



Clergy Malpractice in America: Nally v. Grace Community Church of the Valley (Landmark Law Cases and American Society) (Landmark Law Cases & American Society)

Mark A. Weitz

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Can faith-based counselors be held to the same standard of legal accountability as secular ones? Or does the broad shield of religious freedom protect them absolutely, no matter how incompetent or negligent their actions might be? After Kenneth Nally put a shotgun to his head and pulled the trigger in early 1979, finding the right answers to those questions became both much more urgent and much more difficult. Mark Weitz shows why.

Following his suicide, Nally's parents filed a wrongful death suit against their son's fundamentalist church, alleging that its pastoral counselors had failed to steer him toward the professional help they thought he needed and even dissuaded him from seeking secular help. The resulting legal case lasted nearly a decade, alarmed church leaders of every faith, and transformed judicial thought in this highly sensitive area of American life.

Nally v. Grace Community Church of the Valley was the nation's first case to allege "clergy malpractice," one that challenged the freedom of religious leaders to counsel their parishioners. Initially dismissed on religious freedom grounds, the parents' suit was twice reinstated by an appeals court, only to be overturned by a unanimous vote by the California State Supreme Court in 1988. But that decision was made on very narrow grounds, leaving open the likelihood of future court challenges.

As told by Weitz, the Nally case is as much a story of modern America as it is an account of courtroom proceedings. By examining both the rise of the fundamentalist movement in the Los Angeles area in the 1960s and 1970s and the social pressures with which Kenneth Nally struggled, he reveals how a culture based on personal achievement came into direct conflict with one based on the search for salvation. He also shows the difficulty of deciding a case in which the competing claims—religious freedom and professional accountability—both rest on key principles revered in American society.

Based on interviews with participants on both sides of this drama, as well as extensive research in public records, Weitz provides a compassionate, fair-minded, and illuminating account of a very difficult case with unpredictable ramifications for the future.

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