

The Commonwealth of Massachusetts

SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300

BOSTON, MASSACHUSETTS 02108-1707

WWW.SJCCOUNTYCLERK.COM

CASE INFORMATION (617) 557-1100

FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050

FACSIMILE (617) 557-1055

MAURA S. DOYLE

CLERK

December 28, 2011

Accuser #2

, MA

**IN RE: COPY OF PETITION FOR ADMISSION TO THE BAR OF THE
COMMONWEALTH OF MASSACHUSETTS**

To Whom It May Concern:

Pursuant to the request received by this office on December 20, 2011 enclosed you will find a copy of the Petition for Admission to the Commonwealth of Massachusetts for Attorney James J. Foley Jr.

If you have any questions or should need further assistance, please do not hesitate to contact the Attorney Services Department at either 617-557-1050 or www.sjccountyclerk.com

Very truly yours,

MAURA S. DOYLE

Clerk

Supreme Judicial Court

CIVIL NO.

176523

SUFFOLK, SS.

IN THE MATTER OF

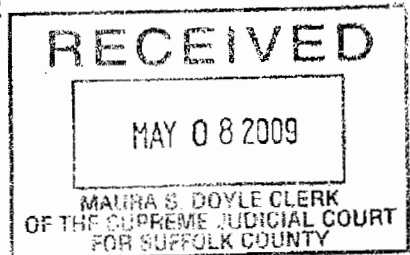
JAMES J. FOLEY, JR.

(Type or Legibly Print Name)

PETITION

FOR ADMISSION TO THE BAR
OF THE COMMONWEALTH

(FIRST TIME APPLICATION)



Petition Filed.....

(Court Use Only)

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

Supreme Judicial Court
For Suffolk County

PETITION FOR ADMISSION TO THE BAR OF THE COMMONWEALTH OF MASSACHUSETTS
(First Time Application)

I, JAMES J. FOLEY, JR., hereby petition for admission to the bar of the
Type or Legibly Print Full Name

Commonwealth. I represent that I am of good moral character and over the age of eighteen years, having been born
(Month and Year of Birth) [REDACTED] 1952. I request that I be examined for admission as an attorney, and,
if found qualified, be admitted as such.

Signed: James J. Foley, Jr.
Applicant's Signature

Address: [REDACTED] R8.

AUBURN, NH 03032-3209
City State Zip Code

[REDACTED]
Email address (if applicable)

True Copy
A True Copy
12-28-11
Date

Attest: [Signature]
Assistant Clerk

Date: MAY 7, 2009

RECOMMENDATION OF A MEMBER OF THE BAR OF THE COMMONWEALTH OF MASSACHUSETTS OR OF ANY STATE, DISTRICT OR TERRITORY OF THE UNITED STATES
(Supreme Judicial Court Rule 3:01, subsection 1.2)

I, Robert E. Keane Esq., an attorney of the bar of Massachusetts
Type or Legibly Print Full Name

respectfully recommend that the foregoing petition be granted, and certify that the petitioner is of good moral character.

Attorney's Signature: Robert E. Keane

Business Address: 92 High St. Suite 7-32
Medford, MA 02155

Telephone Number: 781-395-0020

Date: May 05, 2009

Attorney's State Registration No: 262920

Email: michele@epmanagement.com

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

Supreme Judicial Court
For Suffolk County

In the matter of JAMES J. FOLEY, JR.

(Applicant for admission as an attorney at law taking the Massachusetts Bar Examination for the first time)

By examination to be held JULY 29, 30, 2009
(Date)

APPLICANT'S STATEMENT TO THE BOARD OF BAR EXAMINERS

1. **TYPE (no less than 12 point font) OR PRINT LEGIBLY USING ONLY BLACK INK.**

(a) Full Name:

JAMES J. FOLEY, JR.
First Middle Name or Initial Last

(b) Address RS.

City AUBURN State NH Zip 03032 Telephone No. 603.

(c) Place of Birth EVERETT, MA Month & Year of Birth 1952
City and State (MM/YYYY)

(d) Have you ever been known by any other name or surname? NO
Yes or No

If yes, state all names, places and time: _____

2. Have you applied before in Massachusetts for admission as an attorney?

Yes _____ No Date _____

3. **NAME of Law School Conferring JD Degree:** MASSACHUSETTS SCHOOL OF LAW

ADDRESS of Law School Conferring JD Degree: 500 FEDERAL ST., ANDOVER, MA 02811

Dates of Attendance: From: AUGUST, 2005 To: MAY, 2008

Degree Awarded: J.D. Exact Date of Graduation: JUNE 6, 2008
MM/DD/YY

(If you attended more than one law school, attach a rider page to this application listing each school and your dates of attendance. Complete the above section with respect to your law degree, even if it has not yet been conferred. DO NOT LEAVE ANY SECTION BLANK.

4. Are you taking the Multistate Bar Examination in a different jurisdiction in connection with a second (concurrent) application? _____

YES NO

If YES, print the name of the jurisdiction where you will sit for the MULTISTATE BAR EXAMINATION.

JURISDICTION: _____

YOU MUST SIT IN THE JURISDICTION WHICH YOU INDICATE. (See next page)

If your answer to #4 is any jurisdiction other than Massachusetts, you will be seated for one (1) day only (Thursday), for the essay portion of the examination. No changes will be made after filing. See *CAVEAT below.

*CAVEAT: NO CHANGE IN THE CHOSEN MBE JURISDICTION WILL BE PERMITTED AFTER FILING THIS APPLICATION IN THE SUPREME JUDICIAL COURT, CLERK'S OFFICE FOR SUFFOLK COUNTY. SEATING ASSIGNMENTS WILL BE MADE ONLY IN ACCORDANCE WITH APPLICANT'S ANSWER TO #4.

If you are sitting concurrently, but taking the MBE in a jurisdiction other than Massachusetts, it is YOUR RESPONSIBILITY to have the jurisdiction in which you are taking the MBE transfer your score to Massachusetts.

