

New Part VII
ADDITIONAL ORGANIZATION AND ADMINISTRATION

Chapter Seven
JUDICIAL ADMINISTRATION

<p style="text-align: center;">GBOD new Part VII, chap. 7</p> <p style="text-align: center;">Finalized draft; renumbered</p>	<p style="text-align: center;">GBOD new Part VII, chap. 7</p> <p style="text-align: center;">With tracking changes to BOD 2016: additions <u>underlined</u> and deletions struck through. With references to BOD 2016 Part VI, e.g. [2703]</p>	<p style="text-align: center;">Comments</p>
<p>¶ 2705.001 <i>Composition of the Committee on Investigation—1. When respondent is a bishop—</i>There shall be a committee on investigation elected by each jurisdictional conference. Nominations shall be made by the College of Bishops in consultation with the jurisdictional episcopacy committee. Further nominations may be offered from the floor of the jurisdictional conference. The committee shall consist of seven clergy in full connection (with not more than one clergyperson from each annual conference, if possible), two lay observers, and six alternate members, five of whom shall be clergypersons in full connection (with not more than one clergyperson from each annual conference, if possible), and one of whom shall a layperson. If additional members or alternates are needed, they may be named by the College of Bishops. Committee members shall be in good standing and should be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. The committee shall elect a chairperson and organize at the jurisdictional conference. Seven clergy or alternates seated as members of the committee shall constitute a quorum.</p>	<p>[2703] ¶ <u>2705.001</u> <i>Composition of the Committee on Investigation—1. When respondent is a bishop—</i>There shall be a committee on investigation elected by each jurisdictional or central conference. Nominations shall be made by the College of Bishops in consultation with the jurisdictional episcopacy committee. Further nominations may be offered from the floor of the jurisdictional or central conference. The committee shall consist of seven clergy in full connection (with not more than one clergyperson from each annual conference, if possible), two lay observers, and six alternate members, five of whom shall be clergypersons in full connection (with not more than one clergyperson from each annual conference, if possible), and one of whom shall a layperson. If additional members or alternates are needed, they may be named by the College of Bishops. Committee members shall be in good standing and should be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. The committee shall elect a chairperson and organize at the jurisdictional or central</p>	

2. *When respondent is a clergyperson*—In each annual conference, there shall be a committee on investigation to consider judicial complaints against clergy members of the annual conference, clergy members on honorable location or administrative location from that annual conference, local pastors, and diaconal ministers. It shall consist of four clergy members in full connection, three professing members, three alternate clergy members in full connection, and six alternate lay members, three of whom shall be diaconal ministers if available within the bounds of the annual conference. The committee shall be nominated by the presiding bishop in consultation with the Board of Ordained Ministry (for clergy members) and the conference board of laity (for professing members) and elected quadrennially by the annual conference. If additional members or alternates are needed, the annual conference may elect members to serve for the remainder of the quadrennium. Committee members shall be in good standing and shall be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. The committee on investigation shall elect a chair and organize at the annual conference. None of the members or alternates shall be members of the Board of Ordained Ministry, the cabinet, or immediate family members of the above. Should a member of the committee on investigation have been a party to any of the prior proceedings in the case that finally comes before the committee, he or she shall be disqualified from sitting on the committee during its consideration of that case, and his or her place shall be taken by an alternate member. Seven members or alternates seated as members of the committee shall constitute a quorum.¹⁹

a) In cases of complaints against clergy members of the annual conference, clergy members on honorable

conference. Seven clergy or alternates seated as members of the committee shall constitute a quorum.

2. *When respondent is a clergyperson*—In each annual conference, there shall be a committee on investigation to consider judicial complaints against clergy members of the annual conference, clergy members on honorable location or administrative location from that annual conference, local pastors, and diaconal ministers. It shall consist of four clergy members in full connection, three professing members, three alternate clergy members in full connection, and six alternate lay members, three of whom shall be diaconal ministers if available within the bounds of the annual conference. The committee shall be nominated by the presiding bishop in consultation with the Board of Ordained Ministry (for clergy members) and the conference board of laity (for professing members) and elected quadrennially by the annual conference. If additional members or alternates are needed, the annual conference may elect members to serve for the remainder of the quadrennium. Committee members shall be in good standing and shall be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. The committee on investigation shall elect a chair and organize at the annual conference. None of the members or alternates shall be members of the Board of Ordained Ministry, the cabinet, or immediate family members of the above. Should a member of the committee on investigation have been a party to any of the prior proceedings in the case that finally comes before the committee, he or she shall be disqualified from sitting on the committee during its consideration of that case, and his or her place shall be taken by an alternate member. Seven members or alternates seated as members of the committee shall constitute a quorum.¹⁹

location or administrative location from that annual conference, or local pas-tors, the committee shall consist of four clergy members and three professing members.

b) In cases of complaints against diaconal ministers, the committee shall consist of four clergy members and five professing members, two of whom shall be diaconal ministers if available within the bounds of the annual conference.

3. *When respondent is a layperson*—In all cases, the pastor or district superintendent should take pastoral steps to resolve any complaints. If such pastoral response does not result in resolution and a written complaint is made against a professing member for any of the offenses in ¶ 2702.3, the pastor in charge or co-pas-tors (¶ 205.1) of the local church, in consultation with the district superintendent and the district lay leader, may appoint a com- mittee on investigation consisting of four professing members and three clergy in full connection (both clergy and professing members must come from other congregations, exclusive of the churches of the respondent or the complainant). Committee members shall be in good standing and should be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. When the pastor in charge is (or co-pastors are) bringing the charge, the district superintendent, in consultation with the district lay leader, shall appoint the committee on investigation. Five members shall constitute a quorum.

GBOD ¶ 2705.001=2703

19. See Judicial Council Decision 1296.

a) In cases of complaints against clergy members of the annual conference, clergy members on honorable location or administrative location from that annual conference, or local pas-tors, the committee shall consist of four clergy members and three professing members.

b) In cases of complaints against diaconal ministers, the committee shall consist of four clergy members and five professing members, two of whom shall be diaconal ministers if available within the bounds of the annual conference.

3. *When respondent is a layperson*—In all cases, the pastor or district superintendent should take pastoral steps to resolve any complaints. If such pastoral response does not result in resolution and a written complaint is made against a professing member for any of the offenses in ¶ 2702.3, the pastor in charge or co-pas-tors (¶ 205.1) of the local church, in consultation with the district superintendent and the district lay leader, may appoint a com- mittee on investigation consisting of four professing members and three clergy in full connection (both clergy and professing members must come from other congregations, exclusive of the churches of the respondent or the complainant). Committee members shall be in good standing and should be deemed of good character. The committee should reflect racial, ethnic, and gender diversity. When the pastor in charge is (or co-pastors are) bringing the charge, the district superintendent, in consultation with the district lay leader, shall appoint the committee on investigation. Five members shall constitute a quorum.

19. See Judicial Council Decision 1296.

¶ 2706.001 *Referral of Original Complaint to Counsel for the Church, Who Shall Prepare Judicial Complaint and Supporting Material for Consideration by Committee on Investigation*

1. *When respondent is a bishop*

a) *Judicial Complaint*—A complaint based on allegations that a bishop has committed one or more of the offenses listed in ¶ 2702 shall initially be served on the president and secretary of the College of Bishops. Upon receipt of the complaint the president of the College of Bishops shall forthwith deliver a copy of the complaint to the respondent bishop, notify active bishops of the existence and nature of the complaint, and refer the complaint to an elder in full connection within the same jurisdictional conference, who shall serve as counsel for the Church. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. Counsel for the Church shall represent the interests of the Church in pressing the claims of the person making the complaint. Counsel for the Church shall have the right to choose one assistant counsel without voice who may be an attorney. The counsel for the Church shall draft and sign the complaint as a judicial complaint, forward it to the jurisdictional conference committee on investigation, and represent the Church in the judicial process. The fair process provisions in ¶ 2701 shall apply to this judicial process. The statute of limitations in ¶ 2702.4 should be considered prior to the referral of a judicial complaint.²⁰

b) If a written complaint is made against a bishop for any of the offenses in ¶ 2702.1, the counsel for the Church shall prepare, sign, and forward the judicial complaint and all documentary evidence under consideration to the chairperson of the committee on investigation, the person

[2704] ¶ 2706.001 *Referral of Original Complaint to Counsel for the Church, Who Shall Prepare Judicial Complaint and Supporting Material for Consideration by Committee on Investigation*

1. *When respondent is a bishop*

a) *Judicial Complaint*—A complaint based on allegations that a bishop has committed one or more of the offenses listed in ¶ 2702 shall initially be served on the president and secretary of the College of Bishops. Upon receipt of the complaint the president of the College of Bishops shall forthwith deliver a copy of the complaint to the respondent bishop, notify active bishops of the existence and nature of the complaint, and refer the complaint to an elder in full connection within the same jurisdictional ~~or central~~ conference, who shall serve as counsel for the Church. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. Counsel for the Church shall represent the interests of the Church in pressing the claims of the person making the complaint. Counsel for the Church shall have the right to choose one assistant counsel without voice who may be an attorney. The counsel for the Church shall draft and sign the complaint as a judicial complaint, forward it to the jurisdictional ~~or central~~ conference committee on investigation ~~(¶ 2703)~~, and represent the Church in the judicial process. The fair process provisions in ¶ 2701 shall apply to this judicial process. The statute of limitations in ¶ 2702.4 should be considered prior to the referral of a judicial complaint.²⁰

b) If a written complaint is made against a bishop for any of the offenses in ¶ 2702.1, the counsel for the Church, ~~as appointed under ¶ 2704.1a,~~ shall prepare, sign, and forward the judicial complaint and all documentary evidence under

making the original complaint, and the bishop being charged (respondent). The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson shall convene the committee on investigation within sixty days of receiving the judicial complaint.

c) If five or more members of the committee on investigation so recommend, the jurisdictional committee on the episcopacy may suspend the respondent pending the conclusion of the trial process.

2. *When respondent is a clergy member of an annual conference, clergy on honorable or administrative location, or a local pastor*

a) *Judicial Complaint*—If the complaint is not dismissed pursuant to the provisions of ¶ 362 and if the bishop determines that the complaint is based on allegations of one or more offenses listed in ¶ 2702.1, the bishop shall refer the complaint to the counsel for the Church, who shall be appointed by the bishop. The counsel for the Church shall be a clergyperson in full connection and shall have the right to choose one assistant counsel with-out voice who may be an attorney. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. The counsel for the Church shall draft and sign a judicial complaint, attaching as exhibits all relevant written materials, including but not limited to information from the supervisory process and a suggested list of witnesses as deemed appropriate, forward the judicial complaint to the committee on investigation and represent the Church in the judicial process. The statute of limitations in ¶ 2702.4 should be considered prior to the referral of a judicial complaint.

consideration to the chairperson of the committee on investigation, the person making the original complaint, and the bishop being charged (respondent). The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson shall convene the committee on investigation within sixty days of receiving the judicial complaint.

c) If five or more members of the committee on investigation so recommend, the jurisdictional committee on the episcopacy may suspend the respondent pending the conclusion of the trial process.

