994-95).
- Discussion and Decisions: A Proposal to Replace the Myth of Self-Rule with an Attorneyship Model of Representation*, 69 N.Y.U. L. REV. 477 (1994).

## **COLUMNIST and BLOG**

Justia.com (since 2011)

<https://verdict.justia.com/author/hamilton>

Patheos.com (2010-11)

<http://experts.patheos.com/expert/marcihamilton/>

Findlaw.com (2000-2010)

<http://writ.news.findlaw.com/hamilton/>

Hamilton and Griffin on Rights (Jan. 2014-16) (focusing on religious liberty, women, and children's rights) [www.hamilton-griffin.com](http://www.hamilton-griffin.com)

## **ADVOCACY FOR THE PROTECTION OF CHILDREN**

Founder and Legal Director, CHILD USA, a leading national nonprofit think tank to prevent child abuse and neglect. CHILD USA pairs the most rigorous social science with cutting edge legal analysis to determine the best policies for child protection. Current initiatives include the Sean P. McIlmail Statute of Limitations Research Institute; Abuse and Neglect of Athletes; Family Court Reform; Medical Neglect and Vaccine Avoidance; Amicus Advocacy; Child Marriage; and Conversion Therapy.

*Justice Denied: What America Must Do to Protect Its Children*

(Cambridge University of Press, 2008, 2012) (the book that has mobilized the movement for child sex abuse statutes of limitations ("SOL") around the world).

Drafted model SOL legislation, including model legislation, Child Victims Act and Hidden Predators Act for many states

Numerous columns, op-eds, and major media interviews on SOL reform and other legal issues involving child abuse, particularly when religious institutions involved

Testimony before Arizona, California, Colorado, Connecticut, Delaware, Georgia, Guam, Hawaii, Iowa, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Wisconsin legislatures as expert on legislative reform of the statutes of limitations for victims of child sex abuse

Work with national and state child advocacy organizations to educate the public, legislators, and the media on issues involving access to justice for child sex abuse victims

Drafted model federal legislation to reform child sex abuse laws, Violence Against Children Act

Pro bono amicus briefs in numerous cases on the side of child protection

Lead author on numerous amicus briefs as part of CHILD USA's Amicus Advocacy Project, available at <https://childusa.org/amicus-advocacy/>

*Amicus Curiae Brief on behalf of National Center for Victims of Crime, Massachusetts Citizens for Children, BishopAccountability.org, Survivors Network of those Abused by Priests, Child Justice, Foundation to Abolish Child Sex Abuse, Horace Mann Action Coalition, and Male Survivor, Sliney v. Previte, (Sup. Jud. Ct. Mass. 2015) (explaining*

constitutional principles that support retroactive revival of expired statutes of limitations for child sex abuse).

*Amicus Curiae Brief on behalf of the American Professional Society on the Abuse of Children, Paroline v. Amy Unknown, 12-8561 (U.S. Nov. 19, 2013) (explaining cumulative and complex effect of child pornography on subject).*

*Amicus Curiae Brief on behalf of the Freedom from Religion Foundation BishopAccountability.org, Children's Healthcare Is a Legal Duty, The Child Protection Project, The Foundation to Abolish Child Sex Abuse, Survivors for Justice, Survivors Network of Those Abused by Priests, Burwell v. Hobby Lobby, No. 13-354 (U.S. Jan. 27, 2014) (arguing that Religious Freedom Restoration Act is unconstitutional for organizations concerned that it has the capacity to put children at risk).*

*Amicus Curiae Brief on behalf of the National Black Church Initiative, The National Center for Victims of Crime, the Survivors Network of those Abused by Priests, the Jewish Board of Advocates for Children, Inc., Child Protection Project, BishopAccountability.org, the Foundation to Abolish Child Sex Abuse, and the KidSafe Foundation, Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, No. 10-553 (U.S. Aug. 9, 2011). (addressing First Amendment issues, including scope of so-called "ministerial exception" in case before Supreme Court of the United States, for purpose of distinguishing intra-church religious employment disputes from legal claims brought by victims of clergy sex abuse).*

Expert Report, *Affidavit #1 at the Request of Stop Polygamy in Canada*, in re: Reference Concerning the Constitutionality of Section 293 of the Criminal Code of Canada, R.S.C.1985, c. C-46, Vancouver Registry No. S097767 (Jul. 16, 2010, B.C.S.C.) (addressing constitutional issues relating to criminal prohibition on polygamy in context of case before Supreme Court of British Columbia).

