

ACCORD

As a result of an Agreement pursuant to Canon IV.9 of the Canons of The Episcopal Church, the parties signing this document agree to this Accord upon the following terms, which are designed to promote healing, repentance, forgiveness, restitution, justice, amendment of life, and reconciliation:

1. This Accord arises from an agreement between the Right Reverend Sally French as thirteenth Bishop Diocesan of the Diocese of New Jersey ("Bishop French") and the Reverend Daniel E. Somers as a Presbyter canonically resident in the Diocese of New Jersey ("Fr. Somers").

2. Fr. Somers has been Priest-in-Charge of St. Andrew's Episcopal Church in Lambertville, New Jersey. The Reference Panel of the Diocese of New Jersey received on March 16, 2021 a March 12 Intake Report with information indicating that Fr. Somers had entered into agreements on behalf of the vestry of St. Andrew's without the vestry's knowledge and had otherwise failed to communicate with the vestry. If true, these allegations would indicate violations of Canons IV.4.1.e, .g, .h,6 & .h.8. The Reference Panel of the Diocese of New Jersey referred the issues to an Investigator. the then Bishop Diocesan, the Right Reverend William H. Stokes ("Bishop Stokes") issued a Pastoral Direction under Canon IV.7.1 directing Fr. Somers not to disparage Complainant Julia Barringer and to cooperate with the Investigator. The Investigator's report was received by the Reference Panel on August 24, 2021, and the matter was referred for Conciliation under Canon IV.10. Bishop Stokes appointed William W. Downes, Jr. as Conciliator on September 14, 2021, but the Conciliator advised Bishop Stokes on December 30, 2021 that in his opinion conciliation cannot be achieved within a reasonable time. The Reference Panel subsequently on January 4, 2022 pursuant to Canon IV.6.9 referred this matter to Bishop Stokes for possible Accord together with the matter set forth in paragraph 3 of this Accord, pursuant to Canon IV.9.1.

3. In the meanwhile, a second Intake Report dated November 13, 2021 contained information from Complainant Mark Stewart indicating that Fr. Somers had plagiarized resources for several of his sermons. If true, these allegations would indicate violations of Canons IV.4.1.h.6 & .h.8.

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Bishop Stokes placed Fr. Somers on Administrative Leave pursuant to Canon IV.7.3.b on November 15, 2021. The Reference Panel on November 18, 2021 pursuant to Canon IV.6.8.e referred this matter to Bishop Stokes for possible Accord under Canon IV.9. The Accord proposed by Bishop Stokes was rejected by Fr. Somers, and the Reference Panel on January 20, 2022 combined the two proceedings and referred the combined matter to a Conference Panel.

4. While the matter was pending before the Conference Panel, Fr. Somers on June 2, 2022 initiated a civil lawsuit against the Diocese, Bishop Stokes, St. Andrew's parish corporation, and its vestry for breach of contract and related claims by St. Andrew's, tortious interference and defamation by the Diocese and Bishop Stokes, and fraudulent inducement against all defendants. On June 16, the Conference Panel proposed an Accord pursuant to Canon IV.12.9, which was subsequently rejected by Bishop Stokes. On June 30, a third Intake Report was issued based on information from Bishop Stokes alleging (a) that filing the June 2 lawsuit violated Canon IV.19.2 and (b) that Fr. Somers failed to resign from "all positions" in the church as required by Canon III.9.8. Such actions constituted violations of of Canons IV.3.1.a and IV.4.1.g. On July 13, the Conference Panel advised the Reference Panel that in light of the failed proposed Accord, it was referring the matter to a Hearing Panel under Canon IV.12.9.c. The allegations of the third Intake Report were combined with the matter as presented to the Hearing Panel by the Church Attorney under Canon IV.13.2.

5. A fourth Intake Report based on information from Michael Kevane was issued on October 24, 2022 alleging that meetings between Fr. Somers and certain parishioners of St. Andrew's violated the terms of his Pastoral Directive and were an Offense under Canon IV.4.1.d. The Reference Panel authorized these allegations to be included in the matter before the Hearing Panel.

6. This matter is now pending before the Hearing Panel, and discovery has been completed. In the lawsuit brought by Fr. Somers, defendants' motion to dismiss was granted with prejudice on October 21, 2022 as to all claims except defamation and tortious inducement, as to which discovery is in process.


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7. Bishop French has consulted with Complainants Julia Barringer and Mark Stewart, with Injured Persons Michael Kevane and Henry Richards, with the Reverend Angelo Wildgoose as President of the Disciplinary Board of the Diocese of New Jersey, and with Talbot Kramer, Esq., as Church Attorney for the Diocese of New Jersey, with respect to the terms of discipline proposed to be imposed on Fr. Somers by this Accord.