2. *When respondent is a clergy member of an annual conference, clergy on honorable or administrative location, or a local pastor*

a) *Judicial Complaint*—If the complaint is not dismissed pursuant to the provisions of ¶ 362 and if the bishop determines that the complaint is based on allegations of one or more offenses listed in ¶ 2702.1, the bishop shall refer the complaint to the counsel for the Church, who shall be appointed by the bishop. The counsel for the Church shall be a clergyperson in full connection and shall have the right to choose one assistant counsel with-out voice who may be an attorney. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. The counsel for the Church shall draft and sign a judicial complaint, attaching as exhibits all relevant written materials, including but not limited to information from the supervisory process and a suggested list of witnesses as deemed appropriate, forward the judicial complaint to the committee on investigation and represent the Church in the judicial process. The statute of

b) If a written complaint is made against a clergyperson for any of the offenses in ¶ 2702.1, the bishop shall appoint a clergyperson in full connection as counsel for the Church. Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of the conference committee on investigation and represent the interests of the Church in pressing the claims of the person making the original complaint in any proceedings before the committee. A copy of the complaint and documentary evidence under consideration shall be sent to the respondent, the person making the original complaint, and the bishop. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson of the conference committee on investigation shall have sixty days to convene the committee on investigation after receiving the judicial complaint.

c) If five or more members of the committee on investigation so recommend, the bishop may suspend the person charged from all clergy responsibilities pending the outcome of the judicial process. The respondent retains all rights and privileges as stated in ¶ 330.

3. *When respondent is a diaconal minister*

a) If a written complaint is made against a diaconal minister for any of the offenses in ¶ 2702.1, the supervisory response should be initiated and a just resolution process may be used. If the supervisory process does not result in resolution, the respondent's district superintendent may appoint a clergyperson in full connection or diaconal minister as counsel for the Church. By agreeing to serve, counsel for the church signifies his or her willingness to uphold the requirements of Church law and the Discipline.

limitations in ¶ 2702.4 should be considered prior to the referral of a judicial complaint.

b) If a written complaint is made against a clergyperson for any of the offenses in ¶ 2702.1, the bishop shall appoint a clergyperson in full connection as counsel for the Church ~~(see ¶ 362.1e)~~. Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of the conference committee on investigation and represent the interests of the Church in pressing the claims of the person making the original complaint in any proceedings before the committee. A copy of the complaint and documentary evidence under consideration shall be sent to the respondent, the person making the original complaint, and the bishop. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson of the conference committee on investigation shall have sixty days to convene the committee on investigation after receiving the judicial complaint.

c) If five or more members of the committee on investigation so recommend, the bishop may suspend the person charged from all clergy responsibilities pending the outcome of the judicial process. The respondent retains all rights and privileges as stated in ¶ ~~334~~ 330.

3. *When respondent is a diaconal minister*

a) If a written complaint is made against a diaconal minister for any of the offenses in ¶ 2702.1, the supervisory response should be initiated and a just resolution process may be used. ~~(See ¶ 362.1e for a discussion of a just resolution.)~~ If the supervisory process does not result in resolution, the respondent's district superintendent may appoint a clergyperson in full connection or diaconal

Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of the conference committee on investigation for diaconal ministers and represent the interests of the Church in pressing the claims of the person making the original complaint in any proceedings before the committee. A copy of the complaint and documentary evidence under consideration shall be sent to the respondent, the person making the original complaint, and the bishop. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson of the conference committee on investigation shall have sixty days to convene the committee on investigation after receiving the judicial complaint.

b) If at least two-thirds of the committee on investigation so recommend, the bishop may suspend the person charged from all professional responsibilities pending the conclusion of the trial process.

4. *When respondent is a layperson*

a) In all cases, the pastor or district superintendent should take pastoral steps to resolve any grievances or complaints. Such steps may include a just resolution process. If after such steps have been taken and have not resulted in a resolution and a written complaint is made against a layperson for any of the offenses in ¶ 2702.3, the pastor in charge or co-pastors (¶ 205.1) of the local church, in consultation with the district superintendent and the district lay leader, may appoint counsel for the Church, who shall be a United Methodist. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. Counsel for the Church shall prepare, sign, and refer the judicial

minister as counsel for the Church. By agreeing to serve, counsel for the church signifies his or her willingness to uphold the requirements of Church law and the Discipline. Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of the conference committee on investigation for diaconal ministers and represent the interests of the Church in pressing the claims of the person making the original complaint in any proceedings before the committee. A copy of the complaint and documentary evidence under consideration shall be sent to the respondent, the person making the original complaint, and the bishop. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson of the conference committee on investigation shall have sixty days to convene the committee on investigation after receiving the judicial complaint.

b) If at least two-thirds of the committee on investigation so recommend, the bishop may suspend the person charged from all professional responsibilities pending the conclusion of the trial process.

4. *When respondent is a layperson*

a) In all cases, the pastor or district superintendent should take pastoral steps to resolve any grievances or complaints. Such steps may include a just resolution process. ~~See ¶ 362.1c for a discussion of a just resolution.~~ If after such steps have been taken and have not resulted in a resolution and a written complaint is made against a layperson for any of the offenses in ¶ 2702.3, the pastor in charge or co-pastors (¶ 205.1) of the local church, in consultation with the district superintendent and the district lay leader, may appoint counsel for the Church, who shall

<p>complaint, with all relevant material, to the chairperson of committee on investigation.</p> <p>b) If five or more members of the committee so recommend, the pastor may suspend the charged professing member from exercising any Church office pending conclusion of the trial process.</p> <p>c) All complaints against a professing member under ¶ 2702.3 shall be submitted in writing, signed by the person(s) making the original complaint, and delivered to the pastor in charge of the local church of which the respondent is a member, and a copy shall be sent to the respondent.</p> <p>d) The member shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of a receipt of the judicial complaint and the appointing of the committee and before consideration of the judicial complaint by the committee.</p> <p>e) The district superintendent shall preside at all meetings of the committee, shall be given a copy of the judicial complaint and any response, and shall have the right to be present and to speak at all meetings of the committee.</p> <p>GBOD ¶ 2706.001=2704</p>	<p>be a United Methodist. By agreeing to serve, counsel for the Church signifies his or her willingness to uphold the requirements of Church law and the Discipline. Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of committee on investigation.</p> <p>b) If five or more members of the committee so recommend, the pastor may suspend the charged professing member from exercising any Church office pending conclusion of the trial process.</p> <p>c) All complaints against a professing member under ¶ 2702.3 shall be submitted in writing, signed by the person(s) making the original complaint, and delivered to the pastor in charge of the local church of which the respondent is a member, and a copy shall be sent to the respondent.</p> <p>d) The member shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty days of a receipt of the judicial complaint and the appointing of the committee and before consideration of the judicial complaint by the committee.</p> <p>e) The district superintendent shall preside at all meetings of the committee, shall be given a copy of the judicial complaint and any response, and shall have the right to be present and to speak at all meetings of the committee.</p>	
<p>¶ 2706.002 <i>The Form of the Judicial Complaint</i>—The judicial complaint shall be prepared and signed by counsel for the Church. The complaint should explain to the committee on investigation the alleged events surrounding and relating to one or more chargeable offense(s). All relevant documents and other exhibits supporting the judicial</p>	<p>[2705] ¶ 2706.002 <i>The Form of the Judicial Complaint</i>—The judicial complaint shall be prepared and signed by counsel for the Church. The complaint should explain to the committee on investigation the alleged events surrounding and relating to one or more chargeable offense(s). All relevant documents and other exhibits supporting the</p>	

<p>complaint may be attached; and a true copy of the complaint and reproducible documents and exhibits shall be sent by counsel for the Church to the respondent and his or her counsel at the same time as they are sent to the committee on investigation. The judicial complaint should include the appropriate chargeable offense(s) based on the list in ¶ 2702 and proposed specifications.</p> <p>GBOD ¶ 2706.002 = 2705</p>	<p>judicial complaint may be attached; and a true copy of the complaint and reproducible documents and exhibits shall be sent by counsel for the Church to the respondent and his or her counsel at the same time as they are sent to the committee on investigation. The judicial complaint should include the appropriate chargeable offense(s) based on the list in ¶ 2702 and proposed specifications.</p>	
<p>¶ 2706.003 <i>Committee on Investigation—Procedures</i></p> <p>1. <i>Parties and Counsel</i>—The parties are the respondent and the Church.</p> <p>a) <i>Counsel for the Church</i>—Counsel for the Church shall be appointed as provided in ¶ 2708.001.7. Counsel for the Church shall be entitled to choose one assistant counsel without voice who may be an attorney.</p> <p>b) <i>Committee on Investigation</i>—The committee on investigation may have legal counsel present, who shall not be the conference chancellor, for the sole purpose of providing advice to the committee.</p> <p>c) <i>When respondent is a bishop, a clergy member of an annual conference, clergy on honorable or administrative location, a local pastor, a clergyperson, or a diaconal minister</i>—A respondent who is a bishop, a clergyperson, or a diaconal minister shall be entitled to select a clergyperson in full connection to serve as respondent’s counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent’s use of an attorney.</p>	<p>[2706.2-6] ¶ 2706.003 <i>Committee on Investigation—Procedures</i></p> <p>1.2. <i>Parties and Counsel</i>—The parties are the respondent and the Church.</p> <p>a) <i>Counsel for the Church</i>—Counsel for the Church shall be appointed as provided in ¶ 2708.7 2708.001.7. Counsel for the Church shall be entitled to choose one assistant counsel without voice who may be an attorney.</p> <p>b) <i>Committee on Investigation</i>—The committee on investigation may have legal counsel present, who shall not be the conference chancellor, for the sole purpose of providing advice to the committee.</p> <p>c) <i>When respondent is a bishop, a clergy member of an annual conference, clergy on honorable or administrative location, a local pastor, a clergyperson, or a diaconal minister</i>—A respondent who is a bishop, a clergyperson, or a diaconal minister shall be entitled to select a clergyperson in full connection to serve as respondent’s counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent’s use of an attorney.</p>	<p>BOD2706.1+7 are in Part VI.</p>

