

Abuse verdict goes against Baptist state convention

by [Bob Allen](#) in the [February 19, 2014](#) issue

The attorney for a man awarded \$12.5 million by a Florida jury for sexual abuse suffered at the hands of a Baptist minister says the verdict could transform how Southern Baptists handle accusations of clergy misconduct.

“I think it’s a good thing for the Florida Baptist Convention to clean up their act,” said Ronald Weil, an attorney with a Miami-based law firm. The judgment by a Lake County, Florida, jury was made against the statewide affiliate of the Southern Baptist Convention. “Hopefully, this is a wake-up call for them to do that.”

The jury handed down a unanimous verdict on January 18, awarding damages to a victim now in his twenties who claimed he was molested as a child by Douglas Myers, a church planter trained and supposedly vetted by the Baptist state convention. In 2012 a previous jury found the convention responsible for the minister’s actions.

David Clohessy, director of the Survivors Network of those Abused by Priests, said despite “widespread” child sex crimes by Baptist ministers, relatively few civil lawsuits have been filed against Baptist churches.

Weil, a civil trial lawyer with 30 years of experience who specializes in sexual abuse cases and victims’ rights, said to his knowledge it is the first time that a verdict has gone against a state convention in a case involving child sexual abuse.

A 2008 article in the *Nashville Scene* quoted Southern Baptist Convention general counsel Jim Guenther saying the convention has never lost a lawsuit of any kind in the 50 years he has represented the denomination.

Guenther said the SBC has been sued in sexual abuse cases only five times. It settled only one of those, and that was not through an admission of guilt but because the denomination’s insurance company chose to pay the plaintiff a “small nuisance value” rather than the attorney fees to try the case, he added.

Augie Boto, legal counsel for the SBC Executive Committee, said in a blog interview quoted in the article: “Though the SBC is named as a party in legal proceedings about twice per year on average . . . it has not ever had a judgment rendered against it throughout its entire existence. SBC polity is the major reason for its frequent dismissal out of lawsuits on motions for summary judgment.”

Guenther said the SBC typically is dismissed from lawsuits because in the denomination’s system of governance local churches and not the national organization are responsible for choosing and supervising their ministers. “The law does not hold persons liable for things they had nothing to do with,” Guenther told the *Nashville Scene*.

However, Weil said the local-church autonomy argument is “really a legal strategy and not so much a reality,” noting that voluntary cooperation doesn’t prevent state and national conventions from chastising churches that affirm homosexuality or call a woman as pastor.

Gary Yeldell, the convention’s attorney of record, said he is confident that the judgment will be reversed on appeal. “This confidence is based, in large part, on the jury’s express finding that Myers was an independent pastor who was not hired, employed or supervised by the convention,” he said in a statement.

Weil said regardless of who signed the minister’s paycheck, he was an “agent” of the state convention, which gave him eight weeks of training and conducted criminal, motor vehicle and credit checks but didn’t bother to contact “his two immediate previous churches, where he was run out of town” over inappropriate conduct with boys.

Christa Brown, a victims’ advocate, welcomed the jury verdict. “Cases such as this are what it will take for kids eventually to gain better protection against preacher-predators in the Southern Baptist Convention,” Brown said. —ABP