

Chancellors' Report to 2014 Convention

Kathleen Wells, Chancellor, and Richard Henderson, Assistant Chancellor
October 22, 2014

Training:

- Attended and presented at Episcopal Chancellors' Network (ECN) *Western Chancellors' Conference* and *Chancellors' College* (May 7 - 10, 2013; San Diego) (speaker on litigation update, SCCC update, Title IV update; served on planning committee)
- Attended UT Law School *Non-Profit Organizations Institute* (January 16-17, 2014; Austin)
- Attended *Growing Congregations* event with Peter Steinke (April 5 and June 21, 2014)
- Attended Church-wide conference, *Reclaiming the Gospel of Peace: An Episcopal National Gathering to Challenge the Epidemic of Violence* (April 9 – 11, 2014; Oklahoma City)

Assistance to Diocesan Entities:

The chancellors assisted the bishop, staff, and diocesan entities, e.g., attended regular and special meetings; reviewed, drafted, and negotiated contracts, leases, canons, and policies; researched and advised church officials on canonical, legal questions; and conducted training:

- Standing Committee
- Corporation Board
- Executive Council
- Finance Committee
- Management Committee
- Constitution and Canons Committee and its Overhaul Subcommittee
- Deaneries
- Parliamentarian to 2013 Convention
- Ecclesiastical Discipline

Assistance to Congregations:

The chancellors continued to work directly with congregations on general legal and canonical matters, e.g., charitable and tax exempt status generally, relocation, elections, vestry requirements, bylaws, incorporation of related entities, school issues, leases, and title to property.

Assistance in Litigation:

- Counsel of record in Tarrant County/Texas Supreme Court/U.S. Supreme Court; Hood County (Brants Trust); Wichita County (Burns Trust) litigation
- Assisted, coordinated with outside counsel for the diocesan parties, counsel for Episcopal Church, counsel for congregations in litigation
- Prepared for, attended multiple hearings and depositions (Iker, Virden, Bates; Bishop Gulick, David Beers, presiding bishop); preparation and review of discovery requests, responses, amended pleadings, motions, briefs; coordinated witnesses; consulted with outside tax counsel regarding tax related issues for congregations
- Monitored ACNA breakaway compliance with supersedeas order, including maintenance of property and expense reporting
- Addressed Texas Supreme Court remand opinion (August 30, 2013); filed petition for writ of certiorari at U.S. Supreme Court June 19, 2014 (pending)
- Participated in continued discovery (depositions, documents), repleading, summary judgment preparation (October 23) in 141st District Court

Other Activities:

- Coordinated with bishop plans for forming effective diocesan attorneys group
- Actively participated in Constitution and Canons overhaul project; prepared draft amended and restated Constitution for first Convention vote 2014; preparing draft amended and restated canons for Convention vote 2015
- Attended portions of meeting of Standing Commission on Small Congregations (August 1, 2014)
- Member of Standing Commission on Constitution and Canons (2009 – 2015); chair of Title IV Subcommittee (2012 – 2015)

Pending litigation:

- No. 141-237105-09; *The Episcopal Church, et al v. Salazar, et al* (141st District Court, Tarrant County, Texas). No. 11-0265; *Episcopal Diocese of Fort Worth (sic) v. The Episcopal Church*; Texas Supreme Court (decision August 30, 2014). No. 13-1520; *Episcopal Church v. Episcopal Diocese of Fort Worth (sic)*; Supreme Court of the United States (petition for writ of certiorari pending)
- No. C2009233; *Ronald D. Wenner, Trustee of the Cynthia Brants Charitable Remainder Unitrust v. The Episcopal Diocese of Fort Worth, et al*; 355th District Court, Hood County, Texas (abated)
- No. 4:10-CV-00700-Y; *Episcopal Diocese of Fort Worth v. Iker*; U.S. District Court, Northern District of Texas, Fort Worth Division (administratively closed, pending resolution of Tarrant County diocesan case)
- No. 4:10-CV-00783-Y; *All Saints Episcopal Church v. Iker*; U.S. District Court, Northern District of Texas, Fort Worth Division (administratively closed, pending resolution of Tarrant County diocesan case)
- No. 177,121-C; *In Re Lillian M. Burns Trust*; 89th District Court, Wichita Falls, Texas (trust terminated, trustee severed out, remaining claims (abated)

Goals for 2015:

- Form effective attorneys group
- Add new assistant chancellor; Richard Henderson declining renomination in 2014
- Secure approval of amended and restated Constitution and Canons at Convention 2015
- Continue work to secure favorable determinations in pending diocesan litigation
- Continue to work toward transparent, participatory and accountable governance in diocese and congregations