

**BEFORE THE COURT OF REVIEW OF
THE EPISCOPAL CHURCH**

The Rev. Dr. Daniel W. McClain,
Appellant/Respondent

v.

The Episcopal Diocese of Southern Ohio,
Appellee.

Opening Brief of Appellant

The Rev. Dr. Daniel W. McClain (hereinafter “Fr. McClain” or “Appellant”), by and through his undersigned attorney, and with the support of his Advisor, The Rev. Lynn Carter-Edmands, for his Opening Brief, respectfully states:

I. Introduction

This Title IV and the Church’s involvement in Fr. McClain’s divorce have been devastating. Fr. McClain spends his spare time hiking and riding bicycles with his boys,¹ making music, reading, and walking his pyrenes. Photos of Fr. Dan show his sons and other people were comfortable around him.²

He did not deserve to have a Title IV complaint published in which he is accused of manipulating a witness to withdraw abuse allegations. The police have never been called to his home while he was there. He never laid a hand on a family member. He has never, out of anger, damaged physical property. There is zero credible evidence that he has ever intentionally or out

¹ 2024.02.29 – Full Set of Exhibits to the respondent’s answer, p. 42 of 94.

² 2025.01.08- Motion for Summary Judgment, p. 33, 106, 107, 157 - 163 of 166.

of anger physically harmed another human. There are no medical reports, police reports, or psychological documentation of harm by him to anyone. Despite significant oversight by guardian ad litem, and court appointed psychologists, there is **zero** evidence of abuse by Fr. McClain.

Fr. McClain's divorce proceedings were protracted and contentious and involved a party who felt it was appropriate to make false abuse allegations and to demand sole exclusive custody of children, and to violate court orders by leaving the state. The Diocese has watched the divorce unfold, including by obtaining copies of court transcripts, and has scrutinized every action by Fr. McClain.

After nearly a year of contentious divorce proceedings, which started with Fr. McClain being homeless and without the companionship of his children or access to his own material possessions,³ Fr. McClain developed a relationship with a person to whom he is now married.⁴ This relationship started after the divorce began, and before the divorce concluded.⁵ The person was not a member of his parish, a student or any other person protected by the "sexual misconduct" definitions in Title IV.

While Fr. McClain was enduring terrible litigation over his right to the companionship of his boys, the Church threw stones at him by publishing false claims about him and by multiple protracted Title IV proceedings. In the end, the divorce judge made an adverse credibility ruling against Fr. McClain's ex-wife regarding her false allegations of abuse.⁶ Meanwhile, the Church gave him no hearing.

³ See 2025.01.08 - Motion for Summary Judgment, pp. 5 – 21.

⁴ See 2025.09.30 – Response to Church's Motion for Partial Summary Judgment, pp. 3 – 9.

⁵ See 2025.09.30 – Response to Church's Motion for Partial Summary Judgment, pp. 3 – 9.

⁶ See 2025.01.08 – Motion for Summary Judgment, p. 4, and Exhibit 9 thereto.

The Hearing Panel’s penalty is severe in light of the absence, throughout the Episcopal church, of any record of similar discipline to unmarried or divorcing clergy who engage in sexual relationships.

The penalty is discordant with stated goal of Title IV to promote “healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected.”

II. Standard of Review

The applicable standard of review is found in Title IV, Canon 15. Sec 5.b. of the Canons of the General Convention of The Episcopal Church (hereinafter “Canons”), which states:

The standards for and conditions of appeal to the Court of Review shall be as follows:

* * * *

b. In all other appeals, the Court of Review shall grant relief to the appealing party only if, on the basis of the record on appeal, it determines that the party seeking review has been substantially prejudiced by any of the following:

1. The action taken below violates the Constitution and Canons of the Church or the Diocese;
2. The Hearing Panel has exceeded the jurisdiction conferred by this Title;
3. The Hearing Panel has not decided all of the issues requiring resolution;
4. The Hearing Panel has erroneously interpreted or applied the Constitutions or Canons of the Church;
5. The Hearing Panel has committed a procedural error or engaged in a decision-making process contrary to this Title;
6. The factual determinations of the Hearing Panel are not supported by substantial evidence when viewed in the whole light of the record on appeal.

As set forth more fully herein, subsections 1, 3, 4, 5, and 6 of Section 19.15.Sec.5.b have been violated. Further, because such violations resulted in substantial prejudice to Fr. McClain, to include public humiliation, loss of employment, a lengthy suspension, and an unfair order of deposition, the decision of the Hearing Panel must be reversed.

III. Reversible Error

A. The Church Attorney Argued Allegations From Prior Dismissed Intake Report

In violation of Canon IV.19.Sec.13, allegations from a prior dismissed Intake Report were argued to the Hearing Panel.⁷ This violated Canon IV.15.Sec.5.b (1) because Constitution and Canons of the Church were not followed when allegations from a prior dismissed Title IV were set in front of the Hearing Panel.

