



DIOCESE OF BUFFALO
OFFICE OF THE BISHOP

October 25, 2022

My Dear Friends, Sisters and Brothers in Christ,

Today the Diocese of Buffalo announces the resolution to the lawsuit brought by New York Attorney General Letitia James on November 23, 2020. The full text of the settlement can be found on the diocesan website at: www.buffalodiocese.org/attorney-general-settlement

The lawsuit was brought just weeks prior to my installation as Bishop and resolving it has been one of my most pressing challenges and greatest priorities. Today's agreement memorializes the Diocese's utmost commitment to ensuring that all young people and other vulnerable persons are safe and never at risk of abuse of any kind by a member of the clergy, diocesan employee, volunteer, or member of a religious order serving in the Diocese of Buffalo.

To any person who has experienced abuse within this Diocese and at the hands of anyone who presented themselves as a minister of God - however long in the past - I offer my heartfelt apology and plea for forgiveness.

Though it is certainly regrettable that the Attorney General felt the need to initiate this action against the Diocese, it provided the occasion to revisit and strengthen the policies and protocols designed to prevent and address abuse. These can be found at [Creating A Safe Environment](#) on our Diocesan website. It should be noted that in our [Policy and Procedures for the Protection of Young People and Vulnerable Adults](#), we emphasize the critical importance of education and training in our ongoing effort to eliminate all forms of sexual misconduct, in addition to defining personal boundaries, the violation of which is a betrayal of the ministerial relationship. Those policies have been successful as demonstrated by the fact that nearly 100% of the child abuse claims received by the Diocese and nearly 100% of the claims asserted in court in the past few years involve abuse that is alleged to have occurred before the year 2002.

While our essential policies that have provided child protection over the past twenty years remain largely unchanged, there are a few new additions that have been incorporated into the settlement with the Attorney General and which reflect our firm resolve never to repeat the mistakes of the past in addressing allegations of sexual abuse.



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The Diocese has designated a Child Protection Policy Coordinator who will be responsible for ensuring that the rigorous child protection policies and protocols are consistently followed. Ms. Melissa Potzler, a former Assistant District Attorney for Erie County, a former criminal defense attorney, and the recent the Parish Life Coordinator at Nativity of Our Lord Parish in Orchard Park, has agreed to take on this responsibility. Ms. Potzler will also serve as Vice Chancellor, reporting directly to me. Ms. Potzler's responsibilities include overseeing the processes by which the Diocese complies with all applicable laws and regulations as well as its own Governing Policies. In addition, she is responsible for overseeing the Priest Supervision Program which I put in place in June of last year. As you may recall, this monitoring program aims to ensure that all priests who have been credibly accused of abuse and removed from ministry are not at risk of committing further abuse, including those of advanced age.

Additionally, the Diocese is agreeing to provide even more transparency than in the past with respect to how the Diocese of Buffalo handles allegations of abuse. Since 2003, the Diocese has contracted with an external firm annually to conduct a thorough audit of the policies and protocols of the Diocese of Buffalo as they relate to training, reporting, and ensuring safe environments for young people and in accordance with the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People* mandated in 2002. The results of the audit are then published on the Diocese's website. Now, as part of the agreement with the Attorney General, those annual audits will be complemented by a detailed Compliance Audit by an external, independent auditor, who will be provided full access to all relevant departments and records, and full cooperation by all diocesan representatives, to conduct the audit. Dr. Kathleen McChesney, CEO/Principal of Kinsale Management Consulting, and the former Executive Director of the U.S. Catholic Bishops' Conference's (USCCB) national Office of Child and Youth Protection, as well as a former high ranking FBI official and head of FBI offices in Chicago and Portland, OR, has agreed to serve in the role of independent Compliance Auditor. The primary focus of Dr. McChesney (whose appointment must be approved by the U.S. Bankruptcy Court) will be to ensure that the Diocese of Buffalo complies fully with the commitments outlined in the settlement with the Attorney General's office. An annual report of this additional Compliance Audit will likewise be published and made available in full on the diocesan website annually.

Finally, the settlement agreement also resolves claims that the Attorney General asserted against former Bishop Richard Malone and former Auxiliary Bishop Edward Grosz in the lawsuit against the



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Diocese. Although neither Bishop Malone nor Bishop Grosz were accused of any financial impropriety, both bishops have agreed to refrain from serving as a director, trustee, officer, or equivalent fiduciary position with any charitable entity registered in the State of New York, as part of the settlement agreement. It is important to note that this agreement does not bar them from serving in a ministerial, pastoral, or spiritual role, within any diocese in New York State, or from serving as a volunteer to any charitable entity registered in the State of New York.

As Bishop of the Diocese of Buffalo, I will continue to reiterate that there is zero-tolerance for any act of sexual abuse or harassment by a bishop, priest, deacon, lay employee or volunteer toward a young person or adult. Such acts are an affront to who and what we claim to be as Christians and as Catholics. Moreover, I will continue to insist on the most rigorous monitoring program with regard to those removed from ministry due to credible allegations of sexual abuse, and the strict adherence to the [Code of Conduct](#) for priests, deacons, pastoral ministers, administrators, staff and volunteers, and to our well-defined policies and procedures to ensure a safe environment for all.

It remains my fervent hope and constant prayer that those harmed by the evil acts of sexual abuse, and the past failings of this Diocese to put their interests first, will somehow experience the loving grace of God who alone heals and makes us whole. In our aim to restore trust and confidence, it can never be about what we merely say, but what we do each and every day to bear witness to the Gospel of Jesus Christ and fulfill the awesome responsibility of discipleship.

This is my pledge and the requirement of all who serve - or seek to serve - within the Diocese of Buffalo. May God in his infinite mercy forgive us for our failings and sustain us in our resolve always to live and act in a manner able to withstand His ultimate judgment.

Sincerely in Christ,

Most Reverend Michael W. Fisher
Bishop of Buffalo