5. Parents: If parent(s) are deceased {provide name(s) of deceased parent(s)} or not known, so state. Do not leave blank.

Father JAMES J. FOLEY
First Name Last Name

DECEASED
Address (include entire address: street number, street, city, state, and zip code)



Address (include entire address: street number, street, city, state, and zip code)

6. List all colleges and universities attended (other than law study) and indicate information requested below:

<u>NAME OF SCHOOL</u>	<u>CITY AND STATE</u>	<u>DATES OF ATTENDANCE</u>	<u>DEGREE (if any)</u>
<u>ST. JOHN SEMINARY COLLEGE</u>	<u>BRIGHTON, MA</u>	<u>9.70 - 5.74</u>	<u>A.B.</u>
<u>ST. JOHN SEMINARY SCHOOL OF THEOLOGY</u>	<u>BRIGHTON, MA</u>	<u>9.74 - 5.78</u>	
<u>HESSER COLLEGE</u>	<u>MANCHESTER, NH</u>	<u>3.04 - 4.05</u>	<u>CERTIFICATE IN PARALEGAL</u>

JAMES J. FOLEY, JR.
Applicant's Name (Type or Print Clearly)

7. List employment you have held since your 18th birthday or any business or profession engaged in on your own account. **NOTE: If your reason for leaving any employment was as a result of being terminated or resignation in lieu of termination, attach a rider page and fully explain the circumstances. Enclose additional 8 1/2 x 11 white sheets if necessary.**

(a) Month & Year of Beginning & Ending Period of Employment *(most recent)* MAY, 1978-
Name & Address of Employer & Nature of Business ARCHDIOCESE OF BOSTON,
DO NOT ABBREVIATE
66 BROOKS DRIVE, BRANTREE, MASSACHUSETTS
02184-3839.
Position Held PRIEST
Reason for Leaving _____

(b) Month & Year of Beginning & Ending Period of Employment MAY, 2008 - AUG. 2008
Name & Address of Employer & Nature of Business JORGE SILVA SILVA
DO NOT ABBREVIATE
L SILVA LAW FIRM, 236 VALENCIA AVENUE
CORAL GABLES, FLORIDA 33134-5906
Position Held LAW CLERK
Reason for Leaving END OF SUMMER EMPLOYMENT

(c) Month & Year of Beginning & Ending Period of Employment NOV., 1997 - SEP., 1999
Name & Address of Employer & Nature of Business SAN MIGUEL DEL
DO NOT ABBREVIATE
VADO PARISH, P.O. BOX 507, STATE ROUTE
3, RIBERA, NEW MEXICO 87560.
Position Held PRIEST
Reason for Leaving RETURNED TO BOSTON

ATTACH RIDER PAGE(S) IF NECESSARY (information must be provided in same format as above)

JAMES J. Foley, JR.
Applicant's Name (Type or Print Clearly)

7. List employment you have held since your 18th birthday or any business or profession engaged in on your own account. **NOTE: If your reason for leaving any employment was as a result of being terminated or resignation in lieu of termination, attach a rider page and fully explain the circumstances. Enclose additional 8 1/2 x 11 white sheets if necessary.**

(d) (a) Month & Year of Beginning & Ending Period of Employment (most recent) JUNE, 1973-SEP. 1973
Name & Address of Employer & Nature of Business WHISTLESTOP (CLOTHING
DO NOT ABBREVIATE
FACTORY, MORRISSEY BOULEVARD, ROCHESTER,
MASSACHUSETTS (NO LONGER IN OPERATION)-
Position Held SHIPPING LABORER
Reason for Leaving END OF SUMMER EMPLOYMENT

(e) (a) Month & Year of Beginning & Ending Period of Employment JUNE 1972-SEP. 1972
Name & Address of Employer & Nature of Business JERRY JINGLE
DO NOT ABBREVIATE
RESTAURANT, STONEHAM, MASSACHUSETTS.
(NO LONGER IN BUSINESS).
Position Held COOK
Reason for Leaving END OF SUMMER EMPLOYMENT

(f) (a) Month & Year of Beginning & Ending Period of Employment JUNE, 1971-SEP, 1971
Name & Address of Employer & Nature of Business JERRY JINGLE
DO NOT ABBREVIATE
RESTAURANT, STONEHAM, MASSACHUSETTS
(NO LONGER IN BUSINESS)
Position Held COOK
Reason for Leaving END OF SUMMER EMPLOYMENT

ATTACH RIDER PAGE(S) IF NECESSARY (information must be provided in same format as above)

JAMES J. FOLEY, JR.
Applicant's Name (Type or Print Clearly)

8. Have you ever made application in any other jurisdiction or court other than Massachusetts (this should include application for reinstatement and any applications subsequently withdrawn, as well as **concurrent** applications) or been admitted to practice law?

YES

If you answered NO to #8, continue to #9. If you answered YES, complete the following:

Name jurisdictions and courts other than Massachusetts in which you have **applied** (this should include application for reinstatement and any applications subsequently withdrawn) or been admitted to practice law. Give dates of application and admission to practice (if applicable), or **disposition (do not leave blank or answer "n/a.")**. **Attach a certificate (dated within 90 days of this application), evidencing your admission and good standing from each state to which you are admitted to practice law (attach rider page if necessary).**

(a) Date of Application

(b) Jurisdiction

(c) Date of Admission/Disposition

(i.e. failed, withdrew, pending, etc.)

FEBRUARY 109

CONNECTICUT

DID NOT PASS BAR EXAM

(You must respond to all questions by writing "yes" or "no" in the space provided. "N/A" is not an acceptable answer. For affirmative answers, attach a typewritten 8 1/2 x 11 sheet(s) of paper which provides full details on the matter.)

9. Have you ever been reprimanded, sanctioned, disciplined or suspended or expelled from a college, university or law school? NO. If yes, state the facts fully, including date(s) and attach a copy of the record from the school's disciplinary committee.