B. Nondisclosure of Certain Hearing Panel Findings or Incomplete Ruling

In violation of Canon IV.13.Sec.3, the Hearing Panel kept part of its ruling private, and secretly informed Fr. McClain in a letter that they had found no evidence of abuse.

Canon IV.13.Sec.3. requires, “As soon as possible, the Hearing Panel shall make documents available to members of the Church and the Church media as set forth in this Section.” Canon IV.13.Sec. 3 a. describes the documents subject to this section, and includes, “. . . all documents filed with **or issued by the Hearing Panel** or by any party or person including but not limited to motions, briefs, affidavits, **opinions**, objections, **decisions**, notices, challenges, and Orders.” (emphasis added)

In violation of this canon, the Hearing Panel issued a private letter dated October 14, 2025 stating, “the convened Hearing Panel for Title IV regarding Daniel McClain found no

⁷ See 2025.11.28 – Notice of Appeal, p. 19 of 39.

evidence of any abuse committed on any party by Mr. McClain.”⁸ Meanwhile, the Hearing Panel’s public decision to defrock Fr. McClain made no reference to this finding. This violated Canon IV.15.Sec.5.b (1) and (3); demonstrates an unfair process motivated by some political factor other than the truth; and constitutes reversible error.

C. Failure to Have a Hearing

The reason the record on appeal contains no transcript of a hearing is because there was no hearing. In violation of Canon IV.13.Sec.7, the Hearing Panel did not hold a hearing. Fr. McClain requested a hearing twice.⁹ Additionally, a jointly submitted proposed scheduling order included a hearing date.¹⁰ That proposed order was never acknowledged or issued by the Hearing Panel. Notwithstanding Appellant’s requests, and notwithstanding the canonical requirement of a hearing, there was no hearing. Failure to have a hearing constitutes a violation of Canon IV.15.Sec.5.b (5).

D. Failure of the Church Attorney to Implement Canon IV.13.Sec.2

The Church Attorney did not act as an independent Title IV officiant, but understood it was his obligation to assert all allegations that he believed stated a claim under Title IV, irrespective of whether he himself believed the allegations were true and supported by facts of record.¹¹ For example, on page 9 of the Statement of the Case, the Church Attorney states, “. . .there are several specific allegations that, **if true**, must be considered as possible Offenses in this matter.”¹² (emphasis added)

⁸ See 2025.11.20 – Notice of Appeal, p. 14 of 39.

⁹ See 2025.01.28 – Email Request for Hearing.pdf; *and see* 2024.04.21 Email Request for Hearing.

¹⁰ See 2025.02.13 – Email from Church Attorney and Proposed Stipulated Scheduling Order.

¹¹ See 2025.01.08 – Motion for Summary Judgment, pp. 1-2.

¹² 2024.01.25 - McClain Written Statement of Offense final, p. 9 of 14.

This method of prosecuting a Title IV case is inconsistent with Canon IV.13.Sec.2., which requires the Church Attorney independently to evaluate whether there is “clear and convincing” evidence to support the allegations, and whether the proof that will be submitted at the hearing will overcome the “presumption of innocence.” Such analysis should be undergone before Statement of the Claim is made public.

The Statement of the Case relied heavily upon hearsay and conjecture by the Complainant, who has never met Appellant, and upon the Appellant’s ex-wife, who at the time was suing for sole and exclusive custody of three of Appellant’s four children.¹³ Later, the Church Attorney agreed that neither the Complainant nor the ex-wife would be witnesses in this matter.¹⁴

The Statement of the Case paints Appellant as a villain by arguing that not only did he commit abuse, he engaged in further nefarious action by manipulating a witness to drop claims of abuse.¹⁵ Privately, the Church has acknowledged that the abuse allegations were dismissed.¹⁶ Yet, in the public Statement of the Case, the Church Attorney alleges, “. . . [Appellant] manipulated her into writing those [emails recanting abuse] by falsely claiming to be interested in reconciliation . . . ”¹⁷ After publicizing the false allegation that Appellant coerced his ex-wife to drop claims of abuse, the Church Attorney decided privately that there would not be a hearing about those false allegations. Failure to have a hearing violated Canon IV.15.Sec.5.b (3).

¹³ See 2024.01.2025 – McClain Written Statement of Offense final, *passim*

¹⁴ See 2025.01.08 – Motion for Summary Judgment, pp. 1-2.

¹⁵ See 2024.01.25 – McClain Written Statement of Offense final

¹⁶ See 2025.11.07 – Motion to Attach, p 4 of 7.

¹⁷ 2024.01.25 - McClain Written Statement of Offense final, p. 10 of 14.

E. Ruling Not based on Facts of Record

In violation of Canon IV.19.Sections 16 and 17, the initial decision of the Hearing Panel, is not supported by substantial evidence when viewed in the whole light of the record on appeal.