<p><i>d) Investigation of a respondent who is a layperson—</i> A lay respondent shall be entitled to select a lay member or clergyperson to serve as respondent’s counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent’s use of an attorney.</p> <p><i>2. Preliminary Meeting—</i>Basic procedural decisions shall be made in a preliminary meeting. During this meeting, the respondent and the respondent’s counsel, the person making the original complaint, and the counsel for the Church shall have the right to argue procedural points before a decision is made by the chair. All advance procedural decisions and such unanticipated decisions as may come in the course of the meeting of the committee on investigation shall be rendered in writing so as to be available for consideration in all further possible stages of the case.</p> <p><i>3. Hearing before the Committee on Investigation</i></p> <p><i>a)</i> If possible, the respondent and the person(s) bringing the original complaint shall be brought face to face, but the inability to do this shall not invalidate an investigation. Notice of the hearings shall be given to all parties, and the person(s) bringing the original complaint and they all shall be permitted to be present during testimony, but not during deliberations. Proceedings in the investigation shall be informal. No oaths shall be taken. All procedural decisions shall be made by the chairperson.</p> <p><i>b) Interview of witness prior to or outside of hearing—</i> The chairperson shall have the power, whenever it is appropriate in the committee’s own discretion, to appoint a</p>	<p><i>d) Investigation of a respondent who is a layperson—</i> A lay respondent shall be entitled to select a lay member or clergyperson to serve as respondent’s counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent’s use of an attorney.</p> <p><i>2.3. Preliminary Meeting—</i>Basic procedural decisions shall be made in a preliminary meeting. During this meeting, the respondent and the respondent’s counsel, the person making the original complaint, and the counsel for the Church shall have the right to argue procedural points before a decision is made by the chair. All advance procedural decisions and such unanticipated decisions as may come in the course of the meeting of the committee on investigation shall be rendered in writing so as to be available for consideration in all further possible stages of the case.</p> <p><i>3.4. Hearing before the Committee on Investigation</i></p> <p><i>a)</i> If possible, the respondent and the person(s) bringing the original complaint shall be brought face to face, but the inability to do this shall not invalidate an investigation. Notice of the hearings shall be given to all parties, and the person(s) bringing the original complaint and they all shall be permitted to be present during testimony, but not during deliberations. Proceedings in the investigation shall be informal. No oaths shall be taken. All procedural decisions shall be made by the chairperson.</p> <p><i>b) Interview of witness prior to or outside of hearing—</i> The chairperson shall have the power, whenever it is appropriate in the committee’s own discretion, to appoint a</p>	
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member(s) of the committee to interview any witness(es), provided that all parties may be present (without voice) and that three days notice of the time and place of such interview shall have been given to all parties. The person(s) so appointed shall create a verbatim record of the interview and certify the record by signature for transmittal to the chairperson.

c) Examination of witnesses—The committee on investigation may call and question such persons or request such written information, including but not limited to materials from the supervisory process, as it deems necessary to establish whether or not there are reasonable grounds for formulating a charge or charges. The committee may receive from the counsels suggested lists of persons to be questioned, sources of written material or questions. There shall be no right of cross-examination by either the respondent or the person(s) bringing the original complaint.

d) Evidence—The committee should only consider testimony or evidence which is relevant and reliable. The chairperson or presiding officer, after consultation with counsel for both parties, shall rule on challenges to relevance and reliability. The introduction of any material relating to events barred by the statute of limitations (§ 2702.4) as evidence, as preface to evidence, or as build-up for evidence in the procedures of the committee on investigation or the trial proceedings shall be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable.

e) Verbatim transcript—There shall be a verbatim record of all proceedings of the committee on investigation, except when the committee meets in executive session. The

member(s) of the committee to interview any witness(es), provided that all parties may be present (without voice) and that three days notice of the time and place of such interview shall have been given to all parties. The person(s) so appointed shall create a verbatim record of the interview and certify the record by signature for transmittal to the chairperson.

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d) Evidence—The committee should only consider testimony or evidence which is relevant and reliable. The chairperson or presiding officer, after consultation with counsel for both parties, shall rule on challenges to relevance and reliability. The introduction of any material relating to events barred by the statute of limitations (§ 2702.4) as evidence, as preface to evidence, or as build-up for evidence in the procedures of the committee on investigation or the trial proceedings shall be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable.

e) Verbatim transcript—There shall be a verbatim record of all proceedings of the committee on investigation, except when the committee meets in executive session. The

term executive session shall mean the committee meeting alone or with its legal counsel. If the complaint is dismissed or returned to the bishop, no verbatim record need be transcribed and the record that exists will be sent to the conference secretary for retention.

4. *Bill of Charges and Specifications, Deliberations, Vote, and Referral*—A vote on each charge and each specification shall be taken separately. It is incumbent on each member of the committee to base his or her vote solely on whether reasonable grounds exist to support the charges. If there are members who are unwilling to uphold the Discipline for reasons of conscience or otherwise, such members must step aside in this matter and either alternate members or others who are willing to uphold the Discipline must be appointed to the Committee to enable it to complete its responsibility.²¹

a) *Bill of Charges and Specifications*—A charge is one of the chargeable offenses listed in ¶ 2702. A charge shall not include more than one such chargeable offense. More than one charge against the same person may be presented and tried at the same time. Each charge must be written, with specifications that support the charge. Each charge must be accompanied by one or more specifications of fact. Each specification, standing alone, must allege a factual occurrence that, if found to be true, would support a finding of guilty on the related charge. The specifications should be as specific as possible with information such as date, place, and specific events alleged to have occurred.

b) *Finding of reasonable grounds by committee and referral of bill of charges and specifications for trial*

(1) *When respondent is a bishop*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted shall be sent to the

term executive session shall mean the committee meeting alone or with its legal counsel. If the complaint is dismissed or returned to the bishop, no verbatim record need be transcribed and the record that exists will be sent to the conference secretary for retention.

~~4-5.~~ *Bill of Charges and Specifications, Deliberations, Vote, and Referral*—A vote on each charge and each specification shall be taken separately. It is incumbent on each member of the committee to base his or her vote solely on whether reasonable grounds exist to support the charges. If there are members who are unwilling to uphold the Discipline for reasons of conscience or otherwise, such members must step aside in this matter and either alternate members or others who are willing to uphold the Discipline must be appointed to the Committee to enable it to complete its responsibility.²¹

a) *Bill of Charges and Specifications*—A charge is one of the chargeable offenses listed in ¶ 2702. A charge shall not include more than one such chargeable offense. More than one charge against the same person may be presented and tried at the same time. Each charge must be written, with specifications that support the charge. Each charge must be accompanied by one or more specifications of fact. Each specification, standing alone, must allege a factual occurrence that, if found to be true, would support a finding of guilty on the related charge. The specifications should be as specific as possible with information such as date, place, and specific events alleged to have occurred.

b) *Finding of reasonable grounds by committee and referral of bill of charges and specifications for trial*

(1) *When respondent is a bishop*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted shall be sent to the

bishop charged, to the secretary of the jurisdictional conference, to the president and secretary of the College of Bishops, to counsel for the Church, and to the chairperson of the jurisdictional committee on the episcopacy.²²

(2) *When respondent is a clergyperson other than a bishop*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee on investigations shall be sent by the chairperson within five days to the respondent, the person making the complaint, the secretary of the annual conference, the counsel for the Church, and the resident bishop.

(3) *When respondent is a diaconal minister*—A vote to adopt any charge or specification shall require two votes. Any bill of charges and specifications adopted shall be sent to the respondent within five days, the secretary of the annual conference, the chairperson of the Board of Ordained Ministry, the respondent's district superintendent, counsel for the Church, and the resident bishop.

(4) *When respondent is a layperson*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee shall be sent to the person charged, the recording secretary of the charge conference, counsel for the Church, the pastor(s), and the district superintendent.

c) Findings other than reasonable grounds by committee or other actions

(1) If the committee on investigation determines that there are no reasonable grounds for charges, it may dismiss the judicial complaint. When deemed appropriate, it may also refer matters of concern to the proper referring Church official (to the president or secretary of the College of Bishops in the case of bishop, to the resident bishop in the

bishop charged, to the secretary of the jurisdictional ~~or~~ ~~central~~ conference, to the president and secretary of the College of Bishops, to counsel for the Church, and to the chairperson of the jurisdictional committee on the episcopacy.²²

(2) *When respondent is a clergyperson other than a bishop*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee on investigations shall be sent by the chairperson within five days to the respondent, the person making the complaint, the secretary of the annual conference, the counsel for the Church, and the resident bishop.

(3) *When respondent is a diaconal minister*—A vote to adopt any charge or specification shall require two votes. Any bill of charges and specifications adopted shall be sent to the respondent within five days, the secretary of the annual conference, the chairperson of the Board of Ordained Ministry, the respondent's district superintendent, counsel for the Church, and the resident bishop.

(4) *When respondent is a layperson*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee shall be sent to the person charged, the recording secretary of the charge conference, counsel for the Church, the pastor(s), and the district superintendent.

c) Findings other than reasonable grounds by committee or other actions

(1) If the committee on investigation determines that there are no reasonable grounds for charges, it may dismiss the judicial complaint. When deemed appropriate, it may also refer matters of concern to the proper referring Church official (to the president or secretary of the College

<p>case of a clergyperson, or a diaconal minister, or to the pastor or co-pastors in the case of layperson) for administrative or other action. Notification of these actions, should be given to the respondent, the person making the original complaint, counsel for the Church and the proper referring Church officials.</p> <p>(2) If the committee on investigation determines that the judicial complaint is not based upon chargeable offenses, or for other good cause, the committee may refer the complaint to the proper referring Church official (see §(1) above) for administrative or other action. Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. Notification of these actions should be given to the respondent, the person making the original complaint, counsel for the Church and the proper referring Church officials.</p> <p>(3) Upon recommendation of the counsel for the Church and the counsel for the respondent, the committee may refer the matter to the resident bishop as deemed appropriate for a process seeking a just resolution. The bishop shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. The appropriate persons, including the counsel for the Church and counsel for the respondent, should enter into a written agreement outlining the process, including any agreements on confidentiality. If resolution is achieved, a written statement, affirming such resolution, including any terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial</p>	<p>of Bishops in the case of bishop, to the resident bishop in the case of a clergyperson, or a diaconal minister, or to the pastor or co-pastors in the case of layperson) for administrative or other action. Notification of these actions, should be given to the respondent, the person making the original complaint, counsel for the Church and the proper referring Church officials.</p> <p>(2) If the committee on investigation determines that the judicial complaint is not based upon chargeable offenses, or for other good cause, the committee may refer the complaint to the proper referring Church official (see §(1)-2706.5c[1] above) for administrative or other action. Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. Notification of these actions should be given to the respondent, the person making the original complaint, counsel for the Church and the proper referring Church officials.</p> <p>(3) Upon recommendation of the counsel for the Church and the counsel for the respondent, the committee may refer the matter to the resident bishop as deemed appropriate for a process seeking a just resolution. The bishop shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. The appropriate persons, including the counsel for the Church and counsel for the respondent, should enter into a written agreement outlining the process, including any agreements on confidentiality. If resolution is achieved, a written statement, affirming such resolution, including any terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third par-</p>	
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status, the disclosure agreement shall not prevent the disciplinary disclosures required for readmission. The committee on investigation shall retain jurisdiction for the period of time stated for the implementation of the resolution agreement. The committee shall periodically monitor the progress of the completion of the terms and conditions of the resolution agreement, and shall certify when the terms and conditions of the agreement are completed. When the terms and conditions of the agreement are completed, the committee on investigation shall report its certification, and the status of the respondent as a result of completing the terms and conditions of the resolution agreement, to the resident bishop. If the process does not result in resolution, the matter shall be returned to the committee on investigation for further consideration. Also, decision(s) of a trial court that call for certification as to the completion of terms and conditions of the trial court's decision(s) after the end of a trial are to be assigned to the committee on investigation for monitoring and certification of completion of the decision. If the respondent fails to complete the terms and conditions of a trial court decision, the committee shall notify the presiding officer of the trial, who may reconvene the trial court for its further consideration.

