

Re: Sexual misconduct by Buddhist teachers (was Eido Tai Shi
by **Kobutsu** on Tue Mar 08, 2011 5:35 am

Shortly after the “Committee for Sangha Stepping Forth” (“CSSF”) announced its intention to sponsor a ZSS sangha event in New York City on March 20, 2011, an attorney familiar with the turmoil involving Eido Shimano and Zen Studies Society provided disclosure / disclaimer language to protect event participants from unwittingly jeopardizing their legal claims or the claims of other prospective plaintiffs in anticipated litigation. The language was provided to CSSF on February 18th.

On March 5th, CSSF issued its own “privacy” statement, advising registrants and prospective event participants that (i) discussion of legal matters was not to be part of the event, (ii) an agreement among participants to keep the matters discussed at the event “confidential” would serve to keep the matters discussed from “public” disclosure, and (iii) advising participants to seek the advice of their own attorneys – at their own expense – prior to attending the meeting.

The CSSF leadership has declined – inexplicably – to offer sangha members the benefit of reading the disclosure / disclaimers and determining for themselves how the information contained there might affect the manner in which they participate in the event. For the benefit of registrants, participants and the event organizers and facilitators, here is what was provided to CSSF:

“If the Sangha Stepping Forth meeting proceeds as scheduled, here are some cautionary “disclaimers” to prospective attendees. This might be one way in which the event might proceed while mitigating (but not eliminating) the risk that prospective plaintiff-attendees might unwittingly jeopardize their legal claims or the claims of other prospective plaintiffs. For example, prospective participants, registrants and attendees might receive the following disclaimers:

“Before discussing openly your experiences concerning the Zen Studies Society and Eido Shimano with organizers and other participants at the Sangha Stepping Forth event, you should carefully consider (i) that you may be entitled to participate as a plaintiff or class member in one or more lawsuits currently being prepared to redress injuries you may have sustained, or suffering you have endured, as a consequence of your affiliation with the Zen Studies Society and Eido Shimano and (ii) that your communications with organizers and other event participants might be used against you and other prospective plaintiffs in such lawsuits.”

“Those who may be entitled to participate in such lawsuits include, but are not limited to, individuals (i) who were injured or were caused to suffer directly by Eido Shimano’s conduct, (ii) who were injured as a result of the Zen Studies Society’s Board of Directors’ failure to disclose, or deliberately to conceal, material facts concerning Eido Shimano and the situation at ZSS, (iii) who were injured as a result of the Zen Studies Society’s Board of Directors’ failure to exercise their fiduciary duty to take appropriate actions to protect students from Eido Shimano or to take decisive remedial action with respect to Shimano, (iv) who made financial donations or donations in kind either to the Zen Studies Society or Eido Shimano, and (v) those who took the precepts during ‘jukai,’ were ordained by Eido Shimano, attended ‘sesshin’ with Eido Shimano or did ‘dokusan’ with Eido Shimano.”

“It is extremely important that you understand that despite what you may have heard or believe about your claim being “time barred” or “barred by the statute of limitations,” you may nevertheless have a valid legal claim against the Zen Studies Society and Eido Shimano, even if the event that you believe caused your injury or suffering happened ten, twenty or even thirty or more years ago. Even if your own legal claim turns out to be time-barred, you may nevertheless be able to tell your story in court in order to support others whose claims are not time-barred.”

“None of this is meant as legal advice or to encourage you to pursue any legal action. Nor is it an endorsement of the merits of any possible lawsuit. It is rather provided to you as a caution and a disclosure so that your

decision about whether and how to participate in this event is informed by some very important considerations of which you may not previously have been aware.”

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I’m not an attorney, and can’t give a legal opinion, but it certainly seems like the envisioned lawsuit is not based solely on sexual misconduct and the cautions are well worth considering.