

# The Critical Role of Court-Appointed Neutrals in Mass Institutional Sexual Abuse Cases: Why Every Voice Matters

By Simone K. Lelchuk



In mass institutional sexual abuse litigation, courts are increasingly turning to court-appointed neutrals to help navigate a uniquely complex intersection of law, trauma, institutional accountability, and public trust. These cases often involve large numbers of survivors,<sup>1</sup> sensitive allegations, and the need for a fair and thoughtful distribution of compensation funds—while also attending to nonfinancial needs like healing, validation, and systemic change.

Against this backdrop, one of the most valuable functions a neutral performs is creating a process that allows each individual to be heard with dignity, regardless of the magnitude of their claim. This individualized attention is not something a

court can typically offer due to the sheer volume of people who may have been impacted by a mass sexual abuse matter and the limits of judicial time and resources. When a neutral is properly empowered and a process is designed well, this process can identify broader patterns of harm, assist the institution in understanding the scope and nature of what occurred, and ensure survivors are met with empathy and respect.

The importance of this work cannot be overstated. According to the National Children's Alliance, 1 in 4 girls and 1 in 13 boys experience childhood sexual abuse.<sup>2</sup> These staggering statistics highlight the widespread nature of the problem and underscore the urgent need for

responses that are both systemic and survivor-informed.

Court-appointed neutrals serve both as claims administrators/allocators and as structural support to the court and the broader community. They help ensure the legitimacy of the process, offering transparency where secrecy has long reigned. Importantly, this transparency is not incompatible with confidentiality. Neutrals provide survivors with a protected, trauma-informed space in which to share their stories confidentially while also building a transparent and trustworthy process that enables collective truths to surface and patterns of harm to emerge. Neutrals give the legal system a way to understand abuse in all its complexity, not

just in terms of dollars but in terms of human impact.

To illustrate this role, one might borrow from the natural world. As noted by Kathryn Robb, Esq., director of the Children’s Justice Campaign at Enough Abuse,<sup>3</sup> wild elephants protect their young by forming an “alert circle,” a defensive strategy in which adults face outward to guard calves at the center. The circle allows the collective herd to survey for danger, protect the most vulnerable, and respond as one. In a similar way, courts, institutions, insurers, and survivors might form an “alert circle” of their own—with the neutral facilitating collective protection and progress.

The sections that follow examine why every individual survivor’s voice matters; why institutions are better served when they understand the full truth; how transparency benefits all stakeholders, including insurers; and why nonfinancial remedies can be critically important. Taken together, these insights reveal the indispensable role of court-appointed neutrals in building processes that promote accountability, prevent future harm, and restore public trust.

### Why Every Voice Matters—Even If the Story Seems “Minor”

One of the most misunderstood dynamics in institutional abuse cases is the assumption that only the most extreme or “clear-cut” accounts of harm merit attention. Sometimes, the way abuse occurs is insidious: cloaked in authority, normalized by culture, and under disguise, for example, as routine medical or professional conduct. Survivors may sense something was wrong but question their instincts. Others may dismiss their experience because it was not violent or overt or because the alleged perpetrator was held in seemingly high esteem.

That many survivors do not immediately recognize the full extent, or even the existence, of the abuse they experienced is often rooted in a lack of understanding about the complexity of trauma itself. Abuse frequently involves grooming, manipulation, and subtle power imbalances that distort perception, especially

when the perpetrator exploits a position of authority or trust. Survivors may sense that something was wrong but struggle to define it. It is often only when they hear others articulate similar experiences, whether in court testimony, in the media, or through a neutral-facilitated process, that something clicks. Those other voices can help individuals contextualize their experiences and validate what may have once felt confusing, isolated, or even self-blamed. This power of recognition is profound: One person’s voice often illuminates another’s experience in ways that legal definitions or institutional policies never could.

In high-profile institutional abuse cases,<sup>4</sup> survivors often describe a moment of realization. One Ohio State University (OSU) male survivor, after listening to testimony from female gymnasts at the Larry Nassar trial, said simply: “It unlocked something in me.” What he had once dismissed or confused as routine now came into focus. This is a powerful reminder that abuse is not always immediately identifiable. It may come cloaked in professional behavior, be delivered by a person in authority, or occur in a context, such as under the guise of medical care, where trust and vulnerability are high. For these reasons, every individual account adds value to the collective understanding. What one person might have thought was an isolated, ambiguous incident in fact may be part of a broader pattern.

