

*Ministry and the Law*, by Mary Angela Shaughnessy, and *Stay Out of Court and Stay in Ministry*, by Clarence Hagglund and Britton Weimer

reviewed by [Kent A. Eaton](#) in the [January 6, 1999](#) issue

*By Mary Angela Shaughnessy, S.C.N., J.D., Ministry and the Law. (Paulist, 85 pp.)*

*By Clarence Hagglund and Britton Weimer, Stay Out of Court and Stay in Ministry. (CSS Publishing, 64 pp.)*

While good intentions, a pure heart and genuine concern for the welfare of others will never cease to be essential qualifications for pastors, we need to become increasingly aware of the actual and potential landmines scattered throughout our parishes, campuses and parochial schools. As Mary Angela Shaughnessy writes, "Ministers are vulnerable to lawsuits for everything they do. Recognizing these realities is best, and to practice preventive law; by understanding the minimum requirements of the law, a minister is better able to comply with those requirements."

Trial and error are much too costly; we need a detailed map. While they are not a substitute for ongoing legal consultation, these books by Clarence Hagglund and Britton Weimer and by Shaughnessy point to potential dangers. Both works explain how civil law is commonly applied to parish ministry. They can help pastors and other concerned leaders prevent costly and career-ending lawsuits.

Both books cover a variety of subjects, ranging from accidents and injuries on the church premises, through sex abuse and employment disputes, to defamation of character. Since all the authors are practicing attorneys as well as church leaders, their intent is to offer specific and practical advice. Not surprisingly, then, the content of the two books does overlap, though each has specific strengths.

Shaughnessy's book is an enjoyable read that will expand one's understanding of jurisprudence in general. It begins with a pretest that may demonstrate how woefully inadequate churchpeople's understanding of legal ecclesiastical issues may be. The test also makes us aware of the complexity of civil law as it affects practically all areas of religious ministries. While Shaughnessy writes with the Catholic parish in mind and her illustrations reflect that tradition, her book is also

relevant to Protestants. She provides a theoretical and theological base from which to address potential legal problems.

Shaughnessy is especially helpful on children's and youth ministry, the risks of using volunteers in ministry situations, and personnel issues. In fact, youth ministers and parish school administrators may be the most important audience for her book. She cautions, "Because of the seriousness of the dangers posed by religious education and youth ministry programs, a greater standard of care will be expected of DREs, catechists, and youth ministers than would probably be required of teachers in the traditional school setting."

Hagglund and Weimer, whose approach is much more pragmatic, have broad experience not only in commercial litigation but also in insurance coverage. Therefore, while Shaughnessy addresses more potential legal pitfalls, these authors are more specific about prevention and claim procedures in such areas as accidents and injuries, sexual abuse and clergy malpractice. Their book raises many issues that will need to be considered in negotiating church insurance policies. Their counsel regarding hiring demonstrates their refusal to let fear of consequences paralyze the church: "Do not let threats or concerns about discrimination lawsuits intimidate your church when selecting senior and associate pastors. Choose the best-qualified people."

Their price and length put these books within the reach of all churches. I have used both in a basic seminary class on pastoral ministry, and both have been well received by the students.