

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE DIOCESE OF VIRGINIA HEARING PANEL  
IN THE TITLE IV MATTER OF  
THE REVEREND DR. B. CAYCE RAMEY

VIDEOCONFERENCE HEARING BEFORE  
BRIAN CARR, HEARING PANEL PRESIDENT  
REVEREND CRYSTAL HARDIN  
REVEREND HERBERT JONES

November 29, 2023

HALASZ REPORTING & VIDEO  
1011 E. Main Street, Suite 100  
Richmond, Virginia 23219  
www.HalaszReporting.com (804)708-0025  
Reported by: Lori McCoin Jones, RPR, CCR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**THE DIOCESE OF VIRGINIA HEARING PANEL  
IN THE TITLE IV MATTER OF  
THE REVEREND DR. B. CAYCE RAMEY**

**VIDEOCONFERENCE HEARING BEFORE  
BRIAN CARR, HEARING PANEL PRESIDENT  
REVEREND CRYSTAL HARDIN  
REVEREND HERBERT JONES**

**November 29, 2023**

**HALASZ REPORTING & VIDEO  
1011 E. Main Street, Suite 100  
Richmond, Virginia 23219  
www.HalaszReporting.com (804)708-0025  
Reported by: Lori McCain Jones, RPR, CCR**

1           Videoconference hearing, taken by Lori McCoin  
2 Jones, RPR, CCR, Electronic Notary Public in and for the  
3 Commonwealth of Virginia, commencing at 10:07 a.m.,  
4 November 29, 2023.

5  
6 **Appearances:**

7           **BURTCH LAW**

8           **JACK W. JB BURTCHE, JR., ESQ.**  
9           attorney, of counsel for Respondent  
10           (1802 Bayberry Court, Suite 302  
11           Richmond, Virginia 23226 )  
12           **Jb@burtchlaw.com**

13           **BRADFORD W. DAVENPORT, JR., ESQ.**  
14           attorney, of counsel for the Church  
15           (6134 St. Andrews Lane  
16           Richmond, Virginia 23226)  
17           **Davenportbw@gmail.com**

18 **Also present:**

19           **Thomas Hahn, Esq, Hearing Panel Advisor**  
20           **J. P. Causey, Esq.**  
21           **Reverend Ed Miller**

1 (Proceedings began at 10:07 a.m.)

2 PRESIDENT CARR: Good morning, everyone.

3 MR. DAVENPORT: Good morning.

4 MR. BURTCH: Good morning.

5 PRESIDENT CARR: So I see that we have  
6 Mr. Burtch and Mr. Davenport, and I heard you both  
7 say good morning, and I am assuming you can both hear  
8 me.

9 MR. DAVENPORT: Yes.

10 MR. BURTCH: Yes, we can.

11 PRESIDENT CARR: Very good.

12 And I see that we have J. P. Causey coming on  
13 and Ed Miller and they're both muted.

14 And we have our court reporter, Lori, here as  
15 well.

16 To Mr. Davenport and Mr. Burtch, any procedural  
17 questions or anything prior to starting?

18 MR. DAVENPORT: None for me.

19 MR. BURTCH: I don't have any.

20 PRESIDENT CARR: Well, you each have thirty  
21 minutes. If you would like to reserve some of that  
22 time for rebuttal, let me know at the start of your  
23 thirty minutes.

24 And Mr. Davenport has the floor to go first and  
25 so you may begin at any time.

1 MR. DAVENPORT: Thank you, Mr. President.

2 I think the issues are fairly and thoroughly  
3 presented by the briefs, so my intention is to answer  
4 questions for the panel and to reserve my time for  
5 rebuttal.

6 PRESIDENT CARR: Right. So who of us has the  
7 first question?

8 REVEREND JONES: Crystal, do you want to go  
9 ahead?

10 Let me try to -- well, I'll go.

11 So I see a distinction between the duty of  
12 clergy and the duty of laypeople in -- in the entire  
13 issue. Can you speak to that? If one of the -- if  
14 one of the things that you're asking for is to reveal  
15 all of the people that have been -- were copied on  
16 the e-mail, that would include -- will that include  
17 laypeople and clergy people, and do we presume clergy  
18 people are persons on the list that received that  
19 e-mail?

20 MR. DAVENPORT: Yes, there is a distinction.

21 The duty -- clergy have a clear duty to  
22 cooperate in the proceeding.

23 Everybody at church has a duty to testify and  
24 so forth at the hearing. And as I said in my reply  
25 brief, we haven't gotten to that point yet.

1           But I do think that it's reasonable to assume  
2 that if the respondent is willing to send out what he  
3 did in connection with the proceeding, he would do  
4 the same thing, and maybe already has, with respect  
5 to the trial as the hearing. But you're right, we  
6 haven't gotten there yet, and that wouldn't happen  
7 unless and until a notice of a hearing has issued.

8           So I agree with you. There's a distinction  
9 there.

10           REVEREND JONES: And is it kind of a legal -- I  
11 mean if the -- to say that he would -- it necessarily  
12 would go -- in the future go toward -- go to  
13 laypeople and not clergy, I mean if we -- well, as I  
14 understand it, that was a footnote and you did  
15 mention that we're talking the difference between, I  
16 think, 3.1(b) and 13.11 and -- or 19.18.

17           MR. DAVENPORT: Yes. Yes.

18           REVEREND: So we're really -- it seems to me  
19 that the focus is on 3.1(b) as far as clergy, and  
20 that's the duty that you, and I think -- I suppose  
21 argue or have argued has been tampered with.

22           MR. DAVENPORT: Yeah. I mean I agree. That's  
23 what's ripe today.

24           REVEREND JONES: Right.

25           MR. DAVENPORT: The other one is -- we're not

1 there yet, but we may get there.

2 REVEREND HARDIN: I have a question for you,  
3 Mr. Davenport.

4 So is it -- am I understanding correctly that  
5 it's your understanding of the Canons that anyone  
6 contacted by you -- any clergy, let's narrow it to  
7 clergy because I think there is a distinction, but  
8 please correct me if I'm wrong.

9 Is it your understanding that any contacted --  
10 any clergy person contacted by you about this case  
11 has the duty to communicate with you?

12 MR. DAVENPORT: Yes.

13 REVEREND HARDIN: And does that change being  
14 that you're officially, according to my reading of  
15 the Canons, a party to the case at this point? Does  
16 that change anything at all, the fact that you're a  
17 party?

18 MR. DAVENPORT: I don't think so. No.

19 PRESIDENT CARR: I'll ask this to  
20 Mr. Davenport.

21 In your request for the sanctions, you included  
22 wanting to know everyone that was spoken to and what  
23 was said from the respondent. Are you extending that  
24 to both laity and clergy or just to clergy?

25 MR. DAVENPORT: Well, at this point, I guess I

1 should say just to clergy because we haven't gotten  
2 to notice of a hearing yet. So correct, I'm limiting  
3 that to clergy at this point.

4 PRESIDENT CARR: Okay.

5 REVEREND HARDIN: Another question for you is  
6 the more general -- or more generally, the violation  
7 of Canon IV.13.11, so conduct that's disruptive or  
8 otherwise contrary to the integrity of the  
9 proceedings, are you -- are there allegations beyond  
10 the paragraph telling clergy that they can't  
11 communicate or they can or don't have to or it's up  
12 to them whether they communicate? Is there anything  
13 beyond that specific paragraph that you feel like  
14 violates the integrity of the proceedings?

15 MR. DAVENPORT: No.

16 REVEREND HARDIN: Like what is the greater  
17 allegation, I guess is the question.

18 MR. DAVENPORT: No. It's limited to that.

19 REVEREND HARDIN: It is? Okay.

20 REVEREND JONES: I don't have any more  
21 questions.

22 PRESIDENT CARR: Let me check my notes.

23 So, Mr. Davenport, let me ask you this: I  
24 believe in the response, the respondent's response,  
25 he asserts that the duty to cooperate is limited only



1 to official requests for depositions and official  
2 requests to appear. Is your position consistent with  
3 that or is your position that duty to cooperate is  
4 broader than that?

5 MR. DAVENPORT: Certainly, yes. Broader than  
6 that. Yes.

7 PRESIDENT CARR: Can you elaborate on that?  
8 Does that mean just, you know, if you were to call  
9 somebody up by phone, they have an obligation to talk  
10 to you about the case or answer questions or  
11 anything?