There are also deeply embedded cultural assumptions that make it harder for some people to see themselves as victims. How could a strong, male athlete be abused? Why could he not have fought back? These myths of strength, gender, and power create barriers to self-recognition and disclosure. The reality is that anyone can be abused, regardless of physical strength, race, age, weight, gender, or setting. The more diverse the voices that come forward, the clearer this truth becomes.

From a process design standpoint, this is precisely why court-appointed neutrals are so valuable. They offer survivors a safe space to speak, to find their voice and

language, and to ask questions about what they experienced. This is especially important when someone is not entirely sure what happened to them or when the incident involves ambiguity, such as confusion about whether a medical exam crossed a line or whether a coach’s or teacher’s familiarity was appropriate.

Even beyond the court itself, the act of encouraging individual accounts helps institutions, insurers, and the public better understand the ways in which abuse occurs. It reveals the tactics used by perpetrators, the blind spots in reporting protocols, and the cultural forces that keep people silent. When the full spectrum of experience is acknowledged, institutions are in a stronger position to design preventive measures that reflect real-world complexity, not just textbook cases.

Ultimately, every single voice matters—for the survivor’s healing, for the accuracy of the historical record, for the credibility of the process, and for the integrity of institutional response.

### Why Institutions and Their Peers Need to Understand the Full Story

Just as it is critical for individual survivors to come forward, it is equally important for institutions—schools, religious organizations, universities, healthcare providers,



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and corporations—to fully understand the scope, nuance, and context of what occurred under their watch. These events are rarely just about isolated bad actors. They are about systems: systems that failed, protocols that were ignored or unclear, and cultures that enabled silence or punished whistleblowing.

Many institutions initially might fear that opening the door to this kind of transparency will lead to reputational collapse

That transparency also supports another key stakeholder: insurance companies. Too often perceived as adversaries in litigation, insurers in fact are essential partners in institutional reform. When court-appointed neutrals gather in-depth, confidential information about patterns of abuse and institutional response, they generate a more accurate and data-driven view of the true risk landscape. Insurers benefit from this insight. With access to

of institutional accountability. To survivors of sexual assault, money is not just compensation; rather, it becomes a statement of responsibility.

At the same time, money alone is rarely enough. Survivors often express a deep desire for nonfinancial forms of justice, such as apologies, institutional reforms, or symbolic acts of accountability. These are not “extras”; acknowledgment and change are often at the emotional and

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or financial ruin. But what institutions often discover if they engage thoughtfully and authentically is that clarity can be a powerful stabilizer, allowing leaders to see where things went wrong, how misconduct was enabled, and what blind spots need correction. This is not just about retroactive accountability—it is about forward-looking reform. When the full truth is known, organizations are in a much stronger position to implement lasting change. Lasting change can have immense economic value in the form of reputational benefit, in the avoidance of future costs, and, most importantly, in the form of protecting the populations those organizations serve.

Moreover, when survivors’ voices are collected and examined with care, a more accurate historical and behavioral map emerges that can help peer institutions as well. These insights can inform how schools update their reporting procedures, how companies train their staff, and how youth organizations assess adult-child interactions. This is one of the primary public benefits of court-led, and neutral-supported, programs: They build a record that becomes a teaching tool for others.

the aggregated, anonymized findings of a neutral’s work, insurers are better positioned to write policies that both protect individuals and support the long-term health and accountability of the insured institution.

This is why the integrity and structure of the information-gathering process matter so deeply. Court-appointed neutrals provide a layer of protection for institutions by gathering information in a trauma-informed, neutral, and nonadversarial way. They do not sensationalize or blame. Rather, neutrals offer a process that encourages honesty, honors legal principles, and allows the institution to see the truth clearly and fix what is broken. This is how public trust is rebuilt. This is how cycles are broken.

### Survivors Often Want More Than Money—But Money Matters Deeply

While nonmonetary reforms carry great weight, financial accountability remains a powerful and necessary force. Money matters because it allows survivors to access therapy, education, or lost income. It matters because it reflects a tangible measure

moral core of what survivors want. They want to know that speaking out led to meaningful change.

