

**The Standing Commission on
Constitution and Canons**

MEMBERSHIP

The Rt. Rev. John C. Buchanan (West Missouri) 2000
The Rt. Rev. Joe Morris Doss (New Jersey) 2000
The Rt. Rev. Robert G. Tharp (East Tennessee) 1997, *Vice-Chair*
The Rev. Herschel R. Atkinson (Atlanta) 2000, *Secretary*
The Rev. William H. Brake (Virginia) 2000
The Rev. John R. Pitts (Texas) 1997
Samuel M. Allen, Esq. (Southern Ohio) 1997, *Chair*
Joyce Phillips Austin, Esq. (New York) 1997, *Executive Council Liaison*
Joseph L. Delafield III, Esq. (Maine) 2000
Stephen F. Hutchinson, Esq. (Utah) 2000
Sally A. Johnson, Esq. (Minnesota) 2000
John W. Witt, Esq. (San Diego) 2000
The Rev. Canon Donald A. Nickerson, Jr., *Staff Liaison*
Mr. Bruce W. Woodcock, *Staff Liaison*
Burns H. Davison II, Esq. (Iowa) *Consultant*
Robert C. Royce Esq. (Virgin Islands) *Consultant*

All the members of the Commission concur in this report.

Representatives of the Commission at General Convention

Bishop John C. Buchanan and Deputy Samuel M. Allen, Esq. are authorized to receive non-substantive amendments to this report.

SUMMARY OF THE COMMISSION'S WORK

The Standing Commission on Constitution and Canons met five times during the triennium: Covington, Kentucky, in February, 1995; Minneapolis, Minnesota, in October 1995; Kansas City, Missouri, in April, 1996; Portland, Maine, in August, 1996; and Covington, Kentucky, in November, 1996. At its organizational meeting the Commission elected officers and addressed referrals from the General Convention. In subsequent meetings the Commission reviewed and took appropriate action on additional referrals. The Commission reviewed proposed changes to Title IV of the canons at each meeting and adopted them for presentation to the 72d General Convention.

At two meetings the Commission considered the proposed Concordat of Agreement between the Episcopal Church and the Evangelical Lutheran Church in America. The Commission deputized its consultant, Burns Davison II, Esq., as consultant to the Rt. Rev. Edward Jones for presentation to the General Convention.

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The Commission continues to refrain from judicial interpretation of the body of church law in accord with the limitations expressed in its authority and duties as assigned by the General Convention in Canon I.1.2.(n) (2).

FINANCIAL REPORT FOR THE 1995-97 TRIENNIUM

	1995	1996	1997
<i>Income Total</i>	\$16,250	\$16,250	\$16,250
<i>Expenses</i>			
Title IV Sub Comm. Meetings		\$2,435	
Consultants	2,650	1,500	
Meetings	10,533	32,117	
Administrative Costs	180	2,220	
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<i>Total</i>	\$13,363	\$38,272	

BUDGET APPROPRIATION

	1998	1999	2000	Total
<i>Expenses</i>				
Meetings	\$13,800	\$15,400	\$12,575	\$41,775
White & Dykman	4,000			4,000
Supplies and Miscellaneous	450	850	675	1,975
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<i>Total</i>	\$18,250	\$16,250	\$14,250	\$48,750

RESOLUTIONS

Resolution A002 Standing Commission on Constitution and Canons Budget Appropriation

- 1 *Resolved*, the House of _____ concurring, That the sum of \$48,750 be appropriated for the
- 2 work of the Standing Commission on Constitution and Canons during the next triennium.

Resolution A003 Amend Article II.4 of the Constitution, Second Reading

- 1 *Resolved*, the House of _____ concurring, That Article II, Section 4, of the Constitution be
- 2 amended to read as follows:
- 3 It shall be lawful for a Diocese, at the request of the Bishop of that Diocese, to elect not more than
- 4 two Suffragan Bishops, without right of succession ***.

* This Amendment to the Constitution was adopted on first reading by the 71st General Convention meeting in Indianapolis, Indiana, in September, 1994. [See Journal, 1994, p. 308]

Resolution A004 Amend Article IX of the Constitution, First Reading

- 1 *Resolved*, the House of _____ concurring, That the first paragraph of Article IX of the
- 2 Constitution be amended to read as follows: The General Convention may, by Canon, establish a

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- 3 Courts for the Trial of Bishops, which shall *may* be composed of Bishops only- *or of Bishops,*
4 *Priests, and adult lay persons.*

Explanation

The Commission is proposing a constitutional amendment to the provision governing the establishment of courts for the trial of Bishops by General Convention. The amendment would do two things. It would allow (but not require) General Convention to establish, by Canon, more than one Court for the trial of Bishops and it would permit (but not require) the Court(s) to be composed of Bishops, Priests, and lay persons. The current provision allows only one Court and requires that the Court be composed of Bishops only.

If the amendment is adopted at this General Convention, it is the present intention of the Commission to propose additional amendments to the Canons for consideration at the 73rd General Convention (assuming the constitutional amendment is passed at that General Convention also) The Commission may propose the creation of a Court for the Trial of a Bishop on Doctrine to be composed of nine Bishops. It may also propose that the Court for the Trial of a Bishop (for the trial of all Offenses other than those involving Doctrine) be composed of Bishops elected by the House of Bishops and Priests and lay persons elected by the House of Deputies.

Both of these changes would be significant departures from the provisions for the trial of Bishops that have existed in this Church since its founding. Having Priests and lay persons serve on the Court for the Trial of a Bishop would more clearly reflect our Baptismal theology that all baptized persons share in and have responsibility for the ministry of the Church by serving on its courts. It would remind us and embody the fact that Bishops are part of and accountable to the entire Body, not just to their fellow Bishops. Priests and Deacons are tried by courts composed of Priests, Deacons, and lay persons. The Church and those who have been harmed by the misconduct of Bishops may have more confidence in the decisions of the Court if it is composed of persons who share and are representative of the common life experiences of all members of the Church.

If Priests and lay persons serve on The Court for the Trial of a Bishop, then it may be necessary to create a separate Court composed of Bishops only for the trial of Bishops accused of violating the Church's Doctrine. Many people believe that Bishops are uniquely qualified and responsible to judge matters of Doctrine based on their training, experience and their Ordination vows to "guard the faith, unity, and discipline of the Church."

If the proposed Constitutional amendment is not adopted by General Convention in both 1997 and 2000, then the composition and number of Courts for the trial of Bishops will remain unchanged. Under the existing Constitutional provision the Court for the Trial of a Bishop is composed entirely of Bishops and conducts trials of both doctrinal and disciplinary Offenses.

Resolution A005 Amend Canon I.1.2.(n)(2): Standing Commission on Constitution and Canons

- 1 *Resolved*, the House of _____ concurring, That Canon I.1.2.(n) (2) [Standing Commission on
2 Constitution and Canons] is hereby amended by adding a statement to read as follows: *The*
3 *Commission shall from time to time revise and promulgate such amendments to Appendix A to*
4 *Title IV of these Canons as to the Federal Rules of Civil Procedure and the Federal Rules of*

5 *Appellate Procedure as the Commission shall deem appropriate and desirable for the effective*
6 *implementation of Title IV.*

Resolution A006 Amend Canon I.17.6: Expand Due Process

1 *Resolved*, the House of _____ concurring, That Canon I.17.6. is hereby amended to read as
2 follows:

3 Sec. 6. A person to whom the Sacraments of the Church shall have been refused, or who has been
4 repelled from the Holy Communion under the rubrics, ~~or who desires a judgment as to his or her~~
5 ~~status in the Church, or who has been informed of an intention to refuse or repel him or her from~~
6 ~~the Holy Communion under the rubrics~~, may lodge a complaint ~~or application~~ with the Bishop or
7 Ecclesiastical Authority. ~~A Priest who refuses or repels a person from the Holy Communion, or~~
8 ~~who communicates to a person an intent to repel that person from the Holy Communion shall~~
9 ~~inform that person, in writing, within fourteen days thereof of (i) the reasons therefor and (ii) his~~
10 ~~or her right to lodge a complaint with the Bishop or Ecclesiastical Authority.~~ No Member of the
11 Clergy of this Church shall be required to admit to the Sacraments a person so refused or repelled
12 without the written direction of the Bishop or Ecclesiastical Authority. The Bishop or
13 Ecclesiastical Authority may in certain circumstances see fit to require the person to be admitted
14 or restored because of the insufficiency of the cause assigned by the member of the Clergy. If it
15 shall appear to the Bishop or Ecclesiastical Authority that there is sufficient cause to justify
16 refusal of the Holy Communion, however, appropriate steps shall be taken to institute such
17 inquiry as may be directed by the Canons of the Diocese; and should no such Canon exist, the
18 Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as
19 will ensure an impartial investigation and judgment, ~~which judgment shall be made in writing~~
20 ~~within sixty days of the complaint and which shall also specify the steps required for readmission~~
21 ~~to Holy Communion.~~

Explanation

This amendment to Canon I.17.6 has been prepared in response to Resolution 1994: C011 which was adopted by the 71st General Convention, meeting in Indianapolis: “*Resolved*, the House of Bishops concurring, That the Standing Commission on Constitution and Canons prepare appropriate revisions to Canon I.17.6. to provide expanded due process for lay persons who have been refused the sacraments of the Church or have been threatened therewith.”

Resolution A007 Rescind Canon I.19.2: Determination of Marital Status

Resolved, the House of _____ concurring, That Canon I.19.2. be rescinded.

Explanation

Canon I.19.2. authorizes the bishop to make a judgment of an applicant's marital status in the eyes of the Church, which judgment may be a recognition of the nullity, or the termination, of the marriage. When the 64th General Convention revised the marriage canons in 1973, the revisers reported it was expected that use of Canon I.19.2. would be infrequent and limited to unique circumstances such as entry into a religious community for which such determination would be appropriate or when such determination would have psychological and pastoral significance. Despite this, there is concern that Canon I.19.2 (determination of marital status) has been used to bypass Canon I.19.3. (permission to celebrate a marriage of a member whose former spouse is still living) This section may tend to invade or influence secular legal determinations.

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Resolution A008 Amend Canon III.14.4(c): Renunciation of Ministry Reference

1 *Resolved*, the House of _____ concurring, That Canon III.14.4.(c) is hereby amended to read
2 as follows: Sec. 4(c) Any Member of the Clergy ~~not under Presentment~~ who would be permitted
3 under Canon ~~IV.8.~~ *III.18.* to renounce the exercise of ordained office, who desires to enter into
4 other than ecclesiastical employment, may declare in writing to the Ecclesiastical Authority of the
5 Diocese in which the Member of the Clergy is canonically resident a desire to be released from
6 the obligations of the office and a desire to be relieved of *released from* the exercise of the office
7 to which ordained. Upon receipt of such a declaration, the Ecclesiastical Authority shall proceed
8 in the same manner as if the declaration were one of renunciation *of the ordained ministry under*
9 *Canon III.18.*

Explanation

This amendment conforms this section to the new canonical proposal to transfer renunciation of ministry where there is no question of misconduct from Title IV to Title III, and specifically to proposed Canon III.18. This is a non-disciplinary canon and belongs in Title III and not in Title IV.

Resolution A009 Amend Canon III.15.4: Correct Reference

1 *Resolved*, the House of _____ concurring, That Canon III.15.4. is hereby amended to read as
2 follows: Sec. 4. If the Deacon or Priest fails to comply with these conditions, the Bishop of the
3 Diocese of canonical residence may proceed in accordance with Canon ~~IV.10-11.~~

Explanation

Canon I.15.4. references Canon IV.10. which concerns another subject. This amendment corrects the reference to read Canon IV.11.

Resolution A010 Amend Canon III.18: of Renunciation of the Ordained Ministry

1 *Resolved*, the House of _____ concurring, That Title III, The Canons, is hereby amended by
2 adding a new Canon III.18. to read as follows:

CANON 18.

