

**HEARING PANEL OF
DISCIPLINARY BOARD OF THE DIOCESE OF VIRGINIA**

IN THE TITLE IV MATTER OF:)
)
THE REVEREND LURA KAVAL, RESPONDENT)
_____)

**CHURCH ATTORNEY’S REPLY BRIEF IN SUPPORT OF HIS
MOTION TO DISMISS RESPONDENT’S REQUEST FOR REVIEW**

The most striking feature of Respondent’s Brief in Opposition is what it does not say. It fails to address in any cogent or canonically sound way the first two points in the Church Attorney’s Opening Brief: (1) that General Convention intends that Pastoral Directions not be reviewable; and (2) that that absence of review makes sense.

Instead, her argument boils down to this: that Bishop Goff’s October 24, 2019 Pastoral Direction is really a restriction on ministry masquerading as a Pastoral Direction. Her position is not only incorrect, it is also newfound, for in the 18 months between the issuance of the Pastoral Direction on October 24, 2019 and the filing of her Request for Review on April 23, 2021 Respondent never uttered any such thing.

Respondent never addresses Canon IV.7.3, the operative canon on restrictions on ministry. That Canon requires a determination by the Bishop Diocesan that a member of the Clergy “may have committed any Offense, or that the good order, welfare or safety of the Church or any person or Community may be threatened by that member of the Clergy” for the Diocesan to impose a restriction on ministry. Respondent’s argument seems to be that Bishop

Goff secretly made such a determination but did not say so, instead disguising her determination as a Pastoral Direction.¹

Bishop Goff issued a Pastoral Direction, not a restriction on ministry. Neither the Respondent nor the Hearing Panel can put words in her mouth that she did not use. Her Pastoral Direction contains nothing supporting the notion that Respondent had committed a “Title IV Offense or engaged in other unjustified conduct leading to restrictions.” (Brief in Opposition, 2.) Respondent has put herself in the anomalous position of wishing that Bishop Goff had used such language, so Respondent could seek review. But Bishop Goff did not, and Respondent’s boot strap contention to the contrary is self-serving and disingenuous. The Hearing Panel must recognize that Bishop Goff said what she meant and meant what she said. The Hearing Panel cannot conclude that Bishop Goff fails to “appreciate the implications of [the] trilogy of terms,” Pastoral Direction, restriction on ministry, and Administrative Leave in Title IV (Brief in Opposition, 2), as respondent urges. The Church Attorney addressed the distinctions within this “trilogy of terms” in paragraphs 1 through 3 of his Opening Brief.

On pages 3-4 of her Brief in Opposition, the Respondent argues “A Hearing Panel Does Not Lose Jurisdiction If Circumstances Change.” Again, she misreads the Canons. Canon IV.7.11 plainly limits the scope of review of restrictions on ministry and Administrative Leaves (which Bishop Goff’s Pastoral Direction is not) to conditions that may have changed after the original imposition of the restriction on ministry or Administrative Leave, as set forth on page 3

¹ Respondent argues (Brief in Opposition, 1) that the phrase “restrictions on interaction with parishioners after your departure” in paragraph number 2 of Bishop Goff’s Pastoral Direction is evidence that the Pastoral Direction is really a restriction on ministry. Respondent’s argument is facile. The restrictions to which Bishop Goff was referring are those that arise from the Diocese’s Policy on Resigning Priests. They are not those that might arise under Title IV when a Bishop Diocesan has determined that a member of the Clergy may have committed a Title IV Offense or that the good order, welfare or safety of the Church or any person or community may be threatened by that member of the Clergy, as required by Canon IV.7.3.

of the Church Attorney's Opening Brief. The point is that a Hearing Panel does not obtain jurisdiction in the first place unless circumstances have changed since the original imposition, not that it loses jurisdiction if circumstances have changed. General Convention could not have been clearer on this. Respondent has not even alleged any changed circumstances, and she has it exactly backwards on when a Hearing Panel obtains and loses jurisdiction.

For these reasons and those advanced in the Church Attorney's Opening Brief, the Church Attorney respectfully requests that the Hearing Panel dismiss the Request for Review.

/s/ Bradfute W. Davenport, Jr.
Church Attorney

June 28, 2021