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Supreme Court Allows Grand Jury Probe of Clergy

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What You Need to Know

- The New Jersey Supreme Court has okayed empanelment of a grand jury to examing sex abuse by Roman Catholic clergy.
- The justices rejected reasons that a trial judge and an appeals court relied on to argue that such an effort was illegal.
- The trial court was premature in concluding that any potential presentment in this matter had to be suppressed.

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The New Jersey Supreme Court will allow the Office of the Attorney General to proceed with a grand jury investigation of child sexual abuse by Catholic clergy.

The court's decision on Monday reverses rulings by a trial court and appeals court, which agreed with the Diocese of Camden that the grand jury lacks authority to issue a presentment on the subject.

The justices' decision said it was premature for the trial court to conclude that any potential presentment in the matter should be suppressed.

But the court added that the state has the right to proceed with its investigation and present evidence before a special grand jury, and if the grand jury issues a presentment, the assignment judge should review the report and publish it under applicable circumstances.

The decision is expected to benefit plaintiffs who are suing church entities over sexual abuse that was committed long ago, some lawyers representing abuse survivors said.

New Jersey Chief Justice Stuart Rabner. Courtesy photo

"It will benefit survivors because it will help disclose the pattern and practice of behavior that took place in the Roman Catholic Church decades ago, and that type of information is potentially admissible in a civil court, to show the environment and culture that existed," said John Baldante of Baldante & Rubenstein in Haddonfield, New Jersey, who represents abuse survivors.

"The unfortunate truth is that the Roman Catholic Church is the perennial undefeated Super Bowl winner when it comes to child sexual abuse. So the grand jury report will hopefully disclose what that looked like in New Jersey, so you'll see it addressed not just with the Diocese of Camden, which was the entity issuing the objection here, but it will also address sexual abuses that took place in all five of the dioceses throughout the state," Baldante said.

A grand jury report can also benefit survivors by illustrating the scope of the clergy abuse phenomenon, Baldante said.

"For most of these survivors it took decades for them to come forward and speak out about their abuses, in large part because they believe their abuse was an isolated incident. A grand jury report

like this discloses the reality that occurred to many, many other students and classmates of theirs, other co-parishioners of theirs and allows them to realize they're not alone in this process. So it's very important from a public welfare process," Baldante said.

Baldante said many of the perpetrators of clergy sexual abuse are either dead or their misconduct is beyond the statute of limitations. But the attorney general need not issue an indictment in the case and instead could issue a presentment grand jury, which focuses on public affairs and conditions. That type of grand jury deals with matters that are important to the community, and sexual abuse is such an issue.

The grand jury controversy began in 2018 when then-Attorney General Gurbir Grewal established a statewide task force to investigate allegations of sexual abuse by Catholic priests. Grewal acted in response to a grand jury presentment on the same subject in Pennsylvania. But in 2021, when the state filed an order to show cause seeking to compel compliance with a grand jury subpoena in the case, the Diocese of Camden challenged the grand jury's authority to issue a presentment relating to allegations of sexual abuse by members of the clergy in the Catholic Church.

The court issued its ruling even after the diocese reversed its position and ended its opposition to the grand jury presentment in May.

A trial judge, Peter Warshaw Jr. of Mercer County Superior Court, ruled in May 2023 that the anticipated grand jury presentment is not authorized by law. An Appellate Division panel upheld that ruling on June 4, 2024. But all documents related to the challenge remained under seal until the Supreme Court unsealed them March 5.

In their unanimous decision overturning the courts below, the justices said it is premature to determine whether a presentment that has not been written should be suppressed. Without a report to review, the court can't determine whether to strike parts of a presentment, Chief Justice Stuart Rabner said for the court.

Lloyd Levenson of Cooper Levenson in Atlantic City, representing the Diocese of Camden, referred a request for comment about the ruling to a diocese spokesman, Michael Walsh, who said,"The Diocese of Camden remains steadfast in its commitment to transparency, justice, and healing for survivors of clergy abuse. In May 2025, we formally withdrew our objection to a state grand jury presentment and publicly affirmed our willingness to cooperate fully with the New Jersey Attorney

General's investigation. Today's ruling by the New Jersey Supreme Court does not alter that position— the Diocese remains committed to fully cooperating with this effort."

First Assistant Attorney General Lyndsey V. Rotolo, speaking for the state, said, "We are grateful for the New Jersey Supreme Court's decision this morning confirming what we have maintained throughout this lengthy court battle: that there was no basis to stop the state from pursuing a grand jury presentment on statewide sexual abuse by clergy and the conditions that allowed it to go unchecked for so long. We remain as committed today as throughout these past seven years to doing all we can to support survivors and advance the healing they deserve."

Among those submitting amicus curiae briefs include the Official Committee of Unsecured Creditors. represented by Brent Weisenberg of Lowenstein Sandler. Weisenberg said his group got involved in the grand jury issue "because sunlight is the best disinfectant. Allowing a grand jury to investigate the horrors of the past is a much needed and meaningful way to protect children in the future. The committee is pleased that the Supreme Court did not put an end to this process before it began."

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