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IN THE DIOCESE OF VIRGINIA  
BEFORE THE DISCIPLINARY BOARD  
IN THE TITLE IV MATTER OF  
THE REVEREND DR. CAYCE RAMEY, RESPONDENT

VIDEOCONFERENCE HEARING BEFORE  
JULIAN M. BIVINS, JR., PRESIDENT, DISCIPLINARY BOARD  
OF THE DIOCESE OF VIRGINIA

and

DISCIPLINARY BOARD MEMBERS  
THE VERY REV. STEPHEN SCHLOSSBERG  
THE REV. DANIEL JOHNSON  
MARLEEN MCCABE, PH.D.  
THE REV. CYNTHIA MCKENNA  
THE REV. DINA WIDLAKE

January 11, 2024

2:00 p.m.

HALASZ REPORTING & VIDEO  
1011 East Main Street, Suite 100  
Richmond, Virginia 23219  
(804) 708-0025  
REPORTED BY: LESLIE D. ETHEREDGE, RMR, CCR

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## 1 APPEARANCES:

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15 Counsel for the Church

## 16 Also present:

17 The Rev. Dr. B. Cayce Ramey, Respondent

18 Thomas Hahn, Esquire, Hearing Panel Advisor

19 J.P. Causey, Esquire, Chancellor of the Diocese

20 The Rev. Edward O. Miller, Jr., Respondent's Advisor

21

## 22 Observers at the Hearing:

23 Kathy Doxsee

24 The Rev. Valerie Hayes

25 Davette Himes

Sarah Himes

The Rev. Jeremy Means-Koss

Carson Ramey

The Rev. Dr. David Schlafer

The Rev. Dr. Katherine Sonderegger

The Rev. Cornelia (Corry) Weierbach

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1           PRESIDENT BIVINS: I'm going to ask us to begin;  
2 and if Reverend Widlake would open us in prayer, I  
3 would much appreciate that, please.

4           REVEREND WIDLAKE: Friends, let us pray.

5           Almighty God, our Heavenly Father, you declare  
6 your glory and show forth your handiwork in the  
7 Heavens and in the Earth.

8           Deliver us in our various occupations from the  
9 service of self alone, that we may do the work you  
10 give us to do in truth and beauty and for the common  
11 good, for the sake of Him, who came among us, as one  
12 who serves, your son, Jesus Christ, our Lord, who  
13 lives and reins with you and the Holy Spirit, one God,  
14 forever and forever. Amen.

15           PRESIDENT BIVINS: With the arrival of the last  
16 individual and everyone from the Disciplinary Board  
17 who is on this particular hearing for today is  
18 present, and so I would welcome everyone.

19           Thank you for your time, thank you for the work  
20 that you do on behalf of the Kingdom; and I want to  
21 make sure that the two attorneys or two counsel can,  
22 in fact, hear me, so if you would indicate that,  
23 please, sirs, I would appreciate it.

24           MR. BURTCH: I can hear you. This is JB.

25           MR. DAVENPORT: Yes, I can hear you.

1           PRESIDENT BIVINS: Thank you very much.

2           We have a few other people, as you see, who are  
3 on the screen with us, and they are simply here to  
4 observe and to listen, but they will not be engaged in  
5 the conversation that is before us in the hearing that  
6 is before us.

7           Today, we have before the Disciplinary Board of  
8 the Diocese of Virginia, the Reverend Dr. Ramsey's  
9 appeal from -- Ramey, excuse me, Ramey's appeal from  
10 Sanction Orders.

11           Each of the attorneys will have 30 minutes and  
12 have the ability to reserve time at the end for  
13 additional comments or for rebuttal, if that's  
14 necessary.

15           I would ask you each, though, if you would allow  
16 us to know that prior to your starting, so that I can  
17 carve that out in my notes.

18           Are there any additional questions prior to  
19 starting?

20           Seeing none, then I will ask Mr. Burtch if he  
21 would begin, please.

22           MR. BURTCH: Yes. Thank you; and, Mr. Bivins, I  
23 would like to reserve my time not used. Thank you.

24           I just want to start by saying thank you to the  
25 Disciplinary Board for hearing this. This is an

1 appeal de novo from the Hearing Panel's Order.