10. (a) Have you ever been charged with or been the subject of any investigation pertaining to the unauthorized practice of law? NO

(b) Have you ever been disbarred, suspended, reprimanded, censured, admonished or otherwise disciplined or disqualified as an attorney, or as a member of any other profession, or as a holder of any public office? NO

If yes, state the dates, the details and the name and address of the authority in possession of the record thereof and attach a copy of the record.

(c) Have any charges or complaints been made concerning your conduct as an attorney, or as a member of any profession, or as a holder of any public office? YES

If yes, state the dates, the details and the name and address of the authority in possession of the record thereof and attach a copy of the record.

JAMES J. FOLEY, JR.

Applicant's Name (Type or Print Clearly)

Your application will be returned to you for failure to provide the full details as directed.

You must respond to all questions by writing "yes" or "no" in the space provided. "N/A" is not an acceptable answer. For affirmative answers, attach a typewritten 8 ½ x 11 sheet(s) of paper which provides dates and full details on the matter.

11. Are there any unsatisfied judgments or court orders of continuing effect against you?

NO

If yes, state the facts fully, giving names and addresses of creditors, amounts, dates and the nature of debts, judgments or court orders, and the reason for nonpayment of unsatisfied judgments or any non-compliance with court orders.

12. (a) Have you ever been charged with or been the subject of any investigation for a felony or misdemeanor other than a minor traffic charge? NO If yes, state the dates, courts, details and results.

(b) Have you ever been a party on either side in a civil action or proceeding involving a claim of fraud, conversion, breach of fiduciary duty, professional malpractice or other wrongful conduct?
NO If yes, explain, including dates.

(c) Have you been a party in any other legal or administrative proceedings?
NO If yes, explain, including dates.

(d) Have you ever been adjudged bankrupt or insolvent? NO If yes, explain, including dates.

IMPORTANT: If you have answered affirmatively to any of the above questions 9, 10(a), (b), and/or (c), 11, 12(a), (b), (c) and/or (d) you must attach a separate typewritten statement giving FULL DETAILS on the matter. (See below)

- Provide a narrative stating the facts
- Provide dates, exact name and location of court (if any)
- Include all case numbers and references to court records
- Provide all names and addresses of all persons involved, including counsel
- Give the **DISPOSITION** of the matter
- Type your name and sign this statement

Your application will be returned to you for failure to provide the full details as directed.

JAMES J. FOLEY, JR
Applicant's Name (Type or Print Clearly)

13. Enclose two current letters of recommendation, addressed to the Board of Bar Examiners, stating facts relative to your character by persons who know you other than family members. Please call to the attention of the author that statements should not be conclusions but should contain facts tending to help the Board of Bar Examiners reach conclusions about your character and fitness to be admitted to the bar. (See Information for Letters of Recommendation).

14. When did you sit for the Multistate Professional Responsibility Examination (MPRE)?
NOV., 2008
MONTH AND YEAR

15. Provide your MPRE scaled score below (and attach a photocopy of your MPRE Score Report):
97
Scaled Score

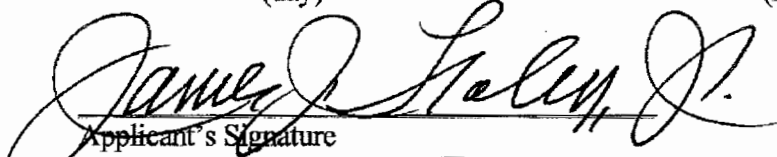
I agree to inform the Supreme Judicial Court Clerk's Office for Suffolk County, in writing, of any changes or additions to answers that I have made on this application. I understand that this obligation shall continue until I am admitted to the practice of law in the Commonwealth of Massachusetts, or until such time as my application is withdrawn or denied by the Supreme Judicial Court.

CERTIFICATE

I, the applicant, certify that each of the foregoing answers is true, complete and candid and that I have not altered the wording of any question.

I further certify that I have answered ALL questions and have attached typed rider pages for any affirmative responses to questions nine through twelve (9 - 12).

Dated this 7th day of MAY, 2009
(day) (month) (year)



Applicant's Signature

JAMES J. FOLEY, JR.

Applicant's Name (Type or Print Clearly)

A True Copy

12-28-11
Date


Attest:
Assistant Clerk

Commonwealth of Massachusetts
Board of Bar Examiners

AUTHORIZATION

I, (name) JAMES J. FOLEY, JR.
residing at (address, city, state, zip code) [REDACTED] RD.; AUBURN, NH
03032-3209 and
born on (month and year of birth) [REDACTED] 1952, having filed an application for admission
to the bar of the Commonwealth of Massachusetts, hereby consent to have an investigation made as to my moral
character, professional reputation, and fitness for the practice of law.

I hereby authorize every person, firm, company, corporation, governmental agency, law enforcement
agency, court, bar association, or institution having control of any documents or records regarding charges or
complaints filed against me, including any complaints expunged by law, whether formal or informal, pending
or closed, or any other pertinent data to provide them to the Massachusetts Board of Bar Examiners.

Signature of Applicant: James J. Foley, Jr.
Dated: MAY 7, 2009

A True Copy

12-28-11
Date

Attest: [Signature]
Assistant Clerk

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

Supreme Judicial Court
for Suffolk County

Law School Certificate *

(to be completed by the law school from which applicant graduated. Improperly completed certificates will not be accepted and will be returned to the law school or applicant.)

In the matter of the application for admission as attorney of:

JAMES J. FOLEY, JR.

DATE OF BIRTH

52

(Name)

RD., AUBURN, MA 03032-3209

(Address)

I certify that the above-named applicant:

A) was a member of the:(Law School)
which is _____ is not _____ approved by the American Bar Association.

B) attended the _____ Day Evening..... program
from to.....
(month, day, year) (month, day, year)

C) to the best of my belief the applicant was in regular attendance at this school during that period.

