

## Lawyer hired to represent church in molestation case alleges cover-up

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Miami, FL, US --

ALLEGATIONS of a cover-up by church officials have surfaced in a 2-year-old suit against a Kendall Baptist church whose youth minister admitted sexually molesting more than a dozen teenagers.

Lawyers who filed the 1991 negligence suit against Wayside Baptist Church are now looking into the unsettling possibility that church official knew the man was struggling with a self-admitted "lust" for teenage boys when they hired him.

The controversy is complicated by the fact that the allegation of prior knowledge was made by the lawyer originally hired to represent the church in the matter--a man with a reputation for controversy of his own.

Two Dade circuit judges already have reacquainted themselves from the case one acknowledging that he might be prejudiced in his opinion of Coral Gables lawyer John B. "Jack" Thompson, better known as the anti-pornography crusader who took on the rap group 2 Live Crew and tangled with then-State Attorney Janet Reno and the Florida Bar.

Thompson's involvement has taken characteristic forms: he's excoriated the judge, the lawyers, the state attorney's office and the legal system itself, denouncing them in more than a dozen letters and motions that combine legal arguments, unrestrained attacks and religious declarations.

But in raising the allegations, Thompson treads precariously close to professional rules that prohibit lawyers from disclosing attorney/client communications. Thompson has been seeking permission to testify about the alleged cover-up for more than a year.

Lawyers Clifford R. Steele and **Ronald P. Weil** represent the now 22-year-old victim who sued Wayside Baptist Church. They acknowledge Thompson's brand of breathless crusading can be a liability. Judges tend to lose patience with him quickly.

But his allegations, they say, are too serious to ignore.

"We're pursuing this," says Steele, "because if there was a cover-up, we've got a whole new ballgame."

Daniel Artis sued Wayside in January 1991, three years after the church's former youth minister, Keith Geren, admitted he'd molested Artis for several years.

Geren made the admission after another victim came forward in April 1989. In addition to five Wayside youths Geren was charged with assaulting between 1985 and 1988, Geren told church officials he'd molested boys he'd worked with at two churches in Lakeland and Titusville. Geren, now 31, wasn't charged in connection with those incidents, but is serving a 15-year sentence for sexual battery on the Wayside youths.

According to records in the case, Geren told psychologists he imitated the methods of a minister who had molested him when he was a high school senior: He would apologize to his victims afterward and convince them to pray with him for help with his problem instead of telling anyone what had happened.

Artis is the only victim so far to sue. His suit alleges that church officials, and a deacon and his wife in whose home some of the incidents occurred, were negligent for failing to supervise Geren or investigate his employment and personal history before hiring him. The suit also names Geren as a defendant

Shortly after the incidents came to light, Wayside hired Jack Thompson.

Thompson says that less than a month later he quit, because he learned he'd been hired to help cover up what church officials knew. He says he has an ethical obligation to "blow the whistle," in part because he believes that nothing has been done for the victims in the two other churches.

Church officials, however, say they fired him. "There was an incompatibility in terms of personality," says Miami lawyer John A. Thompson, who describes himself as "personal counsel" to the church- -and who is no relation to Jack Thompson.

Lawyer Michael Jenk of Miami's Walton Lantaff Schroeder & Carson is representing the church in the suit.

#### QUESTION OF PRIVILEGE

Whatever the circumstances, after he and the church parted ways, Jack Thompson began petitioning the court, the Bar, the Florida Supreme Court and the Dade state attorney's office for permission to talk about what he claimed to know. (Thompson recently went so far as to say in a June notice to the court that the attorney/client privilege has been waived by the church because of church officials' claims that they fired him. He cited a Bar rule that says the privilege is waived by a client who makes "allegations ... concerning the lawyer's representation of the client.")

Supreme Court Justice Rosemary Barkett wrote Thompson that the court has no jurisdiction in the case outside of the normal appeals process. State Attorney Reno told him if he had non privileged information that a crime has been committed, he should contact police. A Florida Bar ethics adviser told him that the judge assigned to Artis' civil case should decide, Thompson says.

But Circuit Judge Sidney B. Shapiro, who reviewed Thompson's files and sealed answers to depositions, concluded in October 1992 that Thompson was bound by attorney/client privilege and the privilege cannot be waived under the exception created for crime and fraud. He ordered Thompson to keep quiet.

A short time later, Shapiro agreed to reconsider the issue to determine whether Artis and his father might also have been considered Thompson's clients during his representation of the church, since they were members of the congregation and Artis' father was a member of the board of deacons. If the judge deems they were his clients, Thompson might be free to make his disclosures to them.

Before the matter could be heard, however, Shapiro recused himself. Artis' lawyers had asked the judge to do so after he admitted he might not be able to be fair where Jack Thompson was involved. A second judge, Norman Gerstein, also recused himself. The issue is now pending before Judge Arthur Rothenberg.

But although Thompson says he's waiting for judicial approval or a subpoena from the state attorney's office before he'll discuss the allegations, they are outlined in a letter in the court file.

In a July 8 letter to Judge Gerstein, Thompson wrote that "Geren told Senior Pastor Boitnott about his 'lust for boys' before Boitnott hired Geren at Wayside. Boitnott then hired him anyway.

"Then Boitnott lied to the congregation and has now lied under oath in stating he knew nothing about Geren's problem." Church leaders later told Thompson that Boitnott "was not going to answer truthfully if it was asked," according to the letter, which Thompson says he never intended to become part of the court file.