12 MR. DAVENPORT: Yes. If it's clergy, I think  
13 so because they have a duty to cooperate with me.  
14 Which, you know, we -- I'm limited to two  
15 depositions. I have no idea how many clergy that  
16 notice was sent to or e-mail was sent to. But you  
17 don't take a deposition if you don't need to. But I  
18 think, yes, clergy have an obligation to take my call  
19 and answer my questions. I think that's what --  
20 that's what distinguishes this situation from a  
21 normal civil case where potential witnesses don't  
22 have the obligation like this. General Convention  
23 has been at pains to tell clergy in that Canon that  
24 they have a duty to cooperate.

25 REVEREND HARDIN: Does that same duty that you

1 just articulated also apply to Mr. Burtch if he were  
2 to call a clergy person?

3 MR. DAVENPORT: Yeah. Two-way street.

4 REVEREND HARDIN: Okay.

5 PRESIDENT CARR: Do you have any thoughts on  
6 how that duty applies to a layperson that has  
7 knowledge of the situation?

8 MR. DAVENPORT: Well, by its terms, that Canon  
9 doesn't apply to laypersons. It only applies to  
10 clergy. So I would think that a -- no, a layperson  
11 would not have a duty at all other than the one in  
12 19.18 which applies to all members of the church to  
13 testify and appear and so forth at the -- if they're  
14 noticed, at the hearing. That applies to laypeople  
15 and clergy.

16 PRESIDENT CARR: Okay.

17 Crystal or Herbert, did either of you have any  
18 additional questions at this point?

19 REVEREND JONES: No.

20 REVEREND HARDIN: I have one more. Is there  
21 any reason to believe that there are communications  
22 of this nature still out there or -- I mean is there  
23 reason to believe other than there may or may not be  
24 but I need to know or do we -- do we have reason to  
25 believe that this has been communicated in other ways

1 in other places to clergy?

2 MR. DAVENPORT: The only thing I know is what's  
3 in that e-mail.

4 PRESIDENT CARR: So, then, are you looking to  
5 potentially reopen discovery?

6 MR. DAVENPORT: Potentially, yes.

7 REVEREND JONES: What would -- you've heard the  
8 questions we're asking. What -- when you asked for  
9 the resolution, what sanctions specifically are you  
10 thinking would be most appropriate if we did find  
11 that this was a violation or this was sanctionable?

12 MR. DAVENPORT: To identify -- for the  
13 respondent to identify who got that e-mail. If you  
14 limit it to clergy, then the clergy that got that  
15 e-mail and communications he's had with those clergy,  
16 and for him then to tell them, give them a correct  
17 reading of what the Canons require, not the reading  
18 that he gave.

19 REVEREND JONES: Anything else you'd be asking  
20 for?

21 MR. DAVENPORT: No. I think it's spelled out  
22 in paragraph 8 of my sanctions motion. Yeah.

23 REVEREND JONES: Thank you.

24 PRESIDENT CARR: Okay. Any additional  
25 questions from the panel?

1           If not, then I think we will reserve  
2 Mr. Davenport's remaining time and move over to  
3 Mr. Burtch.

4           MR. BURTCH: Thank you very much.

5           I'd like to reserve any time that I don't use  
6 in this short presentation I'm going to make for any  
7 questions that the hearing panel may have.

8           It seems to me that the issue before the  
9 hearing panel is actually a simple one, did the  
10 respondent violate Title IV when he told the group of  
11 friends, some of whom were members of the clergy,  
12 they could speak or not speak as they wished with the  
13 church attorney in his capacity as the representative  
14 of one party before the hearing panel.

15          Now I think, as has already been discussed,  
16 that for lay members of the church, the answer is  
17 obvious, their only duty is to appear and testify or  
18 respond when duly served by notice from the panel.  
19 And, of course, as of right now, no person has been  
20 served or noticed. And so as directed to the lay  
21 members, respondent's statement neither suggests nor  
22 implies that they should refuse to testify when duly  
23 served.

24          Now clergy are under this same obligation, and  
25 so nothing suggests that they would do anything other

1 than appear and testify when duly served. And as has  
2 already been discussed, under the Canons, clergy have  
3 an additional obligation. Clergy have the obligation  
4 to cooperate with any investigation or proceeding  
5 conducted under the authority of this Title.

6 Now, when respondent sent his e-mail, the two  
7 investigations were totally complete. And there is  
8 no claim that any person has failed to cooperate with  
9 either investigation or in any investigative process.

10 So the crux of the church attorney's argument  
11 is that respondent's e-mail encouraged some clergy  
12 not to cooperate with the proceeding under Title IV.  
13 Again, there is no claim that any person has failed  
14 or refused to cooperate here.

15 And the investigation stage being complete,  
16 this case is now at a different point. It's now  
17 before the hearing panel. And respondent wrote his  
18 e-mail when the case was already before the hearing  
19 panel, and the Canon does not define what cooperate  
20 means at this stage of the proceedings.

21 But what is clear is that the role of the  
22 church attorney changes once a case comes before the  
23 hearing panel. Canon IV.13.6 provides that at this  
24 point of the proceedings, the church attorney  
25 represents the diocese, the party on one side, and

1 the respondent is the party on the other side. So  
2 the question narrows, does the Canon impose a duty on  
3 members of the clergy to speak or provide information  
4 to the church attorney as the representative of one  
5 party in the matter before the hearing panel.

6 The only requirement in the Canons is that they  
7 appear and testify upon notice and that they  
8 cooperate in the investigations which have been  
9 completed. There is no provision that requires them  
10 to participate in the preparation of the church  
11 attorney's case against the respondent. Here the  
12 church attorney is counsel to one side. The church  
13 attorney is not a neutral party.

14 I think, there being a lot of lawyers in the  
15 room, that it's agreed that it's a general --  
16 generally accepted principle in American law that it  
17 is proper for one side -- for one side of a case to  
18 try to talk with a potential witness before a case  
19 comes to a hearing, but the potential witness, not  
20 being subject to any subpoena or notice, has a  
21 corresponding right not to speak with them. The  
22 choice to speak or not to speak is entirely up to the  
23 potential witness.

24 Now this general principle is not articulated  
25 in the Canons of our church, but the only duty that

1 the Canons impose on clergy when a case is before the  
2 hearing panel -- and that's the point I want to make,  
3 the case is at a different status. It's not an  
4 investigation. It's now before a hearing panel. And  
5 the duty that's imposed when a case is before a  
6 hearing panel is that they must appear and testify  
7 upon proper notice.

8           Prior to a matter being referred to the hearing  
9 panel, members of the clergy must cooperate in  
10 investigations. But at the hearing panel stage,  
11 clergy only need appear when noticed. No other  
12 duties are mandated or even reasonably implied under  
13 the Canons. So cooperation in this context means  
14 doing those things the Canons require. Nowhere does  
15 a Canon require a potential witness, whether lay or  
16 clergy, to make themselves available to answer  
17 questions from lawyers representing parties except  
18 when duty noticed.

19           Now the church attorney has accused the  
20 respondent of witness tampering and behavior which is  
21 disruptive, dilatory, or otherwise contrary to the  
22 integrity of these proceedings. And the church  
23 attorney has been unable to offer a single example of  
24 any harm to this process. And the church attorney's  
25 argument is without basis in the Canons themselves.

1           And in a footnote, as he already has said, the  
2 church attorney admits that Canon IV.19.18, the duty  
3 to appear and testify when noticed, has not even been  
4 triggered yet. But, amazingly, the church  
5 attorney -- and he repeated here -- repeated this  
6 here this morning -- has said that the hearing panel  
7 can reasonably anticipate that respondent will repeat  
8 his erroneous advice to members of the church who are  
9 served with notices to appear and testify.

10           Here the church attorney's argument accuses the  
11 respondent of doing something that is obviously  
12 improper, obviously contrary to the Canons and  
13 without -- and there is absolutely no basis in fact  
14 for him to make such an accusation or suggestion.  
15 Nothing respondent has said or did violates the  
16 Canons in any way.

