

SUPREME COURT OF TEXAS

In re Diocese of Lubbock

624 S.W.3d 506 (Tex. 2021) · No. 20-0127 · Decided June 11, 2021

SUMMARY

The Supreme Court of Texas conditionally granted the Diocese of Lubbock’s petition for writ of mandamus in a defamation and intentional-infliction-of-emotional-distress suit brought by an ordained deacon whose name appeared on the Diocese’s list of clergy credibly accused of sexual abuse of a minor. The Court held that ecclesiastical abstention barred the trial court from adjudicating claims that were inextricably intertwined with the Diocese’s internal investigation of clergy and its application of Canon Law. The Court directed the trial court to dismiss the underlying lawsuit.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice John P. Devine; Chief Justice Hecht; Justice Guzman; Justice Lehrmann; Justice Blacklock; Justice Busby; Justice Bland; Justice Huddle; Justice Devine; Justice Boyd
JURISDICTION	Texas
DECIDED	June 11, 2021
DOCKET	20-0127
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The Diocese sought mandamus relief from the trial court's denial of its plea to the jurisdiction, arguing that the First Amendment's ecclesiastical abstention doctrine deprived the trial court of jurisdiction over Guerrero's defamation and intentional-infliction-of-emotional-distress claims.
STANDARD OF REVIEW	The Supreme Court reviews a trial court's ruling on a plea to the jurisdiction de novo. A plea should be denied when the pleadings allege facts affirmatively demonstrating jurisdiction, but granted without an opportunity to replead when the pleadings affirmatively negate jurisdiction. Mandamus is appropriate when the trial court lacks jurisdiction.
PRECEDENTIAL VALUE	Published Texas Supreme Court opinion; precedential
PARTIES	Diocese of Lubbock v. Jesus Guerrero

TOPICS

establishment clause free exercise clause subject matter jurisdiction writ of certiorari appellate procedure

PRACTICE AREAS

constitutional law civil procedure defamation religious liberty appellate procedure

QUESTIONS PRESENTED

1. Whether the ecclesiastical abstention doctrine deprived the trial court of jurisdiction over Guerrero's defamation and intentional-infliction-of-emotional-distress claims.
2. Whether Guerrero's claims were inextricably intertwined with the Diocese's internal investigation of its clergy and application of Canon Law.
3. Whether the public posting and media discussion of the Diocese's investigative results removed the dispute from the protection of ecclesiastical abstention.
4. Whether mandamus was an appropriate remedy for the trial court's refusal to dismiss the case for lack of jurisdiction.

HOLDINGS

1. The First Amendment's ecclesiastical abstention doctrine bars civil adjudication of claims whose substance and nature are inextricably intertwined with a church's internal affairs, governance, administration, doctrine, or application of its own religious rules.
2. A church's publication of the results of an internal ecclesiastical investigation to the public does not, by itself, eliminate ecclesiastical abstention; the controlling inquiry is the substance and nature of the plaintiff's claims and whether they implicate internal church governance or religious decision-making.
3. Mandamus relief was warranted because the trial court lacked jurisdiction over the underlying suit under the ecclesiastical abstention doctrine.

KEY QUOTATIONS

“Under the First Amendment, however, courts must abstain from exercising civil jurisdiction over claims that require them to “resolve a religious question” or “impede the church’s authority to manage its own affairs.”” (at 507)

“Investigations that relate to the character and conduct of church leaders are inherently ecclesiastical.” (at 517)

“Exercising jurisdiction over the underlying case will not only require the trial court to evaluate whether the Lubbock Diocese properly applied Canon Law but will also encroach on the Diocese’s decision to investigate its clergy consistent with its internal policies.” (at 520)

FACTUAL BACKGROUND

Jesus Guerrero was ordained as a deacon in the Diocese of Lubbock and had his diaconal faculties suspended and later permanently withdrawn after investigations into alleged sexual misconduct involving an adult woman with mental and emotional disorders. In 2018, Texas Catholic bishops adopted a plan to publish the names of clergy credibly accused of sexual abuse of a minor, and the Diocese posted its list publicly in January 2019 with Guerrero's name on it. The Diocese explained that it had applied Canon Law's definition of minor, which includes persons who habitually lack the use of reason or are otherwise vulnerable because of a health or mental condition. Guerrero denied the allegations and sued for defamation and intentional infliction of emotional distress, challenging both the credibility of the allegations and the Diocese's use of the canonical definition.

PROCEDURAL HISTORY

Guerrero sued the Diocese after it included his name on a public list of clergy credibly accused of sexual abuse of a minor. The trial court denied the Diocese's TCPA motion to dismiss and plea to the jurisdiction. The court of appeals denied mandamus relief, reasoning that the public nature of the Diocese's communications made the dispute non-ecclesiastical. The Supreme Court of Texas consolidated the mandamus proceeding with the Diocese's TCPA appeal, dismissed the accompanying TCPA appeal as unnecessary to resolve the jurisdictional issue, and conditionally granted mandamus.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court's order denying the Diocese's plea to the jurisdiction is vacated. The trial court is directed to dismiss Guerrero's underlying lawsuit for want of jurisdiction. The writ will issue only if the trial court does not comply.

