

## HEARING PANEL OF THE DISCIPLINARY BOARD OF THE EPISCOPAL CHURCH IN CONNECTICUT

THE EPISCOPAL CHURCH IN CONNECTICUT	}	
V	}	Respondent's Motion to
	}	Disqualify Hearing Panel
THE REVEREND AMJAD SAMUEL	}	Member Tom Smith or
	}	Alternatively, for Mr. Smith
RESPONDENT	}	To Recuse himself from this
	}	Title IV Matter
	}	

### ECCT Title IV Matter 2021-1

The Respondent, The Reverend Amjad J. Samuel, through his counsel, Michael F. Rehill, makes this Motion to Disqualify Hearing Panel Member Tom Smith or alternatively for Mr. Smith to recuse himself from this Title IV Matter in accordance with Canon IV.19.14 b, IV.19.14.c, IV.19.15 of The Episcopal Church and Canon XIII.2.B, of the Canons of the Episcopal Diocese of Connecticut.

On October 3, 2022, the Hearing Panel scheduled a Hearing via zoom regarding the Church Attorney's Motion to remove [REDACTED] as one of the Complainants in the Title IV Matter pending regarding The Rev. Amjad J. Samuel.

Donald J. Allison, Church Attorney spoke in support of his motion and Michael F. Rehill, Counsel for the Rev. Amjad J. Samuel spoke in opposition. Following the opposition argument by Mr. Rehill, the President of the Hearing Panel, The Rev. Joseph Shepley asked, "Do we have any questions from the Hearing Panel for Mr. Rehill?"

Mr. Tom Smith spoke up and said, "I had a question um Joe. Early on Mr. Rehill used the phrase "false allegation" I don't understand how that can be said. Would that be an adjudication on his mind?" (Audio Transcript in possession of Hearing Panel, please refer to minute 11:33 through minute 11:59).

The fact the Mr. Smith did not understand that in accordance with Canon IV.19.16 which states in pertinent part, "**There shall be a presumption that the Respondent did not commit the Offense.**" leads Respondent, Counsel for Respondent and Respondent's Advisor under the impression that Mr. Smith has already prejudged the case against Rev. Samuel. (Emphasis added)

On October 20, 2022, Counsel for the Respondent received an email from Scott Colvin, Treasurer, at St. Paul's Church along with several other members of the Vestry stating,

*"Attorney Rehill.....*

*The undersigned St. Paul's Vestry Members attended the October 3<sup>rd</sup> Motion Hearing and share the following concern with you following our informal discussion.....*

*We are quite disturbed by Mr. Tom Smith's comments during this session. In response to Rev. Shepley's request for questions of you, Mr. Smith responded, "Earlier Mr. Rehill used the phrase "false allegation". I don't understand how that can be said."*

*Based on this statement, we believe he has already made up his mind and is biased against Fr. Samuel.*

*Yours in Christ,*

*Pat Sullivan, Senior Warden*

*Sunhwa Chapman, Junior Warden*

*Scott Colvin, Treasurer*

*Jody Maier*

*Winifred Perley"*

(Email attached)

The contents of that email make it obvious that many others feel that Mr. Smith has prejudged the case. Unfortunately, Mr. Smith has not come forward to disqualify himself for his bias and prejudgment regarding the Respondent in this matter necessitating this Motion. Canon IV.19.14(b), IV.19.14(c), IV.19.15 of the Canons of The Episcopal Church and Canon XIII.2.B, of the Canons of the Episcopal Diocese of Connecticut as stated below provide remedy for such prejudgment. Additionally, Canons IV.19.16, IV.19.17 and Canon IV.13.10 in the Canons of The Episcopal Church below all support Respondent's motion.

Canon IV.19.14. states in pertinent part, "Sec. 14. Impartiality of officials and bodies described in this Title shall be addressed as follows:"

Canon IV.19.14(b) states in pertinent part, "The Church Attorney or any member of any Panel provided for in this Title shall disqualify himself or herself in any proceeding in which such person's impartiality may reasonably be questioned."

Canon IV.19.14(c) states in pertinent part, "The Church Attorney or any member of any Panel provided for in this Title who has not disqualified himself or herself as provided in this section may be subject to challenge by the Church Attorney or the Respondent on grounds described in this section."

Canon.IV.19.15 states in pertinent part, "In addition to any challenge permitted under [Canon IV.19.14](#), the integrity of the Disciplinary Board shall be preserved by a system of challenge as to the membership of any Panel of the Board appointed for a proceeding. Each Diocese shall provide by Canon for a system of challenge."

Canon XIII.2.B, of the Canons of the Episcopal Diocese of Connecticut states, "(B) Preserving Impartiality. In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding."

Canon IV.19.16.

Presumption of innocence. Sec. 16. **“There shall be a presumption that the Respondent did not commit the Offense.** The standard of proof required for a Hearing Panel to find an Offense by a Respondent shall be that of clear and convincing evidence.” (Emphasis added)

Canon IV.19.17

Burden of proof. Sec. 17. “In all matters under this Title, it shall be the burden of the Church through the Church Attorney to establish an Offense by any Respondent.”

Canon 13: Of Hearing Panels CANON IV.13.10

**Sec. 10.** “In all proceedings of the Hearing Panel the testimony of witnesses shall be taken orally and personally or by such other means as provided by order of the Hearing Panel. **All testimony shall be given under oath or solemn affirmation and be subject to cross-examination. The Hearing Panel shall determine the credibility, reliability and weight to be given to all testimony and other evidence.**” (Emphasis added)

At the time of the Motion Hearing on October 3, 2022, no testimony or evidence has been presented to the Hearing Panel. In fact, to date there has been no testimony or evidence presented to the Hearing Panel. Discovery is still on going in the matter and the Respondent is still waiting for outstanding Mandatory Disclosures from the Church Attorney.

It is unfortunate that Mr. Smith has prejudged this matter and has already decided that there is no way that it can be said that the allegations made against the Respondent are false. Respondent deserves to have a Hearing Panel that has not prejudged the matter and that is open to testimony and evidence when the actual Hearing begins.

Accordingly, based upon the foregoing, Respondent respectfully requests that the Hearing Panel, not the subject of this motion, in accordance with the applicable Canons, disqualify Mr. Smith or alternatively, Mr. Smith recuse himself from this Title IV Matter.

Faithfully,  
*Michael F. Rehill*  
Michael F. Rehill J.D., D.D.  
Counsel for Respondent

Dated: 10-24-2022

cc: Donald Allison, Church Attorney  
The Rev. Amjad J. Samuel, Respondent  
Dr. Pamela L. Lutz, LL. D., Advisor to Respondent

## Title IV Motion Hearing Matter

From: Scott R. Colvin (scott@srcolvincpa.com)  
To: rehill@rehill-law-office.com  
Cc: plutz@canonlawyer.org  
Date: Thursday, October 20, 2022, 10:11 AM EDT

Attorney Rehill.....

The undersigned St. Paul's Vestry Members attended the October 3<sup>rd</sup> Motion Hearing and share the following concern with you following our informal discussion.....

We are quite disturbed by Mr. Tom Smith's comments during this session. In response to Rev. Shepley's request for questions of you, Mr. Smith responded, "Earlier Mr. Rehill used the phrase "false allegation". I don't understand how that can be said."

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