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LEGAL STRATEGY IN DEALING WITH LAW SUITS BROUGHT
BY TIM STOEN

1. Basic foremat: Tim is to be characterized as the evil mind behind the "dirty tricks" bureau of Peoples Temple, sort of a P.T. Sergetti - but without the same level of dirtyness but with more legal and administrative involvement. He is the one who conceived the strategies for getting people to donate their houses, etc. and he carried them out by drafting up the forms, consulting with the members and advising Jim and the Board on what would be legal and proper to do. He held this position and office from 1971 through 1976. During that time he also held a high level offinancial confidence in the organization - holding both funds and properties ofsubstantial value in his name. The rest of the people in the church government relied on his judgement in all such matters and followed his advice without deviation, because they trusted both his judgement in church matters and his legal advice. After all he did graduate from a religeous College and was an ordaned minister in the Disciples. Therefore: if there was anything done that was either illegal or unethical done it was done not only based upon his opinion that it was legal and proper, but in most cases he, himself was the author of the plan, acting as the attorney and counselor for the Church. We were overly enthusiastic and guided by him.....

2. As applied to the Medlock suit: Tim originally approached the Board with the idea that the Medlocks should be encouraged to donate their propertied. He outlined the plan of encouragement to be used, quoting certain Bible scriptures and the like. He assured the Board, or certain officers, that it was legal and proper. He, himself began the proceedure by talking to the Medlocks first about it. Later, over the months as the transaction went along he drafted or approved the documents used, and gave continuing legal advice on the matter. Consequently, if there is anything illegal or improper in the matter, he is primarily responsible whether because he negligently or intentionally misadvised his Church client, and should hold the Church harmeless from any resulting damages. He has further damaged the church by using "inside information" about the affairs of the Church acquired via a relation of trust and confidence, namely as their lawyer, against the Church in violation of his legal obligations as an attorney and of the code of ethics of the legal profession, and should not be permitted to profit from the transaction by way of earnings - as fees or otherwise from these suits. (Such an allegation might make possible the inquiry under interrogatory or deposition of the source of his funding - as he would undoubtedly testify that he is handling the suit without fee.)

3. As applied to the Katsaris suit: (This has been discussed). He frequently talked to her in the states about her relationship with her father, her fears that the father might go the conservatorship route with her - his possessiveness, etc. He gave her legal advice a "go to Guyana". He discussed with her the fact that her father had molested her. At the 1976 April meeting in Georgetown, when the whole matter of the conservatorships was discussed he suggested that it be fought, if necessary, by her disclosing the truth of the matter of the molestation, that he believed it to be true and a good defense against any suit that the father might bring against either Maria or the church. The Church officers believed him and relied upon his judgement and legal advice. So, if anything that was done was actionable it was done based on improper advice given by Stoen- whether intentional or by negligence, and he should hold the Church and Officers harmless from any damages resulting. Further, that he is profiting from "inside information" at his ex-clients expense as in #2 above.

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4. As applied to a suit P.T. v. Stoen: Here our purpose would be to obtain a judgement in the form of an injunction permanently restraining stoen to in any way use any information acquired while attorney for P.T. against the intere-ts of P.T.; from disclosing to any person any such information without the writ'en consent of P.T.; from acting as the attorney or legal adviser to any person, or consulting with any person who feels that hey might have a cause of action against P.T.; from participating in any lawsuit or deposition as a wittness or advisor if P.T. is a party to the action, unless Stoen is also a ~~party~~ real party in interest; from profiting in any way, directly or indirectly, by way of fees or other compensation, in connection with legal or quasi legal work whose efforts are directed against P.T. The line is essentially the same. His long and involved career as church legal adviser, his authorship of many of the church programs, the relationship of confidentiality, the fact that he is breaching it, and the fact that, in one way (to be determined) he is profiting from it. The churches relative innocence inlegal matters, their reliance on him and his judgement as to what might be legal and also proper, especially because of his position as a District Attorney in Mendocino County, and of his religeous affiliation and credentials. P.S. we would also try to postpone the other suits till this one done.

5. As applied to a complaint to the Bar Association: The same line would be used exactly, but we would be asking for administrative relief - some sort of sanctions against him for his unethical behavior. These are usually in the nature (in the order of severity) of a private rebuke, a public rebuke, the suspension of the rigth to practice for some limited period of time, the remov-l of the license. The Bar itself does the investigation.

6. Evaluation: Ta'ing the last item first, this should be kept in reserve. First, the Bar will not moove if there is a court case - so it would exclude the other alternatives. Second, as put into a suit, it would be a constant threat because the Bar would take a Judges findings as conclusive in its investigation. Third, because the Bar mooves slowly. Fourth, because the Bar, especially ethics committee, is very conservative and might well lean toward Tim in this situation, especially as to penalty. Fifth, because the greatest maximum penalyt that would practically be invoked would be a six months license suspension, which would not help us much coming after several months or years of investigations and hearings. I think that the threat is better than the reality. We can always do it later - if and when we have a court order against him basie on conflict of interest. The next last, suit against Stoen, is more difficult to evaluate. Likely he would react by getting o-t of the other cases so we wouldn't gain much time. Advice given before the injunction would be "water under the bridge" and they could always say it was given before - would be hard to enforce. There is some contradiction in the position in that if we say he was a principal or has liability in all of these matters then he must be a real party in interest (has a legal interest in the outcome) and a ourt could not restrain him from sufficient participation to protect his own interest - and the extent of that participation is hard to evaluate in that context. Next, I don't see how we could raise the issue in an independent suit against Stoen nd atthe same time raise it in the subject suits he is bringing against us - I am just very hazy on this and it is a proceedural point to the effect that all of the areas of litigation hould be heard by one court at one time. What might happen is that all of the suits would be consolidated as having common issues of fact and of law, and tried before one court. This would have the effect of, likely, 1) delaying all of the suits greatly, 2) creating a readily accessable publicity foremat - for or against our benefit, 3) removing the suit from Mendocino county - likely to one of the Bay Counties. If our basic purpose is delay, then this might be a good plan. Lastly there is the general point that this approach may make us look bad. It is true, but theyare doing it

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anyway with the suits. Our position should be that, if anything, we were doing nothing more than overreaching and there is a wide field of religeous latitude (Medlock case) and that Tims advice is what was mostly used to draw the line. Another potential risk in the "put it all together in one pot" concept is that it might facilitate the process of getting out any writs of attachment or restraining aorders that would attempt to restrict the transfers of our various properties - at least it would direct one judges attention to the area as a whole and put all information available to all courts conveniently in the hands of one (if would get spread around any way as part of the litigation of each case). I am not sure of the value or risk in this. Can't see why they don!t have writs out now preventing sales - it is a good situation for the issuance of a Writ of Attachment, almost a classic case in some respects. I do not believe that ~~they~~ we have some months to moove assets - but then I would have thought it would have been too late by now. In any event we do need some additional counsel to evaluate these points

All Jean given while I was gone last time But Probably should be kept in legal file.