17           To subject the respondent to sanctions requires  
18 that somehow respondent crossed a clear line and  
19 engaged in clearly improper conduct, but this motion  
20 for sanctions relies solely on ambiguities,  
21 assumptions, inferences, and speculation. No party  
22 of this proceeding has been damaged in any way by  
23 what the respondent said or did. No witness has  
24 failed to do their duty under the Canons.

25           I think it's been clear from the papers that



1 I've filed and the argument I'm trying to make here  
2 that nothing in our Canons supports this motion for  
3 sanctions. There is no clear crossing of any line  
4 and no person has been encouraged to do anything  
5 improper. There is no sanctionable conduct here.

6 If the -- if the worst thing respondent did was  
7 to incorrectly read the Canons contrary to how a  
8 hearing panel or any other person may interpret them,  
9 the worst thing the respondent did was to be confused  
10 in ambiguity. Now I've tried to argue that it's not  
11 ambiguous. I do not believe it's ambiguous, but  
12 there is more than one opinion on how Canons should  
13 be interpreted.

14 And I think in this case there is no basis for  
15 sanctions based on what respondent actually said.  
16 And, therefore, we ask that the hearing panel deny  
17 the motion.

18 Thank you. I'll be happy to answer any  
19 questions.

20 REVEREND JONES: I have a question.

21 MR. BURTCH: Yes.

22 REVEREND JONES: Is it your contention that now  
23 that the discovery date has passed that the church  
24 attorney is prohibited in any way from continuing to  
25 investigate the case that he brings before the panel?

1           MR. BURTCHE: The church attorney is not  
2 inhibited from investigating in any way he wants with  
3 the understanding that he is then acting, as the  
4 Canons provide, as a representative of one of two  
5 parties. So he is limited to what is proper for one  
6 party to do.

7           I do not believe he enjoys the privilege which  
8 is set out earlier in the Canons in terms of the  
9 church attorney's -- so the church attorney has a  
10 sort of a supervisory role prior to the reference to  
11 a hearing panel over investigations. The counsel for  
12 the respondent does not have a corresponding role.  
13 So I think it would be highly improper for the church  
14 attorney representing a party in a -- I'm not going  
15 to use the word adversarial because the Canons and  
16 the spirit of the Canons don't support that, but it's  
17 a contested proceeding. So I think that role ceases  
18 when the church attorney becomes counsel.

19           REVEREND HARDIN: I have a question or maybe  
20 just -- just want your thoughts about this.

21           So you're making a distinction between clergy  
22 accountability at the investigatory stage to answer  
23 questions, communicate with the church attorney, and  
24 clergy's accountability at the hearing panel stage  
25 because Mr. Davenport becomes a party to the

1 proceeding. But -- well, and, my -- or my looking at  
2 the Canons is that what we're talking about Canon  
3 III, or Canon IV.3, that comes right after  
4 terminology, right?

5 MR. BURTCH: Right.

6 REVEREND HARDIN: So it's of terminology and  
7 then it's of accountability, and then there are  
8 distinct sections for conference panel -- hearing  
9 panel's investigation. So it seems to me that --  
10 that standards of conduct and accountability that  
11 appear before it are broader than what comes after  
12 where we're sort of channelling down into the  
13 different sections of proceedings. So I'm having a  
14 hard time understanding why what we set out as  
15 canonical accountability wouldn't apply to a hearing  
16 panel the same way that it would apply to an  
17 investigation.

18 MR. BURTCH: Well, I think that what happens is  
19 that the role of the church attorney changes.  
20 Because clearly the counsel to the respondent does  
21 not have the same authority and the scope of  
22 authority under the Canons as the church attorney  
23 does at the investigative stage. So if -- if the  
24 church attorney's authority were to continue  
25 subsequent to a case being referred to the hearing

1 panel, and the hearing panel -- and becoming counsel  
2 to a party before the hearing panel, then plainly  
3 that would be a lopsided and unfair proceeding  
4 because the church attorney would have much more  
5 scope than the respondent's attorney would have.

6 REVEREND JONES: So if you were to find  
7 additional -- were brought additional information,  
8 you would be able to investigate that and act upon it  
9 if it was -- if you deemed it to be germane. Does  
10 that -- does the church attorney not have that same  
11 ability?

12 MR. BURTCHE: Well, certainly he does.  
13 Certainly he does in preparing his case for his  
14 client before this proceeding, but he doesn't have --  
15 you know, to fail to refuse to speak to the church  
16 attorney when he is preparing his case for the  
17 hearing panel is not a violation of Canon because  
18 there is no duty, either upon laypeople or clergy, at  
19 that point. Their duty is set out in the Canon which  
20 is to appear and testify when given notice.

21 REVEREND JONES: Failing without good cause to  
22 cooperate with any investigation or proceeding. I  
23 really am having difficulty seeing the distinction.

24 MR. BURTCHE: Well, the investigation part is  
25 clear, and the proceeding part is the proceeding

1 before the hearing panel.

2 REVEREND HARDIN: So that -- so it does apply  
3 to clergy, then, that they have a duty to cooperate  
4 in front of the hearing panel or in the --

5 MR. BURTCH: Yes, and we believe that that duty  
6 is defined by their duty to appear and to testify,  
7 but it would not be improper for a member of the  
8 clergy to decline to speak to either counsel for the  
9 respondent or to counsel for the Diocese.

10 REVEREND JONES: And when does that change?  
11 When, in the course of the proceeding, does that duty  
12 of the clergy to cooperate change from having to  
13 respond to any question to not having to respond?  
14 What triggers that?

15 MR. BURTCH: It changes when the -- when a  
16 reference panel refers a matter to a hearing panel  
17 and the hearing panel -- and the church attorney  
18 becomes counsel to the Diocese in the matter before  
19 the hearing panel. It changes the minute the church  
20 attorney's role changes which is from a broader  
21 investigative role into a narrow advocacy role on  
22 behalf of the Diocese. And that's set out in Canon  
23 that that's the church attorney's role.

24 REVEREND HARDIN: So if we -- if we were to  
25 find that we don't agree with that reading and that

1 clergy do have an obligation to speak with the church  
2 attorney if they're contacted during the course of  
3 this proceeding, would your contention be that even  
4 if they do have that duty that no harm was done and  
5 so it's not a sanctionable offense?

6 MR. BURTCH: Well, absolutely. No -- no harm  
7 has been done. Nothing has happened.

8 And were you to find that duty, it would at  
9 least be arguable that there is no such duty, and to  
10 hold someone subject to sanctions for being incorrect  
11 on an interpretation -- on an interpretation of an  
12 unclear Canon, I think would be improper. It's  
13 not -- it's not sanctionable conduct.

14 REVEREND HARDIN: Do the Canons require that it  
15 be proven that there was harm?

16 MR. BURTCH: No, I think the Canons -- I think  
17 the Canons require that it's proven that there be  
18 sanctionable conduct, and I think that one of the  
19 elements of sanctionable conduct would be some kind  
20 of harm.

21 I mean, yeah, witness tampering, dilatory is  
22 harm.

23 PRESIDENT CARR: What -- Mr. Burtch, what is  
24 your response to the church attorney's request to  
25 know every clergy person that that e-mail went out

1 to?

2 MR. BURTCH: Well, you know, discovery is  
3 closed. Maybe he's raised this motion for sanctions  
4 simply on a ploy to get discovery to be reopened.  
5 And I don't know. I'm not going to question the  
6 church attorney's motives, but I think that - I think  
7 that if we go by our process, discovery is closed.

8 And this is a motion for sanctions. This is  
9 not a motion to reopen discovery because the church  
10 attorney found something new.

11 REVEREND JONES: It wouldn't be improper for  
12 him to ask for a reopening of discovery or for you to  
13 do it?

14 MR. BURTCH: I would never say that it would be  
15 improper for someone to request a reopening of  
16 discovery on some limited basis. I mean, you know,  
17 we all are familiar with how discovery can become  
18 oppressive and burdensome, but.

19 PRESIDENT CARR: Any additional questions here  
20 for Mr. Burtch?

21 REVEREND JONES: I don't have any.

22 REVEREND HARDIN: I don't have any.

23 PRESIDENT CARR: Yeah, I did. I had one more.

24 I think you may have said this at the  
25 beginning, Mr. Burtch, but I want to clarify. Do you

1 know if, in fact, that e-mail went to clergy, at  
2 least some clergy?