8. Fr. Somers is aware of the discipline to be imposed by this Accord and the effect thereof, has had adequate opportunity to consult and seek advice from, and has in fact has consulted and received advice from, the Reverend Ronald Pollock as his appointed Advisor, and his attorneys Riza I. Dagli, Esq., and Autumn M. McCourt, Esq., of Brach Eichler LLC, and confirms that this Accord adequately considers and, to the extent feasible, provides for healing, repentance, forgiveness, restitution, justice, amendment of life, and reconciliation among himself, the members of St. Andrew's, Lambertville, and other persons affected by his Acts, and is otherwise an appropriate resolution of the matters described in paragraphs 2 and 3 of this Accord.

9. Bishop French has proposed, and Fr. Somers agrees, to the following terms of discipline with respect to the matters described in paragraphs 2 through 5 of this Accord:

- (a) No later than the effective date of this Accord, Fr. Somers shall execute and deliver to the Diocese documentation sufficient to immediately discontinue with prejudice the lawsuit brought by him against The Right Reverend William H. Stokes, The Diocese of New Jersey, St. Andrew's Episcopal Church, The Wardens and Vestry of St. Andrew's Episcopal Church and any and all other parties associated with the lawsuit filed by Fr. Somers in Superior Court, Law Division, Morris County Docket number MRS-L-918-22.
- (b) In conjunction with such discontinuance, the defendants in such action will execute documentation waiving their rights under New Jersey Revised Statutes § 2A:15-59.1.
- (c) Fr. Somers expresses regret for his acts as described in paragraphs 2 through 5 of this Accord and acknowledges that they materially violated the Standards of Conduct for members of the clergy as set forth in Episcopal Church Canon IV.4.1 and were of clear

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and weighty importance to the ministry of The Episcopal Church. He will within seven days of the effective date of this Accord write and transmit a letter of apology to the wardens, vestry, the people of St. Andrew's, and to Bishop William H. Stokes, Retired Bishop of New Jersey, for his having engaged in extensive plagiarism and for the harm he did to them and to St. Andrew's Episcopal Church in initiating a lawsuit against them.

- d) Fr. Somers agrees to a sentence of Suspension from acting as a priest and ordained person of the Diocese of New Jersey and The Episcopal Church for a period of three years from the effective date of this Accord. This reflects the seriousness of Fr. Somers's offenses against the church.
- (e) Following the expiration of the three-year suspension period, Fr. Somers will not be permitted to serve as Priest-in-Charge, or in any long-term role as a lead clergy person in any congregation of The Episcopal Church. Subject to his compliance with the provisions of Canon III.9.8, he may serve as a supply priest in any church other than St. Andrew's, Lambertville, but may not serve in any one church for more than three Sundays in row.
- (f) Bishop French will issue a Pastoral Direction pursuant to Canon IV.7.2 for Fr. Somers never to plagiarize again, with the understanding that if he does, he will be suspended and new Title IV charges will be brought against him.
- (g) Fr. Somers or his counsel will within thirty days of (i) the effective date of this Accord or (ii) submission to the Diocese of a final invoice for legal services, whichever is later, be reimbursed for such counsel's reasonable and necessary fees and expenses pursuant to the provisions of Diocese of New Jersey Canon 68.9.c at the hourly rates set forth in Chancellor Paul Ambos's letter to Autumn N. McCourt, Esq., dated November 23, 2022.

10. This Accord provides full and final resolution of all Offenses arising from the Acts set forth in Intake Reports and written statements filed by the Church Attorney in the Conference Panel and Hearing Panel described in paragraphs 2 through 5 above including but not limited to alleged violations of

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Canons IV.3.1.a, IV.3.1.b, IV.3.1.c, IV.4.1.d, IV.4.1.e, IV.4.1.g, IV.4.1.h.3, IV.4.1.h.6, and IV.4.1.h.9, and provides complete protection to Fr. Somers against any and all future such charges arising from those Acts, and bars any future proceedings against him arising from those Acts as provided by Canon IV.19.13.

11. This Accord shall take effect upon its signature by the parties listed below, subject to the ability of Fr. Somers under Canon IV.9.3 within three days after signing it to withdraw therefrom, such withdrawal to be communicated by email and confirmed the same day by letter sent by overnight delivery to Bishop French. After those three days without such withdrawal, this Accord shall be absolutely effective and irrevocable. Once this Accord becomes thus absolutely effective and irrevocable, the Administrative Leave previously imposed upon Fr. Somers by Bishop Stokes shall if still in effect be deemed lifted, to be replaced by the terms of this Accord and the Pastoral Direction referred to in paragraph 9(h) above.

12. All acts of, and communications contemplated with, Bishop French shall be undertaken by or communicated to her successor if she is no longer in office. References to Canons of The Episcopal Church shall be to those in effect at the time this Accord becomes effective. This Accord may be signed and delivered in counterparts electronically.

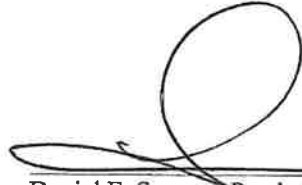
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In witness whereof, the parties hereto have set their hands on the date or dates set forth below opposite their signature.

October 26, 2023



Daniel E. Somers, Presbyter

October 26, 2023
~~NOVEMBER 13, 2023~~



Sally French, Bishop of New Jersey