2 Now, de novo is a Latin term that simply means  
3 anew or from the beginning.

4 Now, when a tribunal hears a case de novo, it  
5 discusses the issues without any reference to the  
6 legal conclusions or assumptions made by the lower  
7 tribunal; and, of course, at the appellate level, the  
8 appellate board may refer to the lower tribunal's  
9 record to determine the facts, but it will rule on the  
10 evidence and the facts and the matters of law without  
11 deferring at all to the lower tribunal's finding.

12 And under our Canons, as you know, the standard  
13 of review for such an appeal is de novo.

14 Obviously, the Disciplinary Board must consider  
15 the Order of the Hearing Panel this is being appealed  
16 from, because, without considering it, there would be  
17 no basis to make a decision; but the Hearing Board's  
18 review is done without deference to that lower decision.

19 Dr. Ramey appealed because the Hearing Panel's  
20 findings were in error under the Canons, and it  
21 imposed sanctions, which are wholly inappropriate on  
22 the facts presented.

23 The issue here is really a simple one. Did  
24 Respondent violate Title IV when he told a group of  
25 friends, some of whom were members of the Clergy, that

1 they could speak or not speak as they wished with the  
2 Church Attorney in his capacity as the representative  
3 of one party in a case before the Hearing Panel.

4 Now, for Lay members of the church who received  
5 Respondent's communication, the answer is obvious.  
6 Their only duty is to appear and testify or respond  
7 when duly served with notice to do so from any panel.  
8 No person has yet been served or noticed.  
9 Respondent's statement neither suggests nor implies  
10 that any person should refuse to testify or refuse to  
11 respond when duly served. A simple reading of  
12 Respondent's own words allows no other conclusion.  
13 Nothing he said suggests or implies that anyone should  
14 defy a notice to appear or testify.

15 And Clergy have this same obligation. Nothing  
16 the Respondent said suggests or imply that any Clergy  
17 person should do anything other than appear and  
18 testify when noticed.

19 But under the Canons, Clergy have an additional  
20 obligation, and that obligation is set out in  
21 Canon IV.3.1(b), and that is to cooperate with any  
22 investigation or proceeding conducted under the  
23 authority of this Title.

24 Now, when Respondent sent his email  
25 communication, which is really at issue here, the two

1 investigations, and there were two investigations in  
2 this matter, were complete. The investigative stage  
3 was complete, and the matter had been referred to a  
4 Hearing Panel.

5 There is no claim that any person, Clergy or  
6 Lay, has failed to cooperate with either investigation.

7 So the crux of the Church Attorney's motion or  
8 the Church Attorney's claim is that Respondent's email  
9 encouraged some Clergy not to cooperate in a  
10 proceeding under Title IV; but, again, there is no  
11 claim that any person has actually failed or refused  
12 to cooperate in anything here; and when the Respondent  
13 wrote his email, the case was already before the  
14 Hearing Panel.

15 Now, the Canon does not define what cooperate  
16 means at the point a case is brought before a Hearing  
17 Panel, except to the extent that a member of the  
18 church must appear upon notice.

19 What is clear is that under Canon IV.13.6, the  
20 role of the Church Attorney changes once a case comes  
21 before the Hearing Panel; and that Canon IV.13.6 marks  
22 the change.

23 It provides in all Proceedings before the  
24 Hearing Panel, the Church Attorney shall appear on  
25 behalf of the Diocese, which shall then be considered



1 the party on one side, and the Respondent, the party  
2 on the other.

3 The broad role of the Church Attorney,  
4 especially with respect to investigations before a  
5 matter is referred to a Hearing Panel, narrows once  
6 that matter comes before the Hearing Panel and the  
7 Church Attorney appears on behalf of his client, the  
8 Diocese, the party on one side of the matter. The  
9 Church Attorney then becomes the advocate for his client.

10 The party on the other side, that's the  
11 Respondent, has no canonical role in investigations.  
12 Unlike the Church Attorney, Respondent does not  
13 oversee the investigator; and, in fact, the Respondent  
14 has no access at all to the intake report that the  
15 investigator produces.

16 So if cooperate, as the Hearing Panel  
17 interpreted it, means that a member of the Clergy is  
18 obliged to speak with the Church Attorney about the  
19 Church Attorney's case when the Church Attorney is  
20 acting in his role as an advocate for his client  
21 before a Hearing Panel, there is no corresponding  
22 obligation provided in the Canons for a member of the  
23 Clergy to speak with Respondent's counsel.