3 MR. BURTCH: I believe it did, but I do not  
4 know as a fact.

5 PRESIDENT CARR: Okay. If there are no other  
6 questions, then we'll reserve your remaining time and  
7 go back to Mr. Davenport.

8 MR. BURTCH: Thank you.

9 MR. DAVENPORT: Thank you.

10 Briefly on the suggestion, and Mr. Burtch was  
11 careful not to accuse me of this, but of this being a  
12 ploy, let me say that I didn't know anything about  
13 this e-mail that we're discussing until after the  
14 discovery cutoff. This was all news to me within --  
15 I mean I didn't know about it until maybe a day or  
16 two before I filed the motion for sanctions.

17 He spent most of his time talking about the  
18 investigation stage just as he, in his brief, talked  
19 about the investigation stage and not the proceeding  
20 stage. But he's basically re -- trying to read out  
21 of the Canon the proceeding language, and that's  
22 where we are.

23 Now, just for clarification, the church  
24 attorney is virtually not involved in the  
25 investigation stage at all. The investigation is



1 ordered by the reference panel, and the investigator  
2 reports to the reference panel who -- which then  
3 makes a decision whether to send it to a hearing  
4 panel, and that's what happened here. I had nothing  
5 to do with the investigation, nothing. I wasn't  
6 brought into this case until the reference panel  
7 decided to send it to the hearing panel, and that's  
8 the normal course.

9 On the question of it being speculative that  
10 the respondent would violate 19.18, I don't -- I  
11 don't know that he has or hasn't. I don't think it's  
12 speculative, though, because if he sent out the  
13 notice that he did -- I mean the e-mail that he did  
14 with respect to what we're talking about, I don't  
15 think it requires a whole lot of imagination that --  
16 to think that he might do the same thing with respect  
17 to a hearing.

18 Now, there is a harm to the process here when  
19 the respondent has notified his so-called friends,  
20 which include clergy, that they have no duty to  
21 cooperate with the church attorney. That is a harm  
22 to the process because they do have a duty to  
23 cooperate with the church attorney based on the Canon  
24 that applies to them. That is a harm to the process  
25 which is part of the -- and to the integrity of the

1 process which is part of the sanctions rule.

2 And that's all I have to say.

3 MR. BURTCH: Thank you. I think I have some  
4 reserved time if I can.

5 PRESIDENT CARR: All right. You may go.

6 MR. BURTCH: I would point the hearing panel to  
7 the definition of church attorney in -- I believe  
8 it's Canon IV.2 where the church attorney has the  
9 powers and duties otherwise provided in this Title to  
10 conduct investigations and oversee the investigator  
11 and within -- and in connection with such  
12 investigation, has access to all kinds of terms and  
13 documents. So the church attorney is vitally  
14 connected with the investigation under the Canons.

15 And that's why I think it's important that  
16 there is a change in the role of the church attorney  
17 as set forth in the Canon when the church attorney  
18 becomes counsel to a party, and that happens after  
19 the referral to the hearing panel and the -- when he  
20 becomes counsel to that party. So, at that point, it  
21 seems, to me, clear that the duty to cooperate that  
22 clergy have as defined by Canon is further defined by  
23 what the Canon requires how they cooperate which is  
24 to appear and testify when duly served with notice.

25 REVEREND JONES: Mr. Burtch, can you cite the

1 Canon that describes the change in the role of the  
2 church attorney?

3 MR. BURTCH: Yeah, it's -- if you give me a  
4 minute, I can get it. It's in the paper I filed.

5 It's Canon IV.13.6.

6 REVEREND JONES: Thank you.

7 MR. BURTCH: In all proceedings before the  
8 hearing panel, the church attorney shall appear on  
9 behalf of the Diocese which shall then be considered  
10 the party on one side and the respondent the party on  
11 the other.

12 That's the Canon which I --

13 REVEREND JONES: Is there a Canon that  
14 specifically says that his role changes to the extent  
15 that he can no longer investigate?

16 MR. BURTCH: There is no Canon that says  
17 that --

18 REVEREND JONES: But that's a general --

19 MR. BURTCH: -- specifically.

20 REVEREND JONES: Thank you.

21 MR. BURTCH: Our Canons are imperfect.

22 PRESIDENT CARR: On that, I can think we can  
23 agree.

24 REVEREND JONES: Yeah, that would be  
25 stipulated.

1 REVEREND HARDIN: So, Mr. Burtch, I have a  
2 question.

3 And, Mr. Davenport, I would like your thoughts  
4 on this too.

5 So, you know, we're obviously dealing -- right,  
6 we're dealing with imperfect Canons. We're dealing  
7 with a church proceeding rather than a court  
8 proceeding which, in my mind, would be a little  
9 clearer. There is a spirit of the law argument here,  
10 right, like what is the spirit of this proceeding  
11 meant to be and what are we trying to get at.

12 And, you know, Mr. Burtch, you sort of said  
13 yourself that it -- the normal expectation in the  
14 secular world in a civil procedure matter is that if  
15 a party's attorney calls me, I do not have to talk to  
16 them and that is my right.

17 And that right is not articulated in the Canons  
18 in that same way. And it could be argued that it's  
19 not in the Canons in that same way because we are  
20 trying to have a more cooperative, collegial process  
21 that really just gets to the truth of what is going  
22 on.

23 So if that's the case, if we're really trying  
24 to work together to get to the truth of what's going  
25 on and it's Mr. Davenport's assertion that he is --

1 he should be allowed and is, in fact, canonically  
2 allowed and clergy are required to speak with him  
3 even during this hearing panel process, and that they  
4 would also be required to speak with you, Mr. Burtch,  
5 because that's -- that's what the Canons say, I guess  
6 I'm curious about your reading of the spirit of the  
7 law around this idea that all of a sudden -- or not  
8 all of a sudden, just this idea that now that there  
9 are two parties, you can't -- that that goes sort of  
10 out the window. How is the cooperative stance of  
11 what we're trying to do served by that?

12 MR. BURTCHE: Well, this is -- this is a motion  
13 or this is a hearing on a motion for sanctions. And  
14 it seems to me that it's profoundly unfair to  
15 sanction a party based on, quote, the spirit of the  
16 law, whatever that may be. In order to hold somebody  
17 accountable for sanctions, it seems to me that it's  
18 got to be a clear line that they've crossed. And  
19 when we start talking about the spirit of the law,  
20 we're already admitting that there is no clear line.

21 REVEREND HARDIN: Well, to be clear, I'm not  
22 admitting that there is no clear line.

23 MR. BURTCHE: I'm not saying that. I'm saying  
24 when we start to refer to the spirit of the law,  
25 there is no clear line, and you've got to have a

1 clear line to hold someone accountable for sanctions.

2 REVEREND HARDIN: Mr. Davenport, do you have  
3 any additional thoughts about that?

4 MR. DAVENPORT: Yeah. I mean I think the  
5 spirit -- actually, in this situation, the spirit of  
6 the Canons is actually reflected in the language of  
7 the Canon that we're talking about which is different  
8 from and more expansive than the duty of anybody in  
9 the civil sector, as you've just said. The clergy  
10 have a higher duty here. And it's very dangerous, I  
11 think, for clergy who have received this e-mail to be  
12 of the mind that they -- to believe what that e-mail  
13 says because it's incorrect, that is that they are  
14 free to ignore communications from the church  
15 attorney. That are not free to do that, and he has  
16 put out false information which is disruptive of this  
17 proceeding.

18 All of that is reflected in this situation in  
19 both the spirit and the letter of the law. The  
20 overall spirit of Title IV is expressed in very lofty  
21 terms, as we all know, in Canon I about repentance  
22 and so forth, including justice. But the clergy have  
23 a higher duty than -- under Title IV than anybody  
24 that I'm aware of in any other context.

25 That's all.

1           MR. BURTCH: Well, the only thing I would add  
2 to that is that if Mr. Davenport's argument is  
3 correct, it is not clearly set out in the Canons, and  
4 the only thing that is clearly set out in the Canons  
5 is what the duty is in terms of to appear and to  
6 testify based on the change of the role of the church  
7 attorney and the change of the nature of the  
8 proceeding. So I think we're -- our arguments all  
9 boil down to things the Canons don't say. I think to  
10 hold conduct sanctionable over conduct Canons don't  
11 say is not a just result.