Expert Report, *Affidavit #2 at the Request of Stop Polygamy in Canada: Reply to Affidavits of Martha Ertman & Jonathan Turley*, In re: Reference Concerning the Constitutionality of Section 293 of the Criminal Code of Canada, R.S.C.1985, c. C-46; In re: The Constitutional Question Act, R.S.B.C. 1996, C. 68; and In re: The Canadian Charter of Rights and Freedoms, Vancouver Registry No. S097767 (Nov. 2, 2010, B.C.S.C.).

*Amicus Curiae Brief on behalf of the National Center for Victims of Crime, Survivors Network of those Abused by Priests, the National Child Protection Training Center as part of the National Association to Prevent Sexual Abuse of Children, the National Black Church Initiative, the Jewish Board of Advocates for Children, Inc., Child Protection Project, the Voice of Justice, Crime Victims United, and Child Victims Voice, Doe #1-6 v. Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, No. S058601 (Or. 2010) (addressing public access to the judicial process in context of Boy Scouts' sex abuse case pending before Oregon Supreme Court).*

*Amicus Curiae Brief of the National Center for Victims of Crime, S.P., as parent and natural guardian of C.L., a minor; T.M., as parent and natural guardian of I.M., a minor; D.B. as parent and natural guardian of S.B., a minor; and K.B. v. The Society for Creative Anachronism, Inc., a/k/a "SCA" or "SCA, Inc.", et al., No. 2009-C-6144 & C.O. v. Benjamin Schragger and Alan & Ann Schragger, No. 2009-C-6008 (Pa. Ct. Com. Pleas Aug. 12, 2010) (addressing use of pseudonyms by both adult and minor victims of child sexual abuse in pursuing civil remedies before a*

Pennsylvania court).

*Amicus Curiae Brief on behalf of Former Philadelphia District Attorney Lynne Abraham, the National Child Protection Training Center, The National Center for Victims of Crime, Child Protection Project, Jewish Board of Advocates for Children, Inc., Stop the Silence: Stop Child Sexual Abuse Inc., BishopAccountability.org, Americans Against the Abuses of Polygamy, the Foundation to Abolish Child Sex Abuse, and the Survivors Network of those Abused by Priests, Sheehan v. Oblates of St. Francis de Sales, Inc. and Salesian School*, No. 07C-11-234-CLS (Del. Aug. 9, 2010) (addressing constitutionality of “window” legislation reviving statute of limitations for civil actions arising out of child sex abuse in case before Delaware Supreme Court).

*Amicus Curiae Brief on behalf of the Americans Against Abuses of Polygamy, et al., Doe XIV v. Doe* (La. Feb. 19, 2010) (addressing First Amendment issues in context of clergy sex abuse case pending before Louisiana Supreme Court).

*Amicus Curiae Brief on behalf of the Jewish Board of Advocates for Children, Inc., Et Al., Ramani v. Segelstein*, No. 49341 (Nev. Dec. 11, 2009) (addressing First Amendment issues in context of sexual assault and abuse in case pending before Nevada Supreme Court in response to arguments raised jointly by Church of Jesus Christ of Latter-day Saints and Roman Catholic bishops).

*Amicus Curiae Brief on behalf of People for the American Way Foundation in Support of Respondent, Prince of Peace v. Linklater*, No. 66 (Md. Ct. App. Oct. 16, 2009) (addressing First Amendment issues in context of employee sexual harassment lawsuit against religious organization and clergy before Maryland appellate court).

## **SELECTED INVITED PRESENTATIONS**

Plenary Keynote, *Athletes and Abuse*, National Children’s Alliance, 2020 Leadership Conference, scheduled for June 1, 2020/moved to December 14, 2020, Washington, D.C.

