

## MEMORANDUM

### REDRESS SCHEME FOR VICTIMS OF ABUSE PERPETRATED BY JOSEPH MARMION

1. The Society of Jesus, the individual members of the Jesuit Order and the Trustees of Crescent College SJ, Clongowes Wood College SJ, and Belvedere College SJ, (the "Jesuits") apologise unreservedly for the suffering, pain and damage caused to victims and survivors of the sexual, physical, emotional, psychological, and spiritual abuse inflicted by Joseph Marmion, and for the failure of the Order to respond appropriately or adequately to the harming of children entrusted to their care. The Society has sought to respond to the concerns expressed by the victims of Joseph Marmion and that response has included several strands. Those strands have included the engagement of independent Facilitators to identify the needs of the victims and to provide a forum in which the victims can engage directly with the Jesuits.
2. The purpose of this Scheme is a means by which those who suffered abuse perpetrated by Joseph Marmion may obtain reasonable compensation without the need for lengthy investigation and litigation.
3. This Scheme is voluntary in nature and without prejudice to either party's rights to pursue litigation.
4. The Jesuits are committed to actively pursuing settlement of claims by negotiation between their solicitors and solicitors for victims as soon as practicably possible.
5. Eligible claims which are not settled by negotiation will be admitted to the Scheme.
6. This Scheme will be operated by the Jesuits. The Jesuits will not raise any defence based on the Statute of Limitations in the operation of the Scheme. For the avoidance of doubt if a claim is not resolved within this Scheme then limitation may be raised thereafter (although the Jesuits agree the limitation periods will be stayed for the duration of an Applicant's participation in the Scheme, but only for such period).
7. If an Applicant has an ongoing claim against the Jesuits relating to the same matters referred to in his Scheme Claim Form (set out in Appendix 1) then for the time being during which an application is made and considered that claim and any associated proceedings will be stayed.
8. Solicitors acting on behalf of the Jesuits will engage proactively with solicitors representing applicants in an effort to resolve matters prior to their entry into the Scheme. This Scheme will be available in the event that it is not possible to resolve matters through prior negotiation between the respective parties' legal advisors. Matters which it is not possible to settle by negotiation may be entered into the Scheme where the application will be assessed by an independent private tribunal

comprising a Senior Counsel or a Retired High Court Judge (who shall be agreed between the Jesuits and the Steering Committee of the victims of Joseph Marmion (represented by Crowley Millar Solicitors)) and two Junior Counsel, one appointed by Crowley Millar representing victims of Joseph Marmion and one by the Jesuits (Counsel representing or assisting Claimants and/or the Jesuits in respect of alleged abuse by Joseph Marmion shall not be so appointed). In assessing all applications the Panel will have regard to the available information and the Personal Injury Guidelines adopted by the Judicial Council on the 6<sup>th</sup> March 2021 and will make their decision on the balance of probabilities.

9. Agreement to settlement pursuant to the Scheme will be in full and final settlement of the claim made against the Jesuits including all legal entities identified above. For the avoidance of doubt, by accepting a settlement an Applicant waives his right to pursue a claim against the Jesuits or Crescent College SJ., Clongowes Wood College SJ., and Belvedere College SJ., (“the Schools”) or any individual member of the Jesuit Order, their servants or agents for all claims, losses or damages arising out of the circumstances identified in his application. In the event of an Applicant having ongoing proceedings against the Jesuits or the Schools relating to the same matter they will be discontinued upon settlement with no order as to costs and vacating any prior costs orders.
10. The process for applying to and details of how the Scheme will operate is as specified in this document and any further documentation approved by the Jesuits.

### **Participation in the Scheme**

11. The criteria for making an application in the Scheme are as follows:
  - (i) The Applicant suffered abuse by Joseph Marmion occasioning physical or psychological damage which is actionable at law;
  - (ii) Such abuse commenced prior to the Applicant’s eighteenth birthday.

### **Documentation**

12. To participate in this Scheme an Applicant will complete and submit a Scheme Claim Form in the form set out in Appendix 1 and provide such relevant accompanying documentation as is available. The Applicant or his solicitor shall submit, on behalf of the Applicant, a Medical or Psychiatric Report, a Narrative from the Applicant and any other relevant party, for example a spouse or family member, detailing the abuse and sequelae of that abuse and any Submissions the Applicants solicitors wish to make.
13. The costs incurred by an Applicant in securing a Medical or Psychiatric report in the course of the Scheme shall be discharged by the Jesuits. The Applicant’s solicitor shall obtain and furnish to the Jesuits a quote for the Medical or Psychiatric report in advance of commissioning same and the cost shall be agreed before it is incurred.
14. The legal representatives for the Jesuits may raise, without prejudice, a Notice for Particulars and upon receipt of Replies to such Particulars may make Submissions.

