

CityProperties

## Two suits filed against Mt. Zion Baptist Church raises question of clergy malpractice

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By [Pierce Greenberg](#)



(Michael W. Bunch/SouthComm)

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THE BIG DEAL

Before thousands of people at Mt. Zion Baptist Church's main campus on an April Sunday, Bishop Joseph Walker III's voice crescendoed with power, reached a breathy conclusion, then drew in for another round.

"All of us will encounter some pressing problems. It doesn't matter who you are, it doesn't matter how saved you are. Everybody in here will have to deal with ... an attack upon your destiny!" Walker shouted, as the congregation responded with supporting cheers of faith.

Walker preached basic Christian principles: Everybody faces challenges and society can tempt people into committing ungodly acts. But the message could also be construed as defensive — especially when considering the recent allegations leveled against Walker and Mt. Zion.

Former parishioners Valencia Batson and Corey Corbin filed lawsuits against Walker and Mt. Zion in the past two months, claiming there was a widespread system of manipulation and sexual abuse within the "inner circle" of the church. Mt. Zion was quick to call the allegations nothing more than a cash grab.

But beyond the lurid details, the case could hold significant implications in Tennessee law. Currently, the state doesn't have a law on the books that prohibits clergy from having sex with churchgoers — nor has the state outlined any penalties for misconduct related directly to church leaders.

Yet, the first cause of action in both Batson's and Corbin's lawsuits claims "clergy malpractice" — a touchy national subject that broaches the issue of separation of church

and state.

#### “Would you do anything for me?”

That’s what Batson claims Walker asked her in a private counseling session, according to the lawsuit. Moments later, Walker allegedly coerced Batson into performing oral sex on him — then told her to keep quiet.

“[Batson] carried Defendant Pastor Walker’s abuse and sexual secrets as a silent cross, afraid to tell and afraid to leave,” the suit reads. It goes on to detail widespread sexual abuse — sometimes in group scenarios.

Corbin’s complaint is similar, but he claims Walker seduced his wife while they were undergoing marriage counseling sessions. Corbin claims he had “no choice but to leave town due to his mental distress and due to pressure and coercion from [Walker].”

But Mt. Zion Baptist Church, which claims a membership of more than 20,000 on three Nashville campuses, claims the allegations are false and motivated by money.

In some of the early case filings, both sides have staked out their position on the claims of clergy malpractice.

Mt. Zion’s defense team, led by Waller Lansden Dortch & Davis attorney Waverly Crenshaw Jr., quickly pointed out in an early motion to dismiss the case that Tennessee has never recognized a cause for action in clergy malpractice. The state also doesn’t have any law regarding or detailing what clergy malpractice means.

“The Tennessee Court of Appeals has made crystal clear that no court has recognized a common law tort cause of action for clergy malpractice,” Crenshaw wrote.

The Tennessee Supreme Court referenced an “ecclesiastical abstention doctrine” in a case in 1892. According to Crenshaw’s filing, the ecclesiastical abstention is a practice of law which essentially prohibits the court from pursuing internal church matters.

But Connie Allison, Corbin and Batson’s attorney, claims ecclesiastical abstention doesn’t apply, because the “Tennessee legislature has thus debated and determined the proper balance between church and state, and because psychological, emotional and spiritual manipulation is not authorized by any religion.”

The validity of ecclesiastical abstention was recently addressed in a Tennessee Supreme Court case, *Redwing v. Catholic Bishop for the Diocese of Memphis*. In that case, a man sued the Catholic Diocese of Memphis more than 30 years after he was allegedly sexually abused by a priest the diocese hired.

In February, the Tennessee Supreme Court ruled that “religious organizations are not shielded from suits involving property rights, torts (like Redwing’s claims) and criminal conduct as long as the court can resolve the dispute by applying neutral legal principles and is not required to rely on religious doctrine to decide the case,” according to a TSC press release.

In Walker and Mt. Zion’s case, Crenshaw argues that the opinion in the Redwing case supports his argument that clergy malpractice can’t be pursued without the court looking into religious philosophy, teachings and other faith-based practices — an inquiry he described as “impractical and quite possibly unconstitutional.”