Of Renunciation of the Ordained Ministry

Of Priests and Deacons

6 *Sec. 1. If any Priest or Deacon of this Church not subject to the provisions of Canon IV.8. shall*
7 *declare, in writing, to the Ecclesiastical Authority of the Diocese in which such Priest or Deacon*
8 *is canonically resident, a renunciation of the ordained Ministry of this Church, and a desire to be*
9 *removed therefrom, it shall be the duty of the Bishop to record the declaration and request so*
10 *made. The Bishop, being satisfied that the person so declaring is not subject to the provision of*
11 *Canon IV.8. but is acting voluntarily and for causes, assigned or known, which do not affect the*
12 *Priest's or Deacon's moral character, shall lay the matter before the clerical members of the*
13 *Standing Committee, and with the advice and consent of a majority of such members the*
14 *Ecclesiastical Authority may pronounce that such renunciation is accepted, and that the Priest or*
15 *Deacon is released from the obligations of the Ministerial office, and is deprived of the right to*
16 *exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred*
17 *in Ordination. The Bishop shall also declare in pronouncing and recording such action that it*
18 *was for causes which do not affect the person's moral character, and shall, if desired, give a*
19 *certificate to this effect to the person so removed from the ordained Ministry.*

20 *Sec. 2. If a Priest or Deacon making the aforesaid declaration of renunciation of the ordained*
21 *Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for*
22 *the same, the Ecclesiastical Authority to whom such declaration is made shall not consider or act*
23 *upon such declaration until after the said Presentment shall have been dismissed or the said Trial*
24 *shall have been concluded and the Priest or Deacon judged not to have committed an Offense.*

25 *Sec. 3. In the case of the renunciation of the ordained Ministry by a Priest or Deacon as provided*
26 *in this Canon, a declaration of removal shall be pronounced by the Bishop in the presence of two*
27 *or more Priests, and shall be entered in the official records of the Diocese in which the Priest or*
28 *Deacon being removed is canonically resident. The Bishop who pronounces the declaration of*
29 *removal as provided in this Canon shall give notice thereof in writing to every Member of the*
30 *Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese*
31 *in which the Member of the Clergy was canonically resident; and to all Bishops of this Church,*
32 *the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder,*
33 *the Secretary of the House of Bishops, the Secretary of the House of Deputies, and the Church*
34 *Pension Fund.*

35 ***Of Bishops***

36 *Sec. 4. If any Bishop of this Church not subject to the provisions of Canon IV.8. shall declare, in*
37 *writing, to the Presiding Bishop a renunciation of the ordained Ministry of this Church, and a*
38 *desire to be removed therefrom, it shall be the duty of the Presiding Bishop to record the*
39 *declaration and request so made. The Presiding Bishop, being satisfied that the person so*
40 *declaring is not subject to the provisions of Canon IV.8. but is acting voluntarily and for causes,*
41 *assigned or known, which do not affect the person's moral character, shall lay the matter before*
42 *the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of*
43 *the members of the Advisory Council the Presiding Bishop may pronounce that such renunciation*
44 *is accepted, and that the Bishop is released from the obligations of all Ministerial offices, and is*
45 *deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and*
46 *Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing*
47 *and recording such action that it was for causes which do not affect the person's moral*
48 *character, and shall, if desired, give a certificate to this effect to the person so removed.*

49 *Sec 5. If a Bishop making the aforesaid declaration of the renunciation of the ordained Ministry*
50 *be under Presentment for any canonical Offense, or shall have been placed on Trial for the same,*
51 *the Presiding Bishop shall not consider or act upon such declaration until after the Presentment*
52 *shall have been dismissed or the said Trial shall have been concluded and the Bishop judged not*
53 *to have committed an Offense.*

54 *Sec 6. In the case of such renunciation by a Bishop as provided in this Canon, a declaration of*
55 *removal shall be pronounced by the Presiding Bishop in the presence of two or more Bishops,*
56 *and shall be entered in the official records of the House of Bishops and of the Diocese in which*
57 *the Bishop being removed is canonically resident. The Presiding Bishop shall give notice thereof*
58 *in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing*
59 *Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of this*

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60 *Church, the Ecclesiastical Authority of each diocese of this Church, the Recorder, the Secretary*
61 *of the House of Bishops, the Secretary of the General Convention, and the Church Pension Fund.*

Explanation

This canon provides for voluntary and non-disciplinary renunciation of the ordained ministry not contained in the current canons. Title III and Title IV in several places reference Canon III.18. with regard to such renunciation, but Canon III.18. presently has no content. This is a non-disciplinary Canon that belongs in Title III and not in Title IV.

- Section 1 transfers a portion of the former Canon IV.8. to Title III with amendments.
- Section 2 holds the acceptance of a declaration of renunciation in abeyance until the person is no longer subject to Presentment or is judged not to have committed an Offense.
- Section 3 is the former Canon IV.12.4.(b) with amendment. Inasmuch as renunciations are to be disassociated totally from disciplinary situations, it is deemed appropriate to give notice to those concerned with the ordained ministry.
- Sections 4 through 6 contain provisions for Bishops similar to those for Priests and Deacons in the first three Sections.

Resolution A011 Amend Canon III.22.4(a): Notice of Consent by Standing Committees

1 *Resolved*, the House of _____ concurring, That Canon III.22.4.(a) is hereby amended to read
2 as follows:

3 Sec. 4(a) If the date of the election of a Bishop occurs more than ~~three months~~ 120 days before the
4 meeting of the General Convention, the Standing Committee of the Diocese electing shall by its
5 President, or by some person or persons specially appointed, immediately send to *the Presiding*
6 *Bishop and to the Standing Committees of the several Dioceses* a certificate of the election by the
7 Secretary of Convention of the Diocese, bearing a statement that evidence of the Bishop-elect's
8 having been duly ordered Deacon and Priest and the certificates as to the Bishop-elect's medical,
9 psychological and psychiatric examination required in Sec. 3.(b) of this Canon have been received
10 and that a testimonial in the form set out in Sec. 3.(a) of this Canon has been signed by a
11 constitutional majority of the Convention. *The Presiding Bishop, without delay, shall notify every*
12 *Bishop of this Church exercising jurisdiction of the Presiding Bishop's receipt of the certificates*
13 *mentioned in this Section and request a statement of consent or withholding of consent. Each*
14 *Standing Committee, in not more than 120 days after the sending by the electing Diocese of the*
15 *certificate of the election, shall respond by sending the Standing Committee of the Diocese*
16 *electing either the testimonial of consent in the form set out in paragraph (b) of this Section or*
17 *written notice of its refusal to give consent. If a majority of the Standing Committees of all the*
18 *Dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the Diocese*
19 *electing shall then forward the evidence of the consent, with the other necessary documents*
20 *described in Sec. 3.(a) and (b) of this Canon, to the Presiding Bishop, who shall immediately*
21 ~~communicate them to every Bishop of this Church exercising jurisdiction.~~ *If the Presiding Bishop*
22 *receives sufficient statements to indicate a majority of those Bishops consents to the ordination,*
23 *the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing*
24 *and the Bishop-elect of the consent.*

Explanation

The current testimonial assumes only a positive consent, and no canonical provision is made for the declaration that a Standing Committee withholds its consent. Dissenting Standing Committees

simply do not respond. In recent years this has led to confusion as to whether sufficient consents will be received in time to prepare for a consecration. All Standing Committees, mindful of the importance of selecting fit persons to be Bishops for the Church, would be required to give notice of their consent or refusal to consent in a timely manner.

The slowness with which some Standing Committees have responded, combined with the necessity that the consent of a majority of Standing Committees must be received before the Bishops are likewise polled, has led to last minute efforts to round up sufficient episcopal consents. Consents from a majority of both Standing Committees and Bishops are needed before a consecration can take place. There is no reason why the two processes must be held sequentially. This amendment provides for concurrent polling.

The full report, *The Role and the Function of Standing Committees in the Selection and Certification of Candidates for Ordination to the Priesthood and Diaconate and in the Consent Process for the Ordination and Consecration of Bishops*, has been published by CDM and sent to the Bishop, Standing Committee and Commission on Ministry of each diocese. The General Convention Office has been requested to send it to Convention Deputies. The full report is also available from the Professional Ministry Development Office at the Episcopal Church Center.

Resolution A012 Amend Canon III.22.6: Notice of Consent by Bishops

- 1 *Resolved*, That Canon III.22.6. is hereby amended to read as follows:
- 2 Sec. 6. In case a majority of all the Standing Committees . . .do not consent . . . within four
- 3 months *120 days* . . .or in case a majority of all the Bishops exercising jurisdiction do not consent
- 4 within ~~four months~~ *120 days* . .

Explanation

The amendment to Canon III.22.6. conforms the time limits therein to the limit in the preceding Canon III.22.4.(a)

Resolution A013 Add Definition to Canon IV.15: Discipline

- 1 *Resolved*, the House of _____ concurring, That Canon IV.15. is hereby amended by adding
- 2 thereto a definition reading as follows: “*Discipline*”: *The Discipline of the Church shall be found*
- 3 *in the Constitution, the Canons and the Rubrics of the Book of Common Prayer.*

Resolution A014 Add Definition to Canon IV.15: Doctrine

- 1 *Resolved*, the House of _____ concurring, That Canon IV.15. is hereby amended by adding
- 2 thereto a definition reading as follows: “*Doctrine*”: *The Doctrine of the Church shall be found in*
- 3 *the Apostles’ Creed, the Nicene Creed, and the Sacraments, Pastoral Offices, and Ordinal in the*
- 4 *Book of Common Prayer, and is in all cases to be supported by Holy Scripture.*

Explanation

The 71st General Convention referred Resolution B005, entitled, “General Convention Actions Requiring Compliance,” to the Standing Commission on Constitution and Canons for further study. That resolution, which was originated by The Rt. Rev. Gordon Charlton, would have categorized actions of the General Convention as either 1) those which amend the Constitution or Canons or state their intent to interpret and/or apply any provision of the Constitution or Canons,

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or 2) those which do not. The former would be declared binding on the church, of the same degree as Canon Law, and part of the discipline of the church to which ordinands must promise conformity. The latter would be declared in the nature of recommendations only, with which compliance is not required.

The Commission in its consideration of this proposal determined first that such a categorization of actions might have unforeseen and unfortunate consequences. There are certain actions taken by General Convention which it clearly expects to be more than mere recommendations, but which do not amend, interpret or apply the Canons or the Constitution. Such things as elections and budget resolutions are the most common of this sort.

We were also concerned that the effect of the proposal would be to give resolutions which state an intent to apply or interpret Canon Law - but which are not amendments thereto - the same status as Canon Law. Amendments to the Constitution or Canons are treated by General convention with the utmost seriousness, and may be adopted only after proper procedures and consideration. The proposed resolution would allow other resolutions to be as binding as these, but without passing through the same scrutiny by General Convention.

Finally, SCCC was concerned about the impact of the proposed resolution on the General Convention legislative process. Resolutions would have entirely different consequences depending on whether certain magic words - stating an intent to interpret or apply Canon Law - are included. While not necessarily bad, such a process would radically change the consideration of resolutions, depending on whether or not the distinctive language were included.

Nonetheless, the Commission felt that one intent of the proposed resolution - to provide guidance as to which actions of General Convention were binding and enforceable as a matter of Title IV discipline - is not only important but, in light of recent Presentment proceedings, necessary. As a result of the experience of the church in dealing with those Presentment proceedings, the Commission felt that it is possible to provide that guidance by legislating, in general terms, the sources of "Discipline" as that term is used in the Title IV context.

It is also apparent that Discipline is frequently interwoven with Doctrine in the application of Title IV. Because of the very careful work done in connection with the Presentment of The Rt. Rev. Walter Righter, and the cooperation and assistance that the Commission received from many other persons learned in the subject, we felt it was possible to offer some guidance as to the sources of "Doctrine" as well.

1997 TITLE IV REVISION

During the triennium between the 71st General Convention and the publication of the Blue Book for the 72nd, the Standing Commission on Constitution and Canons has spent most of its time continuing its review and revision of Title IV. The Commission requested comments and suggestions from all segments of the Church concerning the provisions of Title IV adopted in 1994 and the proposed revisions as to discipline of Bishops. These comments and suggestions, as well as published commentary made known to the Commission, were all carefully considered and discussed.

New Title IV (adopted in 1994, effective January 1, 1996) did little to change the old Title IV provisions regarding the discipline of Bishops. A sub-committee of the Commission, consisting of the Right Reverend Joe Morris Doss, Joseph L. Delafield III, Esq., and Sally A. Johnson, Esq., has prepared new portions of Title IV designed to govern the discipline of Bishops. The texts of these new or revised portions contain comment or explanation blocks which are incorporated in the Blue Book presentation in various places after the new or revised text.

What follows is the entire Title IV showing revisions proposed by the Commission. The existing text in which changes are recommended is first shown to be struck through with the revisions shown in italics. The reader will note that there are many revisions that are merely grammatical or that are made to be symmetrical and balanced within the whole Title. There are also revisions to make the text more clear and consistent without changing the substance or intent of Title IV.

The use of criminal justice language such as “guilt,” “acquittal,” and “verdict” has been minimized throughout this proposal consistent with Canon IV.14.1 that proceedings under Title IV are neither criminal nor civil, but ecclesiastical. Criminal justice language has been replaced with “finding of the commission of an Offense” and similar language.

In 1994, the term “Victim” was defined to include “alleged” victims. However, in this proposal the word “alleged” has been added before “Victim” wherever the procedural posture indicates that a decision as to whether an Offense was committed has not yet been made. The word “alleged” is not used before “Victim” where the procedural posture indicates that a decision has been made that an Offense was committed.

During the triennium, members of the Commission met and consulted with the Presiding Bishop and his advisors, representatives of clergy groups, Provincial meetings of Bishops and Chancellors, the House of Bishops, Draftsmen of the 1994 Title IV revisions, and with other Committees and Commissions of the General Convention. Our Commission has endeavored to consider in a balanced way all recommendations for revisions to Title IV.

The 72nd General Convention is being asked to vote on the revisions to Title IV as embodied in the following Resolution.

