

More than 100 victims are gagged by settlements in lawsuits over actions of child-molesting surgeon Michael Shine

By Shane Phelan

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More than 100 lawsuits against a religious order over the activities of convicted child molester and former surgeon Michael Shine have been settled – but victims have been gagged from discussing the outcome of their cases. Claimants had to agree to keep the terms of settlements with the Medical Missionaries of Mary confidential, the Irish Independent has learned.

Gagging clauses were inserted in the compensation agreements, which will cost the order's insurers millions of euro.

Despite the secrecy surrounding the settlements, sources familiar with the deal, who spoke on condition of anonymity, said individual awards largely ranged between €20,000 and €65,000. The cumulative sum of compensation to be paid is not yet known, but the overall package is thought to be less than a previous settlement of around €10 million. That payment was made by the order in 2012 in another multi-party action involving a similar number of plaintiffs who also claimed to have been abused by Shine.

The fresh settlements mark the end of a nine-year battle for compensation for some of the litigants.

A compensation agreement was initially thought to have been reached in October last year only for a messy legal wrangle to delay settlements for a further year. On that occasion, lawyers for victims told the High Court that the cases had been settled and a trial date would no longer be needed. However, a few weeks later lawyers for the religious order said there was no settlement and the court should not have been told that there was.

Lawyers for the claimants later alleged the hold-up was down to a dispute between the religious order and its insurers over which of them had to pay legal costs claimed by the HSE, which was initially a defendant in the case but was no longer being sued.

The 112 actions were finally, quietly settled in September of this year. Notices alerting the High Court that the actions had been discontinued were filed in recent days.

The religious order was sued because it ran Our Lady of Lourdes Hospital in Drogheda, Co Louth, until 1997, when ownership was transferred to the then North Eastern Health Board. Shine (89) had worked at the hospital for decades and much of the abuse is said to have occurred there and at private rooms he kept elsewhere.

Shine, with an address at Wellington Road, Ballsbridge, Dublin, was also sued but did not participate in the lawsuits.

The 112 actions outlined allegations dating from 1964 to 1995 and involved complainants who were aged between six years and young adulthood at the time.

Galligan Johnston, the firm representing the plaintiffs, declined to comment on the settlements.

Requests for comment to the Medical Missionaries of Mary and Crowley Millar, the law firm representing the order, about the settlements and the use of confidentiality clauses met with no response.

Victims are now expected to turn their attention to pressing for a public inquiry into how the disgraced former consultant was able to abuse children for so long.

Shine has never admitted his crimes and, despite facing hundreds of allegations, spent only three years in jail, with further prosecutions thought to be unlikely.

Earlier this year, the Director of Public Prosecutions (DPP) decided not to bring charges in relation to complaints from 25 men.

At least 11 of the complainants have asked the Office of the DPP to review the decisions made in their cases, with the outcome of the reviews expected next month.

The DPP's decision not to prosecute came in the wake of a Court of Appeal ruling that it would be unjust for Shine to face a further trial on 31 charges of indecent assault due to a combination of factors, including prosecutorial delay, his age and his health.

Dignity4Patients, a group supporting former patients of Shine, said that in the aftermath of the settlements victims were seeking a public inquiry.

"This is something many survivors will pursue and focus their energies on in the coming year," said the group's CEO, Adrienne O'Reilly.

She said there was considerable disappointment among victims that further prosecutions had been ruled out and many felt a public inquiry could provide "a justice pathway" through which people could be held to account.

After allegations emerged against Shine in the mid-1990s, the former consultant mounted various legal challenges aimed at halting regulatory investigations and criminal trials.

The first complaint against him, alleging indecent assault, was made by a former patient in 1994. Shine retired on a full pension less than a year later.

The complaint, by a man who alleged Shine molested him as a 17-year-old in the 1970s when he was recovering from surgery, was considered by the board of the hospital, which decided Shine had no case to answer.

The former patient then took his complaint to the gardaí and the Medical Council. After the Medical Council decided in 1996 to hold a formal inquiry, Shine embarked on a lengthy legal battle that blocked the proceedings for 12 years.

Shine first faced criminal charges in 2003 when he went on trial at Dundalk Circuit Court on 11 counts of indecent assault between 1974 and 1982 at the hospital and his consulting rooms. He was acquitted by a jury.

In the aftermath of the case, he resisted efforts by the Medical Council to investigate him. However, he ultimately failed in a High Court challenge and was struck off the medical register in 2008.

Shine would face further charges and took legal action in a bid to avoid going on trial again. In 2013, he lodged High Court proceedings seeking to restrain a prosecution involving 22 complainants, citing a delay in bringing charges and publicity as reasons why he could not get a fair trial.

But his challenge was rejected by both the High Court and the Court of Appeal and he was eventually convicted in 2017 of three counts of indecent assault and sentenced to 20 months in prison. But he was released on bail pending an appeal.

While still on bail, he faced a third criminal trial in 2019 for the abuse of seven boys. He was convicted of 12 counts of indecent assault, and one of sexual assault, receiving a four-year term.

The Court of Appeal would subsequently reject his appeal against his conviction arising from the 2017 trial. However, he spent only three years behind bars because both sentences ran concurrently.

If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.