12           MR. DAVENPORT: I certainly disagree. We are  
13 talking about what the Canons do say.

14           PRESIDENT CARR: Any additional statements by  
15 either Mr. Burtch or Mr. Davenport?

16           MR. DAVENPORT: Not from me.

17           MR. BURTCH: If Mr. Davenport doesn't.

18           MR. DAVENPORT: No.

19           PRESIDENT CARR: Any additional questions from  
20 the panel?

21           REVEREND JONES: I don't have any more  
22 questions.

23           REVEREND HARDIN: I don't think I do either.

24           PRESIDENT CARR: I do not have any questions  
25 either. So if there are no further questions, then

1 this proceeding is concluded.

2 Thank you all for being here.

3 I would ask for Reverend Jones and Reverend  
4 Hardin to hang on because we have other things to  
5 talk about.

6 MR. BURTCH: Are we going to deal with the  
7 scheduling issue?

8 PRESIDENT CARR: Not right now.

9 MR. BURTCH: Okay.

10 PRESIDENT CARR: We want to resolve this issue  
11 prior to then scheduling -- I think just we want to  
12 make sure that this issue doesn't generate further --  
13 further matters, appeals, anything of that matter.

14 MR. BURTCH: Okay. Thank you.

15 MR. DAVENPORT: Thank you.

16 PRESIDENT CARR: Thank you very much.

17

18 (The hearing concluded at 10:51 a.m.)

19

20

21

22

23

24

25



1 COMMONWEALTH OF VIRGINIA AT LARGE:

2

3 To wit: I, Lori McCain Jones, RPR, CCR, Electronic  
4 Notary Public in and for the Commonwealth of Virginia at  
5 large, and whose commission expires January 31, 2024, do  
6 certify that the foregoing is a true, correct, and full  
7 transcript of the hearing in this matter.

8 I further certify that I am neither related to nor  
9 associated with any counsel or party to this proceeding,  
10 nor otherwise interested in the event thereof.

11 Given under my hand and notarial seal at Richmond,  
12 Virginia, this 19th day of December, 2023.

13

14

15

16

*Lori McCain Jones*

17

Lori McCain Jones, RPR, CCR - Notary Public  
Commonwealth of Virginia  
Registration No.: 115740

18

19

20

21

22

23

24

25

<b>1</b>	<b>agreed</b> 13:15	<b>based</b> 16:15 24:23 28:15 30:6
<b>10:07</b> 3:1	<b>ahead</b> 4:9	<b>basically</b> 23:20
<b>10:51</b> 31:18	<b>allegation</b> 7:17	<b>basis</b> 14:25 15:13 16:14 22:16
<b>13.11</b> 5:16	<b>allegations</b> 7:9	<b>began</b> 3:1
<b>19.18</b> 5:16 9:12 24:10	<b>allowed</b> 28:1,2	<b>begin</b> 3:25
<b>3</b>	<b>amazingly</b> 15:4	<b>beginning</b> 22:25
<b>3.1(b)</b> 5:16,19	<b>ambiguities</b> 15:20	<b>behalf</b> 20:22 26:9
<b>8</b>	<b>ambiguity</b> 16:10	<b>behavior</b> 14:20
<b>8</b> 10:22	<b>ambiguous</b> 16:11	<b>boil</b> 30:9
<b>A</b>	<b>American</b> 13:16	<b>Briefly</b> 23:10
<b>a.m.</b> 3:1 31:18	<b>anticipate</b> 15:7	<b>briefs</b> 4:3
<b>ability</b> 19:11	<b>appeals</b> 31:13	<b>brings</b> 16:25
<b>absolutely</b> 15:13 21:6	<b>applies</b> 9:6,9,12,14 24:24	<b>broader</b> 8:4,5 18:11 20:20
<b>accepted</b> 13:16	<b>apply</b> 9:1,9 18:15,16 20:2	<b>brought</b> 19:7 24:6
<b>access</b> 25:12	<b>arguable</b> 21:9	<b>burdensome</b> 22:18
<b>accountability</b> 17:22,24 18:7, 10,15	<b>argue</b> 5:21 16:10	<b>Burtch</b> 3:4,6,10,16,19 9:1 11:3,4 16:21 17:1 18:5,18 19:12,24 20:5, 15 21:6,16,23 22:2,14,20,25 23:3, 8,10 25:3,6,25 26:3,7,16,19,21 27:1,12 28:4,12,23 30:1,15,17 31:6,9,14
<b>accountable</b> 28:17 29:1	<b>argued</b> 5:21 27:18	<b>C</b>
<b>accusation</b> 15:14	<b>argument</b> 12:10 14:25 15:10 16:1 27:9 30:2	<b>call</b> 8:8,18 9:2
<b>accuse</b> 23:11	<b>arguments</b> 30:8	<b>calls</b> 27:15
<b>accused</b> 14:19	<b>articulated</b> 9:1 13:24 27:17	<b>Canon</b> 7:7 8:23 9:8 12:19,23 13:2 14:15 15:2 18:2,3 19:17,19 20:22 21:12 23:21 24:23 25:8,17,22,23 26:1,5,12,13,16 29:7,21
<b>act</b> 19:8	<b>assertion</b> 27:25	<b>canonical</b> 18:15
<b>acting</b> 17:3	<b>asserts</b> 7:25	<b>canonically</b> 28:1
<b>acuses</b> 15:10	<b>assume</b> 5:1	<b>Canons</b> 6:5,15 10:17 12:2 13:6, 25 14:1,13,14,25 15:12,16,24 16:2,7,12 17:4,8,15,16 18:2,22 21:14,16,17 25:14 26:21 27:6,17, 19 28:5 29:6 30:3,4,9,10,13
<b>add</b> 30:1	<b>assuming</b> 3:7	<b>capacity</b> 11:13
<b>additional</b> 9:18 10:24 12:3 19:7 22:19 29:3 30:14,19	<b>assumptions</b> 15:21	<b>careful</b> 23:11
<b>admits</b> 15:2	<b>attorney</b> 11:13 12:22,24 13:4,12, 13 14:19,23 15:2,5 16:24 17:1,9, 14,18,23 18:19,22 19:4,5,10,16 20:17 21:2 22:10 23:24 24:21,23 25:7,8,13,16,17 26:2,8 27:15 29:15 30:7	<b>CARR</b> 3:2,5,11,20 4:6 6:19 7:4, 22 8:7 9:5,16 10:4,24 21:23 22:19,23 23:5 25:5 26:22 30:14, 19,24 31:8,10,16
<b>admitting</b> 28:20,22	<b>attorney's</b> 12:10 13:11 14:24 15:10 17:9 18:24 20:20,23 21:24 22:6	
<b>adversarial</b> 17:15	<b>authority</b> 12:5 18:21,22,24	
<b>advice</b> 15:8	<b>aware</b> 29:24	
<b>advocacy</b> 20:21	<b>B</b>	
<b>agree</b> 5:8,22 20:25 26:23	<b>back</b> 23:7	