Allison, though, argued that the U.S. Supreme Court has ruled on cases that provide exceptions for ecclesiastical abstention — particularly in *Employment Division v. Smith* — which upheld a ruling that Oregon could deny unemployment benefits to a private sector employee fired for smoking peyote. The plaintiffs, Native American Church members, claimed peyote was part of religious ceremonies.

“The Supreme Court said ecclesiastical abstention only applies when the act talked about is central to the religion,” Allison, a former educator, told *The City Paper*.

"That means Linus can stay up all night waiting for the Great Pumpkin. It may take a while. His curfew would probably be waived for that because that's central [to his religion]. But he can't rob a bank on the way to the pumpkin patch, he can't do illegal drugs in the pumpkin patch and he can't take advantage of somebody to whom he owes a duty of care who has fallen asleep in the pumpkin patch."

**In addition to the clergy malpractice** allegations, the case also accuses Walker, the church and other church leaders of assault and false imprisonment, interference with the marriage contract, civil conspiracy, breach of contract, intentional infliction of emotional distress and negligent supervision.

Batson and Corbin both ask for "about" \$5 million in compensatory damages.

But Allison said her clients are "brave" for willing to go forward with the case, in spite of the church's claim that it's all a ploy for money. She also hopes that the state will recognize the clergy malpractice as an actionable cause.

"This is a big problem. There's not a law or statute saying Bishop Walker can't do [what he has done to my clients]," Allison said.



Technorati

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## 5 Comments on this post:

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By: NewYorker1 on 4/23/12 at 8:21

The Lord gave you a brain. USE IT! Read your bibles at home and stay out of these money-hungry churches. Remember when people did work for the Lord for free? Now everybody that is into the churches are trying to get paid. The ministers of music are getting paid, the pastors are getting paid, etc. When I was growing up, you did these things for the Lord and not for the dollar. It's so sad the things that I hear going on in the church. The sex, money, back stabbing, and drama. I've seen, first hand, pastors coming out of hotel rooms with someone other than their wives. I've see pastors at gay functions/parties. I'm not telling you what I've heard, I'm telling you what I've seen for myself. They are all a bunch of crooks.

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By: NewYorker1 on 4/23/12 at 3:49

Mt. Brothel Baptist Church or Mt. Bunny Ranch Baptist Church? LOL...

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By: Loner on 4/24/12 at 4:18

Instead of *Ecclesiastical Abstention* , we need more Ecclesiastical Abstinence.

The women who are bringing these charges are now facing brutal character assassinations at the hands of Bishop Walker and his hired gun attorneys.

Any local church with 20,000 members in its congregation is probably corrupt at some level, either spiritually, morally or financially....sometimes all three.

Professional Holymen in designer suits, living in huge homes, driving expensive luxury cars, screwing the good looking believers and fleecing their huge flocks, is an American tradition.

Bishop Joseph Walker III sounds like a totally unsavory individual...the worst kind of hypocrite....stealing in the name of the Lord. Despicable.

How many other women are afraid to come forward with their stories of sexual predation at the hands of the predatory pastor?

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By: Loner on 4/24/12 at 4:59

This topic is an "up for debate" topic also...left this post there:

As for the "malpractice" charge, IMO, it's not applicable here. Suing a Holyman, a Pastor, because he is a loathsome sinner and a hypocrite, in a secular court of law sounds rather goofy...IMO....the Bishop should face an internal church review, not a secular lawsuit, IMO.

This case makes about as much sense as a man suing a prostitute for malpractice, because she faked an orgasm...or because he couldn't get it up.

If people are stupid enough to give 10% of their incomes to Bishop Joseph Walker III, they are gullible enough to do most anything, I suppose. These two ladies literally got down on their knees for the Bishop....now they want five million in damages.....lots of luck "ladies"....you have been had.

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By: TN4th on 4/26/12 at 3:22

Clergy malpractice? Since religion can justify anything it chooses to, because of "faith" and "mystery" it seems about as viable as astrologer malpractice or alchemist malpractice. How can you hold magical mysticism to a standard of practice?

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