

## TIMOTHY J. CONLON

Burns & Levinson, Providence

# Attorney shines spotlight on sexual misconduct allegations



BARRY BRIDGES

The second in a series of profiles honoring RILW's 2022 Lawyers of the Year. The profiles appear in the issues of Dec. 5, Dec. 19 and Jan. 2.

Since complaints regarding a North Kingstown High School coach's "naked fat tests" became public in 2021, Providence attorney Timothy J. Conlon has been a passionate advocate for student athletes who say that Coach Aaron Thomas took body measurements while they were in their underwear or completely undressed.

The civil suits Conlon has filed on behalf of some of those former students are informed by several investigations commissioned by North Kingstown officials who wanted to get to the bottom of the accusations.

In June, retired Superior Court Judge Susan E. McGuirl wrapped up her findings for the Town Council in a 146-page report, writing that there "appears to be no dispute about the basic fat testing conducted by Thomas" on high school students.

"I firmly believe that any reasonable person would say that this conduct was inappropriate, improper and not acceptable," she added.

McGuirl also outlined a litany of recommendations for the district to implement to prevent future wrongful behavior, such as improving communications and hiring protocols and making counseling available for impacted students.

Thomas has since pleaded not guilty to charges of second-degree sexual assault and second-degree sexual molestation.

In pursuing the civil actions, Conlon and his clients view his role as more than simply recovering for his clients; he is determined to address the root of the problems that he has seen in North Kingstown and elsewhere.

"Judge McGuirl's report talks about a culture, a silent understanding, denials, and these complaints are about shining a light on a system that allowed this to happen," Conlon says. "If someone came to me and said you can push this button and every kid who has been harmed will get instant compensation, we would still be doing absolutely nothing to change things. My clients support me in taking on a role in working to ensure that misconduct is not perpetuated."

Conlon, a family law practitioner, recently sat down with reporter Barry Bridges to discuss his

other focus in representing child sex abuse victims.

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**Q.** Elaborate on your statement that inappropriate behavior flies under the radar when it has been "normalized."

**A.** Much like the clergy cases, perpetrators ingratiate themselves and create a cadre of followers who believe they're the greatest thing since sliced bread because they're super attentive to the kids. They normalize the behavior not just with the victim, but with the community and the persons around the victim so as to shut down safeguards. So the mom doesn't have a problem with her kid sleeping over at Michael Jackson's place, or sees nothing wrong with her daughter hopping on a plane with Ghislaine [Maxwell] down to Epstein's island, even though it had become known as the "Lolita Express." Normalization is literally conning people into looking the other way and buying into the BS that the perp is selling.

Institutions might understand that academically, but they don't connect the dots as it's happening under their nose because of the relationships. People want to believe that a child sexual predator is the "dirty old man" on the park bench, but statistically speaking he's far more like to be that popular guy who's coaching gymnastics.

**Q.** What was your reaction to Judge McGuirl's report issued last summer?

**A.** She nailed it. Decades of mismanagement created a culture that effectively silenced criticism, left good teachers disheartened over ineffective leadership, and left students in the dark and at risk. It should be a wake-up call and required reading for every school administrator in the state.

**Q.** How is North Kingstown progressing in implementing the judge's recommendations?

**A.** Not so good. Their response so far has basically been chaos and denial and containment, and it's done nothing but pour salt on the wounds. Parents were at School Committee meetings in September complaining that a promised app for communications was not available. The whole issue of counseling for students — you would think they're asking for blood. It's done routinely in "mass abuse" cases such as St. George's and shouldn't require an act of Congress. There were literally School

Committee members saying at meetings how hard this has been on them. I get that you didn't run for the committee thinking that you were going to walk into a chainsaw of decades of neglect and abuse of kids. But I can tell you the victims don't quite see "woe is me" as a response! The bottom line is that the officials need to roll up their sleeves and address the problems.

**Q.** Were you surprised when additional allegations later emerged against two other North Kingstown educators?

**A.** No, on the contrary. This was never just about one coach. The culture of silence and denial that Judge McGuirl documented would inevitably spawn others operating in the vacuum created by a lack of oversight. One can see from the chaos in administration — people "forgetting" about incidents in which an educator is found alone with a partially undressed child, as but one example — that the management ethos was doomed.