24 Prior to the referral of a matter, the Church  
25 Attorney has broad investigative powers. Counsel for

1 the Respondent has no investigative powers whatever,  
2 under the Canons, so to define cooperate, as the  
3 Hearing Panel seemed to, to mean that Clergy have a  
4 duty to speak with the Church Attorney when he is  
5 acting as counsel to the Diocese and building his case  
6 against a Respondent, if that extends to the Church  
7 Attorney a privilege, which is not extended to  
8 Respondent's counsel, it's a privilege Respondent's  
9 counsel never had, and a privilege that is not  
10 provided for in the Canons.

11 The Hearing Panel's Order simply assumes that  
12 the privileges accord the Church Attorney under the  
13 investigative part of the Canons, and that really  
14 comes out of the definition of Church Attorney in  
15 Title IV, Section 2, they simply assumed that that  
16 privilege continues; but, if that's so, it is patently  
17 unfair to the Respondent; and if the Hearing Panel's  
18 view is correct, then that would offend those values  
19 of fairness, which are inherent in Title IV.

20 So the question narrows. Does the Canon impose  
21 a duty on members of the Clergy to speak or provide  
22 information to the Church Attorney as a representative  
23 and advocate of one party in a matter before the  
24 Hearing Panel.

25 Plainly, all members of the church have a duty

1 to submit to a deposition or to appear and testify  
2 when noticed. But, unlike Lay members, do Clergy have  
3 a duty to speak with and to provide information to the  
4 Church Attorney at the point the Church Attorney is  
5 the advocate for the Diocese, at the point he is  
6 representing one party, apart from being noticed, to  
7 appear and to testify.

8 Now, the only duty the Canons impose on Clergy  
9 when a case is before a Hearing Panel is, as I've  
10 said, that they must appear and testify upon proper  
11 notice. Prior to a matter being referred to the  
12 Hearing Panel, members of the Clergy must cooperate in  
13 investigations. At the Hearing Panel stage, Clergy  
14 must appear when noticed.

15 No other duties are either mandated or even  
16 reasonably implied. So cooperation in this context  
17 means doing those things the Canons require. Nowhere  
18 does any Canon require a potential witness to make  
19 themselves available to answer questions from lawyers  
20 representing parties except when duly noticed.

21 So I think it's clear there is no such duty upon  
22 Clergy, which is contrary to what the Hearing Panel  
23 found.

24 Now, one argument that was suggested at the  
25 hearing before the Panel is that cooperation, as the

1 Hearing Panel defined it, is within the spirit of  
2 Title IV. I would suggest that it is highly improper  
3 to impose a sanction based upon something that is as  
4 nebulous and vague as the spirit of Title IV. I would  
5 prefer to rely on the words of Title IV.

6 Sanctions can only be based on clear standards,  
7 not vague feelings.

8 You have to know when you have crossed a line,  
9 and the Canons do not provide that under the theory  
10 that seems to have been adopted by the Hearing Panel.

11 Respondent did not cross any clear line defining  
12 sanctionable behavior. Respondent's communication had  
13 no effect whatever on the integrity of this  
14 proceeding. No person has been identified as failing  
15 to cooperate or failing to appear or failing to  
16 testify. There has been not one single example of any  
17 harm whatever either to the Church Attorney, to the  
18 Hearing Panel, or to the process here.

19 I want to turn to the sanctions that the Hearing  
20 Panel imposed, which under the way I've described how  
21 Respondent did not violate the Canon, it seems there  
22 should be no sanctions; but the first sanction they  
23 imposed, really, it should be rescinded because it  
24 simply repeats the Hearing Panel's misunderstanding  
25 that the Church Attorney has some kind of plenary

1 investigative powers rather than his more limited role  
2 as the representative of one party.

3 The second sanction, which would require the  
4 disclosure of the names of everybody who received the  
5 Respondent's email, the second sanction should be  
6 rescinded because it violates the privacy of  
7 individuals who have no connection with this case  
8 except for their interest in Respondent's well-being.  
9 They're entitled to maintain their privacy.