5. *Special Investigations*—In the event that jurisdiction in a judicial proceeding is ended as a result of the death of, or surrender of credentials by, the respondent in cases where the chargeable offense includes those listed in ¶ 2702.1(h), (i), or (j), the committee on investigation may be convened at the request of the presiding bishop to make pastoral inquiry into the charges. The inquiry shall:

- (a) not be judicial in nature;

ties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for readmission. The committee on investigation shall retain jurisdiction for the period of time stated for the implementation of the resolution agreement. The committee shall periodically monitor the progress of the completion of the terms and conditions of the resolution agreement, and shall certify when the terms and conditions of the agreement are completed. When the terms and conditions of the agreement are completed, the committee on investigation shall report its certification, and the status of the respondent as a result of completing the terms and conditions of the resolution agreement, to the resident bishop. If the process does not result in resolution, the matter shall be returned to the committee on investigation for further consideration. Also, decision(s) of a trial court that call for certification as to the completion of terms and conditions of the trial court's decision(s) after the end of a trial are to be assigned to the committee on investigation for monitoring and certification of completion of the decision. If the respondent fails to complete the terms and conditions of a trial court decision, the committee shall notify the presiding officer of the trial, who may reconvene the trial court for its further consideration.

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- (a) not be judicial in nature;

<p>(b) be empowered to receive witnesses and to consider evidence; and</p> <p>(c) make a report of the inquiry to the body where the respondent’s membership was held, including recommendations if any.</p> <p>²¹ See Judicial Council Decision 980. ²² See Judicial Council Decision 1275.</p> <p>GBOD ¶ 2706.003 = 2706.2-6</p>	<p>(b) be empowered to receive witnesses and to consider evidence; and</p> <p>(c) make a report of the inquiry to the body where the respondent’s membership was held, including recommendations if any.</p> <p>²¹ See Judicial Council Decision 980. ²² See Judicial Council Decision 1275.</p>	
<p>¶ 2708.001 <i>General Organization and Pre-Trial Procedures</i></p> <p>1. <i>Officers of the Court</i>—Officers shall consist of a presiding officer (see ¶¶ 2709.003.2, 2709.004.2, 2709.005.2), who shall appoint a secretary and such other officers as deemed necessary. The presiding officer may have legal counsel, who shall not be the conference chancellor, at the expense of the annual conference holding the trial, for the sole purpose of advice to the presiding officer during the trial.</p> <p>2. <i>Time and Place of Trial</i>—The official charged with convening the trial shall also fix the time and place for the trial and will notify the presiding officer, the respondent, counsel for the Church and the person making the original complaint. In all cases, sufficient time shall be allowed for these persons to appear at the given place and time and for the respondent to prepare for the trial. The presiding officer shall decide what constitutes “sufficient time,” but in no case shall this time be less than twenty days.</p> <p>3. <i>Pre-Trial Motions and Referrals</i>—All appeals of any procedural or substantive matters that have occurred prior to referral of the charges to trial must be appealed to the presiding officer of the trial court before the convening of the trial. Otherwise, the right to appeal on such matters is</p>	<p>[2708] ¶ 2708.001 <i>General Organization and Pre-Trial Procedures</i></p> <p>1. <i>Officers of the Court</i>—Officers shall consist of a presiding officer (see ¶¶ 2712.2, 2713.2, 2714.2 2709.003.2, 2709.004.2, 2709.005.2), who shall appoint a secretary and such other officers as deemed necessary. The presiding officer may have legal counsel, who shall not be the conference chancellor, at the expense of the annual conference holding the trial, for the sole purpose of advice to the presiding officer during the trial.</p> <p>2. <i>Time and Place of Trial</i>—The official charged with convening the trial shall also fix the time and place for the trial and will notify the presiding officer, the respondent, counsel for the Church and the person making the original complaint. In all cases, sufficient time shall be allowed for these persons to appear at the given place and time and for the respondent to prepare for the trial. The presiding officer shall decide what constitutes “sufficient time,” but in no case shall this time be less than twenty days.</p> <p>3. <i>Pre-Trial Motions and Referrals</i>—All appeals of any procedural or substantive matters that have occurred prior to referral of the charges to trial must be appealed to the presiding officer of the trial court before the convening of the</p>	

forfeited. All objections to and motions regarding the regularity of the proceedings and the form and substance of charges and specifications must be made before the convening of the trial court. The presiding officer may determine all such preliminary objections and motions; in furtherance of truth and justice may permit amendments to the specifications or charges not changing the general nature of the same; and may dismiss all or any part of the bill of charges upon a finding by the presiding officer (1) that all or such part is without legal or factual basis or (2) that, even assuming the specifications to be true, they do not constitute a basis for a chargeable offense. The presiding officer may refer the matter as deemed appropriate for a process seeking a just resolution to the resident bishop upon consultation with the counsel for the Church and counsel for the respondent. The bishop shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. If a process seeking a just resolution is used, the appropriate persons, including the counsel for the Church and counsel for the respondent, should enter into a written agreement outlining such process, including any agreement on confidentiality. If resolution is achieved, a written statement, affirming such resolution, and any terms and condition, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on all matters to be disclosed to third parties. Such a written statement shall be given to the presiding officer and the presiding officer shall take action consistent with the agreement. If no resolution results, the matter is returned to the presiding officer for further action.

trial. Otherwise, the right to appeal on such matters is forfeited. All objections to and motions regarding the regularity of the proceedings and the form and substance of charges and specifications must be made before the convening of the trial court. The presiding officer may determine all such preliminary objections and motions; in furtherance of truth and justice may permit amendments to the specifications or charges not changing the general nature of the same; and may dismiss all or any part of the bill of charges upon a finding by the presiding officer (1) that all or such part is without legal or factual basis or (2) that, even assuming the specifications to be true, they do not constitute a basis for a chargeable offense. The presiding officer may refer the matter as deemed appropriate for a process seeking a just resolution to the resident bishop upon consultation with the counsel for the Church and counsel for the respondent. The bishop shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.2d. If a process seeking a just resolution is used, the appropriate persons, including the counsel for the Church and counsel for the respondent, should enter into a written agreement outlining such process, including any agreement on confidentiality. If resolution is achieved, a written statement, affirming such resolution, and any terms and condition, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on all matters to be disclosed to third parties. Such a written statement shall be given to the presiding officer and the presiding officer shall take action consistent with the agreement. If no resolution results, the matter is returned to the presiding officer for further action.

4. *Change of Venue*—The respondent may request a change of venue. This shall be a written request to the presiding officer of the court within ten days of receipt of notice to appear for trial. The presiding officer shall rule upon the request after hearing arguments by the respondent and the Church. If the motion is approved, the presiding officer shall name the annual conference outside the episcopal area wherein the trial shall be held and shall notify the resident bishop of that conference, who shall convene the court. The cost of prosecution shall be borne by the conference where the case originated.

5. *Notice*

a) All notices required or provided for in relationship to investigations, trials, and appeals shall be in writing, signed by or on behalf of the person or body giving or required to give such notice, and shall be addressed to the person or body to whom it is required to be given. Such notices shall be served by delivering a copy thereof to the party or chief officer of the body to whom it is addressed in person or sent by other delivery system to the last-known residence or address of such party. Proof of notice shall be provided and becomes a part of the record of the case.

b) In all cases wherein it is provided that notice shall be given to a bishop or district superintendent and the charges are against that particular person, then such notice (in addition to being given to the accused) shall be given, in the case of a bishop, to another bishop within the same jurisdiction and, in the case of a district superintendent, to the bishop in charge.

6. *Trial Scheduling and Continuances*—If in any case the respondent, after due notice (twenty days) has been given, shall refuse or neglect to appear at the time and place set forth for the hearing, the trial may proceed in the

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respondent's absence. However, if in the sole discretion of the presiding officer there is good and sufficient reason for the absence of the respondent or another essential person, the presiding officer may reschedule the trial to a later date.

7. *Counsel*—In all cases, a respondent shall be entitled to appear and to select and be represented by counsel, a clergyperson in full connection of The United Methodist Church if the respondent is a bishop, a clergyperson, or a diaconal minister; and a lay or clergy member of The United Methodist Church if the respondent is a lay member. The respondent and the Church shall be entitled to have counsel heard in oral or written argument or both. The official charged with convening the court (see ¶¶ 2709.003.1, 2709.004.1, 2709.005.1) shall, within thirty days after receiving a copy of the charges and specifications, appoint counsel for the Church, if counsel has not been previously appointed. In the case of a trial of a bishop, clergyperson, or local pastor, counsel for the Church shall be a clergyperson in full connection (¶¶ 2706.001.2a, 2709.003.4) to represent the interests of the Church in pressing the claims of the person making the complaint.

No person who was a member of the cabinet, Board of Ordained Ministry, or committee on investigation who earlier considered the case now before the trial court shall be appointed counsel for the Church or serve as counsel for the respondent or any of the persons bringing complaints in a case. In all cases of trial where counsel has not been chosen by the respondent, counsel shall be appointed by the presiding officer. The counsel for the Church and for the respondent each shall be entitled to choose one assistant counsel, who may be an attorney, without voice. "Without voice" means without the ability to speak to or within the hearing of the trial court. In no instance and under no

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circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.

8. *Witnesses*—Notice to appear shall be given to such witnesses as either party may name and shall be issued in the name of the Church and be signed by the presiding officer of the trial. It shall be the duty of all clergy and lay members of The United Methodist Church to appear and testify when summoned. Refusal to appear or to answer questions ruled by the presiding officer to be relevant may be considered as disobedience to the order and discipline of The United Methodist Church except when refusal to answer is based on a good faith claim that answering might tend to incriminate the witness under state or federal criminal law or is based on a claim of confidential communication to a clergy person under ¶ 335.5.

9. *Witness Qualifications*—A witness, to be qualified, need not be a member of The United Methodist Church.

10. *Commissioned Out-of-Court Testimony*—The presiding officer of any court before which a case may be pending shall have power, whenever the necessity of the parties or witnesses shall require, to appoint, on the application of either party, a commissioner or commissioners, either a clergy or a layperson or both, to examine the witnesses; provided that three days' notice of the time and place of taking such testimony shall have been given to the adverse party. The party making this request shall have the burden of showing good cause and shall bear the cost of such commissioned out-of-court testimony. Counsel for both parties shall be permitted to examine and cross-examine the witness or witnesses whose testimony is thus taken. The commissioners so appointed shall take such

hearing of the trial court. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.