<p><b>case</b> 6:10,15 8:10,21 12:16,18,22 13:11,17,18 14:1,3,5 16:14,25 18:25 19:13,16 24:6 27:23</p> <p><b>Causey</b> 3:12</p> <p><b>ceases</b> 17:17</p> <p><b>change</b> 6:13,16 20:10,12 25:16 26:1 30:6,7</p> <p><b>channelling</b> 18:12</p> <p><b>check</b> 7:22</p> <p><b>choice</b> 13:22</p> <p><b>church</b> 4:23 9:12 11:13,16 12:10, 22,24 13:4,10,12,25 14:19,22,24 15:2,4,8,10 16:23 17:1,9,13,18,23 18:19,22,24 19:4,10,15 20:17,19, 23 21:1,24 22:6,9 23:23 24:21,23 25:7,8,13,16,17 26:2,8 27:7 29:14 30:6</p> <p><b>cite</b> 25:25</p> <p><b>civil</b> 8:21 27:14 29:9</p> <p><b>claim</b> 12:8,13</p> <p><b>clarification</b> 23:23</p> <p><b>clarify</b> 22:25</p> <p><b>clear</b> 4:21 12:21 15:18,25 16:3 19:25 25:21 28:18,20,21,22,25 29:1</p> <p><b>clearer</b> 27:9</p> <p><b>clergy</b> 4:12,17,21 5:13,19 6:6,7, 10,24 7:1,3,10 8:12,15,18,23 9:2, 10,15 10:1,14,15 11:11,24 12:2,3, 11 13:3 14:1,9,11,16 17:21 19:18 20:3,8,12 21:1,25 23:1,2 24:20 25:22 28:2 29:9,11,22</p> <p><b>clergy's</b> 17:24</p> <p><b>client</b> 19:14</p> <p><b>closed</b> 22:3,7</p> <p><b>collegial</b> 27:20</p> <p><b>communicate</b> 6:11 7:11,12 17:23</p> <p><b>communicated</b> 9:25</p> <p><b>communications</b> 9:21 10:15 29:14</p> <p><b>complete</b> 12:7,15</p> <p><b>completed</b> 13:9</p>	<p><b>concluded</b> 31:1,18</p> <p><b>conduct</b> 7:7 15:19 16:5 18:10 21:13,18,19 25:10 30:10</p> <p><b>conducted</b> 12:5</p> <p><b>conference</b> 18:8</p> <p><b>confused</b> 16:9</p> <p><b>connected</b> 25:14</p> <p><b>connection</b> 5:3 25:11</p> <p><b>considered</b> 26:9</p> <p><b>consistent</b> 8:2</p> <p><b>contacted</b> 6:6,9,10 21:2</p> <p><b>contention</b> 16:22 21:3</p> <p><b>contested</b> 17:17</p> <p><b>context</b> 14:13 29:24</p> <p><b>continue</b> 18:24</p> <p><b>continuing</b> 16:24</p> <p><b>contrary</b> 7:8 14:21 15:12 16:7</p> <p><b>Convention</b> 8:22</p> <p><b>cooperate</b> 4:22 7:25 8:3,13,24 12:4,8,12,14,19 13:8 14:9 19:22 20:3,12 24:21,23 25:21,23</p> <p><b>cooperation</b> 14:13</p> <p><b>cooperative</b> 27:20 28:10</p> <p><b>copied</b> 4:15</p> <p><b>correct</b> 6:8 7:2 10:16 30:3</p> <p><b>correctly</b> 6:4</p> <p><b>counsel</b> 13:12 17:11,18 18:20 19:1 20:8,9,18 25:18,20</p> <p><b>court</b> 3:14 27:7</p> <p><b>crossed</b> 15:18 28:18</p> <p><b>crossing</b> 16:3</p> <p><b>crux</b> 12:10</p> <p><b>Crystal</b> 4:8 9:17</p> <p><b>curious</b> 28:6</p> <p><b>cutoff</b> 23:14</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>damaged</b> 15:22</p>	<p><b>dangerous</b> 29:10</p> <p><b>date</b> 16:23</p> <p><b>Davenport</b> 3:3,6,9,16,18,24 4:1, 20 5:17,22,25 6:3,12,18,20,25 7:15,18,23 8:5,12 9:3,8 10:2,6,12, 21 17:25 23:7,9 27:3 29:2,4 30:12,15,16,17,18 31:15</p> <p><b>Davenport's</b> 11:2 27:25 30:2</p> <p><b>day</b> 23:15</p> <p><b>deal</b> 31:6</p> <p><b>dealing</b> 27:5,6</p> <p><b>decided</b> 24:7</p> <p><b>decision</b> 24:3</p> <p><b>decline</b> 20:8</p> <p><b>deemed</b> 19:9</p> <p><b>define</b> 12:19</p> <p><b>defined</b> 20:6 25:22</p> <p><b>definition</b> 25:7</p> <p><b>deny</b> 16:16</p> <p><b>deposition</b> 8:17</p> <p><b>depositions</b> 8:1,15</p> <p><b>describes</b> 26:1</p> <p><b>difference</b> 5:15</p> <p><b>difficulty</b> 19:23</p> <p><b>dilatory</b> 14:21 21:21</p> <p><b>diocese</b> 12:25 20:9,18,22 26:9</p> <p><b>directed</b> 11:20</p> <p><b>disagree</b> 30:12</p> <p><b>discovery</b> 10:5 16:23 22:2,4,7,9, 12,16,17 23:14</p> <p><b>discussed</b> 11:15 12:2</p> <p><b>discussing</b> 23:13</p> <p><b>disruptive</b> 7:7 14:21 29:16</p> <p><b>distinct</b> 18:8</p> <p><b>distinction</b> 4:11,20 5:8 6:7 17:21 19:23</p> <p><b>distinguishes</b> 8:20</p> <p><b>documents</b> 25:13</p> <p><b>duly</b> 11:18,22 12:1 25:24</p>
---	---	--

<p><b>duties</b> 14:12 25:9</p> <p><b>duty</b> 4:11,12,21,23 5:20 6:11 7:25 8:3,13,24,25 9:6,11 11:17 13:2,25 14:5,18 15:2,24 19:18,19 20:3,5, 6,11 21:4,8,9 24:20,22 25:21 29:8,10,23 30:5</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>e-mail</b> 4:16,19 8:16 10:3,13,15 12:6,11,18 21:25 23:1,13 24:13 29:11,12</p> <p><b>earlier</b> 17:8</p> <p><b>Ed</b> 3:13</p> <p><b>elaborate</b> 8:7</p> <p><b>elements</b> 21:19</p> <p><b>encouraged</b> 12:11 16:4</p> <p><b>engaged</b> 15:19</p> <p><b>enjoys</b> 17:7</p> <p><b>entire</b> 4:12</p> <p><b>erroneous</b> 15:8</p> <p><b>expansive</b> 29:8</p> <p><b>expectation</b> 27:13</p> <p><b>expressed</b> 29:20</p> <p><b>extending</b> 6:23</p> <p><b>extent</b> 26:14</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>fact</b> 6:16 15:13 23:1,4 28:1</p> <p><b>fail</b> 19:15</p> <p><b>failed</b> 12:8,13 15:24</p> <p><b>Failing</b> 19:21</p> <p><b>fairly</b> 4:2</p> <p><b>false</b> 29:16</p> <p><b>familiar</b> 22:17</p> <p><b>feel</b> 7:13</p> <p><b>filed</b> 16:1 23:16 26:4</p> <p><b>find</b> 10:10 19:6 20:25 21:8</p> <p><b>floor</b> 3:24</p>	<p><b>focus</b> 5:19</p> <p><b>footnote</b> 5:14 15:1</p> <p><b>found</b> 22:10</p> <p><b>free</b> 29:14,15</p> <p><b>friends</b> 11:11 24:19</p> <p><b>front</b> 20:4</p> <p><b>future</b> 5:12</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gave</b> 10:18</p> <p><b>general</b> 7:6 8:22 13:15,24 26:18</p> <p><b>generally</b> 7:6 13:16</p> <p><b>generate</b> 31:12</p> <p><b>germane</b> 19:9</p> <p><b>give</b> 10:16 26:3</p> <p><b>good</b> 3:2,3,4,7,11 19:21</p> <p><b>greater</b> 7:16</p> <p><b>group</b> 11:10</p> <p><b>guess</b> 6:25 7:17 28:5</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hang</b> 31:4</p> <p><b>happen</b> 5:6</p> <p><b>happened</b> 21:7 24:4</p> <p><b>happy</b> 16:18</p> <p><b>hard</b> 18:14</p> <p><b>Hardin</b> 6:2,13 7:5,16,19 8:25 9:4, 20 17:19 18:6 20:2,24 21:14 22:22 27:1 28:21 29:2 30:23 31:4</p> <p><b>harm</b> 14:24 21:4,6,15,20,22 24:18,21,24</p> <p><b>hear</b> 3:7</p> <p><b>heard</b> 3:6 10:7</p> <p><b>hearing</b> 4:24 5:5,7 7:2 9:14 11:7, 9,14 12:17,18,23 13:5,19 14:2,4, 6,8,10 15:6 16:8,16 17:11,24 18:8,15,25 19:1,2,17 20:1,4,16, 17,19 24:3,7,17 25:6,19 26:8 28:3,13 31:18</p>	<p><b>Herbert</b> 9:17</p> <p><b>higher</b> 29:10,23</p> <p><b>highly</b> 17:13</p> <p><b>hold</b> 21:10 28:16 29:1 30:10</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea</b> 8:15 28:7,8</p> <p><b>identify</b> 10:12,13</p> <p><b>ignore</b> 29:14</p> <p><b>Ill</b> 18:3</p> <p><b>imagination</b> 24:15</p> <p><b>imperfect</b> 26:21 27:6</p> <p><b>implied</b> 14:12</p> <p><b>implies</b> 11:22</p> <p><b>important</b> 25:15</p> <p><b>impose</b> 13:2 14:1</p> <p><b>imposed</b> 14:5</p> <p><b>improper</b> 15:12,19 16:5 17:13 20:7 21:12 22:11,15</p> <p><b>include</b> 4:16 24:20</p> <p><b>included</b> 6:21</p> <p><b>including</b> 29:22</p> <p><b>incorrect</b> 21:10 29:13</p> <p><b>incorrectly</b> 16:7</p> <p><b>inferences</b> 15:21</p> <p><b>information</b> 13:3 19:7 29:16</p> <p><b>inhibited</b> 17:2</p> <p><b>integrity</b> 7:8,14 14:22 24:25</p> <p><b>intention</b> 4:3</p> <p><b>interpret</b> 16:8</p> <p><b>interpretation</b> 21:11</p> <p><b>interpreted</b> 16:13</p> <p><b>investigate</b> 16:25 19:8 26:15</p> <p><b>investigating</b> 17:2</p> <p><b>investigation</b> 12:4,9,15 14:4 18:9,17 19:22,24 23:18,19,25 24:5 25:12,14</p> <p><b>investigations</b> 12:7 13:8 14:10</p>
--	---	--

