

Right or Wrong? Sued by the pastor

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Our church just asked the pastor to leave, citing incompetence. Now, the former pastor has sued our church for wrongful termination, even though we live in an "at will" state. How could we have handled this situation better?

If the pastor was a bad fit for your congregation, leadership should have acted in a manner that, at a minimum, gave the pastor a graceful exit. The claim that he or she was incompetent was unfortunate. That characterization of the pastor's gifts or lack thereof is subjective and could severely damage his professional representation and thus the lawsuit.

In an "at will" state, one can fire an employee for any reason or no reason at all, except specifically prohibited classes of discrimination. The U.S. Supreme Court recently applied a ministerial exception even to those laws. The court recognized that under our Constitution, separation of church and state should apply so as to prohibit courts from interfering with clergy employment decisions. A court's intervention could require an interpretation of a church's doctrine or interfere with its governance.

In your case, however, the suit might be based on libel and slander laws because the charge can be made against your congregation of falsely disparaging someone's professional competence. Even if the court applies a ministerial exception to those laws, your congregation still will have been damaged. What is it about your pastor that was so bad? Was his preaching too loud, short, boring, too political or not political enough? Was her worship style not to your liking? Did he fail to visit the sick or spend too much time visiting? The things your congregation found intolerable about

the pastor might be the things that would make him a good fit in another church. Even if you "win" in court, your church will have suffered an expensive painful "loss."

Rather than approaching the situation in a manner that allowed both sides to recognize the pastor was not a good fit for your church, your leaders decided to pronounce a harsh judgment that not only made a decision for your church but essentially made a judgment the pastor was not fit to serve anywhere. That was not a judgment your congregation had a right to pronounce.

How much better for all it would have been if there had been a conversation with the pastor that included: "This is not working out, so how can we all go forward to allow you to move on to the place God has for you to serve? How can we plan the transition with the least amount of stress for both your family and our church family?" Someone highly respected by all parties could have been enlisted to facilitate a healthy transition. Those actions and attitudes might have initiated the dialogue that would allow the parting to be much less painful and kept it out of court.

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Right or Wrong? is sponsored by the T.B. Maston Chair of Christian Ethics at Hardin-Simmons University's Logsdon School of Theology. Send your questions about how to apply your faith to btillman@hsutx.edu.