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Resolution A015 Title IV Revision

1 Resolved, the House of _____ concurring, That the whole of Title IV, The Canons, be
2 amended to read:

3 TITLE IV

4 ECCLESIASTICAL DISCIPLINE

5 CANON 1.

6 Of Offenses for Which Bishops, Priests, or Deacons May Be Presented and Tried, and Of 7 Inhibitions

8 Sec. 1. A Bishop, Priest, or Deacon of this Church shall be liable to Presentment and Trial for the
9 following Offenses, viz.:

- 10 (a) Crime.
- 11 (b) Immorality.
- 12 (c) Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by
13 this Church.
- 14 (d) Violation of the Rubrics of the Book of Common Prayer.
- 15 (e) Violation of the Constitution or Canons of the General Convention.
- 16 (f) Violation of the Constitution or Canons of the Diocese in which the person is canonically
17 resident.
- 18 (g) Violation of the Constitution or Canons of a Diocese of this Church wherein the person may
19 have been located temporarily.
- 20 (h) Any act which involves a violation of Ordination vows.
 - 21 (1) If a Charge against a Priest or Deacon alleges an act or acts which involve a violation of
22 ordination vows and specifies as the act that the Priest or Deacon has disobeyed or
23 disregarded a Pastoral Direction of the Bishop having authority over such person, the
24 Charge must be made by the Bishop giving the Pastoral Direction or by the Ecclesiastical
25 Authority of that diocese *Diocese* or by another bishop *Bishop* if the Bishop who issued the
26 Pastoral Direction has resigned, retired, died or is unable to act and shall set out the
27 Pastoral Direction alleged to have been disregarded or disobeyed and wherein the disregard
28 or failure to obey constitutes a violation of ordination vows. Unless the Charge by the
29 Bishop and the Presentment by the Standing Committee comply with the foregoing
30 provisions, no finding of a violation based on an act of disregarding a Pastoral Direction of
31 or failing to obey the Bishop having authority over the person charged may be made.
 - 32 (2) In order for the disregard or disobedience of a Pastoral Direction to constitute a violation of
33 ordination vows the Pastoral Direction must have been a solemn warning to the Priest or
34 Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral
35 Direction; it must have been given in the capacity of the pastor, teacher and canonical
36 overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature
37 nor in any way contrary to the Constitution and Canons of the Church, both national and
38 diocesan; and it must have been directed to some matter which concerns the Doctrine,
39 Discipline or Worship of this Church or the manner of life and behavior of the Priest or
40 Deacon concerned. Upon Trial under any such Presentment the question of whether the
41 disregard or disobedience of the Pastoral Direction specified constitutes a violation of
42 ordination vows is a matter of ultimate fact upon which testimony may be offered.
 - 43 (i) Habitual neglect of the exercise of the Ministerial Office, without cause; or habitual neglect of
44 Public Worship, and of the Holy Communion, according to the order and use of this Church.

45 (j) Conduct Unbecoming a Member of the Clergy; ~~Provided, however, that in the case of a Priest~~
46 ~~or Deacon charged with this offense, before proceeding to a Presentment, the consent of two~~
47 ~~thirds of all the members of the Standing Committee of the Diocese eligible to vote in which the~~
48 ~~Priest or Deacon is canonically resident shall be required. If the provisions of Canon IV.7.1 apply,~~
49 ~~the consent of two-thirds of all the members of the Standing Committee of the Diocese eligible to~~
50 ~~vote in which the Offense is alleged to have occurred must be obtained.~~

Comment: The vote of the Standing Committee (or Review Committee in the case of a Bishop) has been set at "a majority of All the Members" (new defined term) for all Offenses.

51 Sec. 2(a) If a Priest or Deacon is charged with an Offense or Offenses or serious acts are
52 complained of to the Bishop that would constitute the grounds for a Charge of an Offense, and, in
53 the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts,
54 the Bishop may authorize issue a Temporary Inhibition. ~~and the Bishop shall pronounce it.~~

55 (b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reasons for its issuance, (iii)
56 be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of,
57 (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest
58 or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon
59 to be inhibited.

60 (c) A Temporary Inhibition may be issued without prior written or oral notice to the Priest or
61 Deacon.

62 (d) Any Priest or Deacon against whom a Temporary Inhibition has been issued, *modified, or*
63 *extended* may request a hearing concerning the Temporary Inhibition before the Standing
64 Committee, which shall hear the same at the earliest possible time, but not later than fourteen
65 days after the date of receipt of the request. The Standing Committee by a two-thirds vote may
66 dissolve, *or modify or continue* the Temporary Inhibition. *The Bishop and the Church Attorney*
67 *shall be given notice of such hearing and shall be permitted to attend and be heard or to*
68 *designate a representative* to attend and be heard.

69 (e) At any time, a Bishop may dissolve or *reduce modify* the terms of a Temporary Inhibition ~~or,~~
70 ~~with the advice and consent of a majority of a quorum of the Standing Committee, enlarge the~~
71 ~~Temporary Inhibition.~~

72 (f) A Temporary Inhibition shall continue in force and effect until *the earlier of* (i) the issuance of
73 an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the
74 allegations, (iii) the refusal of the Standing Committee to make a Presentment on the Charges
75 alleged, (iv) ~~a determination by the Bishop that there is no longer a need for dissolution of the~~
76 ~~Temporary Inhibition,~~ (v) *a imposition of Sentence is imposed* following a voluntary submission
77 to discipline under Canon IV.2., or (vi) a period of ninety days measured from the date *of service*
78 *of the Temporary Inhibition; Provided, however,* the ninety-day period may be extended by the
79 Bishop ~~upon the advice and consent of a majority of all the members of the Standing Committee~~
80 ~~for additional ninety-day periods upon good cause.~~

81 (g) In the event that the Temporary Inhibition is dissolved, reduced, or otherwise expires, the
82 Ecclesiastical Authority shall so notify all persons to whom notice of the Temporary Inhibition
83 was given.

84 Sec. 3. If a Presentment has been made by the Standing Committee against a Priest or Deacon, or
85 if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving

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86 Immorality, or if a judgment has been entered against a Priest or Deacon in a civil Court of
87 Record in a cause involving Immorality, the Bishop in whose jurisdiction the Priest or Deacon is
88 canonically resident or of the jurisdiction wherein the conviction or judgment has been entered
89 may issue an Inhibition to the Priest or Deacon until after the judgment *Judgment* of the
90 Ecclesiastical Trial Court becomes final.

91 Sec. 4. No Bishop shall issue an Inhibition or Temporary Inhibition except as expressly permitted
92 by this Title.

93 *Sec. 5 (a) If a Bishop is charged with an Offense or Offenses or serious acts are complained of to*
94 *the Presiding Bishop that would constitute the grounds for a Charge of an Offense and, in the*
95 *opinion of the Presiding Bishop, the Charge or complaint of serious acts is supported by*
96 *sufficient facts, the Presiding Bishop may issue a Temporary Inhibition. The consent of a*
97 *majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.*

98 *(b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reason for its issuance, (iii)*
99 *be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of,*
100 *(v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Bishop*
101 *to be inhibited, and (vii) become effective upon being served upon the Bishop to be inhibited.*

102 *(c) A Temporary Inhibition may be issued without prior written or oral notice to the Bishop.*

103 *(d) Any Bishop against whom a Temporary Inhibition has been issued, modified, or extended may*
104 *request a hearing concerning the Temporary Inhibition before the Review Committee, which shall*
105 *hear the same at the earliest possible time, but not later than thirty days after the date of receipt*
106 *of the request. The Review Committee by a two-thirds vote may dissolve or modify the Temporary*
107 *Inhibition. The Church Attorney and Presiding Bishop shall be given notice of such hearing and*
108 *each shall be permitted to attend and be heard or to designate a representative to attend and be*
109 *heard.*

110 *(e) At any time, the Presiding Bishop may dissolve or modify the terms of a Temporary Inhibition.*

111 *(f) A Temporary Inhibition shall continue in force and effect until the earlier of (i) the issuance of*
112 *an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the*
113 *allegations, (iii) the refusal of the Review Committee to make a Presentment on the Charges*
114 *alleged, (iv) a dissolution of the Temporary Inhibition, (v) imposition of Sentence following a*
115 *voluntary submission to discipline under Canon IV.2.9, or (vi) a period of one year measured*
116 *from the date of service of the Temporary Inhibition.*

117 *Sec. 6. If a Presentment has been made by the Review Committee against a Bishop, or if a Bishop*
118 *has been convicted in a criminal Court of Record in a cause involving Immorality, or if a*
119 *judgment has been entered against a Bishop in a civil Court of Record in a case involving*
120 *Immorality, the Presiding Bishop may issue an Inhibition to the Bishop until after the Judgment*
121 *of The Court for the Trial of a Bishop becomes final. The consent of a majority of All the*
122 *Members of the Standing Committee is required for Bishops with jurisdiction.*

Comment: In 1994, Title IV was revised to allow a Bishop to issue a Temporary Inhibition against a Priest or Deacon, with provision for appeal to the Standing Committee. This was changed to assist in balancing the needs of the Church to move swiftly and decisively in matters of serious clergy misconduct with the rights of Priests and Deacons to be treated fairly, with justice, and due process. A parallel provision is needed for situations where allegations of serious misconduct are made against a Bishop. At present if a Bishop does not voluntarily agree to restrict his or her activities or functions as the Standing Committee, Presiding Bishop, or other Bishops may request, there is no person or body in the Church with the authority to temporarily restrict the Bishop's actions or function until the allegations can be investigated and ecclesiastical discipline determined.

The Presiding Bishop is often in the best position to evaluate the situation, determine the needs of the Church as a whole, and determine whether a Bishop should be inhibited while allegations are being investigated and resolved. In fact, the Presiding Bishop has been functioning in this way informally despite the lack of any canonical authority to impose restrictions on other Bishops. An appeal right to the Review Committee protects the inhibited Bishop from arbitrary action by the Presiding Bishop and allows the wider Church (Bishops, Priests and lay persons) to determine whether the Presiding Bishop's inhibition was justified.

In the case of a Bishop with jurisdiction (diocesans and coadjutors, generally), requiring the approval of the Standing Committee protects the autonomy of the diocese.

It should be noted that nothing in the Canons mandates that the Presiding Bishop must issue a Temporary Inhibition. Further, a Temporary Inhibition is not a necessary or integral part of formal disciplinary proceedings.

1 **CANON 2.**

2 **Of Voluntary Submission to Discipline**

3 *(a) Priests and Deacons*

4 Sec. 1. If ~~allegations of the~~ *an alleged* commission of an Offense ~~have~~ *has* been made *known* to
5 the Ecclesiastical Authority, or if Charges of an Offense have been filed, or if a Presentment has
6 been issued against a ~~Member of the Clergy, the Member of the Clergy Priest or Deacon, the~~
7 *Priest or Deacon* may, with the Consent of the Ecclesiastical Authority, voluntarily submit to the
8 discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive
9 all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse
10 or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Bishop.

11 Sec. 2. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which
12 shall contain: (i) the name of the ~~Member of the Clergy Priest or Deacon,~~ (ii) a reference to the
13 Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv)
14 a statement that the ~~Member of the Clergy Priest or Deacon~~ is aware of the Sentence to be
15 imposed and the effect thereof, and shall be signed and Acknowledged by the ~~Member of the~~
16 *Clergy Priest or Deacon,* after opportunity to consult with and obtain advice from independent
17 legal counsel of the ~~Member of the Clergy's Priest or Deacon's~~ choosing. If the ~~Member of the~~
18 *Clergy Priest or Deacon* has so consulted with legal counsel, that counsel shall also be identified
19 in the Waiver and Voluntary Submission. Legal counsel shall not be a Chancellor, a Vice

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20 Chancellor, the Church Attorney or a Lay Assessor *in that Diocese*. The Waiver and Voluntary
21 Submission ~~shall be effective three days from the date of execution~~ *may be withdrawn by the*
22 *Priest or Deacon within three days of execution by the Priest or Deacon and thereafter shall be*
23 *effective and irrevocable*. The Church Attorney, each Complainant and Victim shall be given an
24 opportunity to be heard ~~prior to the passing of Sentence~~. *by the Bishop who is to impose and*
25 *pronounce Sentence prior to the execution of the Waiver and Voluntary Submission*.

26 Sec. 3. If there be no Bishop of the Diocese and if the Ecclesiastical Authority be not a bishop
27 *Bishop*, the Ecclesiastical Authority shall designate a Bishop of a Diocese of the Province to
28 accept the Waiver and Voluntary Submission to discipline and to impose and pronounce the
29 Sentence.

30 Sec. 4. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced
31 shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and
32 as if all time provided for all required notices and the right of the ~~Member of the Clergy Priest or~~
33 *Deacon* to offer matters of excuse and mitigation had been given and expired.

34 Sec. 5. No ~~Member of the Clergy Priest or Deacon~~ shall have the right to appeal the Sentence
35 imposed and pronounced under this Canon to a Court of Review for the Trial of a Priest or
36 Deacon, and the Sentence shall be final for all purposes.

37 Sec. 6. Where a Sentence is to be ~~adjudged imposed~~ and pronounced, as a condition of the
38 acceptance of the Waiver and Voluntary Submission to discipline, the Ecclesiastical Authority
39 may require the resignation of the ~~Member of the Clergy Priest or Deacon~~ from ecclesiastical and
40 related secular offices, and in the case of a Sentence of Deposition, from a Rectorship, held by
41 ~~that Member of the Clergy a Priest~~, upon such terms and conditions as the Ecclesiastical
42 Authority may deem to be just and proper.

43 Sec. 7. Prior to Presentment, a Priest or Deacon may voluntarily submit to discipline to the Bishop
44 of the Diocese in which that person is canonically resident or the Bishop of the Diocese wherein
45 the commission of the Offense was alleged to have occurred. Subsequent to Presentment, the
46 Priest or Deacon shall voluntarily submit to discipline in the Diocese wherein the Presentment
47 has issued.

48 Sec. 8. In the event that a Sentence is imposed and pronounced by a ~~bishop~~ *Bishop* other than the
49 Bishop of the Diocese wherein the ~~Member of the Clergy Priest or Deacon~~ is canonically
50 resident, the Bishop pronouncing Sentence shall immediately so advise the Ecclesiastical
51 Authority of the Diocese *of canonical residence*.