Invited Author, *The Framers, Faith, and Tyranny*, Symposium: Is This a Christian Nation?, Roger Williams University, scheduled for March 27, 2020/moved to September 25, 2020, Bristol, Rhode Island.

Plenary Keynote, The National Crime Victims Bar Association, 2019 National Training Institute, SOL Reform and Child Images, December 4-5, 2019, Denver, CO.

Featured Panelist, *RLUIPA, Constitutionality, and Fairness*, William M. Cox Symposium on Land Use, Planning, and the Law, 2019 104<sup>th</sup> Annual League of Municipalities Conference, Nov. 21, 2019, Atlantic City, NJ.

Featured Panelist, *Miami Herald* Panel, Perversion of Justice Town Hall Panel, October 15, 2019, Coral Gables, FL.

Speaker, Play the Game Annual Conference 2019, The Game Over Commission to Protect Youth Athletes and Child Sex Abuse Prevention, October 13, 2019, Colorado Springs, CO.

Plenary Keynote, Darkness to Light Ignite 2019 National Prevention Conference, October 8, 2019, Boston, MA.

Panelist, *First-hand: Former Law Clerks Discuss Major Decisions*, A Bridge Builder and Trailblazer: Celebrating Justice Sandra Day O’Connor, Reagan Foundation, Library of Congress, September 25, 2019, Washington, DC.

Panelist, IVAT 24<sup>th</sup> Summit, Preventing Violence and Abuse on Campus,

September 7, 2019, San Diego, CA.

Plenary Keynote, Legislative Change for Child Sex Abuse Victims, 2019 Annual SNAP Conference, July 26, 2019, Alexandria, VA.

Featured Speaker, Aspen Ideas Festival, How Do We Stop the Crisis of Child Sex Abuse?, June 25, 2019, Aspen, CO.

Featured Speaker, Philadelphia Ethical Society, Child Abuse and Neglect Research Frontiers, April 14, 2019.

Keynote, Freethought Society, The Blueprint to Prevent Child Sex Abuse, April 11, 2019, Bryn Mawr, PA.

Featured Speaker, FBI Interdisciplinary Training Seminar, *Delayed Disclosure and Child Sex Abuse Statutes of Limitations*, April 4, 2019, Coeur d'Alene, ID.

Lead Debater, Oxford University Union Debate, "The Catholic Church Will Never Repay Its Sins," Feb. 28, 2019, Oxford University (speaking in opposition).

Keynote, *Legislative Change for Clergy Abuse Victims*, Annual SNAP (Survivors Network of those Abused by Priests) Conference, Chicago, IL, July 12, 2018.

Speaker, Annual Summit on Violence Abuse and Trauma, The Child Sex Abuse Statutes of Limitations Reform and the Way Forward, Sept. 6, 2018, San Diego.

Speaker, *Statutes of Limitations for Child Sex Abuse and the Destruction of Child Rape Kits*, International Society for the Prevention of Child Abuse and Neglect, European Regional Meeting, The Hague, Oct. 2, 2017.

Debater, *Discrimination and Extreme Religious Liberty*, Religious Liberty Panel, 2017 Federalist Society Student Symposium, Columbia University School of Law, New York, NY, March 4, 2017.

Speaker, *Recent Developments and Trends Regarding Child Sex Abuse Statutes of Limitations*, International Meeting on Child Sex Abuse in the Jewish Community, New York, NY, Feb. 1, 2017.

Featured Speaker, *Dialogue on Freedom of Religious Speech*, University of Texas, Department of Philosophy, Feb. 4, 2016.

Debater, *Religious Liberty*, Federalist Society, Ronald Reagan Presidential Library, Jan. 28, 2016

Panelist, *Law, Religion, and Politics: Challenges to Traditional Borders, in Global and Comparative Perspectives*, Yale Law School, Nov. 6-7, 2015.

Featured Discussant, *Opting Out: Balancing Obligations to God and the State*, Tower Center for Political Studies, Southern Methodist University, April 1, 2015.

Plenary Panelist, *The Supreme Court and Contraceptive Coverage: Legal and Policy Implications—Briefing and Panel Discussion*, The Henry J. Kaiser Family Foundation, Washington, DC, Mar. 11, 2014.

