

“Do I Need an Attorney” Statement and FAQ

The Tort Claimants’ Committee (“TCC”) receives questions about whether claimants should hire an attorney to represent their claims in the Boy Scouts case, how to find an attorney, what are the costs, and more. To aid Survivors who are now claimants in the Boy Scouts bankruptcy case, the TCC is providing responses to the following frequently asked questions.

Please understand that this is not an endorsement of a specific attorney or a specific course of action. Instead, the responses below are intended to help you make a decision about whether to hire an attorney and how to locate an attorney that best suits your needs.

Every Survivor who has filed a claim in the Boy Scouts bankruptcy case needs to stay informed of developments and make a decision regarding individual legal representation that is best for themselves. The TCC will provide updates via the monthly Town Hall meetings held the second Thursday of every month and by posting various informational updates on the website WWW.TCCBSA.COM.

If you have questions, please email: BSASurvivors@pszjlaw.com.

Am I required to have an attorney if I filed a claim?

No. You are not required by law to have an attorney during any part of the Boy Scouts bankruptcy case. You may represent yourself and enforce your claim against the Boy Scouts in the bankruptcy case.

Should I have an attorney?

Bankruptcy and other general civil cases are complicated and require specialized knowledge to fully understand. Each member of the TCC was represented by an attorney prior to their appointment to the TCC, and have appreciated having counsel representing them individually as well. For that reason, the TCC recommends that claimants retain an attorney to represent them, but acknowledge that claimants may choose not to do so. *Again, having individual counsel is not required.*

Are you my attorney?

No. Pachulski Stang Ziehl & Jones LLP (“PSZJ”) is counsel to the Official Committee of Tort Claimants (the “TCC”) in the Boy Scouts of America bankruptcy cases. The TCC is made up of nine individual survivors, each of whom were appointed by the Office of the United States Trustee, a division of the United States Department of Justice, to serve as TCC members. The TCC’s job is to advocate for the collective interest of sexual-abuse survivors. While the TCC is aligned with and advocates for the interests of all survivors, PSZJ is not counsel to any individual survivor and, accordingly, cannot provide legal advice to any individual survivor. Individual claims are not yet being evaluated or validated. Currently, the parties are working on reaching an agreement as to the aggregate value of the sexual-abuse claims and the amount of cash, other property, and insurance that can be used to pay valid and allowed claims. As counsel to the TCC, PSZJ regularly provides updates and answers questions regarding the bankruptcy process in general and the TCC’s recommendations with respect to certain actions taken by the BSA in the bankruptcy cases. If you have questions, they can be directed to BSASurvivors@pszjlaw.com.

Where would I find an attorney to represent me?

The TCC cannot “recommend” a specific attorney. A good place to start an attorney search is your state’s bar association, which licenses attorneys to practice. Many state bar association websites allow searching by attorney specialty. A listing of state bar associations can be found at https://en.wikipedia.org/wiki/Category:American_state_bar_associations. When searching for an attorney, you should find an attorney with long-standing experience representing sexual abuse survivors, and not necessarily someone who represents a lot of Survivors in the Boy Scouts bankruptcy case. Representation of sexual-abuse claims is very specialized; attorney experience in this field is very important.

How much will an attorney cost?

The cost of an attorney varies. Many attorneys will allow you to retain them on a “contingency basis.” This means that they are paid a percentage of any award you receive and you do not have to provide payment (in the form of a retainer) when you hire the attorney. The contingency percentage and services the attorney will provide should be clearly outlined in a contract that you fully understand and agree to before signing.

Why do I need to have an attorney if the TCC has attorneys representing all claimants?

This question comes up often. The TCC does not represent you, or any of the TCC members, individually. Instead, the TCC was formed to represent the collective interest of sexual-abuse Survivors in the Boy Scouts bankruptcy case. Individual claims are unique for a host of reasons and require individual legal representation. The TCC’s attorneys are addressing the complex steps of bankruptcy until there is a plan for all claimants to vote upon. The TCC will recommend to all Survivors how to vote on the Boy Scout’s plan. However, your individual attorney can advise you on how the plan will impact you personally.

I filed a claim in the bankruptcy against the Boy Scouts; do I also have a claim against others that might be liable for my abuse?

The filing of your claim in the Boy Scouts bankruptcy case does not necessarily preserve a claim that you might also have against a local council of the Boy Scouts or the sponsoring organization that formed your scouting troop. To preserve your claim against a local council or sponsoring organization, you must file a law suit against them in the appropriate court. You should consult with an attorney about filing a law suit against a local council or sponsoring organization because the laws and rules vary from state to state. If your claim can be filed against a local council or sponsoring organization, the TCC recommends and encourages you to do so.

I have an attorney. How do I know if my attorney filed my lawsuit against a local council or sponsoring organization?

Ask your attorney in writing! Some courts also allow you to search online to see what lawsuits have been filed. PLEASE NOTE: Some attorneys represent claimants ONLY in the Boy Scouts bankruptcy case and not in any other civil law suits. It is important that you read any retainer agreement you’ve signed and ask your attorney in writing if you are not sure about the terms of the attorney engagement.