52 *(b) Bishops*

53 *Sec. 9. If an alleged commission of an Offense has been made known-*

54 ~~Sec. 9. A bishop of this Church may voluntarily submit to discipline under the provisions of this~~
55 ~~Canon, doing so to the Presiding Bishop, or if there then be none to the then Presiding Officer of~~
56 ~~the House of Bishops, who shall~~ *Charges of an Offense have been filed, or if a Presentment has*
57 *been issued against a Bishop, the Bishop may, with the consent of the Presiding Bishop,*
58 *voluntarily submit to the discipline of the Church at any time before Judgment by an*

59 *Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and*
60 *further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence*
61 *imposed and pronounced by the Presiding Bishop.*

62 *Sec. 10. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which*
63 *shall contain: (i) the name of the Bishop, (ii) a reference to the Canon specifying the Offense, (iii)*
64 *general information sufficient to identify the Offense, and (iv) a statement that the Bishop is*
65 *aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged*
66 *by the Bishop, after opportunity to consult with and obtain advice from independent legal counsel*
67 *of the Bishop's choosing. If the Bishop has so consulted with legal counsel, that counsel shall*
68 *also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be the*
69 *Presiding Bishop's Chancellor. The Waiver and Voluntary Submission may be withdrawn by the*
70 *Bishop within three days of execution by the Bishop and thereafter shall be effective and*
71 *irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to*
72 *be heard by the Presiding Bishop who is to impose and pronounce Sentence. ~~To the extent~~*
73 *applicable, the procedural provisions of this Canon shall apply to Bishops. prior to the execution*
74 *of the Waiver and Voluntary Submission.*

75 *Sec. 11. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced*
76 *shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court*
77 *and as if all time provided for all required notices and the right of the Bishop to offer matters of*
78 *excuse and mitigation had been given and expired.*

79 *Sec. 12. No Bishop shall have the right to appeal the Sentence imposed and pronounced under*
80 *this Canon to a Court of Review for the Trial of a Bishop, and the Sentence shall be final for all*
81 *purposes.*

82 *Sec. 13. Where a Sentence is to be imposed and pronounced, as a condition of the acceptance of*
83 *the Waiver and Voluntary Submission to discipline, the Presiding Bishop may require the*
84 *resignation of the Bishop from ecclesiastical and related secular offices, upon such terms and*
85 *conditions as the Presiding Bishop may deem to be just and proper.*

86 *Sec. 14. In order to become effective, prior to the imposition and pronouncement of the Sentence,*
87 *the Review Committee must approve the Sentence.*

Comment: In 1994, Title IV was revised to provide a coherent process for Priests and Deacons, particularly in cases of personal misconduct, to submit to the discipline of the Church voluntarily. Revised Title IV provided that Bishops could submit to discipline to the Presiding Bishop. The proposed revision clarifies the procedure to be used for Bishops and adds a requirement that the Sentence be approved by the Review Committee (provided for in proposed Canon IV.3.27) The Presiding Bishop has not historically been vested with broad oversight or disciplinary powers. However, it is essential for the order and discipline of this Church that this authority be reposed in the Presiding Bishop. Approval of the Sentence by the Review Committee, a body not just of the House of Bishops but representative of the wider Church, will protect the Presiding Bishop, the Bishop submitting to discipline, and the Church from criticism that the Sentence is inappropriate under the circumstances.

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1 **CANON 3.**

2 **Of Presentments**

3 (a) Of a Priest or Deacon

4 Sec. 1. A Presentment to the Ecclesiastical Trial Court may be issued only by the Standing
5 Committee as provided in this Canon.

6 Sec. 2. A Charge against a Priest or Deacon shall be in writing, Verified and addressed to the
7 Standing Committee of the Diocese wherein the Priest or Deacon is canonically resident, except
8 as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature
9 of and facts surrounding each alleged Offense ~~and the specifications of each Offense.~~

10 Sec. 3. A Charge may be made:

11 (a) by a majority of the lay Members of the Vestry of the Parish of the Respondent; *or*

12 (b) by any three Priests canonically resident in the Diocese wherein the Respondent is canonically
13 resident or canonically resident in the Diocese wherein the Respondent is alleged to have
14 committed the Offense; *or*

15 (c) by any ~~three confirmed~~ *seven* adult communicants in good standing *as defined in Canon I.17* in
16 the Diocese wherein the Respondent is canonically resident or in the Diocese wherein the
17 Respondent is alleged to have committed the Offense; *or*

18 (d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard
19 or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the
20 Ecclesiastical Authority of that Diocese, or by another Bishop if the Bishop who issued the
21 Pastoral Direction has resigned, retired, or died or is unable to act; *or*

22 (e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality
23 or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or
24 (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a
25 disability, or (iii) the spouse or adult child of an alleged Victim; *or*

26 (f) in a case where the Offense alleged is that of holding and teaching publicly or privately any
27 doctrine contrary to that held by this Church, only by a majority of the members of the Standing
28 Committee of the Diocese in which the ~~Member of the Clergy Priest or Deacon~~ is canonically
29 resident or of the Diocese wherein the Respondent is alleged to have committed the Offense; *or*

30 (g) by a majority of the Standing Committee of the Diocese in which the ~~Member of the Clergy~~
31 *Priest or Deacon* is canonically resident or of the Diocese wherein the Respondent is alleged to
32 have committed the Offense whenever the Standing Committee shall have good and sufficient
33 reason to believe that any Priest or Deacon has committed the Offense; *or*

34 (h) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have
35 committed the Offense, if different from the ~~diocese~~ *Diocese* of canonical residence.

36 Sec. 4. If a complaint or accusation is brought to the Bishop by a ~~person claiming to be any adult~~
37 *who is (i) the alleged Victim, or the spouse of an alleged Victim, or by the (ii) a parent or guardian*
38 *of an alleged minor Victim who is a minor or or of an alleged Victim who is under a disability, or*
39 *(iii) the spouse or adult child of an alleged Victim,* of an Offense of Crime, Immorality or Conduct
40 Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the
41 alleged Victim's spouse, or the alleged Victim's parent or guardian *or adult child,* may appoint an
42 Advocate to assist those persons in understanding and participating in the disciplinary processes

43 of this Church, to obtain assistance to formulate and submit an appropriate Charge and in
44 obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian *or adult*
45 *child* so choose. Any *alleged* Victim or Complainant shall also be entitled to the counsel of an
46 attorney and/or Advocate of their Choice.

47 Sec. 5. Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically
48 resident in that Diocese has committed an Offense and the interests and good order and discipline
49 of the Church require investigation by the Standing Committee, the Bishop shall concisely and
50 clearly inform the Standing Committee in writing as to the nature *of* and facts surrounding each
51 alleged Offense ~~and the specifications of each Offense~~ but without judgment or comment upon the
52 allegations ~~or guilt~~, and the Standing Committee shall proceed as if a Charge had been filed.

53 Sec. 6. Any Priest or Deacon canonically resident in the Diocese who deems himself or herself to
54 be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she
55 could be tried in an Ecclesiastical Court, may on his or her own behalf complain to and request of
56 the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such
57 request by a ~~Member of the Clergy Priest or Deacon~~, it shall be the duty of the Bishop to cause
58 the matter to be investigated *and to report the result to the Priest or Deacon*.

59 Sec. 7. Except as expressly provided in this Canon, no Bishop of the Diocese shall prefer a
60 Charge against a Priest or Deacon canonically resident in that Diocese.

61 Sec. 8. Any Charge against a Priest or Deacon shall be promptly filed with the President of the
62 Standing Committee.

63 Sec. 9. Upon the filing of a Charge with the Standing Committee, the Standing Committee shall
64 promptly communicate the same to the Bishop and the Respondent.

65 Sec. 10. In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause
66 involving Immorality, or against whom a judgment has been entered in a civil Court of Record in
67 a cause involving Immorality, ~~it shall be the duty of the Standing Committee~~ *the Priest or Deacon*
68 *shall notify the Ecclesiastical Authority* of the Diocese in which the Priest or Deacon is
69 canonically resident, *in writing, of such conviction or entry of judgment, within thirty days*
70 *thereof, whether or not any time for appeal has expired. It shall be the duty of the Ecclesiastical*
71 *Authority to give notice of the conviction or entry of judgment to the Standing Committee of the*
72 *Diocese in which the Priest or Deacon is canonically resident, and it shall be the duty of the*
73 *Standing Committee to institute an inquiry into the matter. If the conviction or judgment be*
74 *established, the Standing Committee shall issue a Presentment against the Priest or Deacon for*
75 *Trial. The time periods specified in Canon IV.14.4 shall be tolled until the Priest or Deacon*
76 *provides the required notification to the Ecclesiastical Authority. Nothing in this section shall*
77 *prevent Charges from being filed against the Priest or Deacon based on the conviction, judgment,*
78 *or underlying acts pursuant to Sections 3 or 4.*

79 Sec. 11. Within thirty days after the filing of a Charge, other than a Charge alleging a conviction
80 in a criminal Court of Record in a cause involving Immorality or alleging the entry of a judgment
81 in a civil Court of Record in a cause involving Immorality, the Standing Committee shall convene

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82 to consider the Charge. If after such consideration the Standing Committee determines that an
83 Offense may have occurred if the facts alleged be true, the Standing Committee shall prepare a
84 written general statement of the Charge and the facts alleged to support the Charge and transmit
85 the same to the Church Attorney.

86 Sec. 12. The Church Attorney shall promptly make such an investigation of the matter as the
87 Church Attorney deems appropriate under the circumstances.

88 Sec. 13. Within sixty days after receipt of the statement from the Standing Committee, unless
89 delayed for good and sufficient cause stated, the Church Attorney shall render a confidential
90 Report to the Standing Committee of the findings of that investigation and as to whether or not an
91 Offense may have been committed if the facts disclosed by the investigation be found to be true
92 upon Trial, and with a recommendation as to the matter in the interest of justice and the good
93 order and discipline of this Church and based upon such other matters as shall be pertinent. The
94 Report of the Church Attorney shall be confidential for all purposes as between the Church
95 Attorney and the Standing Committee. *Provided, however, the Standing Committee shall share*
96 *the Report of the Church Attorney with the Bishop of the Diocese.*

97 Sec. 14(a) Within thirty days after the receipt of the Report of the Church Attorney, the Standing
98 Committee shall convene to consider the Report and whether or not a Presentment shall issue.

99 (b) In its deliberations, the Standing Committee may consider the Church Attorney's Report,
100 responsible writings or sworn statements pertaining to the matter, including ~~expert's statement~~
101 *experts' statements*, whether or not submitted by the Church Attorney. *To assist in its*
102 *deliberations, the Standing Committee may itself, or through a subcommittee of its members or*
103 *others appointed by the Standing Committee, provide an opportunity to be heard to the*
104 *Respondent, the alleged Victim, the Complainant or other persons and receive additional*
105 *evidence which it in its sole discretion deems appropriate.*

106 (c) The Standing Committee shall ~~may~~ issue a Presentment for an Offense when the information
107 before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was
108 committed, and (ii) the Respondent committed the Offense.

109 Sec. 15(a) The vote of ~~two-thirds a majority of All the members~~ *Members* of the Standing
110 Committee shall be required to issue a Presentment. ~~Provided, however, that in the case of a~~
111 ~~Priest or Deacon charged with the Offense of Crime, of Immorality or of Conduct Unbecoming a~~
112 ~~Member of the Clergy, a two-thirds vote of all the members~~ *If the provisions of Canon IV.7.1*
113 *apply, the consent of a majority of All the Members of the Standing Committee shall be required*
114 *to issue a Presentment for this Offense of the Diocese in which the Offense is alleged to have*
115 *occurred must be obtained. No member shall disclose his or her vote or the vote of any member to*
116 *any person not a member of the Standing Committee.*

117 (b) In the event that, due to members who have been excused or vacancies in office, the Standing
118 Committee does not have sufficient voting members to meet the requirements of ~~Sec.(a)~~ *Sec.*
119 *15(a)*, the action of the Standing Committee shall be postponed until such time as there are
120 sufficient members in office to fulfill the voting requirements of this Section.

121 Sec. 16. If a Presentment be issued, it shall be in writing, dated, and signed by the President or
122 the Secretary of the Standing Committee on behalf of the Standing Committee, whether or not

123 that officer voted in favor of the Presentment. In the event that there be no President or Secretary,
124 or they be absent, a member of the Standing Committee appointed for that purpose shall sign the
125 Presentment. The Presentment also shall contain (i) a separate accusation addressed to each
126 Offense, if there be more than one, and (ii) a plain and concise factual statement in of each
127 separate accusation which, without specific allegations of an evidentiary nature, asserts facts
128 supporting every element of the Offense charged and the Respondent's commission thereof with
129 sufficient precision *sufficient* to clearly apprise the Respondent of the conduct which is the subject
130 of the Presentment.

131 Sec. 17. Promptly after the issuance of a Presentment, the Standing Committee shall cause the
132 original to be filed with the President of the Ecclesiastical Trial Court with a true copy thereof
133 served upon the Bishop, the Respondent, the Church Attorney and each Complainant, *unless*
134 *waived in writing, the alleged Victim, and the Ecclesiastical Authority of the Diocese in which the*
135 *Respondent is canonically resident, in which the Respondent is licensed, and in which the*
136 *Respondent resides.*

137 Sec. 18. If the Standing Committee votes not to issue a Presentment, then that decision shall be in
138 writing and shall include an explanation. A copy shall be served upon the Bishop who shall file it
139 with the Secretary of the Convention of the Diocese, the Respondent, the Church Attorney, each
140 Complainant, and, unless waived in writing, the *alleged* Victim.

