

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

In re:	)	Case Nos.:	CL 2007-248724,
Multi-Circuit Episcopal Church Litigation	)		CL 2006-15792,
	)		CL 2006-15793,
	)		CL 2007-556,
	)		CL 2007-1235,
	)		CL 2007-1236,
	)		CL 2007-1237,
	)		CL 2007-1238,
	)		CL 2007-1625,
	)		CL 2007-5249,
	)		CL 2007-5250,
	)		CL 2007-5362,
	)		CL 2007-5363,
	)		CL 2007-5364,
	)		CL 2007-5682,
	)		CL 2007-5683,
	)		CL 2007-5684,
	)		CL 2007-5685,
	)		CL 2007-5686,
	)		CL 2007-5902,
	)		CL 2007-5903, and
	)		CL 2007-11514

**THE DIOCESE OF VIRGINIA'S
MEMORANDUM IN SUPPORT OF THE REQUEST OF *AMICI CURIAE*
TO PARTICIPATE IN ORAL ARGUMENT**

For the following reasons, the Episcopal Diocese of Virginia supports the request to participate in oral argument on May 28, 2008, by *amici curiae* General Council on Finance and Administration of the United Methodist Church; African Methodist Episcopal Church; African Methodist Episcopal Zion (“A.M.E. Zion”) Church; Worldwide Church of God; the Rt. Rev. Charlene Kammerer, Bishop of the Virginia Annual Conference of the United Methodist Church; and W. Clark Williams, Chancellor of the Virginia Annual Conference of the United Methodist Church (collectively, the “*Amici*”):

1. As stated in the Brief of the *Amici* (at 4-6), they have clear and substantial interests in the constitutional questions set to be argued at the hearing on May 28.

2. The *Amici* have other ties to these proceedings, to Va. Code § 57-9, and to current Virginia church property law that make it appropriate for the Court to hear what they have to say. The parties offered testimony regarding the history of the Methodists (including many of the *Amici*) to support their interpretation of § 57-9(A), and the Court noted some such evidence in its Letter Opinion of April 3, 2008. *See, e.g.*, Brief of *Amici* at 8 (quoting Letter Opinion at 83). One of the *Amici*, the A.M.E. Zion Church, was a party to *Green v. Lewis*, 221 Va. 547, 272 S.E.2d 181 (1980), the last church property dispute in a hierarchical church considered by the Supreme Court of Virginia.

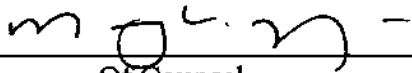
3. The Court has already granted the Attorney General status to participate in oral argument on May 28 as an *amicus*. Basic considerations of fairness and balance weigh in favor of permitting opposing *amici* the opportunity to argue as well. Indeed, it suggests little more than a desire to stack the lineup with friends that the Congregations would support the request to argue orally by an *amicus* that takes a position favorable for them (the Attorney General) but oppose oral argument by *amici* who take a position unfavorable to them (the *Amici*).¹

4. By opposing oral argument by the *Amici*, the Congregations continue to show little regard for the religious freedom guaranteed by the Constitutions of the Commonwealth and the United States. If counsel for the Commonwealth, but not counsel for the *Amici*, can be heard orally on the important church-state issues to be argued on May 28, 2008, that is one more nail in the coffin of religious freedom. Indeed, the very notion that churches would advance such a proposition is not only ironical but short-sighted on their part.

¹ By contrast, the Diocese and the Episcopal Church did not oppose the Attorney General's participation in oral argument.

5. Participation in oral argument by the *Amici* can only help the Court reach a decision in this case. In particular, at the April 25, 2008, hearing the Court indicated its intention to have meaningful oral argument on May 28, and participation by the *Amici* would allow the Court to engage and explore their contentions.

THE PROTESTANT EPISCOPAL CHURCH
IN THE DIOCESE OF VIRGINIA

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were sent by electronic mail to all counsel named below and by first-class mail to the lead counsel at each firm (indicated with an asterisk below), on this 30th day of April, 2008:

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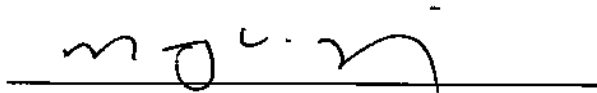
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A handwritten signature in black ink, appearing to read "R. F. McDonnell", is written above a solid horizontal line.

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