

**IN THE DIOCESE OF VIRGINIA
BEFORE A HEARING PANEL
IN THE TITLE IV MATTER OF
THE REVEREND LURA KAVAL, RESPONDENT**

ORDER

On the 18th day of March 2021, this Hearing Panel was appointed in accordance with Title IV of the Canons of the Episcopal Church and in accordance with the Canons of the Diocese of Virginia. It subsequently received from the Church Attorney a Statement of Alleged Offenses of The Rev. Lura Kaval, Respondent.

On April 23, 2021, Counsel for Respondent filed with the Hearing Panel a Request for Review, asking “review of the imposition of ministry restrictions...set forth in the Pastoral Direction issued by letter dated October 24, 2019....”

On June 6, 2021, the Church Attorney moved to dismiss the Request for Review, taking the position that a Hearing Panel is without jurisdiction to review a Pastoral Direction issued by a Bishop Diocesan. The Church Attorney further contended that such review is neither granted nor addressed in the Canons of the Episcopal Church and that Title IV.7.3 requires the commission of an Offense or a threat to the good order of the Church for a Bishop Diocesan to place restrictions on ministry of a member of the clergy.

In response, Respondent’s Counsel contended that Respondent’s ministry had been restricted by the direction contained in the October 24 letter that Respondent adhere to the Diocesan Policy on Resigning Priests and other “restrictions.” Respondent’s Counsel asserted that the factors set forth in the Pastoral Direction of October 24 manifest a belief on the part of the Bishop Diocesan that a “preceding Offense” had been committed but the Bishop Diocesan had failed “to disclose specific reasons for the restrictions.” In response, the Church Attorney asserted that any restriction on ministry under the Canons requires a determination by the Bishop Diocesan that a member of the clergy “may have committed any Offense.” (Title IV.7.3) The Church Attorney asserted that Bishop Goff had issued a Pastoral Direction, not a restriction on ministry.

This matter came to be heard by the Hearing Panel on July 13, 2021. The hearing was conducted, by agreement of all parties, using the Zoom meeting platform, which was recorded to preserve a record of the hearing.

The Church Attorney reasserted the position that a Hearing Panel is without jurisdiction to review a Pastoral Direction issued by a Bishop Diocesan. Respondent’s Counsel asserted that Title IV.1 urges that conflicts within the Church be resolved “by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved....” Counsel further noted that the Canons contain a presumption of innocence. (Title IV.19.16) Counsel further argued that the statements of the October 24 letter that Respondent’s “leadership

caused division” and that Respondent had “failed to live up to [her] ordination vows” amounted to Respondent’s having been accused, and convicted, of an Offense, and thus the Hearing Panel had jurisdiction to hear Respondent’s Request for Review.

After review of the Motion to Dismiss, the written responses and the oral arguments of the Church Attorney and Respondent’s Counsel, the Hearing Panel finds as follows:

1. The Pastoral Direction at issue which directed Respondent to abide by the Diocesan Policy on Resigning Priests was not a “restriction on ministry” as that term is defined in the Canons. (Title IV.7.3). While it is true that the policy restricts communications between a priest who is leaving a parish and the parishioners of that parish, those restrictions are not a “restriction on ministry” as contemplated by Canon IV.7.3(a). The policy is one that every priest departing, for whatever reason, is expected to follow. In this case, the Bishop decided not to renew the Respondent’s contract as Vicar (an action well within her authority, as Respondent’s Counsel concedes), and in the context of that decision, issued a Pastoral Direction directing Respondent to follow the Diocesan Policy on Resigning Priests.

2. The Canons of the Episcopal Church do not provide a mechanism for a review by a Hearing Panel of the substantive content of a Pastoral Direction. A Hearing Panel could find that a Pastoral Direction did not meet the seven requirements set forth in Title IV.7.2 and that it was, therefore, ineffective and did not *constitute* a Pastoral Direction. But a Hearing Panel has no jurisdiction to review the underlying circumstances or decisions of a Pastoral Direction. One of the seven requirements (IV.7.2(b)) is that the Pastoral Directive set forth clearly the reasons for the Pastoral Direction. It is clear from Respondent’s papers and argument that Respondent is troubled by the reasons given by the Bishop for issuing the Pastoral Direction, and wishes, perhaps, to dispute the Bishop’s factual basis for them, but it is not within the scope of the Hearing Panel’s authority to evaluate the reasons given. A Hearing Panel can only observe if reasons were, in fact, given, and it is clear from the October 24 letter itself that they were. The Hearing Panel does not have the authority to inquire into the veracity or wisdom of the reasons.

3. Having found that the Pastoral Direction of October 24, 2019, imposed no “restrictions on ministry” and having found that the Hearing Panel has no jurisdiction under the Canons of the Episcopal Church to review a Pastoral Direction, the Hearing Panel therefore, GRANTS the Church Attorney’s Motion to Dismiss. The Hearing Panel further REQUESTS the parties to prepare an agreed pre-trial order so this matter may proceed expeditiously and efficiently.

4. The Hearing Panel thanks all parties for their faithful and learned attention to this matter.



Dated: July 16, 2021

Janet P. Peyton, President,
Hearing Panel of the Diocese of Virginia