10 It's obvious that Respondent's -- the heart of  
11 this case is Respondent's Eucharistic fast that he is  
12 engaged in and not being willing to celebrate  
13 Holy Communion because of his belief that we cannot  
14 come to the altar if we are not in love and charity  
15 with our brothers and sisters because of racism in the  
16 church and racism in the culture.

17 Now, it's obvious that Respondent's Eucharistic  
18 fast has not pleased some of our leadership, that's  
19 the reason we are here now. There is no reason to  
20 expose the names to public view of Clergy who are  
21 sympathetic to Respondent's cause and then allow some  
22 kind of light of disfavor to be shone on them.

23 The third sanction is really kind of amazing,  
24 because what it does is it requires that the  
25 Respondent shall cease and desist from all

1 communications with anyone that implies or suggests  
2 that they need not speak with the Church Attorney, I  
3 think I have addressed that with respect to his role  
4 as counsel to the Diocese, or need not appear or  
5 respond -- excuse me -- need not appear, testify or  
6 respond at any hearing for this matter unless excused  
7 by the Panel.

8           The Respondent has never been accused of even  
9 doing that, and nothing he said or did would suggest  
10 that he would urge anybody not to appear or testify  
11 when duly noticed.

12           The fourth sanction is unnecessary because it  
13 imposes, in the minds of the Hearing Panel, a bias  
14 against those people who received the communication  
15 and who may have had an interest in Respondent's  
16 communication.

17           Basically, it creates two classes of witnesses:  
18 Witnesses who didn't receive the communication and  
19 witnesses who did, and that seems to be unfair from  
20 the get-go.

21           To repeat, what the Respondent communicated to a  
22 group of friends did not violate any Canon or any duty  
23 that he had as a member of the Clergy. No harm  
24 whatever has resulted from this communication.

25           Sanctions should be based only on a clear

1 violation of Canon resulting in some actual harm  
2 having occurred. Neither is present here on this  
3 appeal. There was no violation, no harm, and there  
4 should be no sanctions.

5 So what we're asking is that the Disciplinary  
6 Board rescind the Order of the Hearing Panel and  
7 dismiss the attorney, the Church Attorney's motion for  
8 sanctions.

9 Thank you. I am happy to answer any questions  
10 you may have.

11 PRESIDENT BIVINS: Thank you, sir. So just to  
12 let you know, you were at the -- you have 14 minutes  
13 remaining, just if you'd put a note onto your --

14 MR. BURTCH: Thank you.

15 PRESIDENT BIVINS: Thank you.

16 Questions for Mr. Burtch, if you'd raise your  
17 hands.

18 Sir, I don't see any questions coming from the  
19 Panel at the moment, so Mr. Davenport.

20 MR. DAVENPORT: Thank you. I would like to  
21 reserve my time.

22 I agree with Mr. Burtch, that the Disciplinary  
23 Board can consider the Order of the Hearing Panel but  
24 is not required to give it any deference; and I agree  
25 with him that the issue is simple; and it seems to me

1 it is this simple: The Respondent sends this email to  
2 a bunch of people, Lay and Clergy, but I'm going to  
3 focus right now on Clergy, that tells them they don't  
4 have to talk to me.

5 Well, these -- the recipients of this email are  
6 not carrying the Canons around with them, and they  
7 aren't expected to have committed the provisions of  
8 the Canons to memory, so they don't know that that  
9 advice that he has given them is wrong, because they  
10 do have a duty to cooperate, and it's that simple.  
11 It's that simple.

12 Now, Mr. Burtch makes a big deal about the fact  
13 that there were two investigations and so forth, and  
14 he is trying to draw a line on the duty of the Clergy  
15 to cooperate when there is an investigation going on  
16 and past the investigation stage, and the problem is  
17 the Canons don't do that. That's what he wishes the  
18 Canons said, but they don't say that.

19 The duty to cooperate of the Clergy is to  
20 cooperate, and it doesn't say that it stops when a  
21 case gets to the Hearing Panel, and there is no reason  
22 for it to say that.

23 The Church Attorney should be free to talk to  
24 Clergy about what they know, and they should be  
25 required to talk to the Church Attorney. That's the



1 difference between a Title IV proceeding under the  
2 Church Canons and a civil case, where nobody is under  
3 any obligation to talk to the prosecutor or the  
4 defense counsel.