Keynote, *Religious Liberty and Dangers to Children*, Annual Meeting, Child-Friendly Faith Project, Dec. 4, 2014, Austin, TX

Keynote, *The Most Important Building Block of the United States Constitution: Distrust and Separation*, Constitution Day Lecture, University of Cincinnati College of Law, Sept. 16, 2013.

Keynote, *Issues in Religious Liberty: The First Amendment and Religious Wrongdoers*, International Media Law Forum, Hamburg, Germany, sponsored by the United States Department of State, May 29, 2013.

Keynote, *The First Amendment and the Clergy Sex Abuse Crisis*, German American Lawyers' Association, Munich, Germany,

May 27, 2013.

- Keynote, Annual Conference on Student Scholarship in Theology, Garrett-Evangelical Theological, Chicago, IL, Apr. 20, 2012.
- Keynote, *E-Marriage Symposium*, Michigan State University College of Law, Nov. 11-12, 2010.
- Keynote, The Edwin L. Crawford Memorial Lecture on Municipal Law, *God and the Land: Conflicts Over Land Use and Religious Freedom Symposium*, Albany Law School, Oct. 3, 2008.
- Speaker, *The Value of Separation*, The Institute for Religion, Culture, and Political Life, Columbia University, Nov. 20, 2013.
- Debater, *Debating Law and Religion Workshop*, Yale Law School, Nov. 6, 2013.
- Plenary Panel, *The Civil Rights Movement for Children and Statutes of Limitations for Child Sex Abuse*, Institute on Violence, Abuse, and Trauma, Annual Meeting, San Diego, CA, Sept. 10, 2013.
- Plenary Panel, *Priests and Penn State: Holding Institutions Accountable for Child Sex Abuse*, National Crime Victims Bar Association, Annual Meeting, Phoenix, AZ, Sept. 9, 2013.
- Speaker, *The Psychology of Secrets*, ABA Litigation Section Annual Conference, Chicago, IL, Apr. 26, 2013.
- Speaker, *The Constitution and Child Protection from Religious Actors*, Drake University School of Law, Apr. 11, 2013.
- Briefing, *Peaceful Coexistence? Reconciling Non-discrimination Principles with Civil Liberties*, U.S. Commission on Civil Rights, Washington, DC, Mar. 22, 2013.
- Speaker, *Insiders and Outsiders under the Establishment Clause and in the Clergy Sex Abuse Cases*, Conference in Honor of Justice Sandra Day O'Connor, Law and Society Symposium, Charleston Law School, Apr. 15, 2013.
- Speaker, Conference on Religious Freedom, Legal Pluralism and Democratic Constitutionalism, Columbia University, Feb. 23, 2013.
- Philip J. McElroy Distinguished Lecture, University of Detroit Mercy School of Law, Center for Law & Religion, Detroit, MI, Mar. 21, 2012.
- Lecturer, Dunn Speaker Series, William and Mary Law School, Feb. 15-16, 2012
- Speaker, *The Religion Clauses and the Courts*, United States Court of Appeals for the Ninth Circuit, Midwinter Conference, Rancho Mirage, CA, Jan. 30, 2011.
- Panelist, *Islam in America: Protecting the Rights and Liberties of Americans*, NYU School of Law, Nov. 5, 2010.
- Speaker, *Licentiousness vs. Liberty*, Princeton University Program in Law and Public Affairs (LAPA), Oct. 21-23, 2010.
- Organizer, *Twenty Years After Employment Division v. Smith: Assessing the Twentieth Century's Landmark Case on the Free Exercise of Religion and How it Changed History*, Floersheimer Center for Constitutional Democracy, Jacob Burns Institute for Advanced Legal Studies, Cardozo School of Law, Oct. 6 – 8, 2010
- Presentation: *Behind the Scenes at the Smith Court*.
- Speaker, *the "Licentiousness" in Religious Organizations and Why it is Not Protected Under Religious Liberty Constitutional Provisions*, Osgoode Hall Law School, University of Toronto, Mar. 17, 2010.
- Speaker, *Distinguishing Religious Liberty from Religious Licentiousness*, Sandra Day O'Connor School of Law, Arizona State University, Feb. 19, 2010.



