

## Landmark ruling protects Rhode Island elderly from fraud

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**TEAMWORK:** Pannone Lopes Devereaux & O'Gara attorneys Rebecca M. Murphy and Bernard A. Jackvony at the firm's Providence office. The pair worked together for five years on the case of *Americans United for Life v. the Legion of Christ of North America Inc.*

PBN PHOTO/RUPERT WHITELEY

As a religious studies major at The College of the Holy Cross in Worcester, Mass., Rebecca M. Murphy planned to follow in her father's footsteps and become a religious studies professor.

But, because of the unstable job market, Murphy's father convinced her to go to law school. As an associate attorney at Providence-based law firm Pannone Lopes Devereaux & O'Gara LLC, Murphy came across a case combining her two passions, which would be part of a groundbreaking ruling safeguarding Rhode Island's elderly.

"When I wound up at [the firm], I thought 'what a perfect intersection between the study of a religious sect and the law,'" said Murphy of *Americans United for Life v. the Legion of Christ of North America*

Inc., et. al. – a case she has been working on with Bernard A. Jackvony, who serves as of counsel to the law firm, for the past five years.

In a Jan. 4 ruling in the case, Associate Justice of the R.I. Superior Court Michael Silverstein found the Legion of Christ had tortuously interfered with the will of Gabrielle D. Mee with an expectation to benefit by inheritance – a finding that previously had not been recognized in the Rhode Island judicial system.

Tortious interference, which means "wrongfully influenced," explained Murphy, carries a penalty for those found guilty of trying to unduly influence someone to change their will or encourage them to donate gifts during their lifetime in hopes of depleting the estate prior to death.

Before the ruling, when a will contest was brought to probate court there was no penalty for actions taken to defraud a person, said Murphy.

"Now, instead of going for the money and losing out in probate court, [those committing fraud] can be sued as individuals," she added.

Based in Washington, D.C., AUL is a pro-life advocacy group working to legalize protections for fetuses and stop the expansion of pro-abortion policies in the U.S. and around the world. In 2015, the organization was involved in the creation of 10 new pro-life laws.

Based out of Roswell, Ga., the Legion of Christ is a group of Roman Catholic priests who have taken vows of poverty, chastity and obedience. According to their records, in 2015 there were 1,650 members across 21 countries, with the most in Mexico (647) and the United States (273). Established in 1941, in recent decades the Legion of Christ has been surrounded by scandal as reports of sexual abuse by its late founder, the Rev. Marcial Maciel Degollado, have come to light.

Mee was a lifelong, devout Catholic known for her philanthropy who met Maciel in the 1980s after the death of her husband, a textile businessman in Woonsocket who had amassed a sizeable estate. According to the ruling, between 1989 and 1991 Mee gifted the Legion of Christ \$4 million.

During that time, Mee, through a "fast-tracked" process, said Murphy, became a consecrated woman after taking a vow of poverty and relinquishing much of her remaining wealth to the group.

Murphy said Maciel, considered a "living saint" by followers, had been investigated by the Vatican and eventually found guilty of sexual abuse of minors, among other serious charges.

"[Mee] was a strong woman from everything I hear, but ... she absolutely fell for it," said Murphy of Maciel's effect on Mee.

"Everybody knew there were bad marks on his character, but they kept it quiet ... and by the time she died, they were able to confiscate her entire fortune," she added.

According to the ruling, a 1991 iteration of Mee's will bequeathed 10 percent of her estate to the AUL and 90 percent to the Legion of Christ. However, a 1995 codicil completely removed the AUL and named the Legion of Christ her sole beneficiary.

Five years later, and eight years before her death, Mee's final will was established. Executed by Legion of Christ Father Anthony Bannon, the will called for the entirety of her estate to pass to the Legion of Christ.

Finding that Maciel and the Legion of Christ were guilty of tortious interference, said Murphy, "is a really big victory for the [state's] elderly population and for the Rhode Island bar."

Cases of elderly abuse, she added, "are more common than you think. Baby boomers are getting older, and there's a much bigger elderly population ... we're hoping recognition of this cause of action will at least deter this behavior."

The Legion of Christ does not have the automatic right to appeal, she said, and would have to petition the R.I. Supreme Court to hear their case.

A spokesman for the Legion of Christ declined to comment on the case.

"Frankly, if it were going to be appealed, [Jackvony] and I agree this decision will be upheld," said Murphy.

Her colleague, Jackvony, said in addition to providing an added layer of security to the many elderly victims of financial abuse, this case lays the groundwork for future claimants to receive reparations in such cases.

"It gives the ability for independent actions to be brought outside of probate in which there will be damages brought against the wrongdoer," he said.

Moving forward, he added, Rhode Island now falls in line with roughly half of the country in providing a finding of tortious interference, an alternative avenue to probate court proceedings, for those looking to contest a will. •