

Haynes Boone Secures Major Church Autonomy Victory for Gateway Church in Dallas Court of Appeals

August 20, 2026

RELATED PRACTICES [Litigation, Religious Institutions](#)

Haynes Boone earned a significant First Amendment victory for Gateway Church with the Fifth Court of Appeals in Dallas holding that the ecclesiastical abstention doctrine bars claims against the Church and its elders arising from the church's response to allegations of misconduct by its former pastor, Robert Morris.

In a 21-page opinion, the court conditionally granted Gateway's petition for writ of mandamus, finding that the trial court should have dismissed the claims against Gateway and elders John D. Willbanks, Kenneth Fambro and Dane Minor. The appeals court directed the trial court to vacate its prior ruling and dismiss the claims within 30 days.

The ruling stems from a lawsuit filed by Cindy Clemishire and her father, Jerry Clemishire, alleging defamation and related claims based on church communications concerning Cindy Clemishire's allegations that Morris sexually abused her as a minor decades before he founded Gateway Church. The Fifth Court of Appeals held that deciding the claims against Gateway and the three elders would improperly draw a civil court into the church's investigation, internal decision-making and response to allegations concerning the character and conduct of its pastor.

"Gateway and its current leaders have consistently expressed their sympathy for Cindy Clemishire and their grief over the abuse she endured," said Haynes Boone Litigation Partner [Ron Breaux](#), who leads the firm's representation of Gateway. "Nothing about this decision diminishes what happened to her. But the First Amendment draws an important constitutional boundary: Secular courts cannot sit in judgment over how a church investigates its clergy, governs itself or communicates about the character and conduct of its religious leaders. This decision strongly reaffirms that principle of church autonomy and makes clear that it protects every church, regardless of how it chooses to organize and govern itself."

Partners [Chris Knight](#) and [Bradley Foster](#) joined Breaux in representing Gateway Church.

The court relied substantially on the Texas Supreme Court's 2021 decision in *In re Diocese of Lubbock*, which held that courts cannot hear claims that are inseparable from a church's investigation of its clergy. Applying that precedent to Gateway, the Fifth Court concluded that investigations concerning the character and conduct of church leaders are ecclesiastical and that claims arising from such investigations cannot be separated from the church's constitutionally protected internal processes.

The court also agreed with Haynes Boone that the doctrine applies regardless of whether the Clemishires were Gateway members. What matters, the court found, is whether deciding the case would require a court to examine how the church governs itself. The court further agreed that Gateway is entitled to the same First Amendment protections as churches that are part of hierarchical denominations, even though Gateway is an independent church governed by a board of elders.

“A church does not surrender its constitutional autonomy because it is nondenominational, because it is governed by a board of elders or because communications from an internal investigation reach people outside the church,” Breaux said. “Church autonomy protects religious institutions’ ability to investigate their leaders and govern themselves without civil courts probing those internal processes. That protection is especially important when a church is confronting serious allegations of pastoral misconduct and determining how to respond.”

The decision follows a separate victory Haynes Boone secured for Gateway in June, when a federal judge [dismissed a proposed class action](#) challenging the church’s handling of tithes and donations under the First Amendment’s church autonomy protections.