D) has furnished evidence to this school of a college education as follows:

.....(Undergraduate School and Degree)

E) has graduated from Law School on

the day of in the year.....

(DAY)

(MONTH)

(YEAR)

with the degree of (LLB or JD)

(degree)

F) I understand that you expect me to report to you by simultaneous separate communication anything which appears to me to be adverse in respect of the moral character or fitness to practice law of the applicant or anything which, in my opinion, should be investigated by the Board with respect thereto.

(Signature)

(Title)

(State Registration # -- if any)

PRINT NAME AND TELEPHONE NUMBER:.....

(Name and Address of Law School)

Dated: _____

THIS FORM MUST BE AN ORIGINAL AND MAY NOT BE FAXED, PRE-DATED OR AMENDED.
If the applicant has graduated on or after the filing deadline, a Law School Certificate must be filed with the Clerk's Office no later than fourteen (14) days from the date of graduation. THERE ARE NO EXCEPTIONS.

* THIS INFORMATION IS ON FILE WITH THE BOARD OF BAR EXAMINERS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

**SUPREME JUDICIAL COURT
BOARD OF BAR EXAMINERS**

**James J. Foley, Jr.
Candidate for admission**

&

**Board of Bar Examiners
Commonwealth of
Massachusetts**

APPENDIX

This appendix is written in response to section (c) of question 10 in the bar-application form, asking: (c) if any charges or complaints have ever been made against the candidate as a member of any profession. Since the answer is answered positively, the response and exhibits are contained herein and attached hereto.

RESPPONSE

I, James J. Foley, Jr. am a priest of the archdiocese of Boston currently on administrative leave. The archbishop of Boston gave me permission to minister in the archdiocese of Santa Fe, New Mexico. I began my service there in November of 1997. I ministered successfully having responsibility for two rural parishes in northeast New Mexico. In addition to the parishes, I was also responsible for thirteen missions. Both parishes needed a great deal of pastoral attention as hostilities built up between the people and the previous administration. I labored to bring peace to these two communities, and did so successfully (please find letter from the archbishop of Santa Fe enclosed).

In September of 1999, the archbishop of Boston recalled me because a former parishioner had lodged an allegation of inappropriate conduct

against me. I completely and thoroughly denied it. I told the archbishop's delegate that I knew this person; that when I was much younger, I had hoped to engage in a weightlifting program so as to exercise, and lose weight. The accuser, at the time, was interested in the same, and had an anatomical chart for the measuring of muscle increase. I took his measurements, and that is all I did. I thought we were friends, and that we had a good relationship. I had no idea that he would one day lie about me, which, in fact, he did.

The accuser, Accuser #1, said that in 1983 or 1984 I touched him inappropriately on one occasion. I DID NOT! He said that he told the rectory cook, and that the cook was aware of it. The cook, [REDACTED], three years later made false statements to the archdiocese. In January, 2006, I obtained an affidavit from an attorney who interviewed Cook [REDACTED], and who told this same attorney that he had not heard of my touching Accuser #1 or anyone else, thus invalidating his previous statements, and those of Accuser #1 as well.

An ongoing canonical action still exists in the archdiocese of Boston.

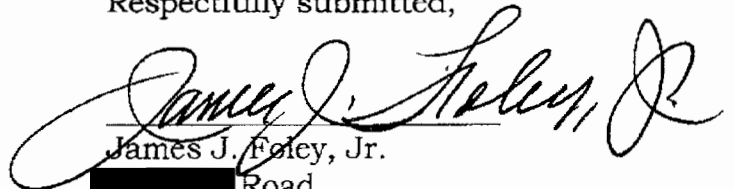
EXHIBITS

Exhibit I: Libellus to the Holy See dated 2.22.02 noting that my rights had been denied me under the code of canon lawyer. This exhibit also contains the accompanying exhibits sent to the Holy See.

Exhibit II: Letter from Cardinal Ratzinger (now Benedict XVI).

Exhibit III: Copy of attorney's affidavit.

Respectfully submitted,



James J. Foley, Jr.

[REDACTED] Road
Auburn, New Hampshire
03032-3209

Tel. No. 603. [REDACTED]

Email: [REDACTED]

May 7, 2009

EXHIBIT

I

HOLY SEE

Vatican City

_____)	
REVEREND JAMES J. FOLEY)	
<u>Petitioner</u>)	
_____)	
BERNARD CARDINAL LAW,)	<u>LIBELLUS AND APPEAL TO</u>
ARCHBISHOP, Archdiocese of Boston)	<u>HIS HOLINESS POPE JOHN</u>
Massachusetts USA)	<u>PAUL II under Can. 1401,</u>
<u>Respondent</u>)	<u>sec. 2; Can. 1405, Can. 1417,</u>
_____)	<u>sec. 1</u>

Parties

The Petitioner, Reverend James J. Foley, an ordained Diocesan priest, whose present mailing address is: c/o Robert E. Keane, Esquire 92 High Street, Suite T32, Medford, Massachusetts 02155 USA. The Petitioner has no permanent residence.

The Respondent, Bernard Cardinal Law, Archbishop, Archdiocese of Boston, Massachusetts USA, presently resides at the Cardinal's residence: 2101 Commonwealth Avenue, Brighton, Massachusetts 02135 USA.

Jurisdiction

This Complaint and Appeal is brought by and on behalf of Rev. James J. Foley, duly ordained under laws of the Roman Catholic Church. A case in controversy has arisen by and between the Rev. James J. Foley and Bernard Cardinal Law, Archbishop of the Archdiocese of Boston, Massachusetts USA pertaining to the rights and obligations of the parties under the Code of Canon Law and under Apostolic Letter Sacramentorum Sanctitatis Tutela, as further contained in the letter of Joseph Cardinal Ratzinger, Prefect and Tharsicius Bertone SDB, Archbishop Emeritus of Vercelli Secretary dated May 8, 2001.¹

Although jurisdiction would appear to be under the authority of Congregation of the Faith as contained in the letter previously cited dated May 8, 2001, the Petitioner believes that due to the nature of allegations contained in the Complaint

¹Letter sent by the Congregation of the Doctrine of the Faith on More Grave Delicts Reserved to the same Congregation dated May 8, 2001.

and the relief required that the more appropriate jurisdiction is with the Apostolic See as provided for under Can. 1417, Can. 1401, sec. 2, Can. 1405 and therefore humbly requests the Libellus and Appeal be accepted for hearing before the Holy See.

