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March 3, 2023

Via Email

The Reverend Nancy Gossling,
President of the Hearing Panel
Episcopal Diocese of Massachusetts
138 Tremont Street
Boston, MA 02111

Re: The Episcopal Diocese of Massachusetts v. The Reverend Douglas E. Anderson, Respondent
Response to the Order of the Hearing Panel on the Church Attorney's Motion to Redact
dated, March 2, 2023

Dear Rev. Gossling:

I am in receipt of the Order of the Hearing Panel dated, March 2, 2023, and emailed to me late last night.

In Paragraph 2 of your Order, the Panel falsely states,

"Additionally, Respondent argues that as the events took place in a diocese geographically distant from Massachusetts, there is no indication that anyone in a distant diocese would be aware of a posting on the Diocese of Massachusetts website. (Respondent's Op. at 2.)"

Respondent's Opposition says no such thing. Respondent denies the alleged events ever took place. Please correct the Order to reflect Respondent's position, and if the Hearing Panel decides to reference Respondent's documents in the future, it is respectfully requested that the Panel do so accurately.

Additionally, the last paragraph of the Hearing Panel's Order is improper. The Panel has no right to attack me for using the Complainant's name or place of employment, former or otherwise, during the oral argument on the Church Attorney's Motion to Redact. The Panel gave no instruction prior to my argument, nor did anyone on the Hearing Panel speak up during my argument. To address me in an Order as you have done stating what I said was inappropriate is itself inappropriate and unprofessional.

Similarly, I must object to your comments when you attempted to excoriate me during the hearing on the motion to redact unfortunately you did not give me the opportunity to respond

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then. However, I am doing so now. Had you given me the opportunity to respond I would have responded by saying the redaction Canon IV.13.3.(b) does not apply to limiting or restricting what can be said during oral argument on a motion. It does not limit speech at all. The word redact in that Canon only applies to documents posted on the website pursuant to Canon IV.13.3(a).

Furthermore, neither you nor anyone else on the Hearing Panel gave any instructions stating that the Complainant's name should not be mentioned during the Motion argument. I must be able to argue on behalf of my client in a way that I feel is fair and reasonable.

Unfortunately, the Church Attorney's feigned outrage at me, really reflects the fact that he neglected to request that any of this information be redacted with his initial filing or when respondent filed his response to the initial statement of the church attorney. It is not the fault of Respondent.

Having said that, it does not help to attack counsel when instructions have not been given by the Hearing Panel. Had you raised the issue about not using the complainant's name in the motion hearing I would have had the opportunity to object to that on the record with the statements hereinabove regarding what the redaction Canon actually states. It is interesting that no one on the Hearing Panel said anything until the Church Attorney's outburst. It was improper for you to publicly excoriate me for the failure on the Hearing Panel's part to give any instruction at the outset of the Motion Hearing or to allow the Church Attorney to speak without allowing me the opportunity to respond.

If the Hearing Panel does not correct the last paragraph of its Order and remove the attack on Counsel, please allow this letter to be a formal response document and post it to the Diocesan website at the same time the Order is posted.

Faithfully,

Michael F. Rehill

Michael F. Rehill, J.D., D.D.
(Counsel for Respondent)

cc: The Rev. Douglas E. Anderson
Dr. Pamela L. Lutz, Advisor to Respondent
Don Allison, Church Attorney