<p>17:11 25:10</p> <p><b>investigative</b> 12:9 18:23 20:21</p> <p><b>investigator</b> 24:1 25:10</p> <p><b>investigatory</b> 17:22</p> <p><b>involved</b> 23:24</p> <p><b>issue</b> 4:13 11:8 31:7,10,12</p> <p><b>issued</b> 5:7</p> <p><b>issues</b> 4:2</p> <p><b>IV</b> 11:10 12:12 29:20,23</p> <p><b>IV.13.11</b> 7:7</p> <p><b>IV.13.6</b> 12:23</p> <p><b>IV.13.6.</b> 26:5</p> <p><b>IV.19.18</b> 15:2</p> <p><b>IV.2</b> 25:8</p> <p><b>IV.3</b> 18:3</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Jones</b> 4:8 5:10,24 7:20 9:19 10:7,19,23 16:20,22 19:6,21 20:10 22:11,21 25:25 26:6,13,18, 20,24 30:21 31:3</p> <p><b>justice</b> 29:22</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>kind</b> 5:10 21:19</p> <p><b>kinds</b> 25:12</p> <p><b>knowledge</b> 9:7</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>laity</b> 6:24</p> <p><b>language</b> 23:21 29:6</p> <p><b>law</b> 13:16 27:9 28:7,16,19,24 29:19</p> <p><b>lawyers</b> 13:14 14:17</p> <p><b>lay</b> 11:16,20 14:15</p> <p><b>laypeople</b> 4:12,17 5:13 9:14 19:18</p> <p><b>layperson</b> 9:6,10</p>	<p><b>laypersons</b> 9:9</p> <p><b>legal</b> 5:10</p> <p><b>letter</b> 29:19</p> <p><b>limit</b> 10:14</p> <p><b>limited</b> 7:18,25 8:14 17:5 22:16</p> <p><b>limiting</b> 7:2</p> <p><b>list</b> 4:18</p> <p><b>lofty</b> 29:20</p> <p><b>longer</b> 26:15</p> <p><b>lopsided</b> 19:3</p> <p><b>Lori</b> 3:14</p> <p><b>lot</b> 13:14 24:15</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>make</b> 11:6 14:2,16 15:14 16:1 31:12</p> <p><b>makes</b> 24:3</p> <p><b>making</b> 17:21</p> <p><b>mandated</b> 14:12</p> <p><b>matter</b> 13:5 14:8 20:16,18 27:14 31:13</p> <p><b>matters</b> 31:13</p> <p><b>means</b> 12:20 14:13</p> <p><b>meant</b> 27:11</p> <p><b>member</b> 20:7</p> <p><b>members</b> 9:12 11:11,16,21 13:3 14:9 15:8</p> <p><b>mention</b> 5:15</p> <p><b>Miller</b> 3:13</p> <p><b>mind</b> 27:8 29:12</p> <p><b>minute</b> 20:19 26:4</p> <p><b>minutes</b> 3:21,23</p> <p><b>morning</b> 3:2,3,4,7 15:6</p> <p><b>motion</b> 10:22 15:19 16:2,17 22:3, 8,9 23:16 28:12,13</p> <p><b>motives</b> 22:6</p> <p><b>move</b> 11:2</p> <p><b>muted</b> 3:13</p>	<hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>narrow</b> 6:6 20:21</p> <p><b>narrows</b> 13:2</p> <p><b>nature</b> 9:22 30:7</p> <p><b>necessarily</b> 5:11</p> <p><b>neutral</b> 13:13</p> <p><b>news</b> 23:14</p> <p><b>normal</b> 8:21 24:8 27:13</p> <p><b>notes</b> 7:22</p> <p><b>notice</b> 5:7 7:2 8:16 11:18 13:7,20 14:7 19:20 24:13 25:24</p> <p><b>noticed</b> 9:14 11:20 14:11,18 15:3</p> <p><b>notices</b> 15:9</p> <p><b>notified</b> 24:19</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obligation</b> 8:9,18,22 11:24 12:3 21:1</p> <p><b>obvious</b> 11:17</p> <p><b>offense</b> 21:5</p> <p><b>offer</b> 14:23</p> <p><b>official</b> 8:1</p> <p><b>officially</b> 6:14</p> <p><b>opinion</b> 16:12</p> <p><b>oppressive</b> 22:18</p> <p><b>order</b> 28:16</p> <p><b>ordered</b> 24:1</p> <p><b>oversee</b> 25:10</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pains</b> 8:23</p> <p><b>panel</b> 4:4 10:25 11:7,9,14,18 12:17,19,23 13:5 14:2,4,6,9,10 15:6 16:8,16,25 17:11,24 18:8,16 19:1,2,17 20:1,4,16,17,19 24:1,2, 4,6,7 25:6,19 26:8 28:3 30:20</p> <p><b>panel's</b> 18:9</p>
--	--	--