Statement of Facts

Rev. James J. Foley was validly ordained on May 20, 1978 by Humberto Cardinal Medeiros. He began his ministry in 1978 in the Archdiocese of Boston. He served in the Archdiocese at various assignments until 1997 when he volunteered for temporary assignment to the Archdiocese of Santa Fe, New Mexico which was in urgent need of priests, where he served his ministry with distinction.²

On or about September 15, 1999, Rev. Foley was summonsed to return to Boston to answer allegations of sexual misconduct.

Upon Rev. Foley's return to Boston, he was advised that a charge of sexual misconduct had recently been made against him relating to an incident that allegedly occurred approximately 16 years earlier in 1983. Rev. Foley vigorously denied the charge but was advised by the Rev. Charles J. Higgins, Delegate of the Archbishop that it was the policy of the Archdiocese of Boston to accept the accusation. Rev. Higgins advised Rev. Foley that he would be required to immediately undergo a psychological evaluation, to which he agreed.

On or about October 1, 1999 Rev. Foley was advised that it would be necessary to enter a six-month treatment program and that he could do no public ministry. He was informed that a sexual review board, established by the Archdiocese, would recommend further decisions based upon the information that Rev. Higgins provided to them. Rev. Foley continued to deny the charge of sexual misconduct but agreed to enter a six-month inpatient program at Southdown Institute in Ontario Canada. He entered the program on November 1, 1999 and completed the program at the end of April 2000.

²Exhibit I Letter from Rev. Michael J. Sheehan, Archbishop of Santa Fe dated 10/11/1999 to Rev. James Foley c/o Archdiocese of Boston with copy to His Eminence Bernard Cardinal Law.

The discharge evaluation states that "Based on our clinical judgment, he [Rev. Foley] is deemed to be at very minimal risk for ministerial boundary violations." He was never diagnosed as a pedophile or sexual deviant. He acknowledged during the course of therapy that any physical contact with a minor is inappropriate, but has consistently denied that any of the contact was of a sexual nature.

On April 28, 2000 Rev. Foley met with Rev. Higgins who advised him that the sexual review board would meet on May 25, 2000 and reminded him that the Archdiocese of Boston had a 'zero tolerance policy' for all allegations of sexual abuse of minors. Rev. Foley was given no opportunity to appear before the board.³

On or about July 18, 2000 Rev. Foley was advised by Rev. Higgins that he was to commence therapy treatments with Dr. Vincent Lynch, Ph.D. He commenced these therapy sessions, continuing to the present. Dr. Lynch supports Rev. Foley's desire to return to the active ministry and in his letter dated January 3, 2002, Dr. Lynch states:

"Father Foley does not show any evidence of a thought disorder nor does he meet any criteria for the diagnosis of a major mental disorder . . . I see no evidence that Father Foley would pose any type of threat to those whom he might serve in an active ministry. He has a very rich prayer life and maintains a strong desire to return to an active priestly ministry."⁴

On or about October 23, 2000, without seeing any written accusation against him, after being denied the right to meet with his accuser, without any knowledge as to what investigation was done in reference to the charges, without any knowledge of the standard upon which he was judged or by whom he was judged, Rev. Foley was advised "Following the procedures of the Archdiocesan policy [zero

³Violation of Can. 50; Can. 191, sec. 1; Can. 221, sec. 1, 2, 3; Can. 1620, sec. 7.

⁴Exhibit II Letter of Vincent J. Lynch, Ph.D. dated 01/03/2002.

tolerance policy], there is no ministry.” He was further advised “Because of liability and legal problems, there is no possibility of excommunication”.⁵

On or about January 8, 2001 Rev. Foley wrote to His Eminence Bernard Cardinal Law again denying the allegation and the failure of the Archdiocese to provide him with any evidence that the allegation was true and denying him the opportunity to confront or meet with his accuser and to clear his name and reputation.⁶ His request was renewed on March 9, 2001.⁷

On April 11, 2001, Rev. Foley was again advised by Rev. Higgins, Delegate of the Cardinal, that the Archdiocese policy concerning sexual misconduct [zero tolerance policy] restricted him from active ministry and that he could not confront his accuser.⁸

On or about April 19, 2001 Rev. Foley again addressed Rev. Higgins stating his confusion as how an accusation unproven before a Court of Canon Law can result in a removal from active priestly ministry and how a zero tolerance policy can deny Rev. Foley an opportunity to vindicate his reputation and priesthood before a legitimate forum governed by canonical process.⁹

On or about February 8, 2002, Rev. Foley was requested to leave his residence in the Archdiocese and has been unable to obtain residence in the Archdiocese to this date after repeated requests to the Chancery.¹⁰

Rev. Foley remains to this date removed from active ministry under the zero tolerance policy established in the Archdiocese. Cardinal Law or his representative has publicly stated (1) that every priest that he has knowledge of having an accusation of sexual molestation of a minor made in the past 40 years

⁵Exhibit III Zero Tolerance Policy Memorandum dated 10/23/2000. See Footnote 3; also Violation of Can. 87, sec. 1; Can. 193, sec. 1; Can. 271, sec. 1, Can. 391, sec. 1; Can. 1321; Can. 1341; Can. 1324, sec. 1, 3; Can. 1526, sec. 1

⁶Exhibit IV Letter of Rev. Foley dated 01/08/2001.

⁷Exhibit V Letter of Rev. Foley dated 03/09/2001.