5 He says it is unfair to the Respondent for my  
6 view and for the church or the Hearing Panel's view to  
7 prevail. I'm not suggesting that any recipient of the  
8 Respondent's emails shouldn't talk to Mr. Burtch.  
9 They're perfectly free to talk to Mr. Burtch. It is a  
10 level playing field, but members of the Clergy have a  
11 higher duty, and that is to cooperate in proceedings,  
12 and that's what this is.

13 He doesn't like the notion of the spirit of  
14 Title IV. I'm not relying on the spirit of Title IV,  
15 I'm relying on the letter of Title IV, which says that  
16 Clergy have a duty to cooperate.

17 On the question of privacy, interestingly, no  
18 one has come forward -- no person who received these  
19 emails has come forward and argued or contended that  
20 their privacy rights are extended, no one has done  
21 that.

22 On the sanctions issue, it seems to me it is  
23 useful information for me to know and for the Hearing  
24 Panel to know who got these emails and what, if  
25 anything, they did or how they reacted to them, how it

1 shapes their testimony, all those things are relevant  
2 and potentially relevant to their credibility as  
3 witnesses.

4 On the sanctions, I don't have anything more to  
5 say. I do observe that, on number 3, that's the one  
6 sanction that this Disciplinary Board did not stay  
7 pending this appeal.

8 I agree there is no evidence yet that the duty  
9 of the Lay people to testify or anybody to testify has  
10 been implicated, but I don't think it requires a whole  
11 lot of imagination, and neither did the Hearing Panel,  
12 to think that that might be coming; and I think that's  
13 why they put in number 3 in their sanctions, which  
14 this Disciplinary Board has left -- has not stayed  
15 pending appeal.

16 Those are my remarks. Thank you.

17 PRESIDENT BIVINS: Mr. Davenport, if you would  
18 just note on the side, that you have 25 minutes left.

19 MR. DAVENPORT: Okay. Thank you.

20 PRESIDENT BIVINS: If you would do that, please.  
21 Are there questions for Mr. Davenport?

22 Steve, if you have a question, would you unmute  
23 yourself.

24 VERY REVEREND SCHLOSSBERG: Julian, may I ask  
25 one question of each? Am I messing things up if I do

1 that?

2 PRESIDENT BIVINS: You are not messing things  
3 up.

4 VERY REVEREND SCHLOSSBERG: Okay.

5 PRESIDENT BIVINS: But I would like to see if  
6 there are individuals who want to ask Mr. Davenport --

7 VERY REVEREND SCHLOSSBERG: Okay.

8 PRESIDENT BIVINS: -- a question first.

9 Okay. Seeing none, Mr. Burtch, would you care  
10 to go back to use your time now?

11 MR. BURTCH: I'm happy to use my time.

12 Am I being asked a question by  
13 Reverend Mr. Schlossberg?

14 PRESIDENT BIVINS: You are.

15 I think what we are going to do, if you don't  
16 have anything else that you would like to put forward  
17 in a general way, then I will let him ask his question  
18 of both you and your colleague, Mr. Davenport.

19 MR. BURTCH: Well, then, what I would like to  
20 say is a couple things in a general way before I  
21 answer the question. Is that the way you want to  
22 respond?

23 PRESIDENT BIVINS: That is fine, sir.

24 MR. BURTCH: Well, what Mr. Davenport and I  
25 agree on is that you have to read the Canons, and this

1 whole controversy is based on the Canons and what the  
2 meaning of cooperate is; but it is quite obvious in  
3 the way that he is using the term cooperate and the  
4 way the Hearing Panel used cooperate, that there is a  
5 different standard of cooperation to be afforded to  
6 the Church Attorney than the standard of cooperation  
7 to be afforded to Respondent's counsel.

8         Neither the Hearing Panel nor Mr. Davenport had  
9 anything to say about any duty of any Clergy person to  
10 cooperate with Respondent's counsel, which makes it  
11 quite obvious to me why there is a difference in the  
12 Canon between the level of cooperation required in an  
13 investigation, where the Church Attorney has  
14 substantial powers, and the cooperation that the  
15 Canons refer to once a proceeding has come before the  
16 Hearing Panel.

