

Dissenting Opinion by the Rt. Rev. Michael G. Smith

1. The current Title IV disciplinary process proposes to “promote healing, repentance, forgiveness, restitution, justice, amendment for life and reconciliation” [Canon IV.14.1(a)]. This task has been made more difficult by two matters in particular: resorting to secular courts for the resolution of ecclesiastical matters, and the institution of Corporation Sole as a legal entity of the state.
2. The biblical instruction is clear: “When any of you has a grievance against another, do you dare to take it to court before the unrighteous, instead of taking it before the saints? ... In fact, to have lawsuits at all with one another is already a defeat for you. Why not rather be wronged? Why not rather be defrauded? But you yourselves wrong and defraud—and believers at that” (1 Corinthians 6:1,7-8). Both parties have ignored this scriptural wisdom: the Bishop, when he resorted to the secular court against the Anglicans who attempted to depart with the property; and the congregation of St. James the Great, under the guise of “Save St. James the Great,” when it filed a civil complaint against the Bishop to stop the sale of the property. Christian reconciliation becomes an elusive goal under these circumstances.
3. The canons are clear that the sale of a consecrated Church requires “the consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese” (II.6.2). Both the Bishop and the Standing Committee understand, incorrectly in my opinion, that Corp Sole does not need the consent of the Standing Committee to sell church property. Regardless, the minutes of the Standing Committee indicate knowledge and support of both the Bishop’s attempts to sell the property in question.
4. It is my understanding that in the Episcopal Church, resolution of property disputes properly resides within local diocesan entities, notably the Bishop and Standing Committee, and should not be adjudicated through the disciplinary process.
5. The building or property is not the congregation. In this season of the Church’s life, many congregations are learning to become communities of faith outside the “four walls of the church building.” St. James the Great was given a chance to continue as a congregation outside the current property with seed money of \$1,000,000 until they took the Bishop to secular court and the Vicar was terminated, as is the prerogative of the Bishop in the Diocese of Los Angeles. Furthermore, the idea to sell either the property of St. James the Great in Newport Beach or St. Michael & All Angels in Corona del Mar and to combine the congregations is entirely plausible as a viable mission strategy since the two church properties are only five miles in distance from one another.
6. Since 2008, Bishop Bruno’s intent to sell the disputed properties for the purposes of recovering litigation costs and setting aside resources for diocesan-wide mission strategy was known. It is not unreasonable, however, for St. James the Great or its Vicar to have believed that Bishop Bruno had changed his mind about that decision when he allowed them to use the property of the old congregation of “St. James” for the startup of the new

congregation of “St. James the Great.” Regrettably, they were given tremendously mixed signals. While one may question his reasoning or the quality of pastoral care provided, the Bishop appears to be within the scope of his rights and responsibilities according to the canons and traditions of the Diocese of Los Angeles.

7. Finally, on June 21, 2017, the Standing Committee of the Diocese of Los Angeles wrote: “By way of unanimous motion, the Standing Committee members reaffirm their action regarding the sale of Lido Isle. The Standing Committee concurs with [Bishop Bruno’s] decision and judgment that sale of this property is in the best interest of the Diocese of Los Angeles.” Considering this and the matters listed above, I recommend that the matter against Bishop Jon J. Bruno be dismissed.

The Rt. Rev. Michael G. Smith