141 Sec. 19. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as
142 the case may be, the matter shall be confidential, except as may be determined to be pastorally
143 appropriate by the Ecclesiastical Authority.

144 ~~Sec. 20. Upon the issuance of a Presentment or the determination that a Presentment will not~~
145 ~~issue, all further proceedings of the Standing Committee in the matter shall cease and terminate.~~
146

147 ~~Sec. 21. Non-compliance with time limits set forth in this Canon shall not be grounds for the~~
148 ~~dismissal of a Presentment unless such non-compliance shall cause material and substantial~~
149 ~~injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial~~
150 ~~Court on motion and hearing.~~

151 (b) Of a Bishop *Charged with the Offense of Holding and Teaching Publicly or Privately, and*
152 *Advisedly, Any Doctrine Contrary to that Held by this Church*

153 ~~Sec. 21(a) For alleged violations of Canon IV.1.1(c) Sec. 22. A bishop may be charged under~~
154 ~~Canon IV.1.1(e), for holding and teaching publicly or privately, and advisedly, any doctrine~~
155 ~~contrary to that held by this Church, only upon a written Charge signed by any ten bishops the~~
156 ~~procedures set out in this section must be followed.~~

157 (b) *No Presentment for violation(s) of Canon IV.1.1(c) shall be filed unless a Statement of*
158 *Disassociation from the doctrine alleged to be contrary to that held by this Church has been*
159 *issued by the House of Bishops. A Request for a Statement of Disassociation shall include a*
160 *statement of the doctrine alleged to be contrary to that held by this Church, the Bishop or*
161 *Bishops alleged to have held and taught publicly or privately, and advisedly, that doctrine, and a*
162 *concise statement of the facts upon which the Request for the Statement of Disassociation is*
163 *based. The written Request for a Statement of Disassociation from the doctrine alleged, signed by*

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164 *any ten Bishops exercising jurisdiction in this Church. ~~The Charge shall, must~~ be filed with the*
165 *Presiding Bishop, together with the proposed Statement of Disassociation and a brief in support*
166 *thereof. The Presiding Bishop shall thereupon serve a copy of the Charge upon the bishop Request*
167 *for a Statement of Disassociation upon the Bishop charged, together with the proposed Statement*
168 *of Disassociation and a copy of the supporting brief. The Presiding Bishop shall fix a date for the*
169 *filing of an answer a response, and brief in support thereof, within three months from the date of*
170 *service, and may, using discretion and for good cause, extend the time for answering responding*
171 *for not more than two additional months. Upon the filing of an answer a response and supporting*
172 *brief, if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding*
173 *Bishop shall forthwith transmit copies of the Request for a Statement of Disassociation, proposed*
174 *Statement of Disassociation, response, and briefs to each member of the House of Bishops.*
175 *The Request for a Statement of Disassociation shall be considered no later than the next*
176 *regularly scheduled House of Bishops' meeting held at least one month after copies of the*
177 *Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and*
178 *briefs are transmitted to each member of the House of Bishops. The House of Bishops may amend*
179 *the proposed Statement of Disassociation. If a Statement of Disassociation is not issued by the*
180 *conclusion of the meeting, there shall be no further proceedings under Title IV for holding and*
181 *teaching the doctrine alleged in the Request for a Statement of Disassociation.*
182 *(c) A Bishop may be Presented for an Offense under Canon IV.1.1(c) and any other Offenses*
183 *arising out of acts alleged to be contrary to the doctrine of the Church which was the subject of*
184 *the Statement of Disassociation only upon a written Presentment signed by any ten Bishops*
185 *exercising jurisdiction in this Church. The Presentment shall be filed with the Presiding Bishop,*
186 *together with a brief in support thereof, and a statement why the issuance of a Statement of*
187 *Disassociation was not a sufficient response to the acts alleged, within six months of the issuance*
188 *of a Statement of Disassociation based upon the same doctrine as was alleged in the Request for*
189 *a Statement of Disassociation. The Presiding Bishop shall thereupon serve a copy of the*
190 *Presentment upon the Bishop presented, together with a copy of the supporting brief and*
191 *statement. The Presiding Bishop shall fix a date for the filing of an answer, brief in support*
192 *thereof, and statement why the issuance of a Statement of Disassociation was a sufficient*
193 *response to the acts alleged, within three months from the date of service, and may extend the*
194 *time for answering for not more than two additional months. Upon the filing of an answer,*
195 *supporting brief, and statement, if any, or upon the expiration of the time fixed for an answer, if*
196 *none be filed, the Presiding Bishop shall forthwith transmit copies of the Charge, Presentment,*
197 *answer, and briefs, and statements to each member of the House of Bishops. The written consent*
198 *of one-fourth third of the bishops Bishops qualified to vote in the House of Bishops shall be*
199 *required before the proceeding may continue. In case one-fourth of all the bishops entitled so to*
200 *act do not consent within two months from the date of the notification to them the Presiding*
201 *Bishop does not receive the written consent of one-third of all the Bishops eligible to vote within*
202 *sixty days of the date the notification by the Presiding Bishop was sent to them, the Presiding*
203 *Bishop shall declare the Charge Presentment dismissed and no further proceedings may be had*
204 *thereon.*
205 *If the Presiding Bishop receives the necessary written consents within sixty days as specified*
206 *above, the Presiding Bishop shall forthwith forward the Presentment, answer, briefs, and*
207 *statements to the Presiding Judge of The Court for the Trial of a Bishop.*

208 (d) Any Offenses other than those specified in this Section 21 will be governed by Sections 22 -
 209 50.

Comment: The proposed revisions are designed to separate matters involving claims of doctrine from those not involving doctrine so that those making Charges will know what procedure to follow and so the Presiding Bishop, Review Committee, Court and parties will not have to spend time determining whether the correct procedure was followed. In the matters of Bishop Welles (for ordination of women), Bishop Wood (for ordination of a lesbian Priest) and Bishop Righter (for ordination of a noncelibate gay Deacon), the issue of whether the charge(s) involved doctrine or not had to be decided. In the Bishop Welles matter, the Board of Inquiry determined that the charge involved doctrine even though the non-doctrine canonical process had been followed. In the Bishop Wood case, the Bishops who conducted the initial review examined whether the matter involved doctrine or discipline to determine if they had jurisdiction (the matter had been brought under the non-doctrine canonical process). In the Bishop Righter matter, the doctrine canonical process was followed but the Presentment included allegations that the Court determined were not based on doctrine.

The proposed process for alleged violations involving holding and teaching doctrine contrary to that held by the Church adds a requirement that the House of Bishops first vote to disassociate from the doctrine allegedly held by the offending Bishop. This process was proposed in "Report of the Advisory Committee on Theological Freedom and Social Responsibilities" chaired by Bishop Stephen F. Bayne, Jr. reprinted in *Journal of General Convention*, 1967, at app. 6.24, referred to as "The Bayne Commission." The Bayne Commission was appointed to review how doctrinal disputes are handled in the midst of the Church's struggle to deal with its disagreement with the actions, statements and writings of Bishop Pike. The proposed process leading to a vote on a Statement of Disassociation would allow the House of Bishops to engage in informed debate about the disputed doctrine, to clearly state its public position as the House of Bishops, rather than statements of *ad hoc* groups that may be misconstrued as official statements of the Church, and to work in a structured way to resolve the issue short of deciding whether to hold a Trial.

If a Statement of Disassociation is issued and ten Bishops then holding jurisdiction feel that the Statement of Disassociation is an insufficient response, they may bring a Presentment and seek the approval of the House of Bishops for a Trial. In such cases the Commission proposes that the vote required to put the Bishop on Trial for the Presentment be raised from one-fourth (1/4) to one-third (1/3). A two-thirds vote is required to uphold a Sentence against a Bishop for holding and teaching doctrine contrary to that held by this Church.

The proposal allows other Offenses to be included in a doctrine Presentment only if they arise out of acts alleged to be contrary to the doctrine which was the subject of the Statement of Disassociation. If the House of Bishops decides the doctrine Presentment will not proceed, the other Offenses included in the doctrine Presentment will also be dismissed.

210 (c) *Of a Bishop Charged with Other Offenses*
 211 Sec. 23 22. In the case of a bishop *Bishop* convicted in a criminal Court of Record in a cause
 212 involving Immorality, or against whom a judgment has been entered in a civil Court of Record in
 213 a cause involving Immorality, it shall be the duty of the Presiding Bishop to institute an inquiry

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214 into the matter. If the conviction or judgment be established, the Presiding Bishop shall cause the
215 Chancellor to the Presiding Bishop to prepare a Presentment, which the Presiding Bishop shall
216 sign and issue against the bishop *Bishop* for Trial. *The Bishop shall notify the Presiding Bishop,*
217 *in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any*
218 *time for appeal has expired. The time periods specified in Canon IV.14.4 shall be tolled until the*
219 *Bishop provides the required notification to the Presiding Bishop. Nothing in this section shall*
220 *prevent Charges from being filed against the Bishop based on the conviction, judgment, or*
221 *underlying acts pursuant to Section 23(a).*

Comment: The revisions make this provision on Bishops convicted in secular criminal courts or against whom a judgment is entered involving Immorality subject to the same notification requirements as those proposed for Priests and Deacons. In this day and age it is possible that the Presiding Bishop will not know that such a conviction or judgment has been entered against a Bishop in a criminal or civil court proceeding.

222 Sec. 24(a) *23(a)* A bishop *Bishop* may be charged with any one or more of the *Offenses other than*
223 *Offenses specified in Canon IV.1, other than that of holding and teaching doctrine contrary to that*
224 *held by this Church, and in the case of a bishop convicted in a criminal Court of Record in a cause*
225 *involving Immorality or against whom a judgment has been entered in a civil Court of Record in a*
226 *cause involving Immorality, by three bishops or ten or more confirmed IV.3.21(c) by*

227 (1) *three Bishops; or*

228 (2) *ten or more Priests, Deacons, or adult communicants of this Church in good standing, of*
229 *whom at least two shall be Priests. One Priest and not less than six Lay Persons shall be of*
230 *the Diocese of which the Respondent is canonically resident, or, in the case the Respondent*
231 *has no jurisdiction, of the Diocese in which the Respondent is canonically resident. Such*
232 *Charges shall be in writing, signed by all the Complainants, Verified by two or more of*
233 *them, and filed with; or*

234 (3) *in a case when the Offense alleged is the Offense of Crime, Immorality or Conduct*
235 *Unbecoming a Member of the Clergy, as specified in (1) or (2) or by any adult who is (i)*
236 *the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged*
237 *Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim;*

Comment: The provisions on who may make non-doctrine Charges against a Bishop have been revised and expanded to parallel the provisions for Priests and Deacons for matters involving the Offenses of Crime, Immorality, and Conduct Unbecoming a Member of the Clergy. The requirements for other Offenses were not changed but the language was reformatted. That is why the number of persons required in Canon IV.23.a(1) and (2) appear in italics.

238 (b) ~~Whenever the Presiding Bishop of the Church. The Charge has sufficient reason to believe that~~
239 ~~any Bishop has committed an Offense and the interests and good order and discipline of the~~
240 ~~Church require investigation by the Review Committee, the Presiding Bishop shall concisely and~~
241 ~~clearly inform the Review Committee in writing as to the nature of and facts surrounding each~~
242 ~~alleged offense and the specifications of the Offense. Offense but without judgment or comment~~
243 ~~upon the allegations, and the Review Committee shall proceed as if a Charge had been filed.~~

244 (b)-(c) A bishop *Bishop* who shall have reason to believe that there are in circulation rumors,
 245 reports, or allegations affecting such bishop's *Bishop's* personal or official character, may, acting
 246 in conformity with the written advice and consent of any two bishops *Bishops* of this Church,
 247 demand in writing of the Presiding Bishop that investigation of said rumors, reports, and
 248 allegations be made. *It shall be the duty of the Presiding Bishop to cause the matter to be*
 249 *investigated and report the results to the requesting Bishop.*

250 *Sec. 24. A Charge against a Bishop shall be in writing, Verified and addressed to the Presiding*
 251 *Bishop, except as otherwise expressly provided in this Title. It shall concisely and clearly inform*
 252 *as to the nature of and facts surrounding each alleged Offense.*

253 *Sec. 25. If a complaint or accusation is brought to Sec. 25. The Presiding Bishop, upon the*
 254 *receipt of a written Charge or the consent of one-fourth of the bishops, as the case may be, shall*
 255 *summon not less than five nor more than seven bishops to review and consider the Charge. If a*
 256 *majority of them determine that the Charge, if proved, would constitute no Offense, they shall so*
 257 *advise the Presiding Bishop and the Charge shall be dismissed by by any adult who is (i) the*
 258 *alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim*
 259 *who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of*
 260 *Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Presiding Bishop, who*
 261 *shall thereupon notify the Respondent and the Complainants and, unless waived in writing, the*
 262 *Victim. If a majority of them determine that the Charge, if proved, would constitute an Offense,*
 263 *they shall select a Board of Inquiry of five Priests and five lay confirmed adult communicants in*
 264 *good standing of this Church, none of whom shall belong to the Diocese of the Respondent's*
 265 *canonical residence, of whom eight shall form a quorum. after consulting with the alleged Victim,*
 266 *the alleged Victim's spouse or adult child, or the alleged Victim's parent or guardian, may*
 267 *appoint an Advocate to assist those persons in understanding and participating in the*
 268 *disciplinary processes of this Church, to obtain assistance to formulate and submit an*
 269 *appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim,*
 270 *spouse, adult child, parent or guardian so choose. Any alleged Victim or Complainant shall also*
 271 *be entitled to the counsel of an attorney and/or Advocate of their choice.*

Comment: These provisions parallel the provisions for Priests and Deacons. Section 23(b) allows the Presiding Bishop to refer a matter to the Review Committee for investigation just as a Bishop may now refer a matter to the Standing Committee for investigation.