CASES CITED

- Serbian E. Orthodox Diocese v. Milivojevich, 426 U.S. 696, 708-09, 714, 717, 724-26 (1976)
- Watson v. Jones, 80 U.S. 679, 728-29, 733 (1871)
- Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church, 344 U.S. 94, 116 (1952)
- Westbrook v. Penley, 231 S.W.3d 389, 394, 396-400, 402-05 (Tex. 2007)
- Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC, 565 U.S. 171, 188, 190, 195 n.4, 201 (2012)
- Our Lady of Guadalupe School v. Morrissey-Berru, 140 S. Ct. 2049, 2060-61, 2069 (2020)
- Kreshik v. St. Nicholas Cathedral, 363 U.S. 190, 191 (1960) (per curiam)
- Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 532 (1993)
- Tilton v. Marshall, 925 S.W.2d 672, 677 (Tex. 1996)
- Masterson v. Diocese of Nw. Tex., 422 S.W.3d 594, 596 (Tex. 2013)
- Jones v. Wolf, 443 U.S. 595, 603-05 (1979)
- Jennison v. Prasifka, 391 S.W.3d 660, 665, 668 (Tex. App.—Dallas 2013, no pet.)

- Shannon v. Mem'l Drive Presbyterian Church U.S., 476 S.W.3d 612, 624-25 (Tex. App.—Houston [14th Dist.] 2015, pet. denied)
- Tran v. Fiorenza, 934 S.W.2d 740, 743 (Tex. App.—Houston [1st Dist.] 1996, no writ)
- Patton v. Jones, 212 S.W.3d 541, 548, 555 n.12 (Tex. App.—Austin 2006, pet. denied)
- NLRB v. Cath. Bishops of Chicago, 440 U.S. 490, 502 (1979)
- Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Mem'l Presbyterian Church, 393 U.S. 440, 449 (1969)
- Kavanagh v. Zwilling, 997 F. Supp. 2d 241, 247, 252-54 (S.D.N.Y. 2014)
- Whole Woman's Health v. Smith, 896 F.3d 362, 373-74 (5th Cir. 2018)
- Pleasant Glade Assembly of God v. Schubert, 264 S.W.3d 1, 12 (Tex. 2008)
- In re Crawford & Co., 458 S.W.3d 920, 929 (Tex. 2015) (per curiam)
- In re Entergy Corp., 142 S.W.3d 316, 320-21 (Tex. 2004)
- Hous. Belt & Terminal Ry. Co. v. City of Houston, 487 S.W.3d 154, 160 (Tex. 2016)
- City of El Paso v. Heinrich, 284 S.W.3d 366, 378 (Tex. 2006)
- Tex. Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 227 (Tex. 2004)
- Double Diamond, Inc. v. Van Tyne, 109 S.W.3d 848, 855 (Tex. App.—Dallas 2003, no pet.)
- Randall's Food Mkts., Inc. v. Johnson, 891 S.W.2d 640, 646 (Tex. 1995)
- Hersh v. Tatum, 526 S.W.3d 462, 465 (Tex. 2017)
- In re Lipsky, 460 S.W.3d 579, 593 (Tex. 2015)
- EEOC v. Cath. Univ. of America, 83 F.3d 455, 460 (D.C. Cir. 1996)
- Bosse v. Oklahoma, 137 S. Ct. 1, 2 (2016) (per curiam)
- Doe v. First Presbyterian Church U.S.A. of Tulsa, 421 P.3d 284, 290-91 (Okla. 2017)
- Pfeil v. St. Matthews Evangelical Lutheran Church of Unaltered Augsburg Confession of Worthington, 877 N.W.2d 528, 534-35 (Minn. 2016)
- St. Joseph Cath. Orphan Soc'y v. Edwards, 449 S.W.3d 727, 737 (Ky. 2014)
- Church of God in Christ, Inc. v. L.M. Haley Ministries, Inc., 531 S.W.3d 146, 157 (Tenn. 2017)
- Diocese of Palm Beach, Inc. v. Gallagher, 249 So. 3d 657, 661 (Fla. Dist. Ct. App. 2018)
- In re St. Thomas High Sch., 495 S.W.3d 500, 513-14 (Tex. App.—Houston [14th Dist.] 2016, no pet.)
- Cox v. Thee Evergreen Church, 836 S.W.2d 167 (Tex. 1992)
- Zion Missionary Baptist Church v. Pearson, 695 S.W.2d 609 (Tex. App.—Dallas 1985, writ denied)
- District of Columbia v. Heller, 554 U.S. 570, 595 (2008)
- United States v. Williams, 553 U.S. 285 (2008)
- Cantwell v. Connecticut, 310 U.S. 296, 304 (1941)

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