17         So, as Mr. Davenport in his own words said, he  
18 said they're free to talk with Respondent's counsel,  
19 they're free to talk with me, but they are obliged to  
20 talk to him. That's patently unfair, and it shows  
21 that they're using a different definition of cooperate  
22 in that Canon.

23         The way we interpret the Canons, meaning that  
24 the roles shift at the point the matter comes before  
25 the Hearing Panel, is just -- is consistent with

1 Title IV.

2 And to suggest that there was any -- You cannot  
3 construe the words that Dr. Ramey used in his  
4 communication to in any way suggest or imply that he  
5 was suggesting to any person that they should not  
6 appear and testify when duly noticed. That's really  
7 raging into the world of speculation, and it is  
8 absolutely not based on anything he said.

9 So that is what I -- That's what I would want to  
10 say now, and I am happy to answer the Reverend  
11 Mr. Schlossberg's question.

12 PRESIDENT BIVINS: Thank you, sir.

13 MR. DAVENPORT: May I respond to that?

14 PRESIDENT BIVINS: I was going to ask you if you  
15 would like to, sir.

16 MR. DAVENPORT: All right. Very briefly.

17 What we can't lose sight of is what starts this  
18 controversy, and it is the statement of the Respondent  
19 to these addressees that they, quote, are under no  
20 obligation to speak with the Church Attorney or to not  
21 speak with him either way, closed quote.

22 He is the one that focused on their obligation  
23 to speak with the Church Attorney. Those are his  
24 words, and that is what started this, that is what  
25 caused me to file this motion; and I don't have

1 anything else to say on that.

2 PRESIDENT BIVINS: Thank you, sir.

3 Steve, if you would like to ask your question to  
4 either or both, if you still have a question to ask.

5 VERY REVEREND SCHLOSSBERG: Well, I do have a  
6 question. I'll just -- I will throw it at Mr. Burtch  
7 first, but I wonder if the Church Attorney and  
8 Mr. Burtch are agreeing that this question turns on  
9 whether or not a member of the Clergy's obligation  
10 changes at the point that the case is brought before  
11 the Panel.

12 Is that the crux that one is saying --

13 MR. BURTCH: The way --

14 VERY REVEREND SCHLOSSBERG: -- it does change  
15 and the other is saying it doesn't, is that the  
16 crux -- Would you say that is the crux?

17 MR. BURTCH: I am not clear on the crux of  
18 Mr. Davenport's argument about that.

19 What I am clear on is that we believe the role  
20 changes, because at the point something comes before  
21 the Hearing Panel, the investigation stage is over, it  
22 has ended, the process has moved on, and then you have  
23 two advocates trying to do the best they can, to make  
24 the best case they can for their client; and  
25 Mr. Davenport's position seems to be that the Church

1 Attorney has more leverage than Respondent's counsel  
2 in who they get to talk to; and we think that just  
3 underlines the fact that the roles change and that the  
4 duty to cooperate at that point, when something comes  
5 before the Hearing Panel, the duty means to appear,  
6 testify, give a deposition, you know.

7 VERY REVEREND SCHLOSSBERG: Yes. Okay.

8 MR. BURTCH: Not take the informal call of the  
9 Church Attorney.

10 PRESIDENT BIVINS: Mr. Davenport.

11 MR. DAVENPORT: Yes. I mean I don't -- I think  
12 this line of demarcation between investigation and  
13 proceeding before a Hearing Panel is phony, it is not  
14 in the Canons; and it may be that somebody would like  
15 to put it in the Canons, but that's not the job of  
16 this group.

17 The proof of it is the language of Canon 3.1(b),  
18 which is failing without good cause to cooperate with  
19 any investigation or proceeding conducted under  
20 authority of this Title.

21 Or proceeding. And, clearly, we are in a  
22 proceeding now that is before the Hearing Panel; and  
23 the Respondent suggested, said to the recipients of  
24 this email that they are under no duty to talk to me.  
25 That is something he said in a proceeding, and I think

1 that this distinction between a proceeding and an  
2 investigation is false, and it doesn't have any  
3 authority in the Canons.

4 The Canons reach both clearly. They have the  
5 duty in both phases, that is the investigation and the  
6 proceeding stage, to cooperate.