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<p>testimony in writing as may be offered by either party. The testimony properly certified by the signature of the commissioner or commissioners shall be transmitted to the presiding officer of the court before which the case is pending.</p> <p>11. <i>Amendments to Bill of Charges and Specifications</i>— After consultation with counsels, the presiding officer of the trial may make amendments to the bill of charges, or request that the committee on investigation make amendments to the bill of charges; provided that they do not change the nature of the charges and specifications and do not introduce new matter of which the respondent has not had due notice. When an amendment or amendments to a bill of charges is or are denied by the presiding officer, it or they shall not be introduced in the form of testimony in the trial. Charges or specifications previously considered and dropped by the committee on investigation shall not be introduced in the trial in the form of evidence or otherwise.</p> <p>12. <i>Combined Trials of Multiple Persons</i>— In cases in which a number of persons have allegedly engaged in the same offense at the same time and place, their trials may be combined into one trial for that same offense. The presiding officer shall make the determination on combination of trials.</p> <p>GBOD ¶ 2708.001 = 2708.1-11+13</p>	<p>thus taken. The commissioners so appointed shall take such testimony in writing as may be offered by either party. The testimony properly certified by the signature of the commissioner or commissioners shall be transmitted to the presiding officer of the court before which the case is pending.</p> <p>11. <i>Amendments to Bill of Charges and Specifications</i>— After consultation with counsels, the presiding officer of the trial may make amendments to the bill of charges, or request that the committee on investigation make amendments to the bill of charges; provided that they do not change the nature of the charges and specifications and do not introduce new matter of which the respondent has not had due notice. When an amendment or amendments to a bill of charges is or are denied by the presiding officer, it or they shall not be introduced in the form of testimony in the trial. Charges or specifications previously considered and dropped by the committee on investigation shall not be introduced in the trial in the form of evidence or otherwise.</p> <p>[moved to GBOD 2707.2] 12. Open or Closed Trials— The deliberations of the trial court ... a right to be present.</p> <p>12. <u>13.</u> <i>Combined Trials of Multiple Persons</i>— In cases in which a number of persons have allegedly engaged in the same offense at the same time and place, their trials may be combined into one trial for that same offense. The presiding officer shall make the determination on combination of trials.</p>	
<p>¶ 2708.002 <i>Trial Convening and Organization</i></p> <p>1. <i>Convening of the Trial</i>— The convener shall notify the respondent in writing to appear at a fixed time and place no less than twenty days after service of such notice and within a reason-able time thereafter for selection of the members of the trial court.</p>	<p>[2709] ¶ 2708.002 <i>Trial Convening and Organization</i></p> <p>1. <i>Convening of the Trial</i>— The convener shall notify the respondent in writing to appear at a fixed time and place no less than twenty days after service of such notice and within a reason-able time thereafter for selection of the members of the trial court.</p>	

2. *Trial Pool*—At the appointed time, in the presence of the respondent, counsel for the respondent, counsel for the Church, and the presiding officer, thirteen persons shall be selected as a trial court out of a pool of thirty-five or more persons selected according to ¶¶ 2709.003.3, 2709.004.3, 2709.005.3. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

3. *Selection of the Trial Court*—No person shall serve as a member of the trial court who was a member of the cabinet, Board of Ordained Ministry, or committee on investigation who considered the case in the process of coming to trial court. The counsel for the Church and the respondent shall each have up to four peremptory challenges and challenges for cause without limit. If by reason of challenges for cause being sustained the number is reduced to below thirteen, additional appropriate persons shall be nominated in like manner as was the original panel to take the places of the numbers challenged, who likewise shall be subject to challenge for cause. This method of procedure shall be followed until a trial court of thirteen members and two alternate members has been selected.

4. *Alternates*—The two alternate members shall sit as observers of the trial. They shall replace members of the trial court who are not able to continue to serve, so that the trial court shall always consist of thirteen members, unless the respondent and counsel for the Church agree to a lesser number.

5. *Trial Court Questions*—The members of the trial court, including the alternate members, may, subject to the approval of the presiding officer of the court, ask questions on matters on which evidence has been presented.

GBOD ¶ 2708.002 = 2709

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4. *Alternates*—The two alternate members shall sit as observers of the trial. They shall replace members of the trial court who are not able to continue to serve, so that the trial court shall always consist of thirteen members, unless the respondent and counsel for the Church agree to a lesser number.

5. *Trial Court Questions*—The members of the trial court, including the alternate members, may, subject to the approval of the presiding officer of the court, ask questions on matters on which evidence has been presented.

<p>¶ 2709.001. Trial Guidelines and Rules</p> <p>1. <i>Authority of Presiding Officer</i>—After the trial is convened the authority of the presiding officer shall include the right to set reasonable time limits, after consultation with counsel for the Church and counsel for the person charged, for the presentation of the case, provided such time is equal for both. The authority of the presiding officer shall be limited to ruling upon proper representation of the Church and the person charged, admissibility of evidence, recessing, adjourning, and reconvening sessions of the trial, charging the members of the trial court as to the Church law involved in the case at the beginning of the trial and just before they retire to make up their verdict, and such other authority as is normally vested in a civil court judge sitting with a jury, but he or she shall not have authority to pronounce any judgment in favor of or against the person charged other than such verdict as may be returned by the trial court, which body shall have the exclusive right to determine the innocence or guilt of the person charged.</p> <p>2. <i>Order of Trial</i>—After selection of the trial court, each counsel may make an opening statement to inform the trial court of what the evidence is expected to be. Evidence shall then be offered by questioning of witnesses and by documents shown to be reliable. Each counsel shall have opportunity to make closing arguments before the trial court begins deliberations. Deliberations of the trial court and receiving of the verdict shall follow.</p> <p>3. <i>Oaths</i>—The administration of oaths shall not be required. At the beginning of the trial, the presiding officer shall remind all parties of the duties and responsibilities of Church membership (¶ 210) and/or the clergy covenant (¶¶ 305.2 and 324.5c[3])</p>	<p>[2710] ¶ 2709.001. Trial Guidelines and Rules</p> <p>1. <i>Authority of Presiding Officer</i>—After the trial is convened the authority of the presiding officer shall include the right to set reasonable time limits, after consultation with counsel for the Church and counsel for the person charged, for the presentation of the case, provided such time is equal for both. The authority of the presiding officer shall be limited to ruling upon proper representation of the Church and the person charged, admissibility of evidence, recessing, adjourning, and reconvening sessions of the trial, charging the members of the trial court as to the Church law involved in the case at the beginning of the trial and just before they retire to make up their verdict, and such other authority as is normally vested in a civil court judge sitting with a jury, but he or she shall not have authority to pronounce any judgment in favor of or against the person charged other than such verdict as may be returned by the trial court, which body shall have the exclusive right to determine the innocence or guilt of the person charged.</p> <p>2. <i>Order of Trial</i>—After selection of the trial court, each counsel may make an opening statement to inform the trial court of what the evidence is expected to be. Evidence shall then be offered by questioning of witnesses and by documents shown to be reliable. Each counsel shall have opportunity to make closing arguments before the trial court begins deliberations. Deliberations of the trial court and receiving of the verdict shall follow.</p> <p>3. <i>Oaths</i>—The administration of oaths shall not be required. At the beginning of the trial, the presiding officer shall remind all parties of the duties and responsibilities of Church membership (¶ 210) and/or the clergy covenant (¶¶ 304.2 305.2 and 330.5c[3] 324.5c[3])</p>	
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4. *Entering of the Plea*—At the beginning of the trial, the respondent shall be called upon by the presiding officer to plead to the charge, and the pleas shall be recorded. If the respondent pleads “guilty” to the charges preferred, no trial shall be necessary, but evidence may be taken with respect to the appropriate penalty, which shall thereupon be imposed. If the respondent pleads “not guilty” or if the respondent should neglect or refuse to plead, the plea of “not guilty” shall be entered, and the trial shall proceed. The respondent shall at all times during the trial, except as hereinafter provided, have the right to produce testimony and that of witnesses and to make defense.

5. *Recess and Trial Procedures*—The court may recess from time to time as convenience or necessity may require. During the time of recess, the members of the trial court shall be instructed that under no circumstance will they speak to one another or to others about the trial or observe media reports regarding the case. When, in consultation with counsel for both parties, the presiding officer finds it advisable, the members and reserves shall be sequestered. Threatening or tampering with the trial court or officers of the trial court shall be considered disobedience to the order and discipline of The United Methodist Church. The presiding officer shall remain and preside until the decision is rendered and the findings are completed and shall thereupon sign and certify them.

6. *Objections and Rulings*—Objections of any party to the proceedings shall be entered on the record. All rulings on pre-trial appeals, objections, and motions shall be entered on the record. All objections and motions from counsels during the proceedings of the trial shall be made in open session before the trial court and entered on the record along with

4. *Entering of the Plea*—At the beginning of the trial, the respondent shall be called upon by the presiding officer to plead to the charge, and the pleas shall be recorded. If the respondent pleads “guilty” to the charges preferred, no trial shall be necessary, but evidence may be taken with respect to the appropriate penalty, which shall thereupon be imposed. If the respondent pleads “not guilty” or if the respondent should neglect or refuse to plead, the plea of “not guilty” shall be entered, and the trial shall proceed. The respondent shall at all times during the trial, except as hereinafter provided, have the right to produce testimony and that of witnesses and to make defense.

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the rulings of the presiding officer on all such objections and motions.

7. *Exclusion of Witnesses*—With the exception of the complainant and respondent, no witness to be examined shall be present during the examination of another witness if the opposing party objects. Witnesses shall be examined first by the party producing them, then cross-examined by the opposite party and may be questioned by members of the trial court, with the approval of the presiding officer. The presiding officer of the court shall determine all questions of relevancy and competency of evidence.

8. *Recording of Proceedings*—A verbatim record of all proceedings of the trial shall be by stenograph or other appropriate means and reduced to writing and certified by the presiding officer or secretary. The record, including all exhibits, papers and evidence in the case, shall be the basis of any appeal that may be taken.

9. *Evidence*—The introduction of any material relating to events happening before the six-year statute of limitation period as evidence, as preface to evidence, or as build-up for evidence in the procedures of the trial proceedings may be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable. Documentary evidence deemed by the presiding officer to be relevant and reliable may be in the physical possession of the trial court during deliberations.

10. *Instructions and Charges*—The presiding officer shall not deliver a charge reviewing or explaining the evidence or setting forth the merits of the case. The presiding officer shall express no opinion on the law or the facts while the court is deliberating. If requested by either party's counsel, the presiding officer shall instruct the trial court on Church law applicable to the case. Instructions may be given

the rulings of the presiding officer on all such objections and motions.

7. *Exclusion of Witnesses*—With the exception of the complainant and respondent, no witness to be examined shall be present during the examination of another witness if the opposing party objects. Witnesses shall be examined first by the party producing them, then cross-examined by the opposite party and may be questioned by members of the trial court, with the approval of the presiding officer. The presiding officer of the court shall determine all questions of relevancy and competency of evidence.