Section 24 specifies the nature of a Charge against a Bishop. This parallels the provision for Priests and Deacons.

Section 25 provides that the Presiding Bishop may appoint Advocates for various persons. This parallels the provision providing for the appointment of Advocates by Diocesan Bishops in matters involving Priests and Deacons.

272 *Sec. 26. The Board of Inquiry shall Any Charge against a Bishop shall be filed with the Presiding*
 273 *Bishop who shall promptly communicate the same to the Respondent. The Presiding Bishop shall*
 274 *forward the Charge to the Review Committee at such time as the Presiding Bishop shall determine*

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275 *or when requested in writing by the Complainant or Respondent after 90 days of receipt of the*
276 *charge by the Presiding Bishop.*

Comment: Charges against Priests and Deacons may be filed by Complainants directly with the Standing Committee without first going to the Diocesan Bishop, although in almost all cases Complainants do go to the Diocesan Bishop first. When Charges are made against a Bishop, due to the potential impact on the diocese and difficulty and cost of convening the Review Committee, the Presiding Bishop should be given the opportunity to try to resolve the matter if he or she wishes to do so before the Charges are filed with the Review Committee. The proposal would give the Presiding Bishop 90 days to resolve the matter, or longer if the Complainant and Respondent agree. However, after 90 days either the Complainant or the Respondent can require that the Charges be forwarded to the Review Committee for consideration.

277 *Sec. 27. There shall be a Review Committee consisting of five Bishops of this Church, two Priests,*
278 *and two adult lay communicants of this Church in good standing. Five Bishops shall be*
279 *appointed by the Presiding Bishop at each regular meeting of General Convention, to serve until*
280 *the adjournment of the succeeding regular meeting of General Convention. Two Priests and two*
281 *adult lay communicants shall be appointed by the President of the House of Deputies at each*
282 *regular meeting of General Convention to serve until the adjournment of the succeeding regular*
283 *meeting of General Convention. All Committee members shall serve until their successors are*
284 *appointed and qualify; Provided, however, there shall be no change in composition of a Review*
285 *Committee as to a proceeding pending before it, while that proceeding is unresolved.*

286 *Sec. 28. The Review Committee shall, from time to time, elect from its own membership*
287 ~~*Presiding Officer, who shall hold office until the Board of Inquiry shall complete its duties.*~~
288 *President and a Secretary.*

289 ~~*Sec. 27*~~ 29. *The death, disability rendering the person unable to act, resignation or declination to*
290 *serve as a member of a Board of Inquiry the Review Committee shall constitute a vacancy on the*
291 ~~*Board.*~~ *Committee. The recusal or disqualification of a member of the Review Committee from*
292 *consideration of a particular Charge or matter shall constitute a temporary vacancy on the*
293 *Committee.*

294 ~~*Sec. 28*~~ 30. *Notice of resignations or, declinations to serve or recusal shall be given by the*
295 *members of the Board Committee in writing to the Presiding Officer. President.*

296 ~~*Sec. 29*~~ 31. *If any Priest appointed to a Board of Inquiry the Review Committee is elected a bishop*
297 *Bishop, or if any lay person elected to a Board of Inquiry appointed to the Review Committee is*
298 *ordained to the ministry prior to the commencement of an Inquiry, that person shall immediately*
299 *cease to be a member of the Board Committee. If either event occurs following the commencement*
300 ~~*of an Inquiry, the person shall*~~ *filing of a Charge or referral of a matter for investigation or other*
301 *action, the person may continue to serve until the completion of the Inquiry and the rendering of a*
302 ~~*judgment thereon.*~~ *investigation or of the consideration of that Charge or matter.*

303 ~~Sec. 30 32.~~ A vacancy occurring in a Board of Inquiry shall be filled by the Bishop who made that
 304 ~~appointment. the Review Committee shall be filled as follows:~~

305 ~~Sec. 31(a)~~ In the case of a temporary vacancy due to the recusal or disqualification of any
 306 Committee member, the Presiding Bishop in the case of Bishops and the President of the House of
 307 Deputies in the case of Priests or lay persons shall appoint a person to fill the temporary
 308 vacancy, the replacement being of the same order as the order in which the vacancy exists.

309 (b) In the case of a vacancy in the Review Committee, the Presiding Bishop in the case of Bishops
 310 and the President of the House of Deputies in the case of Priests or lay persons shall have power
 311 to fill such vacancy until the next General Convention, the replacement being of the same order
 312 as the order in which the vacancy exists. The persons so chosen shall serve during the remainder
 313 of the term.

Comment: A Review Committee is created which replaces and combines the roles of the former panel of Bishops and Board of Inquiry under the current Title IV process for Bishops in non-doctrine matters. The Review Committee also performs functions which are similar to those performed by the Standing Committee in matters involving Priests and Deacons. The Review Committee is representative of the whole Church because its members include Bishops, Priests and lay persons. Its members are appointed by the heads of the House of Deputies and House of Bishops respectively, thereby making it accountable to the wider Church. The Review Committee is not chosen for a particular matter as are the panel of Bishops and Board of Inquiry under the current structure but will be in being prior to its involvement in the matter. Thus, it would be in being prior to the referral of the matter and should be viewed as more objective and not chosen to match the circumstances of a particular matter. In addition, since people will serve on the Review Committee for at least three years and possibly be involved in several matters, they may have the opportunity to be trained and to gain experience from multiple matters.

314 ~~Sec. 33.~~ The Church Attorney for the proceedings before the Board of Inquiry Review Committee
 315 shall be the Church Attorney appointed by the Court for the Trial of a Bishop pursuant to Canon
 316 ~~IV-5 IV.5.9~~ to serve at the discretion of the Board of Inquiry. Review Committee.

317 ~~Sec. 32 34.~~ The Board of Inquiry Review Committee may appoint a Clerk and, if necessary,
 318 Assistant Clerks, who shall be Members of the Clergy or adult confirmed lay communicants of
 319 this Church in good standing, to serve during the pleasure of the Board. Committee.

320 ~~Sec. 33 35.~~ The Board of Inquiry may appoint The Review Committee shall appoint at least one
 321 but not more than three Lay Assessors. Lay Assessors shall have no vote.
 322 It shall be their duty to give the Board an opinion on any question of law, procedure or evidence,
 323 but not a question of doctrine, upon which the Board or any member thereof shall desire an
 324 opinion. If a question shall arise as to whether a question is a matter of doctrine, it shall be
 325 decided by the Board by a majority vote.

326 ~~Sec. 34 36.~~ The members of the Board of Inquiry Review Committee may not be challenged by the
 327 Respondent or the Church Attorney.

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328 ~~Sec. 35 37. The Board of Inquiry Review Committee may adopt and publish rules of procedure not~~
329 ~~inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind~~
330 ~~the same from time to time.~~

331 ~~Sec. 36. In the conduct of this inquiry, the Board of Inquiry shall be guided by The Federal Rules~~
332 ~~of Evidence. 38. Prior to the issuance of a Presentment or a determination not to issue a~~
333 ~~Presentment, as the case may be, the matter shall be confidential, except as may be determined to~~
334 ~~be pastorally appropriate by the Presiding Bishop.~~

Comment: This provision parallels that governing Standing Committee consideration of Charges against a Priest or Deacon. The Presiding Bishop is given the discretion to determine what information should be shared regarding a matter prior to the Review Committee's decision whether or not to issue a Presentment.

335 ~~Sec. 37. The Board of Inquiry shall appoint a Reporter who shall insure that the proceedings are~~
336 ~~recorded as prescribed by the Board of Inquiry, to serve during the pleasure of the Board. The~~
337 ~~record shall be preserved in the custody of the Presiding Bishop or in the archives of the House of~~
338 ~~Bishops.~~

339 ~~Sec. 38. The proceedings of the Board of Inquiry shall be private.~~

340 ~~Sec. 39. The Board of Inquiry shall permit the Respondent to be heard in person and by counsel of~~
341 ~~the Respondent's own selection, but the Board of Inquiry may regulate the number of counsel who~~
342 ~~may address the Board or examine witnesses. Sec. 39. Not less than five of the Review Committee~~
343 ~~members of whom at least two shall be Bishops shall constitute a quorum, but any lesser number~~
344 ~~may adjourn the Review Committee from time to time.~~

345 ~~Sec. 40. Within sixty days of their selection, the Board of Inquiry shall investigate the Charges. In~~
346 ~~conducting the investigation, the Board shall hear the Charges and such proof as the~~
347 ~~Complainants may produce, and shall determine whether, upon matters of law and of fact, as~~
348 ~~presented to them, there is sufficient ground to put the Respondent on Trial: after receiving a~~
349 ~~Charge, the Review Committee shall convene to consider the Charge. If after such consideration~~
350 ~~the Review Committee determines that an Offense may have occurred if the facts alleged be true,~~
351 ~~the Review Committee shall prepare a written general statement of the Charge and the facts~~
352 ~~alleged to support the Charge and transmit the same to the Church Attorney.~~

353 ~~Sec. 41. When a majority of the Board of Inquiry finds evidence before it, which provides~~
354 ~~Reasonable Cause to believe that (i) an Offense was committed and (ii) the Respondent~~
355 ~~committed the Offense, by two-thirds vote it shall cause Sec. 41. The Church Attorney shall~~
356 ~~promptly make an investigation of the matter.~~

357 ~~Sec. 42. Within sixty days after receipt of the statement from the Review Committee, unless~~
358 ~~delayed for good and sufficient cause stated, the Church Attorney to prepare a Presentment and~~
359 ~~shall issue a Presentment for an Offense, which shall be transmitted with the certificate of the~~
360 ~~determination of the Board to shall render a confidential Report to the Review Committee of the~~

361 *findings of that investigation and as to whether or not an Offense may have been committed if the*
362 *facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as*
363 *to the matter in the interest of justice and the good order and discipline of this Church and based*
364 *upon such other matters as shall be pertinent. The Report of the Church Attorney shall be*
365 *confidential for all purposes as between the Church Attorney and the Review Committee.*
366 *Provided, however, the Review Committee shall share the Report of the Church Attorney with the*
367 *Presiding Bishop.*

368 *Sec. 42 43(a) Within forty-five days after the receipt of the Report of the Church Attorney, the*
369 *Review Committee shall convene to consider the Report and whether or not a Presentment shall*
370 *issue.*

371 *(b) In its deliberations, the Review Committee may consider the Church Attorney's Report,*
372 *responsible writings or sworn statements pertaining to the matter, including experts' statements,*
373 *whether or not submitted by the Church Attorney. To assist in its deliberations, the Review*
374 *Committee may provide an opportunity to be heard to the Respondent, the alleged Victim, the*
375 *Complainant or other persons and receive additional evidence which it in its sole discretion*
376 *deems appropriate.*

377 *(c) The Review Committee may issue a Presentment for an Offense when the information before it,*
378 *if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and*
379 *(ii) the Respondent committed the Offense.*

380 *Sec. 44(a) A majority of All the Members of the Review Committee shall be required to issue a*
381 *Presentment. No member shall disclose his or her vote or the vote of any member to any person*
382 *not a member of the Review Committee.*

383 *(b) In the event that, due to vacancies or temporary vacancies in office, the Review Committee*
384 *does not have sufficient voting members to meet the requirements of this Section, the action of the*
385 *Review Committee shall be postponed until such time as there are sufficient members in office to*
386 *fulfill the voting requirements of this Section.*

387 *(c) When the Review Committee votes to issue a Presentment it shall cause the Church Attorney to*
388 *prepare the Presentment.*

Comment: The provisions on the Review Committee's process for determining whether or not to issue a Presentment parallel those adopted in 1994 for the Standing Committee's process for reviewing Charges against Priests and Deacons. The type of evidence the Review Committee can consider is expanded beyond that admissible under the Federal Rules of Evidence. At this stage of the proceedings it is appropriate for the Review Committee to consider whatever types of evidence it thinks will be useful and helpful to its deliberations, mindful that if a Presentment is issued, the Charges will have to be proved with evidence admissible under the Federal Rules of Evidence. This parallels the discretion given the Standing Committee in considering Charges against a Priest or Deacon. The Review Committee process is less formal than the existing Board of Inquiry process which has been in the past essentially a duplicate and expensive mini-trial. As a result, the Review Committee is vested with discretion to determine whether its proceedings should be recorded. This parallels the discretion given the Standing Committee in considering Charges against a Priest or Deacon.

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389 ~~Sec. 45.~~ If a Presentment be issued, it shall be in writing, dated, and signed by the members of the
390 ~~Board who agree thereto~~ *President or the Secretary of the Review Committee on behalf of the*
391 *Review Committee, whether or not that officer voted in favor of the Presentment. In the event that*
392 *there be no President or Secretary, or if they be absent, a member of the Review Committee*
393 *appointed for that purpose by the Review Committee shall sign the Presentment.* The Presentment
394 also shall contain (i) a separate accusation addressed to each Offense, if there be more than one,
395 and (ii) a plain and concise factual statement in of each separate accusation which, without
396 specific allegations of an evidentiary nature, asserts facts supporting every element of each
397 Offense charged and the Respondent's commission thereof with sufficient precision sufficient to
398 clearly apprise the Respondent of the conduct which is the subject of the Presentment.