7 PRESIDENT BIVINS: Thank you, Mr. Davenport.

8 Are there other questions for counsel?

9 VERY REVEREND SCHLOSSBERG: Mr. Davenport, you  
10 said it would be useful to know their names. Can you  
11 tell us what is the use?

12 MR. DAVENPORT: Because, presumably, some of  
13 these people may be on the witness list, that they --  
14 we haven't gotten to that yet, but we will; and if  
15 they have been contacted or they have contacted the  
16 Respondent, I need to know that, because that may  
17 shape their testimony.

18 And if I know that they got this email and  
19 thought that they didn't have to talk to me, that is  
20 important information to me.

21 PRESIDENT BIVINS: I saw someone put their hand  
22 up, but I will remind those individuals who are not  
23 part of the Disciplinary Board, you will not be -- you  
24 do not have the opportunity at this time to ask  
25 questions, so you are in the observer role.



1           Dina.

2           REVEREND WIDLAKE: Thank you. I'm going to come  
3 at this question just from a different angle, to make  
4 sure I understand what was being said.

5           Mr. Burtch, might it be possible that one or  
6 more Clergy persons would have difficulty  
7 understanding the difference between you don't have to  
8 testify and I think what I heard Mr. Davenport say,  
9 that they're under no obligation to talk or not talk  
10 with an attorney?

11           Because I think I heard you say that there is a  
12 distinction. At least I heard that distinction.

13           MR. BURTCH: Well, let me -- let me go -- I am  
14 sorry. Did you finish your question? I didn't want  
15 to cut off your question.

16           REVEREND WIDLAKE: I did. Thank you.

17           MR. BURTCH: Okay. Let me read what he said.  
18 On the off chance your name appeared in some email  
19 somewhere in the past few years and so you get  
20 contacted by the Diocesan attorney, Brad Davenport,  
21 please know you are under no obligation to speak with  
22 him or to not speak with him either way. If he does  
23 call you, I would appreciate knowing. Very few if any  
24 of you should get contacted.

25           Okay. Now, at the point this email was written,

1 the matter was before a Hearing Board. The matter --  
2 there had been two investigations, both of which had  
3 concluded.

4 So at that point, I think that Dr. Ramey was  
5 saying something that was obvious, that if the Church  
6 Attorney picks up the phone and says to a potential  
7 witness I want to talk to you about this case, we're  
8 building a case against Dr. Ramey and here is what I  
9 want to know, that potential witness, even if that  
10 witness is a member of the Clergy, has the right to  
11 say I don't want to talk to you about this, I don't  
12 want to be part of this.

13 That's not part of their duty to cooperate with  
14 an investigation, that's whether or not they want to  
15 help the church attorney build his case against  
16 another member of the Clergy.

17 Does that answer your question? Or did I miss a  
18 piece of it?

19 REVEREND WIDLAK: It answers it. Thank you.

20 MR. DAVENPORT: May I jump in on that?

21 PRESIDENT BIVINS: Please, sir.

22 MR. DAVENPORT: I certainly disagree. I think  
23 the Clergy person, because he or she is a Clergy  
24 person, has a higher duty and does have a duty to  
25 cooperate with the Church Attorney in a proceeding.

1 That's what the Canon says. It's different from a  
2 civil proceeding.

3 MR. BURTCH: Can I respond to that?

4 PRESIDENT BIVINS: Yes, you each will get  
5 another response.

6 MR. BURTCH: I don't disagree with  
7 Mr. Davenport, that it is different from a civil  
8 proceeding; but in a civil proceeding, it's obvious  
9 that the witness has a right not to talk to either  
10 attorney. It's not clear here at all that the witness  
11 has a duty to talk to the Respondent's attorney, and  
12 in that case, it is patently unfair.

13 PRESIDENT BIVINS: Mr. Davenport, do you have a  
14 moment or can we move on to another question, please?

15 MR. DAVENPORT: No, I don't have anything to add  
16 on that.

17 PRESIDENT BIVINS: Okay. Cynthia.

18 REVEREND MCKENNA: Good afternoon. Mr. Burtch,  
19 let's imagine I'm a friend of Dr. Ramey's and he sent  
20 me that email blind copied, and I'm an average priest.  
21 Would it be -- it seems to me like he is advising me  
22 that I can blow it off, and I'm wondering how you read  
23 that differently.