- A Conversation with Justice Sandra Day O'Connor*, Annual Meeting, South Carolina Women Lawyers Association, Charleston, SC, Oct. 1, 2009.
- Panelist, *The Role of Law Professors in the Interpretation of Doctrine for Congress and the Public*, Symposium on *Arguments that Work*, Central European University, Budapest, Hungary, Jun. 12-13, 2009.
- Panelist, *Understanding a Silent Tragedy: A Conference on Childhood Sexual Abuse*, William Mitchell School of Law, St. Paul, MN, Apr. 24, 2009.
- Panelist, *Constitutional Crisis of Conscience: Pharmacists and Emergency Contraception*, American Constitution Society, Cardozo School of Law, Mar. 25, 2009.
- Speaker, *The Theology of Secrecy and Religious Liberty*, Constitutional Roundtable, University of Toronto Law School, Mar. 17, 2009.
- Organizer, *The Evolving Balance: Abuse in Religious Communities and the Law*, day-long symposium with leading experts in the field discussing the legal aspects of the phenomenon of child abuse within religious communities, Mar. 3, 2009.
- Religion and Constitutionalism*, Maryland Discussion Group on Constitutionalism (Annual "Schmooze") University of Maryland School of Law, Feb. 27-28, 2009.
- Panelist, *The Importance of Being Honest About Religion, Candor or Respect: Talking About the Religion of Others*, Symposium, Columbia University School of Law, Feb. 26, 2009.
- Panelist, *Pulpit Freedom? On Taxes, Elections, And Religious Freedom*, Association of American Law Schools, Jan. 8, 2009.
- Speaker, *When Religious Practices Conflict with the Law*, 2008 Appellate Judges Summit, Phoenix, AZ, Nov. 14, 2008.
- Speaker, *Civil Cases at the Supreme Court*, Federal Appellate Judges Conference, Federal Judicial Center, Washington, D.C., Nov. 6, 2008.
- Debater, Annual Fordham Debate, *Resolved, The State should prosecute polygamous parents and remove their children from the home*, University of Utah School of Law, Oct. 22, 2008.
- Speaker, *Reforming Statutes of Limitation to Protect America's Children*, 2008 National Conference: Civil Actions for Criminal Acts, The National Crime Victim Bar Association, Chicago, IL, Oct. 19, 2008.
- Distinguished Legal Lecture, International Cultic Studies Association, *Religion, the Truth, and the Public Good*, June 26-29, 2008.
- Panelist, *Separation of Church and State*, United States Court of Appeals Judicial Conference, Cambridge, MD, Apr. 29, 2008.
- Annual Helen Hamilton Keynote, University of North Dakota, *How the American Legal and Constitutional Culture Have Placed Women and Children at Risk*, Apr. 19, 2008.
- Panelist, Annual Spring Meeting, American Bankruptcy Institute, *The Church in Chapter 11: The Lessons of the Catholic Diocese Cases*, Washington, DC, Apr. 5, 2008.
- Lecture, Program in Law and Public Affairs, Princeton University, *Challenging the Vatican in Court: The Child Sex-Abuse Cases*, Mar. 31, 2008.
- Panelist, Princeton University, *Mormonism and American Politics*, Nov. 9-10, 2007.

Panelist, Columbia University, *Suing God: The Religion Clause in the Roberts Court*, Oct 17, 2007 Keynote, Survivors Network of those Abused by Priests National Conference, July 11-13, 2007.

Speaker, Keneseth Israel Synagogue, *The Diminution of the Establishment Clause, in Memory of Judge Edward R. Becker*, Elkins Park, PA, May 11, 2007.

Panelist, DePauw University, *Religion in Public Discourse: Does It Help or Hinder Justice?* Apr. 27-28, 2007.

Speaker, Columbia University, Associates-in-Law Workshop Series, *Religion and the Public Good*, Apr. 12, 2007.

Academic Facilitator, The Peter Jennings Project for Journalists and the Constitution, *The Constitution in Our Midst*, Mar. 17-18, 2007.

