



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**

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**JANE DOE I, et al. v. CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, et al.  
CV-25-0213-PR**

**PARTIES:**

*Petitioners:* Corporation of the President of the Church of Jesus Christ of Latter-day Saints, Church of Jesus Christ of Latter-day Saints, John Herrod, Sherrie Farnsworth Herrod, Robert Kim Mauzy, and Michelle Morgan Mauzy

*Respondents:* Jane Doe I, Jane Doe II, and John Doe

**FACTS:**

Respondents endured extensive sexual abuse by their father, Paul, for many years while they were between the ages of six weeks and twelve years old. In November 2011, Paul confessed to the bishop of his church, John Herrod, that he had sexually abused Jane Doe I. Herrod subsequently asked Paul's wife, Leizza, to join them and instructed Paul to repeat his confession to her. Herrod then began counseling both Paul and Leizza, recommending that either Paul turn himself in or Leizza report Paul to the authorities. Herrod did not report Paul's abuse to the authorities.

Robert Kim Mauzy succeeded Herrod as bishop. During Mauzy's transition to the position, Herrod told him about Paul's confession. Mauzy eventually initiated a disciplinary proceeding that resulted in Paul's excommunication from the church in 2013. Paul initiated an appeal of his excommunication, voluntarily discussing his actions at the hearing. The church upheld the excommunication. However, none of the Petitioners reported the abuse of Jane Doe I to law enforcement or the Arizona Department of Child Safety.

Respondents sued Petitioners. They alleged, among other things, that Petitioners owed them a statutory duty to report their knowledge of Paul's abuse to authorities pursuant to A.R.S. § 13-3620(A). The superior court granted summary judgment in Petitioners' favor, and Respondents appealed.

The court of appeals reversed, finding that genuine issues of material fact exist as to Petitioners' duty to report under § 13-3620(A). The court determined that a reasonable fact finder could conclude that Paul's confession to Leizza amounted to a waiver of the clergy-penitent privilege. The court also determined that a jury could reasonably infer that Paul voluntarily waived privilege in the excommunication proceedings by disclosing his abuse of Jane Doe I to all members in attendance, both clergy and non-clergy. Finally, the court found that a genuine issue exists as to whether it was "reasonable and necessary" for Petitioners to withhold reporting Jane Doe I's abuse.

## ISSUES:

1. The Reporting Statute provides that “a member of the clergy . . . may withhold reporting of [a] communication or confession” of abuse if “the member of the clergy . . . determines that it is reasonable and necessary within the concepts of [his] religion” to keep the communication confidential. A.R.S. § 13-3620(A). Did the Court of Appeals err, and violate the First Amendment, by refusing to defer to the Bishops’ understanding of Church doctrine and by instead holding that a secular jury should decide whether the Bishops “violated Church doctrine”?
2. The Reporting Statute provides that clergy have a duty to report abuse that they witness through “personal observation . . . of the minor.” A.R.S. § 13-3620(A). Did the Court of Appeals err, and violate the First Amendment, by concluding that Paul’s second confession before his wife may not have qualified as a “communication or confession” under Church doctrine, but instead may have qualified as a “personal observation” triggering a duty to report?
3. The Court of Appeals held that Paul may have confessed to “non-clergy” at an ecclesiastical council. Did the Court of Appeals err, and violate the First Amendment, by refusing to defer to the Church’s “ecclesiastical rules, customs and laws” to determine who its clergy are, [*Waters v. O’Connor*, 209 Ariz. 380, 385 ¶ 21 (App. 2004)], and instead allowing a secular jury to decide?

## RELEVANT STATUTE:

A.R.S. § 13-3620 states, in pertinent part, as follows:

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under § 36-2281 shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person’s role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, “person” means:

. . . .

2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.

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