Here, court-appointed neutrals play a uniquely powerful role. By working directly with large numbers of claimants, neutrals can detect patterns in what survivors are asking for, both financial and nonfinancial. A neutral might help facilitate a formal apology, the revision of a school policy, the creation of a survivor-led advisory board, or a restorative justice process. In each case, the neutral helps all sides navigate solutions that do not just check a legal box but promote healing, closure, and trust.

This approach also benefits institutions. Many institutional leaders want to “do the right thing” but do not know how to engage, or they are advised by counsel against engaging with survivors outside litigation. Neutrals create a space where those conversations can occur safely and constructively. Because they are not adversarial actors, neutrals can facilitate nonmonetary relief that might otherwise be impossible to achieve through legal counsel alone.

Judges are limited in their ability to do this work, not because they lack empathy

but because they are constrained by volume, resources, and limits around *ex parte* communication. A neutral allows the court to remain impartial while ensuring that survivors' voices shape the remedy in meaningful ways.

### The Role of the Neutral as Translator, Educator, and Bridge

In mass tort sexual abuse cases, a court-appointed neutral is one of the few people in the process who speaks with all parties: survivors, institutional representatives, plaintiff attorneys, defense counsel, insurers, and sometimes regulatory or public-facing organizations. A neutral is more than just a fact-gatherer or allocator; the neutral becomes a translator, educator, and bridge.

To institutions and insurers, neutrals offer a clearer, more nuanced picture of what went wrong, not just from the litigation perspective but from the human systems perspective. The decision-makers are then enabled to understand the broader implications of what occurred, what failed, and, from a systems perspective, where responsibility lies. Neutrals can help educate institutions regarding what is important to survivors, what risks remain, and what steps are necessary to rebuild trust. This is not about blame—it is about clarity and forward motion.

Neutrals also can serve as a valuable resource. They explain to survivors how the legal process works, what kinds of remedies might be achievable, and how their participation could contribute to meaningful change. For many individuals, no one before has explained the potential impact of telling their story. This is particularly powerful when the survivor is unsure whether what happened to them qualifies as “abuse” or is struggling to put their experience into words. By engaging with survivors, respectfully and privately, neutrals help them name what happened and help other survivors, institutions, respective leaders, and other involved constituencies begin to see patterns.

One of the most important elements of the neutral role is building a circle of trust among all stakeholders, including experienced members of the bar and

insurance company representatives. Over time, these actors can develop a common language, shared expectations, and a mutual understanding of what accountability looks like. This helps move mass tort processes away from the high-conflict, zero-sum model and toward a more collaborative, problem-solving orientation.

From the court's perspective, this kind of work is indispensable. Judges cannot engage in *ex parte* conversations with survivors, insurers, or institutional leaders. They cannot guide parties through emotional, informal discussions or draft symbolic remedies. And yet, they are tasked with ensuring the integrity and fairness of the resolution. The neutral becomes the court's extended hand, not speaking for the court but creating the conditions under which the court can act with confidence, compassion, and legitimacy.

In doing so, neutrals can then play a vital protective and connective role, helping ensure that the most vulnerable voices are both shielded and heard while also holding the broader landscape in view, an essential function in any process seeking truth, accountability, and lasting change.

### The Broader Ecosystem—How Transparency Strengthens Institutional and Insurance Response

A frequent concern among institutional defendants is that public disclosures and widespread participation in claims processes will damage their reputation or expose them to further liability. But transparency, when handled with care, strengthens not only the institution itself but also the entire surrounding ecosystem. When the full scope and nuances of abuse are brought into the light, a better, more informed response is enabled, not just from the institution but from peers, regulators, and insurers.

Court-appointed neutrals often sit at the center of this transparency process. With a mandate to hear from large numbers of survivors, they identify not only individual claims but also systemic patterns, practices that failed, warning signs that were missed, and cultural dynamics

that enabled harm. They translate these insights into formats that can inform not only financial remedies but also structural reforms. This is invaluable information for insurers, risk managers, general counsel, and public safety officials—insights they cannot glean from legal filings alone.

Transparency enables insurers to write better, more responsive policies that protect both insured entities and their stakeholders. When insurers are meaningfully looped in through the structured, confidential work of a neutral, they can write stronger sexual abuse riders, develop more realistic exclusions, and incentivize best practices in employee training, third-party monitoring, and complaint handling. These improvements do not benefit just the insurer; they benefit the organization and, most importantly, the community it serves.