⁸Exhibit VI Letter of Rev. Charles Higgins dated 04/11/2001.

⁹Exhibit VII Letter of Rev. Foley 04/19/2001.

¹⁰Violation of Can. 195; Can. 384; Can. 1333, sec. 3, subsec. 2.

against him has been reported to the public authority;¹¹ (2) that no such priest is now holding assignment in the Archdiocese; (3) that even priests deemed by sexual review board **not** to pose a threat have also been removed from ministry in accordance with the zero tolerance policy.

Prayers for Relief

The Petitioner requests that the Holy See determine that:

The removal of Rev. Foley from public ministry is invalid and not in accordance with Church law.¹²

The zero tolerance policy and the sexual review board effectuated by the Archdiocese of Boston is not in accordance with Canon law and therefore any penalty imposed thereby is a nullity.¹³

The zero tolerance policy and the sexual review board established by the Archdiocese of Boston places the burden of proof upon the accused not the one who made the allegations, and therefore is in violation of Canon law and invalid.¹⁴

The zero tolerance policy and sexual review board established by the Archdiocese of Boston is being applied retroactively and ex post facto in violation of Can. 9.

Penalties have been imposed by the Archdiocese of Boston against Rev. Foley without hearing, without facing his accuser, without an opportunity to defend, without juridic determination that he is guilty, without juridic determination that the penalty is appropriate to him in violation of Canon laws.¹⁵

¹¹Exhibit VIII Letter of Rev. Higgins dated 01/31/2002.

¹²Violation of Can. 87, sec. 1; Can. 50; Can. 51; Can. 54, sec. 2; Can. 193, sec. 1; Can. 196, sec. 1; also see Footnotes 4, 6.

¹³Violation of Can. 1620, sec. 7; Can. 1321; Can. 1324, sec. 1 and 3; also see Footnotes 4, 6, 12.

¹⁴Violation of Can. 1526.

¹⁵Violation of Can. 87, sec. 1; Can. 50; Can. 51; Can. 54, sec. 2; Can. 193, sec. 1; Can. 196, sec. 1; Can. 220; Can. 221, sec. 1, 2, 3; Can. 391, sec. 1; Can. 620, sec. 7; Can. 1321; Can. 1324, sec. 1, 3

Rev. Foley has been refused his request to excommunicate in violation of Can. law.¹⁶

Wherefore the Petitioner prays that the Holy See in accordance with the jurisdiction as stated in Can. 1417, Can. 1401, sec. 2 and Can. 1405:

- (1) Accept the jurisdiction of this Libellus and Appeal in accordance with Canon Law and the primacy of the Holy See.
- (2) Appoint a personal advocate or procurator if the tribunal deems it necessary.
- (3) Issue a citation to the Respondent and, upon receipt, decree a Costestatio Litis.
- (4) Suspend any penalty imposed and restore the Petitioner to his residence at St. Patrick Rectory, Natick, Massachusetts USA pending a trial on the merits.^{10, 18}
- (5) Order the Archdiocese to produce to this tribunal and to the Petitioner any and all documents, witness statements, records, communications and all decrees and all materials related in any manner to this case, to Rev. Foley, to the zero tolerance policy and the sexual review board and further order the Archdiocese to submit to further discovery by the Petitioner as the Petitioner deems necessary and order the Archdiocese to produce all witnesses and individuals who have given testimony in the matter or participated in the case in any manner.
- (6) Determine that the imposition of penalties are extinguished by prescription.¹⁷
- (7) Determine that the penalties are suspended during the course of this proceeding.¹⁸
- (8) Order an immediate trial on the issues before this tribunal.
- (9) After hearing, declare the penalties imposed against the Petitioner a nullity and invalid.
- (10) Determine that the Petitioner is not responsible for the charges against him.
- (11) For such other relief as this tribunal deems just and proper.

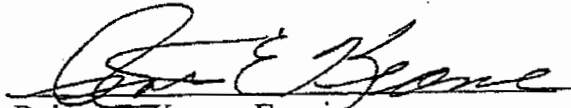
¹⁶Violation of Can. 170; Can. 271.

¹⁷Violation of Can. 1362; Can. 1363.

¹⁸Can. 1353; Can. 1638.

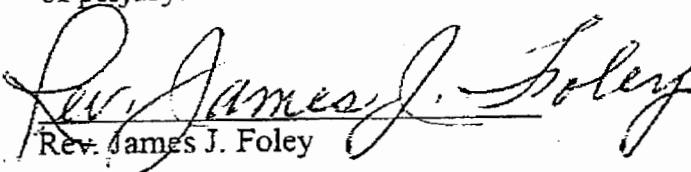
Respectfully submitted,

REV. JAMES J. FOLEY, Petitioner
By his attorney,



Robert E. Keane, Esquire
92 High Street - Suite T32
Medford, MA 02155 USA

Signed under the pains and penalties
of perjury.


Rev. James J. Foley

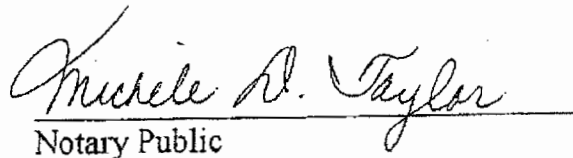
Dated: February 22, 2002

UNITED STATES OF AMERICA
Commonwealth of Massachusetts

County of Middlesex

February 22, 2002

Then personally appeared the above-named Rev. James J. Foley and
declared the foregoing instrument to be true and accurate to the best of his
knowledge and belief, before me


Notary Public

My Commission expires: 11/15/2002

EXHIBIT

II



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Ufficio

COPY

June 11, 2002

108/02-15116

PROT. N.
(In responsione fiat mentio huius numeri)

Your Eminence,

The Secretariat of State has transmitted to this Congregation a dossier on the case of **Fr. James E. FOLEY**, a priest of the Archdiocese of Boston accused of sexual abuse against a minor. Fr. Foley has appealed against the measures taken by the Archdiocese of Boston claiming that the accusations have not been proven and that he has been deprived of his pastoral office and removed from his residence without due process. He requests annulment of these provisions and an immediate and regular canonical process.