Jenks, the church's lawyer, says Thompson's allegations are baseless, and the fact that Shapiro saw no reason to waive the attorney/client privilege is proof of that.

"The judge has already reviewed in camera everything that Jack Thompson has to say," he said. Jenks said he has also seen everything in Thompson's files. "He tells me that it's laid out in his file, and there's nothing there."

If Thompson has evidence of a crime, he should take Reno's advice and go the police, Jenks says. Thompson says he wants the state attorney's office to subpoena him so that he's protected, since he's still bound by a court ruling that his knowledge falls under attorney/client privilege. "I don't want to go to jail particularly," he says.

#### DEACONS DENY CLAIMS

Jenks says he's spoken with the five church deacons who met with Thompson while he was representing the church, and they say they don't know what Thompson is talking about. At least two of them have said so in sworn depositions, Jenks said. One of the deacons, Robert Barrett Jr., testified that he recalled Geren speaking occasionally about struggling with "lusts," but that he "didn't really probe further," and Geren didn't

elaborate. "I kind of took it to mean kind of a guy thing, taking a second look at a woman," Barrett said.

Pastor Boitnott also testified in a 1992 deposition that he knew nothing about Geren's problem until he was confronted by the father of one of the victims in April 1989. That confrontation led to Geren's confession and subsequent guilty plea. Boitnott said Geren had never confided his sexual problem to him, even though they had known each other since 1980 when Boitnott worked at a Lakeland Baptist church where Geren was a member.

Boitnott acknowledged that Geren had not undergone the kind of background and the reference check normally done on new applicants because they had known each other so long. But the pastor said there was nothing to suggest any problems. Boitnott knew that Geren had admitted on occasion -- including during questioning at his ordination ceremony at Wayside--to a "struggle with lusts." But, like deacon Barrett, Boitnott said he never had any idea that Geren was referring to teenage boys he supervised on frequent overnight outings and sleepovers.

Geren had deceived everyone, Boitnott said, including his own parents. Church lawyer John A. Thompson makes the same point. "All of these things happened because parishioners were inviting Keith into their homes," he said. "They felt safe."

But Geren did not, apparently, keep his trouble completely to himself. Geren told a court-appointed psychologist in August 1989 that he had "reported his sexual abuse of children on at least two occasions in the past to other minister." The psychologist's report does not name the ministers to whom Geren confided. But one of them testified in a deposition May 27 that Geren told him in 1983 or 1984 that he had been molested years earlier by his youth minister and was having continuing "struggles ... dealing with those same related temptations" and feared that he would "ultimately do some of that same sexual molesting to other kids."

The minister, the Rev. Michael Williams, who supervised Geren while Geren was an intern at Park Avenue Baptist Church in Titusville from 1982 to 1984, testified that he hadn't told anyone of Geren's disclosure because he considered it confidential.

Geren also, apparently, confided in a counselor at Park Avenue Baptist, according to a letter Boitnott wrote to a church official there in May 1989.

"Keith has also told us that he told [youth counselor] Danny Daniels of your church in September 1988 that he had sexually molested boys in our church, in your church, and yet another church," Boitnott wrote. "It appears Danny Daniels did not tell us."

According to Weil, Daniels refused to discuss his discussions with Geren, during a deposition, citing the confidentiality of minister/confessor communications.

#### MOLESTER NOT TALKING

Geren isn't talking either. When Steele attempted last July to depose him at the DeSoto Correctional Institute in Arcadia, Geren asserted the Fifth Amendment privilege against self-incrimination more than 120 times.

His lawyer, church member Victor Womack, said he advised his client not to answer even though he'd already admitted the Dade County charges and been convicted because of the possibility that new charges could be brought in other jurisdictions.

Geren's guilty plea doesn't mean he won't dispute the allegations in Artis' suit, Womack added. "We will contest a number of things he's claiming," the lawyer said. "This man was 18 years old when some of this was happening, and maybe he was the aggressor."

In Boitnott's deposition, he said Geren told him that Artis continued to try to meet with him after the disclosures.

Weil and Steele say such arguments and Geren's new reluctance to talk are part of the church's campaign to intimidate the victims. They also say the church has sent letters encouraging victims to forget about what happened and forgive Geren.

"I believe, personally, there is a concerted effort by the church and their lawyers to put a stone wall around the information," Steele says. "This is one of the most bizarre cases I've ever been involved in. For the life of me I could not figure out why a man would subject himself to potential contempt of court, saying I have evidence of a crime if it weren't true."

Lawyer John A. Thompson said church officials aren't trying to cover anything up or keep anyone from cooperating with Artis' lawyers. The church's continued support for Geren, and letters asking the victims to forgive him are part of a fundamental Christian ethic, he said. "There is a distinct difference between abhorring some one's behavior and loving that person in a Christian sense," he said.

Womack said the reluctance of some of the other victims' families to become involved in the suit suggests only that most church members would prefer "an internal healing process" to a legal fight .

And Jenks says Jack Thompson's actions concerning the alleged cover-up are motivated by a love for the lime-light. "Jack Thompson likes publicity," he says.

Thompson says he's used to the criticism. "My enemies have focused on my alleged personality flaws because I've proven disturbingly successful," he says. "Cranks who don't get anything done and are mere gadflies are ignored."