24 You can do it, you don't have to do it, either  
25 way, but let me know.

1           MR. BURTCH: I think what he said is really  
2 clear, and that is you can speak with the Church  
3 Attorney or you cannot speak with the Church Attorney,  
4 but I think it's very clear that at the time he wrote  
5 that email, the matter was before the Hearing Panel,  
6 and so the context of when the email was written was  
7 extremely important.

8           It would have been wholly improper if an  
9 investigation was ongoing and he would have told  
10 somebody, well, you don't have to talk to the  
11 investigator, that would have been wholly improper.

12           You have got a duty to cooperate with the  
13 investigator, that's what the Canon says; but that's  
14 not what he said. He said you could speak or not  
15 speak with the Church Attorney at this point of the  
16 proceeding.

17           And since it is written to Clergy, presumably,  
18 they can read the Canons as well as he can, so he is  
19 not speaking to an uneducated naive audience.

20           REVEREND MCKENNA: No, but I wonder if it  
21 couldn't be argued that he's giving me -- I was not on  
22 that email list -- that he is giving me some advice on  
23 how I should deal with the attorney, if I am contacted.

24           MR. BURTCH: I think he is expressing his belief  
25 on what you can do. I don't think I would

1 characterize that as giving you advice.

2 REVEREND MCKENNA: Okay. Thank you.

3 PRESIDENT BIVINS: Other questions for counsel?  
4 Daniel, please.

5 REVEREND JOHNSON: Just a point of  
6 clarification, I just want to be sure I am hearing  
7 this correctly.

8 The Hearing Panel part of the process is  
9 considered a proceeding; correct?

10 PRESIDENT BIVINS: Who are you directing that  
11 to, Daniel?

12 REVEREND JOHNSON: I will direct it to both  
13 attorneys.

14 PRESIDENT BIVINS: Thank you. Mr. Burtch.

15 MR. BURTCH: Yes, the hearing -- anything  
16 before -- Anything before the Hearing Panel would be a  
17 proceeding. This is -- what we are doing right now is  
18 a proceeding. The hearings of the Hearing Panel are  
19 proceedings.

20 It's not at all clear that the Church Attorney's  
21 preparation of his case is a proceeding.

22 PRESIDENT BIVINS: Thank you.

23 Mr. Davenport.

24 MR. DAVENPORT: Yes, it is a proceeding. I'm  
25 looking at Canon 3.1(b). The language is proceeding

1 conducted under authority of this Title. Well, that's  
2 what this is, that's what we are doing today, and that  
3 is what the Hearing Panel is doing, and that's what I  
4 am doing in preparing a case to present to a Hearing  
5 Panel in a proceeding conducted under authority of  
6 Title IV.

7 PRESIDENT BIVINS: Does that answer your  
8 question, Daniel?

9 REVEREND JOHNSON: It does.

10 PRESIDENT BIVINS: Other questions for counsel?

11 Not seeing anyone raise their hand or putting  
12 their thoughts together to raise their hand, then I  
13 would like to thank everyone who joined us today; and,  
14 if possible, I would like to have the members of the  
15 Disciplinary Board remain on this Zoom; and everyone  
16 else, I can excuse you to go about the rest of your  
17 day.

18 MR. BURTCH: Thank you for your cooperation in  
19 this and for putting this hearing on, Mr. President.  
20 I appreciate it.

21 PRESIDENT BIVINS: Certainly.

22 MR. DAVENPORT: Likewise, me too.

23 PRESIDENT BIVINS: Thank you. Thank you,  
24 gentlemen.

25 (Hearing concluded at 2:45 p.m.)

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CERTIFICATE OF COURT REPORTER

I, LESLIE D. ETHEREDGE, a Registered Merit Reporter and Certified Court Reporter hereby certify that I was the Court Reporter at the Videoconference Hearing, heard on January 11, 2024, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the incidents of the hearing herein, to the best of my ability, and that I am neither related to nor associated with any counsel or party to this proceeding, nor otherwise interested in the event thereof.

Given under my hand this 25th day of January, 2024.

Leslie D. Etheredge

LESLIE D. ETHEREDGE  
Registered Merit Reporter and  
Certified Court Reporter

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