

Testimony done in Mount Cashel civil trial

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Justice Alphonsus Faour enters the courtroom on the final day of testimony in the Mount Cashel civil trial at Newfoundland Supreme Court.— Photo by Barb Sweet/The Telegram

Testimony in the Mount Cashel civil trial ended this morning in Newfoundland Supreme Court with Justice Alphonsus Faour acknowledging the cooperation of opposing lawyers, as well as the John Does and church officials who sat through much of the trial.

"I suppose there's an element of Stockholm syndrome to be thrown together for this length of time, but it has been difficult for everyone concerned," Faour said in thanking the lawyers for the "remarkable" way they conducted themselves.

The trial over many of its 31 non-consecutive days has contained disturbing testimony concerning the experiences of four John Does at the Mount Cashel orphanage several years ago, as well as personal details of their lives since then and various expert opinions on child sex abuse and its impacts.

A retired military man who is a John Doe in the case was in the courtroom Thursday when Faour acknowledged that he and fellow John Doe, a retired teacher, attended many days of testimony (long after they were on the witness stands.) Faour also noted one other John Doe had been a spectator on earlier occasions.

"I know for them that it must have been quite difficult to listen to a lot of the testimony," Faour said.

He also acknowledged the many days Archbishop Martin Currie sat through the trial, along with other church officials at times, including vicar general Fr. Francis Puddister. Neither attended Thursday — Currie is at the 100th anniversary Beaumont Hamel events in France.

The trial is adjourned until Dec. 13, when lawyers will give closing arguments.

The Roman Catholic Episcopal Corp. of St. John's is represented by the Toronto law firm Miller Thomson. Of the four-lawyer team, Chris Blom and Emma Nicholl, recently called to the bar, were at the trial Thursday.

Four test case John Does say the church should be held liable for physical and sexual abuse they suffered at the hands of certain members of the lay order Christian Brothers, representing some 60 clients who were at the orphanage during the era late 1940s to early '60s.

Among the various witnesses, four John Does testified, as well as a former resident not involved in the case. Three agreed statements of fact were also entered concerning the experiences of three other former Mount Cashel boys.

Among the others the court heard from were two canon lawyers, the archbishop, Puddister, a historian, a sister of one of the Does, three psychologists, a psychiatrist and an economist.

Budden and Associates' lawyers Geoff Budden, Will Hiscock, Paul Kennedy and Allison Conway — also recently called to the bar — were all at court Thursday for their clients, the John Does.

They huddled briefly before Budden told Faour, "That is the evidence for the trial."

A little more than an hour of testimony remained Thursday morning with Kennedy cross-examining Peter Badgio, a Philadelphia, Pa., psychologist originally retained by the Christian Brothers, who were dropped from the lawsuit as they are bankrupt.

Kennedy challenged Badgio's evaluation of a tradesman John Doe, who suffered a horrendous number of physical beatings at the orphanage.

Badgio continued to maintain though that he doesn't think the beatings were sexual in nature, including an infamous shower incident.

Badgio didn't go along with the notion that Brother Ronald J. Lasik's custom strap was a fetish tool.

As Blom asked his final re-direct questions, the lawyer noted testimony that suggested the boys would toughen their hands by playing handball so Lasik got metal mesh put in a strap. Badgio agreed it might have been to make the punishment harder.

Badgio said while John Doe suffered some post-traumatic stress disorder symptoms surrounding the beatings, they worsened in later years and he suggested the man had less positive things to combat intrusive thoughts and dreams. Badgio said in seeking reasons why the historical events were playing more on his mind, he noted the man's health problems in retirement, the loss of a grandchild and anxiousness over the pending litigation.

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