Panelist, Princeton University Center for the Study of Religion, Program on Christopher Eisgruber and Lawrence Sager, *Religious Freedom and the Constitution*, Mar. 9, 2007.

Speaker, Princeton Theological Seminary, *Church and State: 60 Years after Everson v. Board of Education*, Feb. 9, 2007.

American Academy of Religion, Annual Meeting, *Meet the Author Session* (with Professor Winnifred Sullivan), Washington, DC, Nov. 20, 2006.

Annual Distinguished Lecturer, University of Dayton, *God, Power, and Politics*, Nov. 16, 2006, Panelist, New York University School of Law, Center on Law and Religion, *Discussion of Religion in the Public Square*, Oct. 24, 2006.

Featured Speaker, Massachusetts Foundation for the Humanities, *The Least Dangerous Branch*, Boston College, Oct. 21, 2006.

Institute of Bill of Rights Law, William and Mary University, Discussion of Recent Religion Clause Issues with Justice Sandra Day O'Connor, Oct. 7, 2006.

Featured Speaker, Christ Church Annual Lecture Series, *God vs. the Gavel*, Christiana, DE, Sept. 17, 2006.

United States Naval Academy, Presentation on the Separation of Church and State, Apr. 28, 2006.

Annual Distinguished Lecture Series, Flathead Valley Community College, *The Religious Origins of the Separation of Church and State*, Kalispell, MT, Apr. 20, 2006.

#### **SELECT APPEARANCES IN DOCUMENTARIES**

*My Truth: The Rape of Two Coreys*, with noted Director Bryan Herzlinger, teen star and Hollywood child sex abuse whistleblower Corey Feldman documents the ways in which Hollywood victimizes child actors through numerous witnesses (2020).

*The Witnesses*, Oxygen, survivors of abuse in Jehovah's Witnesses describe the means by which the organization made it possible for them to be serially abused and denied them justice (2020).

*A Peloton of One*, the story of one man's bicycle journey from mid-America to New Jersey to learn the truth about the sexual abuse he suffered from a priest, currently being considered at film festivals (2020).

*At the Heart of Gold: Inside the USA Gymnastics Scandal*, HBO, story of the athlete and student survivors who spoke out against USA Gymnastics and the USOC for covering up sex abuse by Dr. Larry Nassar (2019).

*Dark Secret*, Amazon Prime, the story of the Philadelphia District Attorney's groundbreaking grand jury investigation, led by D.A. Lynne Abraham, into the cover up of clergy sex abuse in the Philadelphia Archdiocese (2017).

*America's Holy War*, Amazon Prime, a documentary highlighting the small town conflicts induced by the Religious Land Use and Institutionalized Persons Act (2011).

### **LITIGATION ON MATTERS OF EXPERTISE**

Numerous successful appellate arguments at the United States Supreme Court, federal appellate courts, and state supreme courts on child sex abuse, constitutional, First Amendment, religious liberty, and Religious Freedom Restoration Act, and Religious Land Use and Institutionalized Persons Act issues.

### **MEDIA**

Appearances on the Rachel Maddow Show, the Today Show, Dr. Oz, the Daily Show with Jon Stewart, NPR (national and local affiliates), Anderson Cooper, Smerconish, CNN, CBS, NBC, ABC, and many others.

### **INVITED OP-EDS**

The New York Times, New York Daily News, Fortune Magazine, Wall Street Journal, Time Magazine, Newsweek, Los Angeles Times, CNN, Huffington Post, and many others.

### **PERSONAL**

Married 36 years to Peter C. Kuzma, Ph.D., Co-founder and President, VIP Products Corp., Philadelphia, PA (leading water-based chemical supplier in the United States). Two children.

