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In this image from video provided by the U.S. Senate, Judge Greg Guidry speaks during a hearing for district court nominees held by the Senate Committee on the Judiciary in Washington, on Wednesday, Feb. 13, 2019. Guidry donated tens of thousands of dollars to New Orleans' Roman Catholic archdiocese and consistently ruled in favor of the church amid a contentious bankruptcy involving nearly 500 clergy sex abuse victims, The Associated Press found, an apparent conflict that could throw the case into disarray.(U.S. Senate via AP)

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New Orleans — April 21, 2023

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A federal judge donated tens of thousands of dollars to New Orleans' Roman Catholic archdiocese and consistently ruled in favor of the church amid a contentious bankruptcy involving nearly 500 clergy sex abuse victims, The Associated Press found, an apparent conflict that could throw the case into disarray.

Confronted with AP's findings, which have not been previously reported, U.S. District Judge Greg Guidry abruptly convened attorneys on a call last week to tell them his charitable giving "has been brought to my attention" and he is now considering recusal from the high-profile bankruptcy he oversees in an appellate role.

"Naturally," Guidry told them, "I will take no further action in this case until this question has been resolved."

AP's reporting on Guidry and other judges in the New Orleans bankruptcy underscores how tightly woven the church is in the city's power structure, a coziness perhaps best exemplified when executives of the NFL's New Orleans Saints secretly advised the archdiocese on public relations messaging at the height of its clergy abuse crisis.

It also comes at a fraught moment when attorneys in the bankruptcy are seeking to unseal a trove of thousands of secret church documents produced by lawsuits and an ongoing FBI investigation of clergy abuse in New Orleans going back decades. Guidry had rebuffed at least one such request to unseal some of the documents.

Ethics experts said the 62-year-old Guidry should immediately recuse himself to avoid even the appearance of a conflict, despite the slew of new hearings and appeals it could trigger three years into a complex bankruptcy.

"It would create a mess and a cloud of suspicion over every ruling he's made," said Keith Swisher, a professor of legal ethics at the University of Arizona, describing the judge's donations as "more like fire than smoke."

AP's review of campaign-finance records found that Guidry, since being nominated to the federal bench in 2019 by then-President Donald Trump, has given nearly \$50,000 to local Catholic charities from leftover contributions he received after serving 10 years as a Louisiana Supreme Court justice.

Most of that giving, \$36,000 of it, came in the months after the archdiocese sought Chapter 11 bankruptcy protection in May 2020 amid a crush of sexual abuse lawsuits. That included a \$12,000 donation to the archdiocese's Catholic Community Foundation in September 2020 on the same day of a series of filings in the bankruptcy, and a \$14,000 donation to the same charity in July of the following year.

But Guidry's philanthropy over the years also appears to include private donations. Newsletters issued by Catholic Charities of New Orleans, the charitable arm of the archdiocese, recognized Guidry and his wife among its donors for unspecified contributions, in 2017 listing both the judge and his campaign. The judge previously provided pro bono services and served as a board member for Catholic Charities between 2000 and 2008, a time when the archdiocese was navigating an earlier wave of sex abuse lawsuits. Catholic Charities was involved in at least one multimillion-dollar settlement to victims beaten and sexually abused at two local orphanages.

Within a year of his most recent contributions, Guidry began issuing rulings that altered the momentum of the bankruptcy and benefited the archdiocese. He upheld the removal of several members from a committee of victims seeking compensation from the church. Those plaintiffs repeatedly complained about a lack of transparency in the case and argued that the archdiocese's primary reason for seeking the legal protection was to minimize payouts. The Moody's rating agency found that the archdiocese sought bankruptcy despite having "significant financial reserves, with spendable cash and investments of over \$160 million.

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And just last month, Guidry affirmed a \$400,000 sanction against Richard Trahant, a veteran attorney for clergy abuse victims who was accused of violating a sweeping confidentiality order when he warned a local principal that his school had hired a priest who admitted to sex abuse. Trahant, who declined to comment, has become a prominent adversary of the archdiocese, drawing attention to what he calls a conspiracy by top church officials in New Orleans to cover up clergy abuse.

After AP sent a letter to Guidry detailing the findings and seeking comment, the judge did not respond. Instead, he called last week's status conference to tell attorneys in the bankruptcy that he is considering recusal. According to a transcript

obtained by the AP, Guidry noted that the question of his potential conflict “has not been considered before” and he was seeking the guidance of the federal judiciary’s Committee on Codes of Conduct, with his decision expected within days.

Charles Geyh, a professor at Indiana University who studies judicial ethics, said Guidry’s devout religion alone shouldn’t disqualify him from the case, but his generous donations and close ties to the church are clearly reasons to question his ability to be a fair referee.

“Not only has the judge made significant financial contributions to a church whose archdiocese is a party in litigation before him, but those contributions are inextricably linked to his status as a judge,” Geyh said. “The judge chose to donate the overflow of campaign funds generated to further his professional life as a judge to further his religious life in the church, which implies a connection in the judge’s mind between his religious and professional identities.”

In heavily Catholic New Orleans, Guidry is far from the only federal judge with longstanding ties to the archdiocese. Several of Guidry’s colleagues have recused themselves from the bankruptcy or related litigation. They include U.S. District Judge Wendy Vitter, who for years worked as general counsel for the archdiocese, defending the church against a cascade of sex abuse claims before Trump nominated her to the federal bench in 2018. Another federal judge, Ivan Lemelle, serves on the board of the Catholic Community Foundation.

Yet another, U.S. District Judge Jay Zainey recused himself from cases related to the bankruptcy after publicly acknowledging the role he played in the behind-the-scenes media relations campaign that executives of the New Orleans Saints did for the archdiocese in 2018 and 2019. At the time, Zainey told The Times-Picayune he would recuse himself from future church-related cases.

But less than a year ago, Zainey quietly struck down a Louisiana law, vigorously opposed by the archdiocese, that created a so called look-back window allowing victims of sexual abuse to sue the church and other institutions no matter how long ago the alleged abuse took place. Zainey didn’t respond to a request for comment.

"These are federal judges who are incredibly active in different ministries throughout the archdiocese," said James Adams, a past president of the Catholic Community Foundation who was abused by a priest as a fifth-grader in 1980. "I’m not saying they don’t do good works, but it certainly raises an eyebrow when they then have

cases involving the Archdiocese of New Orleans."

Jason Berry, an author who has written several books on clergy abuse and most recently a history of New Orleans, said the influence of the church on the court system in the city "stinks to high heaven."

"The larger question here is whether justice has been compromised," he said. "You're talking about 500 people whose lives have been plundered, and that's one thing many people don't have a grasp of."