This transparency also supports institutional health and leadership. Organizations that allow these stories to surface, without rushing to minimize or settle them out of public view, can use the findings to achieve real change. When neutrals identify root causes or breakdowns in reporting structures, institutions have the opportunity to build stronger internal accountability systems. These lessons ripple outward with peer institutions, accrediting bodies, and trade associations often looking to the lessons learned from high-profile cases for guidance. A transparent, respectful process sets a tone for the entire field.

Neutrals have the opportunity to be particularly effective here because they help parties understand the full scope of the problem and what is required to address it. They are not beholden to a plaintiff's theory of the case or a defense counsel's litigation posture. Instead, they are tasked with listening deeply, synthesizing patterns, and helping the parties, including the court, determine what needs to be done next. In this way, they serve as a key conduit for both justice and reform.

### Building Systems That Support Survivors and Strengthen Institutions

One survivor in HBO's *Surviving Ohio*

*State*<sup>5</sup> documentary states, “I am a survivor of sexual assault, but a victim of OSU.” That distinction speaks volumes. In many institutional abuse cases, the original abuse is horrific, but what makes it worse, what compounds the harm, is how the institution responds (or fails to respond while the abuse is taking place). Whether through denial, minimization, delay, or silence, the failure to act, or to act meaningfully, can create a second layer of trauma. The goal must be to ensure that no survivor ever feels victimized by the very institution that was supposed to protect them.

This is yet another way in which a court-appointed neutral is indispensable. Neutrals can help ensure that institutions respond with human dignity while they also perhaps are engaged in a fight for legal due process. They help stakeholders—survivors, schools, faith groups, corporations, insurers, and the judiciary—confront the uncomfortable truth that bad actors always will exist, but systems are responsible for how they prevent, respond to, and repair harm.

Neutrals also play a central role in making the process transparent, collaborative, and constructive. This is about more than financial compensation, though that matters greatly. It is also about apologies, policy changes, and opportunities to share impact statements. When survivors are

given a meaningful voice, and when institutions listen and act, the result is a stronger, safer system. In many cases, neutrals can help design nonfinancial remedies that are healing to survivors and productive for institutions—creating a rare but powerful win-win.

Importantly, neutrals also can assist institutional stakeholders in building better infrastructure going forward. They can help identify what went wrong and what would have made a difference. That insight informs better training, more effective compliance programs, clearer reporting pathways, and improved vetting of employees and volunteers. The entire ecosystem—from legal departments to insurance carriers—can grow stronger together.

When survivors speak, they do more than report a harm. They shape a legacy. They build a record. And when courts appoint neutrals who are trained to listen, who can gather those voices respectfully and relay them meaningfully, the judiciary is enabled to meet survivors where they are. It is a justice system working as it should.

As more institutions, lawyers, and insurers engage in this work, the potential for positive change expands. Done well, these efforts do not just resolve past harms; they reshape the future. ■

## Endnotes

1. Throughout this article, the term “survivor” rather than “victim” is used to refer to individuals who have experienced sexual abuse. Terminology preferences vary, and while this article uses the term “survivor,” it is acknowledged that some individuals may identify more strongly with “victim” or another term.

2. *National Statistics on Child Abuse*, NAT'L CHILD.'S ALL., <https://www.nationalchildrensalliance.org/media-room/national-statistics-on-child-abuse/> (last visited Oct. 10, 2025).

3. *Our Team*, ENOUGH ABUSE, <https://enoughabuse.org/who-we-are/team/> (last visited Oct. 10, 2025).

4. Simone K. Lelchuk, Esq., has worked on multiple high-profile cases, including, but not limited to, as the Claims Examiner appointed in the Weinstein Company Bankruptcy Plan to administer the Sexual Misconduct Claims Fund; appointed by Judge Jed S. Rakoff (S.D.N.Y.) to serve as the settlement fund claims administrator for the settlement funds created as a result of the lawsuits brought by the survivors of Jeffrey Epstein against JPMorgan and Deutsche Bank; appointed as the settlement fund administrator of the settlement fund for the benefit of the survivors of Robert Hadden, a former obstetrician and gynecologist who was previously employed by Columbia University Irving Medical Center.

5. *Surviving Ohio State* (Eva Orner dir. 2025) (HBO), available on HBO Max.