399 ~~Sec. 43 46.~~ If the ~~Board of Inquiry~~ *Review Committee* votes not to issue a Presentment, then that
400 decision shall be in writing and shall include an explanation. A copy shall be served upon the
401 ~~Presiding Bishop who shall file it with the Secretary of the House of Bishops,~~ the Respondent, the
402 Church Attorney, each Complainant, and *the alleged Victim*, unless waived in writing, ~~the Victim.~~
403 *and the Presiding Bishop who shall file it with the Secretary of the House of Bishops.*

404 ~~Sec. 44 47.~~ Promptly after the issuance of a Presentment, the ~~Board of Inquiry~~ *Review Committee*
405 shall cause the original to be filed with the Presiding Bishop with a true copy thereof served upon
406 the Respondent and ~~the Complainants,~~ *each Complainant, and unless waived in writing, the*
407 *alleged Victim.*

408 ~~Sec. 45 48.~~ When a Presentment is filed with the Presiding Bishop, the Presiding Bishop shall at
409 once transmit the Presentment to the Presiding Judge of the Court for the Trial of a Bishop.

410 ~~Sec. 46 49.~~ If the Presiding Bishop is a Complainant, except in a case of a bishop *Bishop*
411 convicted in a criminal Court of Record in a cause involving Immorality or against whom a
412 judgment has been entered in a civil Court of Record in a cause involving Immorality, or if the
413 *Presiding Bishop is the Respondent, is otherwise disabled, or otherwise unable to act,* the duties
414 of the Presiding Bishop under this Canon shall be performed by the presiding officer of the House
415 of Bishops. If the presiding officer is similarly unable to act, such duties shall be performed by the
416 Secretary of the House of Bishops.

417 ~~Sec. 47 50.~~ Non-compliance with *the time limits or any procedural requirements set forth in this*
418 *Canon shall not be grounds for the dismissal of a Presentment unless the non-compliance shall*
419 *cause material and substantial injustice to be done or seriously prejudice the rights of a*
420 *Respondent as determined by the Trial Court on motion and hearing.*

1 **CANON 4.**

2 **Of Diocesan Courts, and Courts of Review of the Trial of a Priest or Deacon, Their**
3 **Membership and Procedure**

4 (a) Diocesan Courts for the Trial of a Priest or Deacon

5 Sec. 1. In each Diocese there shall be an Ecclesiastical Court for the Trial of any Priest or Deacon
6 subject to its jurisdiction, and it shall be the duty of each Diocese to provide by Canon for the
7 establishment of the Court and the mode of conducting Trials of the same; *Provided, however,*
8 that the provisions of this Canon shall be included therein.

9 Sec. 2. The Canon of a Diocese establishing an Ecclesiastical Trial Court shall *make provision for*
10 *a Church Attorney and shall* provide that the Court shall: (i) be elected by the Convention of the
11 Diocese, (ii) include lay persons and Priests or Deacons, the majority of the Court to be Priests or
12 Deacons (*but by no more than one;*), and (iii) annually elect from its members a Presiding Judge
13 within two months following the Diocesan Convention, ~~and (iv) make provision for a Church~~
14 ~~Attorney.~~

15 Sec. 3. The provisions of Canon IV.14 shall apply to each Diocesan Ecclesiastical Trial Court.

16 Sec. 4. The death, disability rendering a person unable to act, resignation or declination to serve
17 as a member of an Ecclesiastical Trial Court shall constitute a vacancy on the Court.

18 Sec. 5. Notice of resignations or declinations to serve shall be given by members of the Court in
19 writing to the Presiding Judge of the Court.

20 Sec. 6. If any Priest elected to an Ecclesiastical Trial Court is elected a bishop *Bishop*, or if any
21 lay person elected to an Ecclesiastical Trial Court is ordained prior to the commencement of a
22 Trial, that person shall immediately cease to be a member of the Ecclesiastical Trial Court. If
23 either event occurs following the commencement of a Trial, the person shall continue to serve
24 until the completion of the Trial and the rendering of a *Verdict Judgment* thereon.

25 Sec. 7. Vacancies, other than for cause under Section 8 of this Canon, occurring in any
26 Ecclesiastical Trial Court shall be filled as provided by Diocesan Canon.

27 Sec. 8. The canons of each Diocese may provide a system of challenge as to the members of the
28 Ecclesiastical Trial Court and the filling of vacancies arising therefrom. If the canons of a Diocese
29 make no provisions for Challenge, the members of the Ecclesiastical Trial Court may be
30 challenged by either the Respondent or the Church Attorney for cause stated to the Court. The
31 Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by
32 challenges determined by the Court shall be filled by majority vote of the Court from persons
33 otherwise qualified for election under the diocesan canons. Vacancies filled by the Court shall be
34 from the same order as the person challenged was when first elected to the Court.

35 Sec. 9. An Ecclesiastical Trial Court shall be governed by the portion of ~~The~~ *the* Federal Rules of
36 Civil Procedure ~~set forth in Appendix A to these Canons. and such other procedural rules or~~
37 ~~determinations as the Ecclesiastical Trial Court deems appropriate not inconsistent with this~~
38 *Title.*

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39 Sec. 10. The Ecclesiastical Trial Court shall be governed by ~~The~~ *the* Federal Rules of Evidence in
40 the conduct of the Trial.

41 Sec. 11. Each Ecclesiastical Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks
42 who shall be Priests or Deacons or adult ~~confirmed~~ *lay* communicants in good standing of this
43 Church and who shall serve at the pleasure of the Court.

44 Sec. 12. Each Ecclesiastical Trial Court shall appoint a Reporter who shall provide for the
45 recording of the proceedings and who shall serve at the pleasure of the Court.

46 Sec. 13. Each Ecclesiastical Trial Court shall appoint at least one but no more than three Lay
47 Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Ecclesiastical Trial
48 Court an opinion on any question of law, procedure or evidence. ~~but not on any question of~~
49 ~~doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion.~~
50 ~~Any question of whether a question is a matter of doctrine shall be decided by the Court by a~~
51 ~~majority vote.~~

52 Sec. 14. The Ecclesiastical Trial Court shall keep a record of the proceedings in each case brought
53 before it and the record shall be certified by the Presiding Judge of the Court. If the record cannot
54 be authenticated by the Presiding Judge by reason of the Presiding Judge's death, disability or
55 absence, it shall be authenticated by a member of the Court designated for that purpose by
56 majority vote of the Court.

57 Sec. 15. The Ecclesiastical Trial Court shall permit the Respondent to be heard in person and by
58 counsel of the Respondent's own selection. In every Trial the Court may regulate the number of
59 counsel who may address the Court or examine ~~witness; witnesses.~~

60 Sec. 16. ~~The Respondent shall then be called upon by the Court to plead to the Presentment and~~
61 ~~the plea shall be duly recorded; and on neglect or refusal of the Respondent to plead, the plea of~~
62 ~~not guilty shall be entered for the Respondent; (a) Upon receiving a Presentment, the Presiding~~
63 ~~Judge shall, within 30 days, send to each member of the Court a copy of the Presentment.~~

64 ~~(b) The Presiding Judge of the Court shall, within not more than three calendar months from the~~
65 ~~Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment~~
66 ~~in accordance with the Federal Rules of Civil Procedure.~~

67 ~~(c) The Respondent's answer or other response to the Presentment in accordance with the Federal~~
68 ~~Rules of Civil Procedure shall be duly recorded and the Trial shall proceed; Provided, that for~~
69 ~~sufficient cause the Court may adjourn from time to time; and Provided, also, that the Respondent~~
70 ~~shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel~~
71 ~~and one other person of his or her own choosing, and in due time and order to produce testimony~~
72 ~~and to make a defense.~~

73 ~~(d) If the Respondent fails or refuses to answer or otherwise enter an appearance, except for~~
74 ~~reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty~~
75 ~~days after the answer is due, move for summary judgment in accordance with Rule 56 of the~~
76 ~~Federal Rules of Civil Procedure. If the motion is granted, the Respondent shall be given notice~~
77 ~~that Sentence of Admonition, Suspension or Deposition will be adjudged and pronounced by the~~
78 ~~Court at the expiration of thirty days after the date of the Notice of Sentence, or at such~~

79 *convenient time thereafter as the Court shall determine. Sentence of Admonition, Suspension or of*
80 *Deposition from the Ordained Ministry may, thereafter, be adjudged and pronounced by the*
81 *Court.*

82 Sec. 17. In all Ecclesiastical Trials, the Church Attorney ~~appointed pursuant to Section 2 of this~~
83 ~~Canon~~ shall appear on behalf of the Standing Committee, which shall then be considered the party
84 on one side and the Respondent the party on the other. Each Complainant and *alleged* Victim
85 shall be entitled to be present throughout and observe the Trial and for each to *may* be
86 accompanied by a *counsel and another* person of their own choosing and counsel of their *his or*
87 *her* own choosing.

88 Sec. 18. Before a vote is taken on the findings and in the presence of the Respondent and counsel,
89 counsel for the parties may submit requested proposed instructions. The Presiding Judge of the
90 Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the
91 proposed instructions shall be issued and also *shall* instruct the members of the Court as to the
92 elements of the Offense and charge them (i) that the Respondent must be presumed to be innocent
93 ~~until the Respondent's guilt is not to have committed the Offense alleged until~~ established by
94 clear and convincing evidence, and unless such standard of proof be met the Respondent
95 *Presentment* must be acquitted *dismissed*, and (ii) that the burden of proof to establish the guilt
96 *Respondent's commission* of the Respondent *Offense* is upon the Church Attorney.

97 Sec. 19. A separate vote shall be taken first upon the findings as to the ~~guilt of commission of an~~
98 *Offense* by the Respondent.

99 Sec. 20. ~~For a Judgment that the Respondent has committed an Offense Voting by members of an~~
100 ~~Ecclesiastical Trial Court on the findings shall be by ballot. No member shall disclose his or her~~
101 ~~vote or the vote of any member.~~

102 ~~Sec. 21(a) For a Judgment on an Offense involving Crime, Immorality or Conduct Unbecoming a~~
103 ~~Member of the Clergy, the affirmative vote of two-thirds of the Members of the Ecclesiastical~~
104 ~~Trial court Court then serving for that Trial shall be necessary. Failing such two-thirds vote, the~~
105 ~~Presentment shall be dismissed.~~(b) ~~For a Judgment on any other Offense not involving Crime,~~
106 ~~Immorality or Conduct Unbecoming a Member of the Clergy, the affirmative vote of two-thirds of~~
107 ~~the members of the Ecclesiastical Trial Court shall be necessary.~~

108 Sec. 22 21. The Presiding Judge shall cause the Respondent, the Church Attorney, each
109 Complainant, and unless waived in writing, the Victim to be advised of and provided with a copy
110 of the findings of the Court.

111 Sec. 23 22. No vote shall be taken on the Sentence to be adjudged until thirty days from the date
112 the Respondent was advised of the Judgment during which period the Respondent shall have a
113 reasonable opportunity to offer to the Court matters in excuse or mitigation.

114 Sec. 24 23. During the same period, the Court shall provide an opportunity for statements from
115 Complainants or Victims to the Court pertaining to the Sentence to be adjudged and imposed.

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116 Sec. 25 24. During the same period, the Church Attorney may make a recommendation to the
117 Court as to the Sentence to be adjudged. The members of the Court shall vote upon the Sentence.

118 ~~No member shall disclose his or her vote or the vote of any member.~~

119 Sec. 26 25. The concurrence of two-thirds of the Members of the Ecclesiastical Trial Court *then*
120 *serving for that Trial* shall be necessary to adjudge and impose a Sentence upon an ~~Respondent~~
121 ~~found guilty by the Court.~~ *a Respondent found to have committed an Offense.*

122 Sec. 27 26. ~~The Judgment or acquittal~~ *The Court shall then vote upon a Sentence to be adjudged*
123 *and imposed upon the Respondent and the decision so signed shall be recorded as the Judgment*
124 *of the Court.*

125 Sec. 27. *The decision of the Court as to all the Charges shall be reduced to writing, and signed by*
126 *those who assent to it.*

127 Sec. 28. *The Judgment* and any Sentence adjudged on a Judgment shall be communicated
128 promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if
129 there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the Diocese in which
130 the Respondent is canonically resident, the Respondent, each Complainant, and, unless waived in
131 writing, the Victim.

132 (b) Appeals to Courts of Review of the Trial of a Priest or Deacon

133 Sec. 28 29. The Ecclesiastical Authority of the jurisdiction within which a Trial was held shall
134 cause written notice to be served on the Respondent, the Church Attorney, each Complainant,
135 and, unless waived in writing, the Victim of (i) the Judgment, (ii) the Sentence adjudged, and (iii)
136 the Sentence to be pronounced by the Bishop. Within thirty days after the service of that notice
137 the Respondent may appeal to the Court of Review by serving a written notice of appeal on the
138 Ecclesiastical Authority of that jurisdiction and a copy on the Presiding Judge of the Ecclesiastical
139 Trial Court and the Presiding Judge of the Court of Review. The notice shall be signed by the
140 Respondent or the Respondent's counsel and shall briefly set forth the decision from which the
141 appeal is taken and the grounds of the appeal, *and a copy of the decision of the Trial Court shall*
142 *be attached.*

143 Sec. 29 30. After Judgment by an Ecclesiastical Trial Court, the Bishop shall not pronounce
144 Sentence on the Respondent before the expiration of thirty days after the Respondent shall have
145 been served as set forth in Section 28 with the notice of the decision of the Court and the
146 Sentence adjudged, nor, in case an appeal is taken, shall Sentence be pronounced pending the
147 hearing and final determination thereof.