<b>paper</b> 26:4	<b>proceeding</b> 4:22 5:3 12:4,12 15:22 17:17 18:1 19:3,14,22,25 20:11 21:3 23:19,21 27:7,8,10 29:17 30:8 31:1	<b>refuse</b> 11:22 19:15
<b>papers</b> 15:25	<b>proceedings</b> 3:1 7:9,14 12:20, 24 14:22 18:13 26:7	<b>refused</b> 12:14
<b>paragraph</b> 7:10,13 10:22	<b>process</b> 12:9 14:24 22:7 24:18, 22,24 25:1 27:20 28:3	<b>relies</b> 15:20
<b>part</b> 19:24,25 24:25 25:1	<b>profoundly</b> 28:14	<b>remaining</b> 11:2 23:6
<b>participate</b> 13:10	<b>prohibited</b> 16:24	<b>reopen</b> 10:5 22:9
<b>parties</b> 14:17 17:5 28:9	<b>proper</b> 13:17 14:7 17:5	<b>reopened</b> 22:4
<b>party</b> 6:15,17 11:14 12:25 13:1,5, 13 15:21 17:6,14,25 19:2 25:18, 20 26:10 28:15	<b>proven</b> 21:15,17	<b>reopening</b> 22:12,15
<b>party's</b> 27:15	<b>provide</b> 13:3 17:4	<b>repeat</b> 15:7
<b>passed</b> 16:23	<b>provided</b> 25:9	<b>repeated</b> 15:5
<b>people</b> 4:15,17,18	<b>provision</b> 13:9	<b>repentance</b> 29:21
<b>person</b> 6:10 9:2 11:19 12:8,13 16:4,8 21:25	<b>put</b> 29:16	<b>reply</b> 4:24
<b>persons</b> 4:18		<b>reporter</b> 3:14
<b>phone</b> 8:9	<hr/> <b>Q</b> <hr/>	<b>reports</b> 24:2
<b>places</b> 10:1	<b>question</b> 4:7 6:2 7:5,17 13:2 16:20 17:19 20:13 22:5 24:9 27:2	<b>representative</b> 11:13 13:4 17:4
<b>plainly</b> 19:2	<b>questions</b> 3:17 4:4 7:21 8:10,19 9:18 10:8,25 11:7 14:17 16:19 17:23 22:19 23:6 30:19,22,24,25	<b>representing</b> 14:17 17:14
<b>ploy</b> 22:4 23:12	<b>quote</b> 28:15	<b>represents</b> 12:25
<b>point</b> 4:25 6:15,25 7:3 9:18 12:16,24 14:2 19:19 25:6,20	<hr/> <b>R</b> <hr/>	<b>request</b> 6:21 21:24 22:15
<b>position</b> 8:2,3	<b>raised</b> 22:3	<b>requests</b> 8:1,2
<b>potential</b> 8:21 13:18,19,23 14:15	<b>read</b> 16:7 23:20	<b>require</b> 10:17 14:14,15 21:14,17
<b>potentially</b> 10:5,6	<b>reading</b> 6:14 10:17 20:25 28:6	<b>required</b> 28:2,4
<b>powers</b> 25:9	<b>reason</b> 9:21,23,24	<b>requirement</b> 13:6
<b>preparation</b> 13:10	<b>reasonable</b> 5:1	<b>requires</b> 13:9 15:17 24:15 25:23
<b>preparing</b> 19:13,16	<b>rebuttal</b> 3:22 4:5	<b>reserve</b> 3:21 4:4 11:1,5 23:6
<b>presentation</b> 11:6	<b>received</b> 4:18 29:11	<b>reserved</b> 25:4
<b>presented</b> 4:3	<b>refer</b> 28:24	<b>resolution</b> 10:9
<b>President</b> 3:2,5,11,20 4:1,6 6:19 7:4,22 8:7 9:5,16 10:4,24 21:23 22:19,23 23:5 25:5 26:22 30:14, 19,24 31:8,10,16	<b>reference</b> 17:10 20:16 24:1,2,6	<b>resolve</b> 31:10
<b>presume</b> 4:17	<b>referral</b> 25:19	<b>respect</b> 5:4 24:14,16
<b>principle</b> 13:16,24	<b>referred</b> 14:8 18:25	<b>respond</b> 11:18 20:13
<b>prior</b> 3:17 14:8 17:10 31:11	<b>refers</b> 20:16	<b>respondent</b> 5:2 6:23 10:13 11:10 12:6,17 13:1,11 14:20 15:7, 11,15,17,18,23 16:6,9,15 17:12 18:20 20:9 24:10,19 26:10
<b>privilege</b> 17:7	<b>reflected</b> 29:6,18	<b>respondent's</b> 7:24 11:21 12:11 19:5
<b>procedural</b> 3:16		<b>response</b> 7:24 21:24
<b>procedure</b> 27:14		<b>result</b> 30:11
		<b>reveal</b> 4:14
		<b>Reverend</b> 4:8 5:10,18,24 6:2,13 7:5,16,19,20 8:25 9:4,19,20 10:7,

19,23 16:20,22 17:19 18:6 19:6, 21 20:2,10,24 21:14 22:11,21,22 25:25 26:6,13,18,20,24 27:1 28:21 29:2 30:21,23 31:3	<b>speculation</b> 15:21	<b>terms</b> 9:8 17:8 25:12 29:21 30:5
<b>ripe</b> 5:23	<b>speculative</b> 24:9,12	<b>testify</b> 4:23 9:13 11:17,22 12:1 13:7 14:6 15:3,9 19:20 20:6 25:24 30:6
<b>role</b> 12:21 17:10,12,17 18:19 20:20,21,23 25:16 26:1,14 30:6	<b>spelled</b> 10:21	<b>thing</b> 5:4 10:2 16:6,9 24:16 30:1, 4
<b>room</b> 13:15	<b>spent</b> 23:17	<b>things</b> 4:14 14:14 30:9 31:4
<b>rule</b> 25:1	<b>spirit</b> 17:16 27:9,10 28:6,15,19, 24 29:5,19,20	<b>thinking</b> 10:10
<hr/>	<b>spoken</b> 6:22	<b>thirty</b> 3:20,23
<b>S</b>	<b>stage</b> 12:15,20 14:10 17:22,24 18:23 23:18,19,20,25	<b>thoughts</b> 9:5 17:20 27:3 29:3
<hr/>	<b>stance</b> 28:10	<b>time</b> 3:22,25 4:4 11:2,5 18:14 23:6,17 25:4
<b>sanction</b> 28:15	<b>standards</b> 18:10	<b>Title</b> 11:10 12:5,12 25:9 29:20,23
<b>sanctionable</b> 10:11 16:5 21:5, 13,18,19 30:10	<b>start</b> 3:22 28:19,24	<b>today</b> 5:23
<b>sanctions</b> 6:21 10:9,22 15:17,20 16:3,15 21:10 22:3,8 23:16 25:1 28:13,17 29:1	<b>starting</b> 3:17	<b>told</b> 11:10
<b>scheduling</b> 31:7,11	<b>statement</b> 11:21	<b>totally</b> 12:7
<b>scope</b> 18:21 19:5	<b>statements</b> 30:14	<b>trial</b> 5:5
<b>sections</b> 18:8,13	<b>status</b> 14:3	<b>triggered</b> 15:4
<b>sector</b> 29:9	<b>stipulated</b> 26:25	<b>triggers</b> 20:14
<b>secular</b> 27:14	<b>street</b> 9:3	<b>truth</b> 27:21,24
<b>send</b> 5:2 24:3,7	<b>subject</b> 13:20 15:17 21:10	<b>Two-way</b> 9:3
<b>served</b> 11:18,20,23 12:1 15:9 25:24 28:11	<b>subpoena</b> 13:20	<hr/>
<b>set</b> 17:8 18:14 19:19 20:22 25:17 30:3,4	<b>subsequent</b> 18:25	<b>U</b>
<b>short</b> 11:6	<b>sudden</b> 28:7,8	<hr/>
<b>side</b> 12:25 13:1,12,17 26:10	<b>suggestion</b> 15:14 23:10	<b>unable</b> 14:23
<b>simple</b> 11:9	<b>suggests</b> 11:21,25	<b>unclear</b> 21:12
<b>simply</b> 22:4	<b>supervisory</b> 17:10	<b>understand</b> 5:14
<b>single</b> 14:23	<b>support</b> 17:16	<b>understanding</b> 6:4,5,9 17:3 18:14
<b>situation</b> 8:20 9:7 29:5,18	<b>supports</b> 16:2	<b>unfair</b> 19:3 28:14
<b>so-called</b> 24:19	<b>suppose</b> 5:20	<hr/>
<b>solely</b> 15:20	<hr/>	<b>V</b>
<b>sort</b> 17:10 18:12 27:12 28:9	<b>T</b>	<hr/>
<b>speak</b> 4:13 11:12 13:3,21,22 19:15 20:8 21:1 28:2,4	<b>talk</b> 8:9 13:18 27:15 31:5	<b>violate</b> 11:10 24:10
<b>specific</b> 7:13	<b>talked</b> 23:18	<b>violates</b> 7:14 15:15
<b>specifically</b> 10:9 26:14,19	<b>talking</b> 5:15 18:2 23:17 24:14 28:19 29:7 30:13	<b>violation</b> 7:6 10:11 19:17
	<b>tampered</b> 5:21	<b>virtually</b> 23:24
	<b>tampering</b> 14:20 21:21	<b>vitality</b> 25:13
	<b>telling</b> 7:10	
	<b>terminology</b> 18:4,6	

---

**W**

---

**wanting** 6:22

**ways** 9:25

**window** 28:10

**wished** 11:12

**witnesses** 8:21

**word** 17:15

**work** 27:24

**world** 27:14

**worst** 16:6,9

**wrong** 6:8

**wrote** 12:17