

Table 1-1
**SELECTED JUDICIAL DEFINITIONS OF THE TERMS
 PASTOR, CLERGYPERSON, AND MINISTER**

COURT DECISION	CONTEXT	DEFINITION
Hosanna–Tabor Evangelical Lutheran Church and School v. E.E.O.C., 132 S.Ct. 694 (2012). State v. Motherwell, 788 P.2d 1066 (Wash. 1990)	employment discrimination child abuse reporting	Four-factor test: (1) The church held out the plaintiff as a minister, with a role distinct from that of most of its members; (2) the plaintiff’s title as a minister reflected a significant degree of religious training followed by a formal process of commissioning; (3) the plaintiff held herself out as a minister of the church; (4) the plaintiff’s job duties reflected a role in conveying the church’s message and carrying out its mission. Nonordained church counselors are not “clergy” and therefore are not mandatory reporters of child abuse under a state law that made “clergy” mandatory reporters.
State v. Buss, 887 P.2d 920 (Wash. App. 1995)	clergy-penitent privilege	Nonordained church counselors are not “clergy.”
State v. Martin, 975 P.2d 1020 (Wash. 1999)	clergy-penitent privilege	Clergy-penitent privilege’s reference to “members of the clergy” only applies to ordained clergy.
State v. Glenn, 62 P.3d 921 (Wash. App. 2003)	clergy-penitent privilege	“‘Clergy’ means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.”
A.B. v. Liberty United Methodist Church, 2002 WL 31890054 (Mo. App. 2002)	intentional failure to supervise a youth pastor who sexually assaulted a minor	A youth minister who conducted Sunday and Wednesday evening youth services, led worship and Bible study, shared the children’s story in Sunday morning worship services, and occasionally preached a sermon to the congregation was a “clergyman.”
Rayburn v. General Conference of Seventh-Day Adventists, 772 F.2d 1164 (4th Cir. 1985)	“ministerial exception” under Title VII of the Civil Rights Act of 1964	“As a general rule, if the employee’s primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, he or she should be considered ‘clergy.’”
Starkman v. Evans, 198 F.3d 173 (5th Cir. 1999)	“ministerial exception” under Title VII of the Civil Rights Act of 1964	In deciding if someone is a minister, the following three factors must be considered: (1) are employment decisions regarding the position made “largely on religious criteria”; (2) is the person authorized to perform the ceremonies of the church; and (3) is the person “engaged in activities traditionally considered ecclesiastical or religious,” including whether he or she “attends to the religious needs of the faithful.” The court concluded that a church’s music director was a minister under this test.
First Presbyterian Church v. Myers, 50 P. 70 (Okla. 1897)	pastoral call	“A minister is one who, having been ordained to the ministry, undertakes to perform certain services for another, while a pastor is one who has been installed according to the usage of some Christian denomination in charge of the specific church or body of churches.”
DuPont v. Pelletier, 113 A. 11 (Me. 1921)	probate of an estate	“The priest is a position with a spiritual power, without reference to any particular locality; the pastor is a priest who is appointed to a certain parish to take charge of the temporal and spiritual welfare of that parish, subject to the bishop.”
Johnson v. State, 173 So.2d 824 (Ala. 1965)	trespass	“Ecclesiastically, all pastors are ministers or priests, but all ministers or priests are not pastors. A minister has no authority to speak or act authoritatively for any local church, but its pastor does because he is the designated leader and top official of the local church.”