Last updated: October 30, 2020

## **EXHIBIT B**

## Jennifer Haselberger, JCL, PhD

<mailto:jhaselberger@canonicalconsultation.com>

### Education

- 2004 Katholieke Universiteit Leuven, Leuven, Belgium  
Licentiate in Canon Law (*summa cum laude*)
- 2004/2005 Birkbeck College, University of London, England  
Doctor of Philosophy, School of the Humanities  
Thesis: *The Chronotope of the Courtroom*
- 1999 College of St. Catherine, St. Paul, Minnesota  
BA (Latin and Faculty Honors) in English and Philosophy

### Experience

- 2013-Present Owner, Canonical Consultation and Services, LLC,
- 2019-2020 Senior Research Fellow, the Robbins Collection, UC Berkeley  
School of Law
- 2008-2013 Chancellor for Canonical Affairs, Archdiocese of Saint Paul and  
Minneapolis  
Director, Office of Conciliation, Archdiocese of Saint Paul and  
Minneapolis
- 2007-2008 Bishop's Delegate for Canonical Affairs, Diocese of Fargo  
Director, Board of Conciliation and Arbitration of the Diocese of  
Fargo
- 2006-2007 Safe Environment Coordinator, Diocese of Crookston  
Director of the Tribunal, Diocese of Crookston  
Promotor of Justice, Diocese of Crookston  
Chancellor, Diocese of Crookston  
Course Instructor, Canon Law, Pastoral Leadership Program
- 2004-2006 Judge, First and Second Instance, Metropolitan Tribunal of the  
Archdiocese of St. Paul and Minneapolis

## Seminars/Lectures/Workshops/Papers

- 2019 “High Court’s 1975 Decision Points to Alternative Vatican Path on Gender Identity Issues.” *New Ways Ministry*
- 2019 “There is an obvious way for the Catholic Church to reduce child sex abuse, but bishops refuse to do it.” *Washington Post*
- 2019 “Sex Abuse in the Catholic Church.” Carleton College
- 2019 “Sexual Abuse, the Catholic Church, and the Challenge of Transparency.” Santa Clara University
- 2019 ‘Confronting Demons: Reckoning with the Sexual Abuse Crisis in the Catholic Church.’ Centre College Convocation
- 2019 2019 Robbins Lecture in Canon Law, University of California-Berkeley
- 2018 ‘Integrity and Accountability in the Catholic Church’ Loyola University Chicago
- 2018 ‘#MeToo: Sexual Assault and Harassment in Religious Contexts’ Elizabeth Nason Distinguished Women Visitors Program, Carleton College
- 2017 ‘Apathy and Integrity’ Elizabeth Nason Distinguished Women Visitors Program, Carleton College
- 2016 ‘Child Victims Acts’ Cardozo School of Law
- 2014 ‘The Impact of *Hosanna-Tabor* on Whistleblowing in the Church’ Annual Meeting, Minnesota Association For Justice
- 2014 ‘Truth and Reconciliation: A Path Toward Accountability in the Catholic Church’, Annual Meeting, Survivors Network of those Abused by Priests
- 2014 ‘Why the Catholic Church Should/Does Support Civil Windows and Statute of Limitation Reform for Adjudicating the Crime of Sexual Abuse of Minors’, Plenary Address, National Conference of the National Center for Victims of Crime and the National Crime Victim Bar Association

- 2013 'Before the White Smoke Rises: Understanding the Papal Conclave', Briggs and Morgan
- 2009-2013 'Particular Law in the United States', Saint Paul Seminary and School of Divinity
- 2009-2013 'Canonical Crimes and Sexual Misconduct in the Digital Age', Saint Paul Seminary and School of Divinity
- 2012 'Particular Law for the United States', *American Language and Culture for Priestly Ministry* (in conjunction with the Institute for Priests and Presbyterates, Saint Meinrad Seminary and School of Theology)
- 2011 'Confidentiality, Privilege, and the Sacramental Seal in Priestly Formation', Saint Paul Seminary and Saint John Vianney College Seminary
- 2011 'Canonical and Civil Legal Aspects of Strategic Planning', Strategic Planning Task Force
- 2010 'Resolution of Work Related Issues', Archdiocesan Employment Law Seminar
- 2009 'The Temporal Goods of the Church: Acquisition and Administration of Ecclesiastical Property; Leasing and Fundraising; and Alienation and Related Transactions', Catholic Finance Corporation
- 2007 'Interacting with Diocesan Review Boards', Victims' Assistance Ministers' Conference

#### Professional Memberships/Committees

- 2004-2014 Canon Law Society of America
- 2005-2008 Resolutions Committee, *Canon Law Society of America*