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P.O. Box 10953, Lynchburg, VA 24506 • Ph 434-401-2093 • Fax 434-239-3651 • rickboyerlaw@gmail.com

PRESS RELEASE - FOR IMMEDIATE RELEASE - May 20, 2026

From: Rick Boyer, Counsel for Plaintiffs

To: All Media Outlets

RE: Victory for Plaintiffs on Appeal! Virginia Court of Appeals orders reversal of dismissal; Remands *Gaskins v. McLean Bible Church* to Fairfax County Circuit Court for further proceedings

Contact: Rick Boyer – 434-401-2093; rickboyerlaw@gmail.com

Fairfax, Virginia. Yesterday, May 19, 2026, a three-judge panel of the Virginia Court of Appeals granted a reversal of the Fairfax County Circuit Court’s dismissal of *Gaskins v. McLean Bible Church*, reinstated the case, and remanded it to the Circuit Court for further proceedings.

Background of the Case

In July of 2021, McLean Bible Church (“MBC”) held an election for three positions on the governing Board of Elders (“the Board”) of MBC. In an effort to ensure election of its three handpicked candidates, the Board conducted an illegal election in violation of the MBC constitution, denying secret ballots and illegally purging members in good standing, claiming without evidence that they had “missed eight consecutive worship services without reasonable excuse,” to prevent them from voting against the persons selected by the Board as candidates for the Board of Elders, the governing body of MBC. Most dismissed members have never been reinstated. The suit asked the court to order disclosure of the names of all purged members, and conduct a new vote, by secret ballot, with all illegally purged members allowed back on the voting rolls.

The Fairfax County Circuit Court had ruled that the First Amendment’s protections for religion and free association completely prevented the plaintiffs from undertaking discovery in the case at all, and dismissed the case as moot.

The Plaintiffs argued that most

Court of Appeals Ruling

On appeal, the Court of Appeals adopted the plaintiffs' arguments, and rejected the MBC Elder Board's, almost entirely. They agreed that whether members missed 8 meetings is a neutral principle of law, not a religious question. "This Court, and all other courts in Virginia, are surely able to count to eight without entering a 'religious thicket.'" The court added that **"a rule barring any inquiry into church governance, even just to determine whether the ecclesiastical abstention doctrine applies in the first place, could swallow the neutral-principles doctrine and present a great potential for abuse by religious entities endeavoring to shield their malfeasant employees from any secular ramifications."**

The court even ruled that whether members were illegally dismissed in 2021 is still relevant to whether members are being denied their rights today. It ruled that the First Amendment is NOT a complete jurisdictional bar to discovery, but that it requires a balancing test between the religious interests of the church and the litigation needs of the plaintiffs. "Membership lists and explanations for the alleged mass purge of dissenting members in 2021, for instance, could bolster—or could reasonably 'lead to the discovery of admissible evidence' that would bolster—the dissenters' claim that MBC 'intentionally dilute[d] the voting strength of Plaintiffs and their fellow dissenting voices, by arbitrarily and unconstitutionally denying voting rights to members in the dissenting faction, thus injuring all Plaintiffs.'"

The Court of Appeals ruled **that the case goes back to circuit court to determine whether the plaintiffs prevail on the First Amendment "associational privilege" balancing test, and if so, then the plaintiffs are entitled to limited discovery** to determine whether the "ecclesiastical abstention" doctrine applies at all - meaning, whether the dispute at stake is actually a religious questions, or merely a math question.

CRUCIALLY, the court ruled that **in the case of a congregational church, courts DO have jurisdiction to determine whether the church followed its own rules, so it can be determined the actual "majority ruled" according to those rules.** This is huge for the plaintiffs.

"[W]e embrace the perhaps subtle—but meaningful—distinction between a religious institution being “above the law” and being subject to the law while still wielding significant privileges and protections."

The Court of Appeals remanded to the circuit court to "conduct the proper balancing test to determine whether the claimed First Amendment associational privilege applies. If the circuit court finds that this privilege does not apply, then it should proceed with tailored discovery to determine whether the ecclesiastical abstention doctrine applies.... [U]ntil **MBC demonstrates a genuine threat to, or a present infringement of, its First Amendment rights, the dissenters are entitled to pursue discovery and this case endures."**

Finally, the very tone of the language of the opinion is important. The Court of Appeals' prior language seemed to suggest that the dissenters might just be troublemakers, as the church argued. This opinion seems very sympathetic to the plaintiffs' argument that the Elders stole an election. "Although it determined that many nominees were qualified to serve as elders, the Board 'submitted only three handpicked candidates' at the June 2021 meeting. According to the

operative second amended complaint, the Board sought to steal the election." The Court of Appeals struck a very different tone this time, in the plaintiffs' favor.

The Plaintiffs are grateful to the Court of Appeals for a ruling we believe was legally correct, and praise God for this outcome. We are working to obtain a date in Circuit Court for a hearing on the associational privilege issue.

The Plaintiffs will continue to shine the light on some very dark deeds by the Board of Elders, and to fight for the religious freedoms and rights under the church constitution owed to all members of McLean Bible Church.

God bless,

Rick Boyer

A copy of the Court of Appeals' Memorandum Opinion is available at <https://www.vacourts.gov/static/opinions/opncavwp/0185254.pdf>. Questions may be addressed to counsel for Plaintiffs, Rick Boyer of Integrity Law Firm in Lynchburg, Virginia.