**Q.** How are teachers accused of misconduct able to land in other school districts?

**A.** That is the million-dollar question. It's a systemic problem which has been referred to as "the dance of the lemons" or "passing the trash." I vividly remember when then-Superior Court Judge Maureen McKenna Goldberg was sentencing a teacher for child molestation and said something to the effect that the "real criminals here are the administrators who passed this man on and on." In other words, she was sentencing the rat, but the people in charge of the ship are a big part of the problem.

The former chair of the North Kingstown School Committee said a while back that "it's virtually impossible to fire a teacher." That statement is not factually accurate. You can fire a teacher for misconduct; it's just a lot of work and exposes the school district to liability because teachers have become quite litigious.

So what school departments often do instead is negotiate a resignation. If they can agree on something that people are comfortable with, they don't have to have a disciplinary hearing and take testimony. Although that's a laudable goal if you're talking about protecting a 15-year-old girl from testifying, the lack of a hearing can also mean that the school doesn't have to document its own shortcomings and that the teacher has no record of misconduct. As part of the agreement, school officials will only confirm the dates of employment when asked for recommendations. It's a ridiculous combination of bureaucratic ineptitude and administrative laziness, and we need to wake up.

**Q.** What can be done on that front? What should school administrators

in North Kingstown and elsewhere be doing?

**A.** I view what I'm doing as part of the answer. The practical reality to me is that it's the enablers who are the most significant source of the problems in the sense that they're the ones who can change their behavior. If you want restaurants to be clean, don't sue the vermin, sue the restaurants that allow the infestation.

To the extent that the driving force of these bureaucrats appears to be avoiding being sued by teachers for wrongful termination, my feeling is that they need to be quadruply sensitive to the problems on the other side. Their fear of being dinged for back pay is combined with an old-boy chummy factor and a "don't rock the boat" mentality causing administrators in some school departments to look the other way and not be vigorous in dealing with misconduct. They should follow the disciplinary processes already on the books.

And Judge McGuirl spoke about the culture and lack of communication at North Kingstown. If your goal is to protect kids, you'd think that someone would have explained to athletes [after the 2018 purchase of a machine to analyze BMI composition], "Oh, by the way, one of the reasons we bought this machine is because we don't want you to be in a room naked alone with a coach." If that signal had been made explicit after the 2017 incident, you wouldn't have had the post-2017 conduct going on.

**Q.** What keeps you motivated to handle sexual misconduct cases?

**A.** The nuts and bolts of the specific behavior are disgusting, but that just makes me want to kick some ass. And the ignorance and obfuscation shown by the institutions cause my clients to see purple and certainly



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**'The nuts and bolts of the specific behavior are disgusting, but that just makes me want to kick some ass,' Timothy J. Conlon says.**

inspire action from me. Once you know there's a problem, holding people accountable becomes a significant motivating factor.

Parents may not have the tools to have these conversations with their kid, and the kid doesn't necessarily want to talk with their mom and dad about this stuff. I've found over the decades that it's a lot easier for them to deal with someone like me who has handled those types of cases, who can deal with it more clinically, if you will.

I've been on the phone quite a bit after hours with families who are in crisis. In the case of North Kingstown, there have been instances where I've had to explain to parents that their kid is going to be giving statements to law enforcement. That's not a conversation you just dump on a parent. You meet with them and have a person-to-person discussion. It's about protecting the family and the kids. **RILW**

## More from Tim Conlon...

**Education:** B.A., Brown University, 1977; J.D., Vanderbilt University School of Law, 1980

**On other 2022 accomplishments:** "On the child sexual abuse front, we secured support from the Attorney General's Office and Child USA, a national child advocacy association, for my assertion that the Diocese of Providence should be considered a criminal 'perpetrator' of sexual abuse for the purpose of our civil statute of limitations. On the family law end, I've worked with associates [at the firm] to secure access to a company's QuickBooks accounting system to track financial irregularities of the spouse running a business. We have a discovery violations case where sanctions are running at \$1,000 per hour. And I'm preparing a case where the mother, who borders on Munchausen's, has effectively crippled her kid. We've also had several parental alienation cases, with dueling allegations of psychological issues."

**On advice he'd give new lawyers:** "Be patient and try to see opportunity where you do not expect it."

**On whether he's considered a judgeship:** "I initially believed that's what I wanted to do, but the clergy abuse cases took me through a significant period where I couldn't walk away from what I was doing. By the time I got through those, it really didn't make a lot of sense for me. I'm not willing to walk away from the work I do for child sex abuse victims and my domestic relations clients."

**On what he does in his spare time:** "I play music with friends who go back to grammar school. I've also raced motorcycles and jet skis. I'm into adrenaline."