

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

In re:	)	Case Nos.:	CL 2007-248724,
Multi-Circuit Episcopal Church Litigation	)		CL 2006-15792,
	)		CL 2006-15793,
	)		CL 2007-556,
	)		CL 2007-1235,
	)		CL 2007-1236,
	)		CL 2007-1237,
	)		CL 2007-1238,
	)		CL 2007-1625,
	)		CL 2007-5249,
	)		CL 2007-5250,
	)		CL 2007-5362,
	)		CL 2007-5363,
	)		CL 2007-5364,
	)		CL 2007-5682,
	)		CL 2007-5683,
	)		CL 2007-5684,
	)		CL 2007-5685,
	)		CL 2007-5686,
	)		CL 2007-5902,
	)		CL 2007-5903, and
	)		CL 2007-11514

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*

The General Council on Finance and Administration of The United Methodist Church, the African Methodist Episcopal Zion Church, the African Methodist Episcopal Church, the Worldwide Church of God, the Rt. Rev. Charlene Kammerer, Bishop of the Virginia Annual Conference Of The United Methodist Church, and W. Clark Williams, Chancellor of the Virginia Annual Conference Of The United Methodist Church (collectively, *amici*) respectfully move for leave to file a Brief of *Amici Curiae* and to participate in oral arguments involving constitutional issues. The proposed Brief of *Amici Curiae* is submitted with this motion. *Amici* state the following in support of this motion:

1. **Issues presented:** *Amici* seek leave to participate only in proceedings addressing the

constitutionality of Va. Code § 57-9(A), which the Court has construed and held applicable to these cases by its Letter Opinion dated April 3, 2008.

2. **Interests of the *Amici*:** The *amici* are “hierarchical” denominations and/or denominational officials or councils, whose property interests are particularly at risk if § 57-9(A) is held to be consistent with the Constitutions of Virginia and the United States. Each of the *amici* denominations has adopted provisions in its governing documents that the United States Supreme Court has recognized not only as legitimate mechanisms for protecting a hierarchical church’s interest in local church property, but as mechanisms which civil courts will be “bound” to enforce, even in states that have adopted the neutral principles approach. *Jones v. Wolf*, 443 U.S. 595, 606 (1979). Indeed, the *amici* which share a heritage as Methodists have used trust clauses and similar provisions as a means of defining and implementing their ministries since long before the Supreme Court announced that the civil enforceability of those provisions would survive any state’s adoption of the neutral principles approach, as explained more fully in the accompanying Brief of *Amici Curiae*. More specifically:

a. **General Council on Finance and Administration of the United Methodist Church (“GCFA”).** The General Council on Finance and Administration of the United Methodist Church (“GCFA”) is a national agency of The United Methodist Church. The United Methodist Church is one of the largest religious denominations in the United States with more than eight million members, 43,000 clergy, and 35,000 local churches. It also has more than a million members outside the United States and performs mission work in over 165 countries. Under United Methodist Church polity, GCFA is the national agency charged with protecting the legal interests of the denomination. In that

role, GCFA is called on to assist in protecting the denomination's property interests in civil courts. In particular, GCFA seeks to enforce the provisions of United Methodist ecclesial law requiring that all local church property be held in trust for the denomination. Thus, GCFA has a strong interest in this case, where the right of a denomination to enforce such property interests is at issue.

b. African Methodist Episcopal Zion Church (“AME Zion Church”) and African Methodist Episcopal Church (“AME Church”). The AME Zion Church and the AME Church are distinct, autonomous denominations, each of which were established in the late 18th Century. Although the founders of the AME Zion and AME denominations chose to leave what is now known as The United Methodist Church, they took with them the doctrines and discipline established by John Wesley. Thus, the Books of Discipline of both of these historic African American denominations, like the Discipline of The United Methodist Church, include provisions that require that all local church property be held in trust for the denomination, and the AME Zion Church and AME Church are vitally interested in the constitutional issues raised in this litigation.

c. Worldwide Church of God. The Worldwide Church of God is a hierarchically organized Christian denomination of churches with hundreds of congregations located throughout the United States. Like other such denominations, it has an interest in protecting denominationally owned or controlled property in circumstances where a local group chooses to leave the denomination. The Church believes the best, and only correct, way to ensure fairness, predictability, and the fulfillment of the legitimate will and expectations

of the denomination and all of its members is for the courts to give effect to those legal documents, policies, and statements which the denomination has in place in the case of such an event, rather than for the state legislature or courts to develop unique rules for churches or rules which interfere with the churches' freedom to govern themselves in accordance with their beliefs.

d. **Charlene Kammerer, Bishop, and W. Clark Williams, Chancellor, Virginia Annual Conference Of The United Methodist Church.** Bishop Kammerer is the Presiding Bishop of the "Annual Conference" of The United Methodist Church which covers and oversees all local United Methodist congregations in Virginia. As the episcopal leader of the Virginia Conference, it is Bishop Kammerer to minister to congregations whose members and clergy may be struggling with whether to remain part of the Conference, and to ensure that the trust and related property provisions in the United Methodist Book of Discipline are respected and upheld. Mr. Williams is the Conference's Chancellor, who is charged by the Book of Discipline to serve as legal counsel to the Bishop and the Conference.

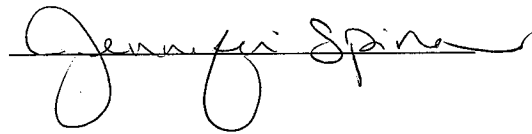
3. This Court previously has granted leave for the Commonwealth of Virginia to participate as an *amicus* in support of the constitutionality of Va. Code § 57-9(A), both in briefing and in oral argument. Given that states have a legitimate interest in the peaceful resolution of property disputes, the *amici* find it appropriate that the Court elected to allow the Attorney General to speak on the constitutionality of § 57-9(A). The *amici* submit that, likewise, the *amici* have a vital interest in the constitutional questions, for the reasons explained more fully in the attached brief, and should be allowed to present their arguments as well.

4. This Court has inherent authority to allow the participation of *amici curiae*. See, e.g., *United States v. State of Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990) (citations omitted):

The privilege of being heard amicus rests solely within the discretion of the court. Generally, courts have exercised great liberality in permitting an amicus curiae to file a brief in a pending case, and, with further permission of the court, to argue the case and introduce evidence. There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful to or otherwise desirable by the court. Absent a statute to the contrary, no distinction is made between the request of a private person for leave to appear as amicus and one by an agent of the government.

5. Counsel for *amici* have communicated with counsel of record for the parties and requested that they consent to the granting of this motion. Counsel for the Episcopal Church and the Diocese of Virginia have authorized counsel for *amici* to state that they consent to the motion. Coordinating counsel for the CANA Congregations informed counsel for *amici* that the congregations wanted an opportunity to review the brief before indicating whether to consent to this motion.

Respectfully submitted,

A handwritten signature in black ink that reads "Jennifer Spina". The signature is written in a cursive style with a horizontal line drawn through the middle of the name.

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CERTIFICATE OF SERVICE

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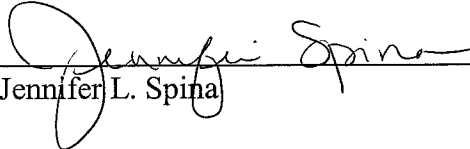
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