

SUPREME COURT OF TEXAS

John Doe v. Roman Catholic Diocese of Dallas

No. 21-1050 · No. No. 21-1050 · Decided October 21, 2022

SUMMARY

Justice Lehrmann concurred in the Texas Supreme Court’s denial of John Doe’s petition for review. The concurrence explains that ecclesiastical abstention barred Doe’s fraud claims because resolving them would require evaluating the Diocese’s internal ecclesiastical processes, while emphasizing that religious entities are not categorically immune from ordinary tort liability.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Debra H. Lehrmann
JURISDICTION	Texas
DECIDED	October 21, 2022
DOCKET	No. 21-1050
DISPOSITION	writ_denied
PROCEDURAL POSTURE	John Doe petitioned the Supreme Court of Texas for review of a decision by the Court of Appeals for the Fifth District of Texas holding that the ecclesiastical-abstention doctrine barred his fraud claims. Justice Lehrmann concurred in the denial of the petition for review.
PRECEDENTIAL VALUE	Published concurrence in denial of petition for review; the concurrence's separate reasoning is not a majority holding.
PARTIES	John Doe v. Roman Catholic Diocese of Dallas

TOPICS

- appellate procedure
- civil procedure
- fraud
- torts

PRACTICE AREAS

- Civil procedure
- Torts
- Appellate procedure
- Religious-liberty litigation

QUESTIONS PRESENTED

1. Whether the ecclesiastical-abstention doctrine bars Doe's fraud claims because resolving them would require evaluating the Diocese's compliance with its internal ecclesiastical processes and policies.
2. What limits apply to ecclesiastical abstention, including whether religious entities remain subject to neutral principles of law and ordinary tort liability for non-ecclesiastical conduct.

HOLDINGS

1. The court of appeals correctly determined that Doe's fraud claims were barred because resolving them would require the court to evaluate the Diocese's compliance with its ecclesiastical processes and internal-affairs policy, thereby requiring the court to reach behind the ecclesiastical curtain.
2. Ecclesiastical abstention does not categorically immunize a church from tort liability; courts must decide non-ecclesiastical issues under the same neutral principles of law applicable to other entities.

KEY QUOTATIONS

“if the substance and nature of the plaintiff’s claims are inextricably intertwined with matters of doctrine or church governance, then the case must be dismissed” (2)

“defer[] to religious entities’ decisions on ecclesiastical and church polity questions” (2)

“based on the same neutral principles of law applicable to other entities.” (2)

“a church is not immune from tort liability merely because it is a church.” (2)

“reach[ing] behind the ecclesiastical curtain.” (3)

FACTUAL BACKGROUND

Doe alleged that a priest had sexually abused him years earlier and claimed that the Diocese failed to fulfill an alleged promise to follow internal ecclesiastical processes when investigating his allegations and securing the priest's resignation. He did not assert that the Diocese itself committed the sexual abuse or that it negligently or intentionally allowed the accused priest to harm others despite knowledge of the risk. The court viewed the fraud claims as requiring judicial inquiry into the Diocese's canonical rules and internal-affairs policies.

PROCEDURAL HISTORY

The court of appeals held that Doe's fraud claims were barred because resolving them would require evaluating the Diocese's compliance with its internal ecclesiastical processes and policies. The Supreme Court of Texas denied Doe's petition for review. Justice Lehrmann separately concurred in that denial and discussed limits on ecclesiastical abstention.

DISPOSITION

writ_denied

CASES CITED

- 2021 WL 3556830, at *1 (Tex. App.—Dallas Aug. 11, 2021)
- In re Diocese of Lubbock, 624 S.W.3d 506, 514 (Tex. 2021)
- Masterson v. Diocese of Nw. Tex., 422 S.W.3d 594, 596 (Tex. 2013)
- Pleasant Glade Assembly of God v. Schubert, 264 S.W.3d 1, 12 (Tex. 2008)
- In re Diocese of Lubbock, 624 S.W.3d 506, 514 n.2 (Tex. 2021)
- In re Diocese of Lubbock, 624 S.W.3d 506, 514 n.3 (Tex. 2021)

OPINION

John Doe v. Roman Catholic Diocese of Dallas

PER CURIAM.

Supreme Court of Texas ===== No. 21-1050 ===== John Doe, Petitioner, v.
Roman Catholic Diocese of Dallas, Respondent

===== On Petition for Review from
the Court of Appeals for the Fifth District of Texas
===== JUSTICE LEHRMANN,

concurring in the denial of the petition for review. In a well-reasoned opinion, the court of appeals held that the ecclesiastical-abstention doctrine bars Doe’s fraud claims, which are premised on the Diocese’s implementation of an internal policy relating to its investigation of Doe’s allegation that a priest had sexually abused him years earlier. 2021 WL 3556830, at *1 (Tex. App.—Dallas Aug. 11, 2021). As the court explained, courts may not adjudicate claims that ask us to evaluate whether the church followed its own canonical rules and internal-affairs policies. See *In re Diocese of Lubbock*, 624 S.W.3d 506, 514 (Tex. 2021) (noting that “if the substance and nature of the plaintiff’s claims are inextricably intertwined with matters of doctrine or church governance, then the case must be dismissed”). I thus agree with this Court’s decision to deny Doe’s petition for review. I write separately to reiterate important limiting principles recognized in our ecclesiastical-abstention precedent. First, though courts must “defer[] to religious entities’ decisions on ecclesiastical and church polity questions,” we will decide non-ecclesiastical issues “based on the same neutral principles of law applicable to other entities.” *Masterson v. Diocese of Nw. Tex.*, 422 S.W.3d 594, 596 (Tex. 2013). Second, and relatedly, “a church is not immune from tort liability merely because it is a church.” *In re Diocese of Lubbock*, 624 S.W.3d at 514 n.2. Nor may a church transform a tort or crime into protected religious conduct merely by enacting a policy that touches on it. Cf. *id.* at 514 n.3 (noting that “conduct even under religious guise remains subject to regulation for the protection of society” (quoting *Pleasant Glade Assembly of God v. Schubert*, 264 S.W.3d 1, 12 (Tex. 2008))). But that simply is not what happened here. Doe does not assert claims of sexual abuse against the Diocese, nor does he claim that the Diocese negligently or intentionally allowed the accused priest to harm others despite its knowledge. Rather, as the Diocese argues, Doe’s claim is “based on the allegation that the Diocese did not fulfill its alleged promise to follow the ecclesiastical processes described in the Policy when it conducted its

investigation into Petitioner's allegations and secured the priest's resignation." The court of appeals correctly determined that resolving Doe's claims would require "reach[ing] behind the ecclesiastical curtain." 2021 WL 3556830, at *8 (quoting *In re Diocese of Lubbock*, 624 S.W.3d at 515). Accordingly, this case does not present the Court with the opportunity to apply the recognized limits of the ecclesiastical- abstention doctrine and thereby ensure a religious entity does not escape tort liability merely because it is a religious entity. But the Court will not hesitate to do so in an appropriate case. With these additional thoughts, I respectfully concur in the denial of the petition for review. Debra H. Lehrmann Justice OPINION FILED: October 21, 2022 3