

## ConnecticutLawTribune

### SLAGER MADRY LAWYERS IN THE NEWS

# Boy Scouts Liable For Troop Leader's Assaults: \$7 Million

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**Case:** John Doe v. Boy Scouts of America

**Attorney:** Paul Slager

Dozens of civil lawsuits are pending against the Boy Scouts of America across the country, many of them alleging sexual abuse by scout leaders decades ago. Few such cases have gone to trial before a jury. And before this week in Waterbury, Connecticut.

But a 2014 Connecticut case resulted in a record-setting \$7 million verdict against the Boy Scouts. It's believed to be the largest compensatory damages verdict against the organization and was based on novel legal theories developed by Paul Slager here in Connecticut.

A Waterbury jury awarded the money to a former Connecticut scout who claims he was sexually abused by his troop leader and an older scout in the mid-1970s. The jury found the Boy Scouts of America, based in the Dallas suburb of Irving, Texas, liable for compensatory damages as well as for punitive damages for recklessness.

Although Slager conceded at trial that the Boy Scouts were not aware of the perpetrators dangerous proclivities before he abused the plaintiff, he argued that the Boy Scouts knew for decades before the 1970s that child sexual abuse was widespread in troop activities across the country



but did nothing to educate parents, troop leaders or scouts. Despite this knowledge, Slager argued, the Boy Scouts failed to take reasonable steps to make Scouting safer, leading to the abuse suffered by the plaintiff. In this case, the plaintiff said that, among other things, the sexual abuse led to long-running substance abuse and mental health problems.

"It's very important to our client both that the jury has publicly said the Boy Scouts should be held accountable for keeping this important information secret and also that the jury rec-

ognized how much his abuse has impacted his life,” said the plaintiff’s lawyer, Paul Slager.

Slager, who has represented a number of survivors of sexual abuse in Connecticut and has other lawsuits pending against the Boy Scouts, said that it’s hard to say how the Waterbury verdict will affect other claims against the Boy Scouts. “We hope, however, that this case will highlight that the emotional effects of child sexual abuse are serious, life-altering and long-standing,” Slager said, “and that juries can learn about this during trials and understand how significantly this terrible experience can hurt someone’s life.”

The plaintiff, referred to in court papers only as John Doe, was a member of a New Fairfield troop in the mid-1970s. He testified that he was sexually molested three times by Siegfried Hepp, a long-serving troop leader from New Fairfield. In 2000, years after the abuse at issue in this trial, Hepp pleaded guilty to unlawful sexual touching of a minor and received a seven-year suspended sentence and 20 years of probation. He’s now a registered sex offender.

Doe filed his civil suit against the Boy Scouts and the Connecticut Yankee Council, which oversees scouting in the southern part of the state. The jury ultimately found that the national organization bore complete responsibility and the local chapter was not responsible for the abuse.

Slager and his client alleged that the Boy Scouts knew for decades before the 1970s about widespread sexual abuse among the ranks of scoutmasters. Witnesses acknowledged that the Boy Scouts maintained thousands of secret files it called “the Confidential Files,” dating to the early 1920s. These files were reportedly held in secrecy in locked cabinets in the Texas

national headquarters, but Slager brought them to the courtroom, at times sitting on the boxes of files while questioning witnesses.

Slager argued that rather than using the information in these files to inform and educate local troop leaders, parents and young scouts about the existence of sexual abuse, the national organization hid the information, partly out of concern for protecting the Boy Scouts’ image.

The Waterbury trial lasted through two weeks of evidence and weeks of jury selection before Superior Court Judge Salvatore Agati. The jury deliberated for about seven hours over parts of two days before awarding the plaintiff \$7 million in compensatory damages. The jury also found the scout organization was reckless in its conduct and should be held liable for punitive damages. The punitive damages were to be awarded at a later date and the total judgment is expected to be over \$12 million.

The jury also found the Boy Scouts liable for a violation of the Connecticut Unfair Trade Practices Act.

Although the verdict and legal theories leading to it were creative and novel – and the amount of the verdict is unprecedented – Slager was eager to deflect credit to his client, who he characterized as, “a tremendously brave person who was willing to openly and publicly recount his terrible experiences to expose what should be considered a national scandal of bad behavior and Boy Scouts of America failing to protect its members.

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