15. In the event that the Jesuits, in their absolute discretion, have any concerns in relation to such Medical or Psychiatric Reports as may be furnished on behalf of the Applicant, or in the event that no such Medical or Psychiatric Reports have been furnished, the Jesuits may seek to have a Medical or Psychiatric Report prepared on their behalf for the Applicant and the Applicant will make themselves available for the preparation of such Report. Any such report will be shared as soon as it is available to the Jesuits with the Applicant and his legal representatives.
16. The Jesuits may seek additional documentation to vouch or evidence aspects of an Applicants Claim.
17. The Tribunal will consider all reports, documentation and submissions and issue an award having regard to the Judicial Council Personal Injury Guidelines.
18. Either party may in his or its absolute discretion confirm prior to the making of an award by the Tribunal, that in his or its belief the case is an unsuitable one to proceed within the Scheme and in the event either party gives notice in writing to the other party and to the Tribunal to that effect then the Claim shall be removed from the Scheme and the Applicant shall be at liberty to pursue his claim through the Courts.

#### **Award**

19. The award will be open for acceptance by both parties (that is the Applicant and the Jesuits) for a period of 21 days.
20. If the award is rejected by either party there will be an oral hearing before the Tribunal following which the Tribunal will then either confirm the initial award or issue an amended award which will again be open for acceptance by both parties for a period of 14 days.
21. If the award is still rejected by either party then the claim may be litigated in the Courts.
22. All awards shall be paid net of Recoverable Benefits due to the Department of Social Welfare and Statements of Recoverable Benefits will be required.

#### **Administration**

23. With respect to claims submitted to the Tribunal, Scheme Administrators will be appointed to administer the Scheme and to check applications and associated evidence and make requests for missing information on behalf of the Tribunal or to provide information to and act as secretariat to the Tribunal and to liaise with Applicants and their legal advisors.

## **Costs**

24. Applicants whose claims are agreed pursuant to this Scheme are entitled to payment of legal costs in accordance with the table in Schedule 1 together with applicable VAT and outlay.

## SCHEDULE 1

Where an applicant accepts an offer made by the Initial or Review Decision Panel costs will be paid in accordance with Table 1

**Table 1**

<i>Compensation award</i>	<i>Legal Costs</i>
Up to €10,000	€2000 (plus VAT)
Above €10,001 but no more than €20,000	€3,500 (plus VAT)
Above €20,001 but no more than €50,000	€6,250 (plus VAT)
Above €50,001 but no more than €60,000	€7,500 (plus VAT)
Above €60,001 but no more than €75,000	€9,000 (plus VAT)
Above €75,000	Costs to be agreed between respective parties' solicitors and costs to be taxed in default of agreement

**APPENDIX 1**  
**Scheme Claim Form**

Applicant's Name (including all former names)	
Date of Birth	
PPS Number	
<p>ID – Please provide the original or solicitor's certified copy of two of the following documents:</p> <ul style="list-style-type: none"> <li>(a) Passport</li> <li>(b) Driving Licence</li> <li>(c) Birth Certificate</li> <li>(d) Marriage Certificate</li> <li>(e) A recent electricity, gas or other utilities bill</li> <li>(f) Any other vouching document vouching identity e.g. Deed Poll</li> </ul>	
Address	
Name of Solicitor (if appointed)	
<p>Which Jesuit School did you attend and during what time period</p> <p>A summary of the allegations including the nature of the Abuse. Such summary to also as far as possible identify dates (or months or years if exact dates unknown) when the Abuse occurred along with locations for the Abuse</p>	
Did you suffer any other abuse unconnected to Joseph Marmion	
Do you allege you suffered psychiatric/psychological damage ?	

I agree to participate in the Redress Scheme for Victims of abuse perpetrated by Joseph Marmion.

I confirm that any financial redress agreed to be paid in connection with my application shall be paid to

- a. Me; or
- b. My legal representative who shall account as may be appropriate to me  
(Please delete which does not apply)

and shall be paid net of any Social Welfare Recoverable Benefit which shall be discharged by the Jesuits as required by law and I shall complete a Receipt and Discharge on receipt of such financial redress in a form to be agreed between by my solicitor and the solicitors for the Jesuits.

Signed .....

Dated .....