This Dicastery, after careful consideration of the documents presented by Mr. Robert Keane, the petitioner's advocate, considers that Fr. Foley's rights have not been guaranteed and therefore asks Your Eminence to take into account his appeal. To this effect I am including a copy of the Norms governing the prosecution of *graviora delicta*.

With sincere respects and best wishes, I remain,

Yours devotedly in the Lord

Joseph Card. Ratzinger

-- enclosure --

His Eminence
Bernard Card. LAW
Archbishop of **BOSTON**.

EXHIBIT

III

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

IN REGARDING JAMES FOLEY, *
*
STATEMENT OF Cook *

AFFIDAVIT OF JOSEPH S. PROVANZANO, ESQUIRE

1.] I, Joseph S. Provanzano, Esquire, under oath, and under the pains and penalties of perjury, state, as concerns the STATEMENT OF [redacted] Cook a copy of which is attached hereto, that I personally took, obtained and wrote the STATEMENT OF Cook [redacted] as attached hereto, which statement was taken on January 19, 2005, while he and I were at a restaurant, which is named and known as "The Cottage", which restaurant is located at the intersection of West 77 th. Street and Amsterdam Avenue St, in New York.

2.] Mr. [redacted] Cook was very firm, very strong, and repeated, several times, that he had inquired of and asked [redacted] Accuser #1, [redacted] Accuser #1's brother and [redacted], as well as all of the other young men, who came and went from the Holy Name Church, in West Roxbury, Massachusetts, if the Reverend James J. Foley had ever "touched" them, in any way, and each responded firmly "NO", which he believed.

3.] Mr. [redacted] Cook told me that [redacted] Accuser #1 and [redacted] Accuser #1's brother were very close to him, would confide in him, trusted him, and would have told him had they been "touched", in any way, by any one, including Father Foley. He told me that they did trust him and confide in him, as demonstrated by how they would telephone him, for his help, when, and if, they ever needed it

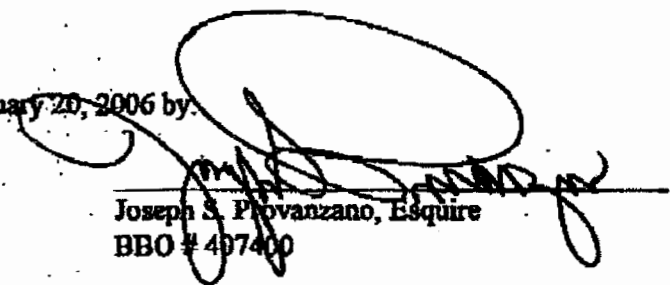
Law Offices Of
JOSEPH S. PROVANZANO

January 20, 2006

B0047004

and that both of them did not want others, including their parents, to know about the matters that he rendered help about.

Signed and sealed as of January 20, 2006 by:


Joseph S. Provanzano, Esquire
BBO # 407400

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

January 20, 2006

Then personally appeared the above named Joseph S. Provanzano, Esquire, personally known to me, and made oath that the above document and execution thereof, by him is true, and acknowledged that the foregoing instrument to be his free and voluntary act and deed; before me:


Brian Correia
Notary Public
My Commissions Expires: July 07, 2011

**Law Offices Of
JOSEPH S. PROVANZANO**

Rev. Richard J. Mehm, Pastor
Immaculate Conception Church
10 Fellsway East
Malden, Massachusetts 02148-5313

May 6, 2009

Board of Bar Examiners
3 Pemberton Square
7th Floor
Boston, Massachusetts 02108

Dear Ms. /Sir:

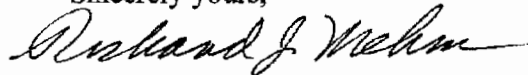
I am very happy to recommend James J. Foley, Jr. for admission to the Massachusetts bar. I have known him since 1971, and have counted him a friend upon whom I know I can most certainly rely.

Jim is hardworking, kind, respectful and honest. He has always been patient when dealing with people of any stripe or age. He is willing to listen, and to be of service to anyone who needs his expertise, or personal assistance. Throughout the years I have been aware of his keen intellect, and never-ending desire to learn. He has excelled at language, communication skills, and a sincere desire to teach and encourage others to study, and expand their appreciation of life and learning. He is very good at teaching, solving problems and assessing issues. I know that his classmates from college, graduate school, and law school are aware that when they seek his assistance on any matter, he will readily assist them, and will do so without rebuke or condescension.

I would like also to let you know that Jim is thoroughly trustworthy. He keeps the secrets and concerns of others strictly to himself. All of his future clients can be sure that anything they tell him will be kept between them, and shared with no one else. In addition to his personal trust, I know that Jim has been involved in administration, finances, payrolls, and fundraising, and completes all financial reports with exacting accuracy and precision.

In addition to the above, I would like to say that my respect for Jim continues to grow. He does not shy away when life is difficult or burdensome, but rather, he keeps on going with faith in God, and retention of the values he has honored throughout his life. I am convinced that he will be an excellent addition to the Massachusetts bar.

Sincerely yours,



Rev. Richard J. Mehm

RJM/s

ROBERT E. KEANE, P. C.

LAW OFFICES
781 - 395 - 0020

92 HIGH STREET
SUITE T32
MEDFORD, MASSACHUSETTS 02155
FACSIMILE: 781 - 395 - 7220

May 5, 2009

Board of Bar Examiners
3 Pemberton Square - 7th Floor
Boston, MA 02108

Re: James J. Foley, Jr.

Dear Board Members:

It has been my pleasure to know Jim Foley for approximately 8 years. During that time, he has impressed me with his honesty, sincerity, fortitude and ability to accept the vicissitudes of life which require patience and wisdom.

