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# CATHOLIC COURIER

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## Lawsuit woes affect ministry decisions

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 Staff writer

ROCHESTER — In the best of all possible worlds, parishes would be free to create ministries to meet the many and diverse needs of people and the community.

But this is not the best of all possible worlds.

This is the United States on the edge of 1990, and any parish thinking about a new ministry must weigh not only the money, space and effort such an undertaking would require, but also a reality of contemporary U.S. society — lawsuits.

"Society is very lawsuit conscious," observed Father James Marvin, pastor of St. Ambrose Parish, Rochester. "In our society today, if you don't like what the dentist did to your teeth, you sue."

*'It's not a church issue — it's a societal issue. We're a people — a society — that doesn't think anything of suing.'*

Father Kevin Murphy

"It's a real concern that we open ourselves to the possibility of major lawsuits," said Father Kevin Murphy, co-pastor of St. John the Evangelist Parish on Humboldt Street in Rochester. "It's not a church issue — it's a societal issue. We're a people — a society — that doesn't think anything of suing."

The Diocese of Rochester is not immune to such suits. Between July 1, 1987, and June 30, 1988, for example, 232 claims were filed against the diocese and its parishes — 93 of those suits for such general-liability claims as falls on parish property.

Thus far the diocese has been able to meet judgments from those claims, according to Jack Trickey, director of the diocesan Department of Financial Services.

"We have a wide ranging program of (insurance) coverage," Trickey noted, citing diocesan policies not only for liability, but also for property, workman's compensation and auto insurance.

The total insurance bill for diocesan and parish operations comes to approximately \$2 million annually, with parishes paying premiums for their individual coverage needs.

The bill could be much larger if not for some foresight on the part of the diocese.

During the tenure of Bishop Joseph Hogan, the Diocese of Rochester became part of the Protected Self Insurance Program, through which the diocese buys coverage in bulk and parcels it out to the parishes. Because the insurance is bought in large quantities, premiums paid by parishes are smaller than if the parishes had purchased policies individually.

The program is managed by Ron Melia, branch manager of Gallagher and Bassett of New York, Inc. He said that the program covers all current parish ministries and activities — including soup kitchens, child-care centers (if they are licensed), and parish-based homeless shelters.

The diocese also formed a Diocesan Insurance Committee comprised of insurance



professionals and two priests — Fathers Marvin and Murphy. This committee oversees the diocesan insurance program, assessing whether it is meeting needs and is cost efficient.

Because of the committee's work, insurance premiums for parishes have been going down in recent years, Father Marvin observed.

The committee also provides advice to parishes about what the coverage includes, and what precautions parishes must take to reduce the chances of suits carrying large judgments. Father Marvin noted, for example, that keeping written records of when parish walkways are salted during the winter is a wise precaution in light of the single most common cause of claims against the diocese: falls.

Parishes have been forced to take other actions to avoid potential suits. Those with outdoor basketball courts, for example, sometimes keep the courts locked or even remove the hoops. "In the old days, you

wouldn't have to worry about that," Father Marvin remarked.

To provide additional liability coverage, the diocese joined with 32 other dioceses in July, 1988, to form the National Catholic Risk Retention Group. Trickey, who is a member of the board of directors of the new group, said that the 33 dioceses joined forces in response to an insurance crisis in 1986 which closed several kinds of insurance coverage to organizations such as dioceses and municipalities.

Still, some potential parish activities are not currently covered. According to Ramon Wrend, chairman of the diocesan committee and manager of the underwriting department of Aetna Life and Casualty in Rochester, no claims of professional liability arising from any kind of health-care activities are included in the diocesan package.

That means that such ministries as health clinics, parish-run counseling services, hospices for the dying and for patients with

acquired immune deficiency syndrome (AIDS) are not covered by diocesan coverage plans.

When parishes consider beginning such ministries, the diocesan insurance committee evaluates what potential for loss the ministry might create, Wrend said. The committee then advises the diocese about what actions might be prudent in each case. In some cases, the parish might be advised to purchase coverage — particularly medical malpractice insurance — on its own.

Yet Wrend cautioned that the committee does not have the power to decide whether a parish should operate a ministry that offers the potential for lawsuits. The committee merely offers its expert advice to the diocese.

That advice is based not solely on financial considerations, Father Marvin noted. "The committee has to be realistic" he said, "but it is sensitive to needs."

In some cases, however, a parish would

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