

## Global Realignment Legal Implications for Clergy and Parishes

### Diocesan Powers over Priests

1. Ecclesiastical discipline
  - Diocesan Canons
  - General Synod Canons on Discipline
2. Licencing Power
3. Canonical Obedience
  - But “. . .in all things lawful and honest”
4. Inhibition
5. Payroll and Pensions

### Ecclesiastical Discipline

A long process where an Ecclesiastical Offense

- Bishop with initial jurisdiction
- 3 levels of review

Interim suspension powers

### Licencing Powers

- Removal of licence
- Changing terms of a licence

### Payroll and Pensions

- Threats used to apply pressure to priests
- If terminated, pension and benefits stop but pension to the date of termination is “vested” (protected)
- If the priest moves to ANiC, there will be a pension and benefit plan in place by March 1 (possibly sooner)

### Pension and Benefits

- The ACC pension for clergy is very generous
  - A Defined Benefit Plan vs
  - A Defined Contribution Plan
- Clergy with many years of service and close to retirement will suffer the greatest loss
- A parish can choose to make up the loss

### Diocesan Canons

- Diocese of New Westminster Canon 15 or equivalent = “Ecclesiastical Martial Law”
- Eg. St. Martin’s, North Vancouver
- Power to replace Trustees (??) - It is a debatable issue

**Real Estate Legislation** - Varies from Province to Province

### **Advice for Clergy**

If you are “summoned” to meet with your bishop - Contact Us, but first. . .

- Ask the purpose of the meeting
- Do not go alone - Plan to bring a Warden. You will likely need a witness.
- Ask who will be present
  - If a Chancellor will be present, plan to bring a lawyer. If you are not expecting the Chancellor and you find one when you arrive, re-schedule the meeting after getting legal advice. Your livelihood may be at risk.
- Keep copies of all correspondence
- Make detailed notes of any conversations immediately following the call or meeting
- Do not send letters to your bishop until they have been reviewed by the legal team
  - If you make a mistake, we may not be able to help you “after the fact”.
  - It is better to get advice before you say or do something.
- Get to know your Canons and Bylaws

### **Advice for Parish Leaders**

- Lay Leaders should take the initiative - Clergy are at risk, but lay people are less so
- Organize and lead information meetings
  - House meetings - tea, dessert, pot luck
  - Larger meetings at a hotel/community center
  - Invite others from surrounding parishes
- Wardens to call any Vestry meetings
  - Check your Canons and bylaws for procedure
  - Clergy should not vote at meetings nor lead
- Start with the parish leadership to discuss these issues
  - Unless your leadership is onside, it will be difficult or impossible to vote as a parish
  - We can help you design a process
- We do not recommend forcing your congregation to vote if you think it will badly divide the parish
  - We have experience from across the country to share. Please consult with us on the best approach in your circumstances
- It is best to act in unity with others
- Begin discussions with like minded parishes in your diocese
  - It is better (and safer) to move in a group than on your own - it’s easier to fire one priest than three at once
- Resources and expenses can be shared, particularly legal costs

### **Ask your parish - What will we do if our Rector is fired?**

- Options:
  - Accept a new priest appointed by your bishop
  - Defend the priest and parish from hostile actions of the bishop
- Call a vestry meeting if this happens
  - This is a parish decision

### **Advice to Parish Leaders**

- Bishops will try to stop you from discussing these issues
  - Best to hold meetings off church property
- You will be accused of being “Schismatic” for having these discussions in your parish
- The ACC refuses to listen to the global Communion which has declared their actions schismatic - and we are merely discussing the consequences
- Having a “discussion” is not “illegal”

### **Will We Lose the Property?**

- It is possible that we could lose the church properties at the end of the day
- However, that day could be a very long time coming
- We feel we have a very good legal case to make and we have a substantial commitment for a legal fund in the amount of \$1 Million
- That fund is intended to support legal action on behalf of all ANiC parishes
- That does not mean we will defend every single parish or clergy case - it will depend upon the circumstances surrounding the matter
- You must consult with us before taking actions or responding to your bishop in ways that could give rise to legal action
- We have no intention of suing the ACC but we will vigorously defend our members

But we must remember, if, at the end of the day we are called to leave the property behind:

*“Everyone who has left houses or brothers or sisters or father or mother or children or fields for my sake will receive a hundred times as much and will inherit eternal life.” (Matthew 19:29)*

### **ANiC Legal Resources**

Volunteer Legal Team (ACiNW), Vancouver

- 4 lawyers
  - David Avren - Corporate Counsel
  - Paul Beckmann - Davis & Co.
  - Cheryl Chang - Cheryl Maczko-Chang
  - Peter Chapman - Chen & Leung
  - Joyce Lee - McCarthy Tetrault
- 1 lay person -
  - Dick Richards (Retired) Sr. VP Colliers International
- Law Firm of Fasken Martineau DuMoulin

Note: Please don't call the volunteers or the law firm.

### **ANiC Legal Procedures**

- Who Do you Call if you have a legal question?
  - First contact ANiC Dean or Local Leader
  - If it is appropriate, they will contact Cheryl Chang
  - Cheryl will Liaise with FMD & Volunteer Legal Team
- Fasken Martineau - “Quarterback”
  - Lawyers in each Province
    - Employment Law
    - Real Estate Law

**Or, email: [info@anglicannetwork.ca](mailto:info@anglicannetwork.ca)**

What can you do?

### **Pray**

- For **an act of grace** and generosity by the Anglican Church of Canada
- We call upon the ACC to grant a 90 day period of grace, during which we would ask that no bishops take hostile actions against the parishes discussing the crisis and their options

- We would prefer to allow each parish to prayerfully and peacefully discern their future