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<p>at the beginning of the trial, during the trial, before the trial court begins deliberations or a combination of any of these. If requested by the trial court, instructions may be given during deliberations. The presiding officer shall not review or explain the evidence or comment on the merits of the case. GBOD ¶ 2709.001 = 2710</p>	<p>at the beginning of the trial, during the trial, before the trial court begins deliberations or a combination of any of these. If requested by the trial court, instructions may be given during deliberations. The presiding officer shall not review or explain the evidence or comment on the merits of the case.</p>	
<p>¶ 2709.002. Power of the Trial Court 1. <i>Instruction, Disqualification, Voting, and Verdicts</i>—The trial court shall have full power to try the respondent. The trial court shall be a continuing body until the final disposition of the charge. If any regular or alternate member of the trial court fails to attend any part of any session at which evidence is received or oral argument is made to the trial court by counsel, that person shall not thereafter be a member of the trial court, but the rest of the trial court may proceed to judgment. 2. <i>Votes</i>—It shall require a vote of at least nine members of the trial court to sustain the charge(s) and nine votes also shall be required for conviction. Fewer than nine votes for conviction shall be considered an acquittal. The burden of proof for a vote to convict shall be clear and convincing. The trial court shall present to the presiding officer a decision on each charge and each individual specification under each charge. Its findings shall be final, subject to appeal to the committee on appeals of the jurisdictional conference. 3. <i>Penalties—If the Trial Results in Conviction.</i>—Further testimony may be heard and arguments by counsel presented regarding what the penalty should be. The trial court shall determine the penalty, which shall require a vote of at least seven members. The trial court shall have the power to remove the respondent from professing membership, terminate the conference membership, and revoke the</p>	<p>[2711] ¶ 2709.002 Power of the Trial Court 1. <i>Instruction, Disqualification, Voting, and Verdicts</i>—The trial court shall have full power to try the respondent. The trial court shall be a continuing body until the final disposition of the charge. If any regular or alternate member of the trial court fails to attend any part of any session at which evidence is received or oral argument is made to the trial court by counsel, that person shall not thereafter be a member of the trial court, but the rest of the trial court may proceed to judgment. 2. <i>Votes</i>—It shall require a vote of at least nine members of the trial court to sustain the charge(s) and nine votes also shall be required for conviction. Fewer than nine votes for conviction shall be considered an acquittal. The burden of proof for a vote to convict shall be clear and convincing. The trial court shall present to the presiding officer a decision on each charge and each individual specification under each charge. Its findings shall be final, subject to appeal to the committee on appeals of the jurisdictional conference or the central conference, as the case may be. 3. <i>Penalties—If the Trial Results in Conviction.</i>—Further testimony may be heard and arguments by counsel presented regarding what the penalty should be. The trial court shall determine the penalty, which shall require a vote of at least seven members. The trial court shall have the power to</p>	

<p>credentials of conference membership, commissioning, ordination, or consecration of the respondent, suspend the respondent from the exercise of the functions of office, or to fix a lesser penalty. The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court. Should any penalty fixed by a trial court be altered or reduced as a result of the appellate process, the respondent shall be restored and/ or compensated as appropriate, provided that in no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.²³</p> <p>GBOD ¶ 2709.002 = 2711</p> <p>²³ See Judicial Council Decision 1201</p>	<p>remove the respondent from professing membership, terminate the conference membership, and revoke the credentials of conference membership, commissioning, ordination, or consecration of the respondent, suspend the respondent from the exercise of the functions of office, or to fix a lesser penalty. The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court. Should any penalty fixed by a trial court be altered or reduced as a result of the appellate process, the respondent shall be restored and/ or compensated as appropriate, provided that in no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.²³</p> <p>²³ See Judicial Council Decision 1201</p>	
<p>¶ 2709.003. <i>Trial of a Bishop</i></p> <p>1. The president of the College of Bishops of the jurisdictional conference—or in case the person charged is the president, the secretary of the college—shall proceed to convene the court under the provisions of ¶ 2708.002.</p> <p>2. The president of the College of Bishops (or in the case the person charged is the president, the secretary) may preside or designate another bishop to serve as presiding officer.</p> <p>3. The trial shall be convened as provided in ¶ 2708.002 with the pool of thirty-five or more persons to consist of clergy in full connection named by the College of Bishops in approximately equal numbers from each episcopal area within the jurisdictional conference. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity.</p>	<p>[2712] ¶ 2709.003. <i>Trial of a Bishop</i></p> <p>1. The president of the College of Bishops of the jurisdictional or central conference—or in case the person charged is the president, the secretary of the college—shall proceed to convene the court under the provisions of ¶ 2709 <u>2708.002</u>.</p> <p>2. The president of the College of Bishops (or in the case the person charged is the president, the secretary) may preside or designate another bishop to serve as presiding officer.</p> <p>3. The trial shall be convened as provided in ¶ 2709 <u>2708.002</u> with the pool of thirty-five or more persons to consist of clergy in full connection named by the College of Bishops in approximately equal numbers from each episcopal area within the jurisdictional or central conference. Special consideration should be given so that the pool includes</p>	

<p>4. Counsel for the Church shall be a bishop or another clergy-person in full connection.</p> <p>5. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the jurisdictional conference, who shall keep them in custody. If an appeal is taken, the secretary shall forward the materials forth-with to the secretary of the Judicial Council. After the appeal has been heard, the records shall be returned to the secretary of the jurisdictional conference.</p> <p>6. A bishop suspended from office shall have claim on the Episcopal Fund for salary, dwelling, pension, and other related benefits. A bishop removed from office shall have no claim upon the Episcopal Fund for salary, dwelling, pension and other related benefits from the date of such removal.</p> <p>GBOD ¶ 2709.003 = 2712</p>	<p>persons representative of racial, age, ethnic, and gender diversity.</p> <p>4. Counsel for the Church shall be a bishop or another clergy-person in full connection.</p> <p>5. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the jurisdictional or central conference, who shall keep them in custody. If an appeal is taken, the secretary shall forward the materials forth-with to the secretary of the Judicial Council. After the appeal has been heard, the records shall be returned to the secretary of the jurisdictional or central conference.</p> <p>6. A bishop suspended from office shall have claim on the Episcopal Fund for salary, dwelling, pension, and other related benefits. A bishop removed from office shall have no claim upon the Episcopal Fund for salary, dwelling, pension and other related benefits from the date of such removal.</p>	
<p>¶ 2709.004 <i>Trial of a Clergy Member of an Annual Conference, Local Pastor, Clergy on Honorable or Administrative Location, or Diaconal Minister</i></p> <p>1. The resident bishop of the respondent shall proceed to convene the court under the provisions of ¶ 2706.002.</p> <p>2. The resident bishop shall designate another bishop to be presiding officer.</p> <p>3. <i>a)</i> The trial for a clergy member or a local pastor shall be convened as provided in ¶ 2708.002 with the pool of thirty-five or more persons to consist of clergy in full connection. If there are not enough persons in appropriate categories in an annual conference to complete the pool, additional persons may be appointed from other annual conferences. All appointments to the pool shall be made by</p>	<p>[2713] ¶ 2709.004 <i>Trial of a Clergy Member of an Annual Conference, Local Pastor, Clergy on Honorable or Administrative Location, or Diaconal Minister</i></p> <p>1. The resident bishop of the respondent shall proceed to convene the court under the provisions of ¶ 2709 <u>2708.002</u>.</p> <p>2. The resident bishop shall designate another bishop to be presiding officer.</p> <p>3. <i>a)</i> The trial for a clergy member or a local pastor shall be convened as provided in ¶ 2709 <u>2708.002</u> with the pool of thirty-five or more persons to consist of clergy in full connection. If there are not enough persons in appropriate categories in an annual conference to complete the pool, additional persons may be appointed from other annual conferences. All appointments to the pool shall be made by</p>	

<p>the district superintendents. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity.</p> <p>b) The trial for a diaconal minister shall be convened as provided in ¶ 2708.002 and shall consist of a pool of thirty-five or more persons who shall be diaconal ministers or, when necessary, members of the Church. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.</p> <p>4. Counsel for the Church shall be a clergyperson in full connection.</p> <p>5. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the annual conference, who shall keep them in custody. Such documents are to be held in a confidential file and shall not be released for other than appeal or new trial purposes without a signed release from both the clergyperson charged and the presiding officer of the trial that tried the case. If an appeal is taken, the secretary shall forward the materials forthwith to the president of the court of appeals of the jurisdictional conference. If a president has not been elected, the secretary shall send the materials to such members of the court of appeals as the president of the College of Bishops shall designate. After the appeal has been heard, the records shall be returned to the secretary of the annual conference unless a further appeal on a question of law has been made to the Judicial Council, in which case the relevant documents shall be forwarded to the secretary of that body.²⁴</p> <p>GBOD ¶ 2709.004 = 2713</p> <p>²⁴ See Judicial Council Decisions 751, 1201, 1250</p>	<p>the district superintendents. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity.</p> <p>b) The trial for a diaconal minister shall be convened as provided in ¶ 2709 <u>2708.002</u> and shall consist of a pool of thirty-five or more persons who shall be diaconal ministers or, when necessary, members of the Church. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.</p> <p>4. Counsel for the Church shall be a clergyperson in full connection.</p> <p>5. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the annual conference, who shall keep them in custody. Such documents are to be held in a confidential file and shall not be released for other than appeal or new trial purposes without a signed release from both the clergyperson charged and the presiding officer of the trial that tried the case. If an appeal is taken, the secretary shall forward the materials forthwith to the president of the court of appeals of the jurisdictional or central conference. If a president has not been elected, the secretary shall send the materials to such members of the court of appeals as the president of the College of Bishops shall designate. After the appeal has been heard, the records shall be returned to the secretary of the annual conference unless a further appeal on a question of law has been made to the Judicial Council, in which case the relevant documents shall be forwarded to the secretary of that body.²⁴</p> <p>²⁴ See Judicial Council Decisions 751, 1201, 1250</p>	
<p>¶ 2709.005 <i>Trial of Lay Member of a Local Church</i></p>	<p>[2714] ¶ 2709.005 <i>Trial of Lay Member of a Local Church</i></p>	

1. The district superintendent of the person charged shall proceed to convene the court under the provisions of ¶ 2708.002.

2. The district superintendent may be the presiding officer or may designate another clergyperson in full connection to preside.

3. The trial shall be convened as provided in ¶ 2708.002, with the pool of thirty-five or more persons to consist of professing members of local churches other than the local church of the charged layperson within the same district. Appointments to the pool shall be made by the district superintendent, who may consult with the district lay leader. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity.

4. Counsel for the Church shall be a professing member or clergyperson of The United Methodist Church.

5. The person charged may request a change of venue. This shall be a written request to the officers of the court within ten days of receipt of notice to appear for trial. The presiding officer shall rule upon the request after hearing argument for the defense and the Church. If the motion is approved, the presiding officer shall name another district wherein the trial shall be held and shall notify the district superintendent, who shall convene the court. The thirty-five-member pool shall consist of professing members from that district. The cost of prosecution shall be borne by the annual conference.

6. If the trial court finds that the charges are proven by clear and convincing evidence, then it may impose such penalties as it may determine, including that the professing membership of the charged layperson in The United Methodist Church be terminated; provided that the trial

1. The district superintendent of the person charged shall proceed to convene the court under the provisions of ¶ ~~2709~~2708.002.

2. The district superintendent may be the presiding officer or may designate another clergyperson in full connection to preside.

3. The trial shall be convened as provided in ¶ ~~2709~~2708.002, with the pool of thirty-five or more persons to consist of professing members of local churches other than the local church of the charged layperson within the same district. Appointments to the pool shall be made by the district superintendent, who may consult with the district lay leader. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity.

4. Counsel for the Church shall be a professing member or clergyperson of The United Methodist Church.

5. The person charged may request a change of venue. This shall be a written request to the officers of the court within ten days of receipt of notice to appear for trial. The presiding officer shall rule upon the request after hearing argument for the defense and the Church. If the motion is approved, the presiding officer shall name another district wherein the trial shall be held and shall notify the district superintendent, who shall convene the court. The thirty-five-member pool shall consist of professing members from that district. The cost of prosecution shall be borne by the annual conference.

