

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Friday *the* 10th *day of* October, 2014.

Linwood Smith, Sr., Pastor, et al., Appellants,

against Record No. 140113
Circuit Court No. CL13000049-00

Thomas Wade, Trustee, et al., Appellees.

Upon an appeal from a
judgment rendered by the Circuit
Court of Amelia County.

Upon consideration of the record, briefs, and argument of counsel, the Court is of opinion that there is error in the judgment of the circuit court.

In 1997, the Promise Land Baptist Church (the "Church") adopted a constitution (the "Church Constitution"), which was subsequently amended in 2003. The Church Constitution establishes the procedure by which Church matters are to be conducted, including the selection of a pastor.

Prior to June 2012, Rev. Linwood Smith, Sr. ("Smith") was the pastor of the Church. Charles Taylor ("Taylor"), George Booker, William Butler, Fletcher Perry, and William H. Robinson were deacons of the Church (collectively, the "Board of Deacons"). Additionally, Taylor served as Chairman of Deacons-Elect.

On June 20, 2012, Taylor was relieved of his duties as Chairman of Deacons-Elect due to his making individual decisions about church matters without consulting the other deacons. In August 2012, Samantha Jackson, Taylor's sister, was relieved of her position as Treasurer for the Church due to her failing to provide financial

reports and demonstrating rudeness and disrespect toward Smith and one of the deacons. On September 12, 2012, Taylor was informed that he had been relieved of his deaconship due to repeated insubordination and continued disrespect shown toward the Board of Deacons and Smith.

On September 15, 2012, Taylor called a church meeting. At the meeting, Taylor held a vote to remove Smith and two of the deacons. Notably, there were no deacons present at the September 15, 2012 church meeting. Smith subsequently received a letter purporting to terminate his position as pastor. The letter claimed that the recommendation for termination came from the Board of Deacons and was signed by Taylor in his capacity as a deacon.

An altercation occurred during services on the following Sunday involving Taylor's mother. Taylor subsequently had the locks on the Church changed and banned Smith from the premises and refused to pay him his salary.

After mediation between the parties failed, Smith brought a declaratory judgment action against Taylor and the other church trustees. In his complaint, Smith requested the trial court to, among other things, declare Taylor's actions to be in violation of the Church Constitution and reinstate Smith to his position as pastor.

Taylor filed a demurrer, claiming that the trial court did not have subject matter jurisdiction over the matter because it involved "church governance." After hearing argument on the matter, the trial court granted the demurrer, ruling that this was a personnel matter that is part of the Church's internal governance.

On appeal, Smith argues that the trial court erred in ruling that it did not have subject matter jurisdiction over this matter because this case does not involve an ecclesiastical dispute. We agree.

As we explained in Reid v. Gholson, 229 Va. 179, 327 S.E.2d 107 (1985), church members may appeal to the courts to ensure the simple and fundamental principles of democratic government are enforced.

These principles include the right to reasonable notice, the right to attend and advocate one's views, and the right to an honest count of the votes. Such rights are fundamental to our notions of due process. They are neutral principles of law, applicable not only to religious bodies, but to public and private lay organizations and to civil governments as well.

Id. at 189-90, 327 S.E.2d at 113.

Accordingly, we held that "where church property and civil rights disputes can be decided without reference to questions of faith and doctrine, there is no constitutional prohibition against their resolution by the civil courts." Id. at 187, 327 S.E.2d at 79.

In the present case, there is no need for an inquiry into the faith or doctrine of the Church. Rather, the applicable inquiry is limited to whether the process established in the Church Constitution for making church decisions was followed.

The trial court, in reaching its conclusion relied on Jae-Woo Cha v. Korean Presbyterian Church of Washington, 262 Va. 604, 553 S.E.2d 511 (2001). Jae-Woo Cha, however, is inapposite to the present case. In Jae-Woo Cha, the plaintiff argued that the reason he was terminated was improper; he made no argument regarding

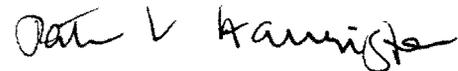
whether the church followed the proper procedure in terminating him. In the present case, Smith requests that the trial court determine whether the actions taken by Taylor were in accord with the Church Constitution. In other words, the issue is limited to whether an established procedure for terminating Smith was followed. Furthermore, unlike Jae-Woo Cha, the trial court need not ever consider the reason why Smith was terminated. Accordingly, the trial court erred in ruling that it did not have subject matter jurisdiction over this matter.

For these reasons, we will reverse the judgment of the circuit court and remand for further proceedings.

This order shall be certified to the said circuit court.

A Copy,

Teste:

A handwritten signature in cursive script, appearing to read "Paul V. Kammig".

Clerk