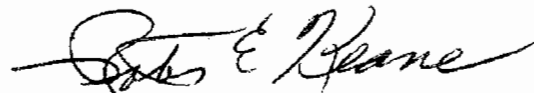
This is evident in his decision to enter law school and graduate at an age where many lawyers have already reached the apex of their careers.

I believe that Jim has the ability and good moral character to add much to the community and look forward to him becoming a member of the Massachusetts Bar.

I, therefore, recommend James J. Foley, Jr., upon qualification, for admission to the Bar of the Commonwealth of Massachusetts.

If you require additional any information, please do not hesitate to contact me.

Very truly yours,



Robert E. Keane

/m



NATIONAL CONFERENCE OF BAR EXAMINERS
MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

EXAMINEE'S REPORT OF SCORES

Please review carefully all information printed below. If any data are incorrect or incomplete, contact the board of bar examiners in the jurisdiction to which your scores were reported.

SCALED SCORE	TEST DATE	SOCIAL SECURITY NUMBER*
97	11/08	

FOLEY, JAMES J
RD
AUBURN, NH 03032

* If you did not indicate a Social Security number on your answer sheet, an identification number was assigned to your record for processing purposes.

Your score (shown above) was reported to the following jurisdiction as you requested in Block J of your answer sheet:

MASSACHUSETTS

Each jurisdiction has the authority to determine its own passing score. You should check with the board of bar examiners in the jurisdiction to which you requested your scores be sent to see what minimum scaled MPRE score has been established as a passing score. Websites for many of the jurisdictions can be accessed via the National Conference of Bar Examiners website using the following address: www.ncbex.org/offices.htm.

EXPLANATION OF SCORES

SCALED SCORES are standard scores that range from 50 (low) to 150 (high). Originally, the mean (average) scaled score was established at 100. The scaled score is determined by a statistical process that adjusts for variations in difficulty of different forms of the examination so that any particular scaled score will represent the same level of proficiency from test to test. For instance, if this test were more difficult than previous forms, then your scaled score would be adjusted upward to account for this difference. If this test were easier than previous forms, then your scaled score would be adjusted downward to account for this difference. The purpose of these adjustments is to help ensure that no examinee is unfairly penalized (or rewarded) for taking a harder (or easier) form of the test.

ADDITIONAL SCORE REPORT REQUESTS

If you decide that you would like to have your score sent to one or more boards of bar examiners in addition to the jurisdiction you indicated on your answer sheet, you may do so by writing to the address below. Your request should include your name, address, Social Security number, date of birth, test date, your signature, and each board of bar examiners you wish to receive a copy of your scores. Enclose \$15.00 for each board of bar examiners you request.

REQUESTS FOR RECHECKING OF ANSWER SHEETS

A request to have your answer sheet rechecked must be received within three months of the original test date. The request must be in writing and should include your name, Social Security number, date of birth, test date, and your signature, and should be sent to the address below.

112608 98983260

Multistate Professional Responsibility Examination
Records Department
P.O. Box 451, Iowa City, Iowa 52243
Telephone: (319) 337-1304

JANUARY 19, 2006

PAGE 1: Seal of the Commonwealth of Massachusetts affixed, and signed by Brian Correia, Notary Public with words: A true copy, ATTEST.

My name is [redacted] Cook and I was born [redacted] 1957, and my social security number is [redacted], and I reside at [redacted] apartment 3B, in New York, New York 10023. I am single, and * my education was at the Chelmsford Junior High in Chelmsford, Massachusetts. I attained a certificate at Cartier Advanced Watch School, Switzerland about six or seven years ago. I am a personal shopper. I worked from a year (I do not recall until approximately 1982) at the Holy Name in West Roxbury, Massachusetts, and I was a private cook. I lived on the premises, on the first floor, off of the kitchen. I got "off" on Sunday afternoon, Monday, and possibly another day. I usually left. I remember Accuser #1 [redacted] Accuser #1's brother [redacted] and [redacted]. I was close to the [redacted] Accuser #1's family. I left in about 1982, and came back in 1985 or maybe 1986. I do not recall where I went from 1982 through 1985. (Continued)

Witness: Joseph S. Provanzano, 01.19.06.

*Cook (initials) recognition of corrected error while taking statement).

PAGE 2: Seal of the Commonwealth of Massachusetts affixed, and signed by Brian Correia, Notary Public with words: A true copy, ATTEST.

I came back in 1985 or 1986 as it was an easy environment to work in. The priests there were Father Foley, Father Nason, Father McGahy, Father Hagerty, Father Cohen, Father Murphy; Marie Danick did the books, and Irene Roth, housekeeper, Jeanette Daly; Louise Simibaldi, Louise Lisi; and Jim Leary, part-time person, [redacted] who did odd jobs, and [redacted] Accuser #1's brother another boy [redacted] Accuser #1, [redacted] and 3 brothers, [redacted] Accuser #1, and that was all that I recall. I recall Father Foley ONLY making "inappropriate comments", like about their arms and their stomachs, and I heard him do that to Accuser #1 and [redacted] #1's brother, and I said the same thing to all of them; being - "did he touch you" and they all said "NO". I advised them that they had to (Continued)

Witness: Joseph S. Provanzano, 01.19.06.

Initialed: Cook

PAGE 3: Seal of the Commonwealth of Massachusetts affixed, and signed by Brian Correia, Notary Public with words: A true copy, ATTEST.

tell me if he "touched" them and, "No one ever told me that Father Foley touched them, and I told them to stay on the first floor. They ended up hanging out on the first floor, and doing their home work in the kitchen. I told [redacted] #1's brother that if you are ever in a bad situation, drunk or unable to drive, that he could call me and I said I would never yell at them. [redacted] #1's brother did call one time and I drove him home and Accuser #1 may have called one time. I have no diriment regarding this matter. Signed and sealed this 19th day of January, 2006, under oath and under the pains and penalties of perjury. Witness: Joseph S. Provanzano, 01.19.06. Initialed: Cook