6. If the trial court finds that the charges are proven by clear and convincing evidence, then it may impose such penalties as it may determine, including that the professing membership of the charged layperson in The United Methodist Church be terminated; provided that the trial

<p>court shall first consider other remedies that would fulfill the provisions of ¶ 217.</p> <p>7. The appropriate officer of the trial shall, at the conclusion of the proceeding, deposit all trial documents with the secretary of the charge conference. If an appeal is taken, the secretary shall deliver all documents to the district superintendent. After the appeal has been heard, the records shall be returned to the custody of the secretary of the charge conference.</p> <p>GBOD ¶ 2709.005 = 2714</p>	<p>court shall first consider other remedies that would fulfill the provisions of ¶ 221 217.</p> <p>7. The appropriate officer of the trial shall, at the conclusion of the proceeding, deposit all trial documents with the secretary of the charge conference. If an appeal is taken, the secretary shall deliver all documents to the district superintendent. After the appeal has been heard, the records shall be returned to the custody of the secretary of the charge conference.</p>	
<p style="text-align: center;">Appeals</p> <p>¶ 2710.001 <i>Appeal Procedures—General</i></p> <p>1. The written notice of appeal shall be given to the officer and to the counsel.</p> <p>2. When any appellate body shall reverse in whole or in part the findings of a committee on investigation or trial court, or remand the case for a new hearing or trial, or change the penalty imposed by the trial court, it shall return to the convening officer a statement of the grounds of its action.</p> <p>3. Appeals shall be heard by the proper appellate body unless it shall appear to the said body that the appellant has forfeited the right to appeal by misconduct, such as refusal to abide by the findings of the trial court; or by withdrawal from the Church; or by failure to appear in person or by counsel to prosecute the appeal; or, prior to the final decision on appeal from conviction, by resorting to suit in the civil courts against the complainant or any of the parties connected with the ecclesiastical court in which the appellant was tried.²⁶</p>	<p style="text-align: center;">Appeals</p> <p>[2715] ¶ 2710.001 <i>Appeal Procedures—General</i></p> <p>[text partly in GBOD¶ 2710.2, therefore deleted and revised for ¶2710.001.1] 1. In all cases of appeal, the appellant shall within thirty days give The written notice of appeal shall be given and at the same time shall furnish to the officer receiving such notice (¶¶ 2716.2, 2717.1, 2718.2,) and to the counsel, a written statement ... in such statement.²⁵</p> <p>2. When any appellate body shall reverse in whole or in part the findings of a committee on investigation or trial court, or remand the case for a new hearing or trial, or change the penalty imposed by the trial court, it shall return to the convening officer a statement of the grounds of its action.</p> <p>[deleted text, see GBOD¶ 2710.3] 3. An appeal shall not be allowed in any case in which the respondent has failed or refused to be present in person or by counsel at the investigation and the trial. Appeals shall be heard by the proper appellate body unless it shall appear to the said body that the appellant has forfeited the right to appeal by misconduct, such as refusal to abide by the findings of the trial court; or by withdrawal from the Church; or by failure</p>	

4. The right of appeal, when once forfeited by neglect or otherwise, cannot be revived by any subsequent appellate body.

5. The right to prosecute an appeal shall not be affected by the death of the person entitled to such right. Heirs or legal representatives may prosecute such appeal as the appellant would be entitled to do if living.

6. The two single questions before the appellate body (§ 2710.5) shall be determined by the records of the trial and the argument of counsel for the Church and for the respondent. The appellate body shall in no case hear witnesses. It may have legal counsel present, who shall not be the conference chancellor for the conference from which the appeal is taken, for the sole purpose of providing advice to the appellate body.

7. In all cases where an appeal is made and admitted by the appellate committee, after the charges, findings, and evidence have been read and the arguments conclude, the parties shall withdraw, and the appellate committee shall consider and decide the case. It may reverse in whole or in part the findings of the committee on investigation or the trial court, or it may remand the case for a new trial to determine verdict and/or penalty. It may determine what penalty, not higher than that affixed at the hearing or trial, may be imposed. If it neither reverses in whole or in part the judgment of the trial court, nor remands the case for a new trial, nor modifies the penalty, that judgment shall stand. The appellate committee shall not reverse the judgment nor remand the case for a new hearing or trial on account of errors plainly not affecting the result. All decisions of the appellate committee shall require a majority vote.

8. In all cases, the right to present evidence shall be exhausted when the case has been heard once on its merits

to appear in person or by counsel to prosecute the appeal; or, prior to the final decision on appeal from conviction, by resorting to suit in the civil courts against the complainant or any of the parties connected with the ecclesiastical court in which the appellant was tried.²⁶

4. The right of appeal, when once forfeited by neglect or otherwise, cannot be revived by any subsequent appellate body.

5. The right to prosecute an appeal shall not be affected by the death of the person entitled to such right. Heirs or legal representatives may prosecute such appeal as the appellant would be entitled to do if living.

[deleted text, see GBOD § 2710.4-5] ~~6. The records and ... in the hearing of any appeal.~~

~~6.7. The appellate body shall determine two questions only: (a) Does the weight of the evidence sustain the charge or charges? (b) Were there such errors of Church law as to vitiate the verdict and/or the penalty? These~~ The two single questions before the appellate body (§ 2710.5) shall be determined by the records of the trial and the argument of counsel for the Church and for the respondent. The appellate body ~~shall in no case hear witnesses. It may have legal counsel present, who shall not be the conference chancellor for the conference from which the appeal is taken, for the sole purpose of providing advice to the appellate body.~~

7.8. In all cases where an appeal is made and admitted by the appellate committee, after the charges, findings, and evidence have been read and the arguments conclude, the parties shall withdraw, and the appellate committee shall consider and decide the case. It may reverse in whole or in part the findings of the committee on investigation or the trial court, or it may remand the case for a new trial to

in the proper court, but questions of Church law may be carried on appeal, step by step, to the Judicial Council.

9. The Church shall have no right of appeal from findings of the trial court. In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional committee on appeals by counsel for the Church. The committee on investigation's decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.²⁷

10. Questions of procedure may be raised with the presiding officer or secretary of the appellate body. Under no circumstances shall one party in the absence of the other party discuss substantive matters with members of any appellate body while the case is pending (cf. ¶¶ 2607, 2701.4).

11. In all matters of judicial administration, the rights, duties, and responsibilities of clergy members and diaconal ministers of missionary conferences and provisional annual conferences are the same as those in annual conferences, and the procedure is the same.

12. Contacts with members of any appellate body shall be limited to matters of procedure and shall be directed only to the presiding officer or secretary of the appellate body. Under no circumstances shall matters of substance be discussed.

GBOD ¶ 2710.001 = 2715

determine verdict and/or penalty. It may determine what penalty, not higher than that affixed at the hearing or trial, may be imposed. If it neither reverses in whole or in part the judgment of the trial court, nor remands the case for a new trial, nor modifies the penalty, that judgment shall stand. The appellate committee shall not reverse the judgment nor remand the case for a new hearing or trial on account of errors plainly not affecting the result. All decisions of the appellate committee shall require a majority vote.

~~8.9.~~ In all cases, the right to present evidence shall be exhausted when the case has been heard once on its merits in the proper court, but questions of Church law may be carried on appeal, step by step, to the Judicial Council.

~~9.10.~~ The Church shall have no right of appeal from findings of the trial court. In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional committee on appeals by counsel for the Church. The committee on investigation's decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.²⁷

~~10.11.~~ Questions of procedure may be raised with the presiding officer or secretary of the appellate body. Under no circumstances shall one party in the absence of the other party discuss substantive matters with members of any appellate body while the case is pending (cf. ¶¶ 2607, 2701.4).

<p>²⁶ See Judicial Council Decision 3 ²⁷ See Judicial Council Decision 985</p>	<p>11.12. In all matters of judicial administration, the rights, duties, and responsibilities of clergy members and diaconal ministers of missionary conferences and provisional annual conferences are the same as those in annual conferences, and the procedure is the same.</p> <p>12.13. Contacts with members of any appellate body shall be limited to matters of procedure and shall be directed only to the presiding officer or secretary of the appellate body. Under no circumstances shall matters of substance be discussed.</p> <p>²⁶ See Judicial Council Decision 3 ²⁷ See Judicial Council Decision 985</p>	
<p>¶ 2711.001 <i>Appeal of a Bishop, Clergy Member of an Annual Conference, Clergy on Honorable or Administrative Location, Local Pastor, or Diaconal Minister</i></p> <p>1. Each jurisdictional conference, upon nomination of the College of Bishops, shall elect a committee on appeals composed of four clergy, one diaconal minister, one full-time local pastor, and three laypersons who have been at least six years successively members of The United Methodist Church, and an equal number of corresponding alternates. This committee shall serve until its successors have been elected. No member shall participate in the hearing of an appeal who is a member of a conference in the episcopal area of the appellant. Any vacancy shall be filled by the College of Bishops. The committee on appeals shall have full power to hear and determine appeals of bishops, clergy members, clergy members on honorable or administrative location, local pastors, and diaconal ministers from any annual conference, provisional or missionary conference within the jurisdiction conference. The committee shall elect its own president and secretary</p>	<p>[2716] ¶ 2711.001 <i>Appeal of a Bishop, Clergy Member of an Annual Conference, Clergy on Honorable or Administrative Location, Local Pastor, or Diaconal Minister</i></p> <p>1. Each jurisdictional and central conference, upon nomination of the College of Bishops, shall elect a committee on appeals composed of four clergy, one diaconal minister, one full-time local pastor, and three laypersons who have been at least six years successively members of The United Methodist Church, and an equal number of corresponding alternates. This committee shall serve until its successors have been elected. No member shall participate in the hearing of an appeal who is a member of a conference in the episcopal area of the appellant. Any vacancy shall be filled by the College of Bishops. The committee on appeals shall have full power to hear and determine appeals of bishops, clergy members, clergy members on honorable or administrative location, local pastors, and diaconal ministers from any annual conference, provisional or missionary conference within the jurisdiction or central conference. The committee shall elect its own president and</p>	

and shall adopt its own rules of procedure, and its decisions shall be final, except that an appeal may be taken to the Judicial Council only upon questions of law related to procedures of the jurisdictional committee on appeals, or under the provisions of ¶ 2607.8. A bishop designated by the College of Bishops shall convene the committee at the site of jurisdictional conference for the purpose of electing officers.

2. In case of conviction by a trial court, a clergy member, local pastor, clergy on honorable or administrative location, or diaconal minister shall have the right of appeal to the jurisdictional conference committee on appeals above constituted, provided that within thirty days after the conviction, the appellant shall notify the presiding bishop of the conference (or, when the appellant is a bishop, the president and secretary of the College of Bishops) and the presiding officer of the court in writing of the intention to appeal.

3. When notice of an appeal has been given to the presiding officer of the court, the presiding officer shall give notice of the same to the secretary of the committee on appeals of the jurisdictional conference and submit the documents in the case, or in case the documents have been sent to the secretary of the annual conference, instruct the secretary to send the documents to the president of the committee on appeals. The jurisdictional conference committee on appeals shall within thirty days give notice to the presiding bishop of the conference from which the appeal is taken (or to the president and secretary of the College of Bishops when the appellant is a bishop) and to the appellant of the time and place where the appeal will be heard. Such hearing shall occur within 180 days following receipt of notice to the committee on appeals. Both the annual conference, missionary conference, or provisional

secretary and shall adopt its own rules of procedure, and its decisions shall be final, except that an appeal may be taken to the Judicial Council only upon questions of law related to procedures of the jurisdictional committee on appeals, ~~central conference committee on appeals~~, or under the provisions of ~~¶ 2609.8~~ ¶ 2607.8. A bishop designated by the College of Bishops shall convene the committee at the site of jurisdictional ~~or central~~ conference for the purpose of electing officers.