The Hearing Panel found, “Mr. McClain has neither the temperament, understanding of obedience, nor the understanding of church polity necessary to perform as a priest.”¹⁸ There was no evidence submitted by any party of disobedience to any written or oral instruction of a bishop, or of the Appellant’s understanding of church polity.¹⁹ The psychological assessment required by the diocese found nothing of the sort.²⁰ Because the ruling is not based on facts of record, it violates Canon IV.15.Sec.5.b (5).

F. The Title IV Was Retaliatory

In violation of Canon IV.3.Sec 1, the Church Attorney submitted evidence to the Panel that Appellant’s attorney had submitted a Title IV against Bishop Wayne Smith.²¹ The Title IV against Bishop Smith was a request for help with a painful and disillusioning experience and was not publicly known until the Church Attorney in this matter disclosed it.²²

Page 3 of the Diocese’s Reply Memo in Support of DSO Motion for Partial Summary Judgment argues that Fr. McClain is a bad person because his attorney filed a Title IV complaint against a bishop. This is blatant retaliation towards a witness in a complaint against a bishop after that bishop interfered with a marriage and publicized false information about a clergy

¹⁸ See 2025.10.14 – McClain final

¹⁹ Understanding of church polity is not a cognizable claim under Canon IV.3 or IV.4.

²⁰ 2025.10.07 - Exhibits 1-9 to the Respondent’s Reply to Response to MSJ, pp 51-52 of 122.

²¹ See 2025.10.06 - Reply Memo in Support of DSO Motion for Partial Summary Judgment, p. 3 of 4.

²² It is unclear why the Church Attorney would have known about the Title IV, except for disclosure to him by Bishop Todd Ousley, or Bishop Wayne Smith, or by a person acting on behalf of either of them.

family. Such retaliation violates clergy discipline canons, squelches trust in disciplinary proceedings concerning bishops and constitutes protection by the Church of its own power at the expense of those against whom power has been misused.

Because this Title IV was motivated by a spirit of retaliation, it was in violation of Canon IV.15.Sec.5.b (1).

G. Godly Judgment During Pendency of Title IV

Bishop White issued a godly judgment based on, and during the pendency of a Title IV.²³ Concurrent DSO Canon XVI.24-30 and TEC Title IV proceedings are specifically prohibited by the Canons of the Diocese of Southern Ohio. By disciplining Appellant in the form of termination of his employment in advance of the conclusion of Title IV proceedings, the godly judgment violated Canon IV.19.Sections 16 and 17, which require that clergy be presumed innocent unless and until the allegations are proved to be true by clear and convincing evidence. As a practical matter, use of the soft power of the bishop diocesan to openly oppose Appellant, undermined a fair process.

Because Appellant was disciplined by a godly judgment before any finding of fact was made by the Hearing Panel, the Diocese violated Canon IV.15.Sec.5.b (1).

H. Church Attorney and Chancellor are from the same Law firm.

One of the Church Attorneys, Deborah Adams, and the Chancellor, Joe Dehner, are retired long-time partners of the same law firm.²⁴ This arrangement directly violates Canon IV.19.Sec.19, which states in pertinent part, “No Chancellor or Vice Chancellor of a Diocese shall serve as Church Attorney in that Diocese. . . . The Church Attorney in any proceeding shall

²³ See 2025.11.28 - Notice of Appeal, pp. 26 – 39 of 39.

²⁴ 2025.01.08 – Motion for Summary Judgment, Exhibit 1 thereto.

not be from the same law firm as any Chancellor or Vice Chancellor otherwise disqualified under this section.”

Because the Church Attorney and Chancellor were “from the same law firm,” the Diocese of Southern Ohio violated Canon IV.15.Sec.5.b (1) in these proceedings.

IV. Substantive Harm / Punishment Has Already Been Implemented

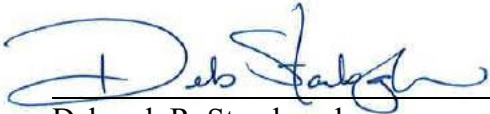
The foregoing constitutes reversible error by causing substantial prejudice to Appellant. The Diocese sidestepped a fair trial and meted out punishment by publicly humiliating Fr. McClain with false accusations that have followed him into his secular job searches, by ending his position as a rector of a parish, and by having him suspended for now two years,²⁵ as of the date of this filing. Accordingly, there has been substantial prejudice to Fr. McClain because of the false accusations made by the Church. To the extent a penalty was warranted for Fr. McClain’s relationship with his now wife, a penalty has already been imposed in the form of a two year suspension, loss of his position as a rector, and public humiliation.

V. Conclusion and Prayer for Relief

WHEREFORE, Appellant respectfully prays that this Honorable Court of Review reverse in whole the Order of the Hearing Panel pursuant to Canon IV.14. Sec 15(b).

DATED this 23th day of February, 2026.

WISLER PEARLSTINE LLP

By: 
Deborah R. Stambaugh
Attorney for the Appellant

²⁵ Fr. McClain was suspended on February 5, 2024.