2. In case of conviction by a trial court, a ~~bishop~~, clergy member, local pastor, clergy on honorable or administrative location, or diaconal minister shall have the right of appeal to the jurisdictional ~~or central~~ conference committee on appeals above constituted, provided that within thirty days after the conviction, the appellant shall notify the presiding bishop of the conference (or, when the appellant is a bishop, the president and secretary of the College of Bishops) and the presiding officer of the court in writing of the intention to appeal.

3. When notice of an appeal has been given to the presiding officer of the court, the presiding officer shall give notice of the same to the secretary of the committee on appeals of the jurisdictional ~~or central~~ conference and submit the documents in the case, or in case the documents have been sent to the secretary of the annual conference, instruct the secretary to send the documents to the president of the committee on appeals. The jurisdictional ~~or central~~ conference committee on appeals shall within thirty days give notice to the presiding bishop of the conference from which the appeal is taken (or to the president and secretary of the College of Bishops when the appellant is a bishop) and to the appellant of the time and place where the appeal will be heard. Such hearing shall occur within 180 days following

<p>conference and the appellant may be represented by counsel as specified in ¶ 2708.001.7. The presiding bishop of the conference or, in the appeal of a bishop, the president or secretary of the College of Bishops, shall appoint counsel for the Church.</p> <p>4. All necessary traveling and sustenance expense incurred by the committee on appeals, including any cost for legal counsel retained to advise the committee, in the hearing of an appeal case coming from an annual conference and appearing before any jurisdictional conference committee on appeals, shall be paid out of the administrative fund of the jurisdictional conference in which the proceedings arise. The president of the committee on appeals shall approve all expenses. Expenses for counsel for the Church shall be paid by the annual conference. Such expenses for counsel for the respondent shall be paid by the respondent, unless in the interest of fairness, the committee on appeals orders the annual or jurisdictional conference to reimburse the respondent.</p> <p>GBOD ¶ 2711.001 = 2716</p>	<p>receipt of notice to the committee on appeals. Both the annual conference, missionary conference, or provisional conference and the appellant may be represented by counsel as specified in ¶ 2708.7 2708.001.7. The presiding bishop of the conference or, in the appeal of a bishop, the president or secretary of the College of Bishops, shall appoint counsel for the Church.</p> <p>4. All necessary traveling and sustenance expense incurred by the committee on appeals, including any cost for legal counsel retained to advise the committee, in the hearing of an appeal case coming from an annual conference and appearing before any jurisdictional or—central conference committee on appeals, shall be paid out of the administrative fund of the jurisdictional conference in which the proceedings arise. The president of the committee on appeals shall approve all expenses. Expenses for counsel for the Church shall be paid by the annual conference. Such expenses for counsel for the respondent shall be paid by the respondent, unless in the interest of fairness, the committee on appeals orders the annual or jurisdictional conference to reimburse the respondent.</p>	
<p>¶ 2711.002 <i>Appeal of a Lay Member</i></p> <p>1. A lay member convicted by a trial court shall have the right of appeal and shall serve written notice of appeal with the pastor and the district superintendent within thirty days of conviction.</p> <p>2. The district superintendent shall, on receipt of notice of appeal, give written notice to all concerned of the time and place of the convening of a committee on appeals not less than ten nor more than thirty days after such notice has been delivered.</p> <p>3. The committee on appeals shall be constituted in the following manner: The district superintendent shall appoint</p>	<p>[2717] ¶ 2711.002 <i>Appeal of a Lay Member</i></p> <p>1. A lay member convicted by a trial court shall have the right of appeal and shall serve written notice of appeal with the pastor and the district superintendent within thirty days of conviction.</p> <p>2. The district superintendent shall, on receipt of notice of appeal, give written notice to all concerned of the time and place of the convening of a committee on appeals not less than ten nor more than thirty days after such notice has been delivered.</p> <p>3. The committee on appeals shall be constituted in the following manner: The district superintendent shall appoint</p>	<p>.</p>

<p>eleven professing members of United Methodist churches within the annual conference other than the appellant's local church, none of whom shall have been members of the trial court, and who hold office either as lay leader or lay member of the annual conference. At the convening of the committee on appeals, from seven to eleven of these shall be selected to serve on the committee. The counsel for the appellant and the counsel for the Church shall have the right to challenge for cause, and the decisions on the validity of such challenges shall be made by the presiding officer, who shall be the district superintendent.</p> <p>4. The findings of the committee on appeals shall be certified by the district superintendent to the pastor of the church of which the accused is a member.</p> <p>GBOD ¶ 2711.002 = 2717</p>	<p>eleven professing members of United Methodist churches within the annual conference other than the appellant's local church, none of whom shall have been members of the trial court, and who hold office either as lay leader or lay member of the annual conference. At the convening of the committee on appeals, from seven to eleven of these shall be selected to serve on the committee. The counsel for the appellant and the counsel for the Church shall have the right to challenge for cause, and the decisions on the validity of such challenges shall be made by the presiding officer, who shall be the district superintendent.</p> <p>4. The findings of the committee on appeals shall be certified by the district superintendent to the pastor of the church of which the accused is a member.</p>	
<p>¶ 2712.001 <i>Other Appeals</i></p> <p>1. The order of appeals on questions of law shall be as follows: from the decision of the district superintendent presiding in the charge or district conference to the bishop presiding in the annual conference, and from the decision of the bishop presiding in the annual conference to the Judicial Council, and from a central conference to the Judicial Council.</p> <p>2. When an appeal is taken on a question of law, written notice of the same shall be served on the secretary of the body in which the decision has been rendered. It shall be the secretary's duty to see that an exact statement of the question submitted and the ruling of the chair thereon shall be entered on the journal. The secretary shall then make and certify a copy of the question and ruling and transmit the same to the secretary of the body to which the appeal is taken. The secretary who thus receives said certified copy shall present</p>	<p>[2718] ¶ 2712.001 <i>Other Appeals</i></p> <p>1. The order of appeals on questions of law shall be as follows: from the decision of the district superintendent presiding in the charge or district conference to the bishop presiding in the annual conference, and from the decision of the bishop presiding in the annual conference to the Judicial Council, and from a central conference to the Judicial Council.</p> <p>2. When an appeal is taken on a question of law, written notice of the same shall be served on the secretary of the body in which the decision has been rendered. It shall be the secretary's duty to see that an exact statement of the question submitted and the ruling of the chair thereon shall be entered on the journal. The secretary shall then make and certify a copy of the question and ruling and transmit the same to the secretary of the body to which the appeal is taken. The secretary who thus receives said certified copy</p>	

the same in open conference and as soon as practicable lay it before the presiding officer for a ruling thereon, which ruling must be rendered before the final adjournment of that body, that said ruling together with the original question and ruling may be entered on the journal of that conference. The same course shall be followed in all subsequent appeals.

3. The order of appeals on questions of procedures in an administrative process shall be as follows: from the decision of the conference relations committee to the administrative review committee who has original jurisdiction over the administrative matter, and from the administrative review committee to the jurisdictional appeals committee in which the appellant holds membership, and from the respective jurisdictional appeals committee to the Judicial Council.

4. When an appeal is made on questions of procedure in an administrative process:

a) In all cases of appeal, the appellant shall within thirty days give written notice of appeal and at the same time furnish to the officer receiving such notice a written statement of the grounds of appeal, and the hearing in the appellate body shall be limited to the grounds set forth in such statement.

b) The appellant body shall return to the convening officer of the administrative hearing and to the appellant a written statement of the grounds of its action.

c) An appeal shall not be allowed in any case in which the respondent has failed or refused to be present in person or by counsel during the administrative hearing. Appeals shall be heard by the proper appellate body unless it shall appear to the said body that the appellant has forfeited the right to appeal by misconduct; by withdrawal from the Church; by failure to appear in person or by counsel to prosecute the appeal; or, prior to the final decision on appeal

shall present the same in open conference and as soon as practicable lay it before the presiding officer for a ruling thereon, which ruling must be rendered before the final adjournment of that body, that said ruling together with the original question and ruling may be entered on the journal of that conference. The same course shall be followed in all subsequent appeals.

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4. When an appeal is made on questions of procedure in an administrative process:

a) In all cases of appeal, the appellant shall within thirty days give written notice of appeal and at the same time furnish to the officer receiving such notice a written statement of the grounds of appeal, and the hearing in the appellate body shall be limited to the grounds set forth in such statement.

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c) An appeal shall not be allowed in any case in which the respondent has failed or refused to be present in person or by counsel during the administrative hearing. Appeals shall be heard by the proper appellate body unless it shall appear to the said body that the appellant has forfeited the right to appeal by misconduct; by withdrawal from the

by resorting to suit in the civil courts against any of the parties connected with the ecclesiastical administrative process.

d) The right to appeal, when once forfeited by neglect or otherwise, cannot be revived by any subsequent appellate body.

e) The right to prosecute an appeal shall not be affected by the death of the person entitled to such right. Heirs of legal representatives may prosecute such appeal as the appellant would be entitled to do if living.

f) The records and documents of the administrative process, including any evidence, and these only, shall be used in the hearing of any appeal.

g) The appellate body shall determine one question only: Were there such errors of Church law as to vitiate the recommendation and/or action of the administrative body? This question shall be determined by the records of the administrative process and the arguments of the official representatives of all parties. The appellate body shall in no case hear witnesses. It may have legal counsel present for the sole purpose of providing advice to the appellate body.

h) If the appellate body determines that any error has occurred, it may recommend to the appropriate person or body that action be taken promptly to remedy the error, decide the error is harmless, or take other action. The appellate committee shall not reverse the judgment nor remand the case for a new hearing on account of error plainly not affecting the result. All decisions of the appellate committee shall require a majority vote.

i) In all cases, the right to present evidence shall be exhausted when the case has been heard once on its merits in the proper administrative hearing body, but questions on

Church; by failure to appear in person or by counsel to prosecute the appeal; or, prior to the final decision on appeal by resorting to suit in the civil courts against any of the parties connected with the ecclesiastical administrative process.

d) The right to appeal, when once forfeited by neglect or otherwise, cannot be revived by any subsequent appellate body.

e) The right to prosecute an appeal shall not be affected by the death of the person entitled to such right. Heirs of legal representatives may prosecute such appeal as the appellant would be entitled to do if living.

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<p>Church law may be carried on appeal, step by step, to the Judicial Council.</p> <p><i>j)</i> Questions of procedure may be raised with the presiding officer or secretary of the appellate body. Under no circumstances shall one party in the absence of the other party discuss substantive matters with members of any appellate body while the case is pending.</p> <p><i>k)</i> Contacts with members of any appellate body shall be limited to matters of procedure and shall be directed only to the presiding officer or secretary of the appellate body. Under no circumstance shall matters of substance be discussed.</p> <p>GBOD ¶ 2712.001 = 2718</p>	<p>the proper administrative hearing body, but questions on Church law may be carried on appeal, step by step, to the Judicial Council.</p> <p><i>j)</i> Questions of procedure may be raised with the presiding officer or secretary of the appellate body. Under no circumstances shall one party in the absence of the other party discuss substantive matters with members of any appellate body while the case is pending.</p> <p><i>k)</i> Contacts with members of any appellate body shall be limited to matters of procedure and shall be directed only to the presiding officer or secretary of the appellate body. Under no circumstance shall matters of substance be discussed.</p>	
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