148 Sec. 30(a) 31. In each of the Provinces there shall be a Court of Review of the Trial of a Priest or
149 Deacon, which shall be composed of a Bishop of the Province, three Priests canonically resident
150 in Dioceses within the Province, and three Lay Persons who are ~~confirmed~~ adult communicants of
151 this Church in good standing, having domicile in the Province; at least two of the Lay Persons
152 shall be learned in the law.

153 ~~(b) The Court of Review shall be appointed by the President of the Province from a panel~~
154 ~~established by the Province consisting of three Bishops, five Priests and five Lay Persons.~~

155 ~~Sec. 31. Once during Sec. 32. During~~ the period between General Conventions, each Provincial
156 Synod shall elect the Judges of the Court of Review in the Province. The Synod shall prescribe the
157 time and the manner in which such Judges shall be elected. The persons so elected, except in case
158 of death, resignation, *or* declination to serve, shall continue to be members of the Court for such
159 terms as the Synod may set and until their successors shall be elected. The Bishop elected by the
160 Synod shall be the Presiding Officer of the Court.

161 ~~Sec. 32(a) 33(a)~~ No person shall sit as a member of any Court of Review who is excused pursuant
162 to Canon IV.14.11; nor shall any Bishop, Priest, or Lay Member who for any reason upon
163 objection made by either appellant or appellee is deemed by the other members of the Court to be
164 disqualified.

165 (b) The death, disability rendering the person unable to act, resignation, or declination to serve as
166 a member of a Court of Review shall constitute a vacancy in the Court of Review.

167 (c) Notices of resignations or declinations to serve shall be given as follows:

168 (1) By the Presiding Judge of the Court of Review of the Trial of a Priest or Deacon; by written
169 notice sent to the President of the Provincial Synod.

170 (2) By a Priest or Lay Member of the Court, by written notice sent to the Presiding Judge of the
171 Court.

172 (d) If any Priest appointed to the Court of Review is elected a Bishop, or if any Lay Member
173 appointed to the Court of Review is ordained to the ministry prior to the hearing of the appeal, the
174 person shall immediately cease to be a member of the Court of Review. If either event occurs
175 following the hearing of the appeal, the person shall continue to serve until the completion of the
176 appeal and the rendering of a decision by the Court of Review.

177 Sec. 33 34. Vacancies occurring in the Court of Review shall be filled as follows:

178 (a) In the case of a vacancy in the office of the Bishop ~~appointed~~ *elected* as a member of the Court
179 of Review, the President of the Provincial Synod shall give written notice thereof to the Bishop
180 with jurisdiction senior by consecration in the Province. Thereupon the Bishop so notified shall
181 become a member of the Court until a new ~~appointment~~ *election* is made. If the Bishop so
182 appointed is unable or unwilling to serve as a member of the Court, notification shall be given by
183 the Bishop to the President of the Provincial Synod of this fact, who shall thereupon appoint the
184 Bishop with jurisdiction next senior by consecration in that Province *who is willing and able to*
185 *serve*.

186 (b) In case any vacancy shall exist in the membership of the Court of Review's Priests or Deacons
187 or Lay Members, the remaining Judges of the Court shall appoint another person similarly
188 domiciled or canonically resident in the Province from the same order to fill such vacancy ~~and to~~
189 ~~sit as a Member of the Court.~~

190 Sec. 34 35. The several Courts of Review are vested with jurisdiction to hear and determine
191 appeals from decisions of Ecclesiastical Trial Courts in Dioceses within that Province in
192 Ecclesiastical Trials of Priests or Deacons.

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193 Sec. 35 36. The Respondent may take an appeal to the Court of Review of the Province within
194 which an Ecclesiastical Trial was held from a Judgment. The right of appeal is solely that of the
195 Respondent, except as provided in Section 37 of this Canon.

196 Sec. 36(a) 37(a) Upon the written request of at least two Bishops of other jurisdictions within the
197 Province, the Ecclesiastical Authority of the Diocese within which a Trial was held shall appeal
198 from a decision of the Ecclesiastical Trial Court ~~acquitting that the Respondent had not~~
199 ~~committed of an Offense involving a question of Doctrine, Faith, or Worship; Provided, however,~~
200 that such appeal shall be on the question of the Church's Doctrine, Faith, or Worship only, and
201 that the decision of the Court of Review shall not be held to reverse the ~~acquittal of finding of the~~
202 ~~non-commission of an Offense by the Respondent on other Charges.~~ An appeal by the Standing
203 Committee can be taken only when there is a vacancy in the office of Bishop or in case the Bishop
204 is unable to act.

205 (b) An appeal under this Section may be taken by the service by the appellant of a written notice
206 of appeal upon the Respondent, and also upon the Presiding Judge of the Ecclesiastical Trial
207 Court and the Presiding Judge of the Court of Review, within thirty days after the decision from
208 which the appeal is taken.

209 Sec. 37 38. If the Ecclesiastical Trial was held in a Diocese not specified in Canon I.9.1, the
210 appeal shall lie to the Court of Review of the Province which is geographically closest to that
211 Diocese or is otherwise most appropriate as determined by the Presiding Bishop.

212 Sec. 38(a) 39. An appeal shall be heard upon the Record on Appeal of the Ecclesiastical Trial
213 Court. ~~When an appeal has been taken, the Ecclesiastical Authority of the Diocese wherein the~~
214 ~~Ecclesiastical Trial was held shall transmit to the Presiding Judge of the Court of Review of the~~
215 ~~Province a full and correct transcript of the Record on Appeal, proceedings, and decision of the~~
216 ~~Trial Court, including all the evidence taken upon the Ecclesiastical Trial, duly certified by the~~
217 ~~Presiding Judge or Clerk of the Court, with a copy of the same to the Respondent, within thirty~~
218 ~~days after receiving notice of the appeal. Except for the purpose of correcting the Record on~~
219 ~~Appeal, if defective, no new evidence shall be taken by the Court of Review.~~

220 (b) ~~The Respondent and the Church Attorney may agree by written stipulation filed with the~~
221 ~~Court of Review that designated parts of the proceedings shall be retained by the Ecclesiastical~~
222 ~~Trial Court unless thereafter the Court of Review shall request their transmittal. The parts thus~~
223 ~~designated shall nevertheless be a part of the Record on Appeal for all purposes.~~

224 Sec. 39 40. The Presiding Judge of the Court of Review of the Province having jurisdiction,
225 within ninety days but not less than sixty days after having received the Record on Appeal, shall
226 appoint a time and place within such the Province for the hearing of the appeal. At least thirty
227 days prior to the day appointed, the Presiding Judge shall give written notice of such time and
228 place to the other members of the Court, and also to the Respondent, and to the Bishop and
229 Standing Committee of the Diocese in which the Ecclesiastical Trial was held.

230 Sec. 40 41. It shall be the duty of the appellant ~~to reproduce copies Ecclesiastical Trial Court to~~
231 ~~prepare a copy~~ of the Record on Appeal of the Ecclesiastical Trial as ~~transmitted transcribed,~~
232 be printed or otherwise reproduced as shall be permitted by the Presiding Judge of the Court of

233 Review. Within thirty days after receiving the copy of the Record on Appeal, the appellant shall
234 serve two copies of the Record on Appeal, the notice of appeal and the appellant's brief, if any,
235 upon the opposite party, and shall deliver seven copies of each to the Presiding Judge of the Court
236 for the use of the Judges.

237 The appellee shall serve the appellee's brief, if any, on the appellant with seven copies to the
238 Presiding Judge of the Court of Review not later than thirty days following the service upon the
239 respondent *appellee* of the record, notice of appeal and appellant's brief. Any reply brief shall be
240 served likewise within ten days following service of the prior brief upon the party.

241 ~~Sec. 41. For reasons deemed sufficient by the Presiding Judge, the printing of the record, or of any~~
242 ~~portion thereof may be dispensed with.~~

243 ~~Sec. 42. The Standing Committee of the Diocese in which issued the Trial was held Presentment~~
244 ~~shall be deemed to be the opposite party for the purpose of this appeal.~~

245 Sec. 43. At the time and place appointed, the Court shall organize, and proceed to hear the appeal;
246 *Provided, however,* that at least six Judges, of whom the Presiding Judge of the Court shall be
247 one, shall participate in the hearing. But the members present, if less than that number, may
248 adjourn the Court from time to time, until ~~the attendance of the requisite number is secured of~~
249 *Judges are present.*

250 Sec. 44. The Court of Review shall appoint a Clerk and, if necessary, Assistant Clerks, who shall
251 be Priests canonically resident in a Diocese of that Province or ~~confirmed~~ adult *lay* communicants
252 in good standing of this Church residing in the Province, to serve at the pleasure of the Court.

253 Sec. 45. The Court of Review shall appoint at least one but no more than three Lay Assessors. Lay
254 Assessors shall have no vote. ~~It shall be their duty to give the Court an opinion on any question of~~
255 ~~law, procedure or evidence, but not on any matter of doctrine, upon which the Court of any~~
256 ~~member thereof, or either party, shall desire an opinion. Any question of whether any question is~~
257 ~~a matter of doctrine shall be decided by the Court by a majority vote.~~

258 Sec. 46. The Court of Review shall be guided by the Federal Rules of Appellate Practice
259 *Procedure* and may adopt rules of procedure not inconsistent with the Constitution and Canons of
260 ~~this the~~ Church, with the power to alter or rescind the same from time to time, provided the same
261 shall not cause material and substantial injustice to be done or seriously prejudice the rights of the
262 parties.

263 Sec. 47. The Court of Review shall permit the Respondent to be heard in person or by counsel of
264 the Respondent's own selection but may regulate the number of counsel who may address the
265 Court and shall permit the Church Attorney to be heard.

266 Sec. 48. The Court of Review shall keep a record of all proceedings.

267 Sec. 49. No determination or judgment *Judgment* of any Ecclesiastical Trial Court shall be
268 disturbed for technical errors not going to the merits of the *cause case*.

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269 Sec. 50. The Court may reverse or affirm in whole or in part the ~~decision~~ *determination or*
270 *Judgment* of the Ecclesiastical Trial Court, or, if in its opinion justice shall so require, may grant
271 a new trial *Trial*. If after having been duly notified, the appellant fails to appear, and no sufficient
272 excuse be shown, the Court, in its discretion, may dismiss the appeal for want of prosecution, or
273 may proceed to hear and determine the appeal in the appellant's absence.

274 Sec. 51. The concurrence of five members of a Court of Review shall be necessary to pronounce a
275 ~~judgment.~~ *Judgment.* The ~~judgment~~ *Judgment* or decision of the Court shall be in writing, signed
276 by the members of the Court concurring therein, and shall distinctly specify the grounds of the
277 decision and shall be attached to the record. If the concurrence of five of the members cannot be
278 obtained, that fact shall be stated in the record, and the ~~decision~~ *determination or Judgment* of the
279 Trial Court shall stand as affirmed except as to any reversal in part in which there has been
280 concurrence. Immediately after the determination of the appeal, the Presiding Judge of the Court
281 shall give notice thereof in writing to the appellant and appellee and to the Bishop and the
282 Standing Committee of the Diocese in which the Trial was had. Upon the determination of the
283 appeal, the original record upon which the appeal was heard, together with the record of the Court
284 of Review, certified by the Presiding Judge and the Secretary or Clerk, shall be remitted to the
285 Bishop or the Standing Committee of the jurisdiction in which the ~~trial~~ *Trial* was had and to the
286 ~~archives~~ *Archives* of The Episcopal Church. All records remitted as herein provided shall be
287 deposited and be preserved among the Archives of the jurisdiction to which they are sent.

288 Sec. 52. The Court of Review shall not pronounce Sentence on the affirmation of a Judgment.
289 When the appeal is so finally determined, if the decision of the Ecclesiastical Trial Court be
290 affirmed in whole or in part, upon receipt of the record and the ~~judgment~~ *Judgment* or decision of
291 the Court of Review by the Ecclesiastical Authority of the jurisdiction of the Trial Court, the
292 Respondent shall be sentenced in accordance with Canon IV.12.

293 Sec. 53. The necessary charges and expenses of the Court of Review, including the necessary
294 expenses of the members of the Court, Lay Assessors, Reporters and Clerks and the reasonable
295 and necessary out-of-pocket disbursements and expenses, except the cost of printing any records
296 or briefs, shall be a charge upon the Province and shall be paid by the Treasurer of the Synod of
297 that Province upon the order of the President of the Synod. Any legal fees and other
298 disbursements of the Church Attorney shall be the responsibility of the Diocese in which the Trial
299 was held, unless the Trial was held as a service or convenience to a Diocese from which the
300 Presentment issued, in which case the responsibility therefor shall be that of the Diocese from
301 which the Presentment was issued.

1 **CANON 5.**

2 **Of the Court for the Trial of a Bishop**

3 Sec. 1. The Court for the Trial of a Bishop is vested with jurisdiction to try a ~~bishop~~ *Bishop* who
4 is duly Presented for any one or more of the Offenses specified in ~~Canon IV.1.~~

5 Sec. 2. ~~There shall be a~~ *The* Court for the Trial of a Bishop, ~~consisting~~ *shall consist* of nine
6 ~~bishops~~ *Bishops* of this Church. Three ~~bishops~~ *Bishops* shall be elected by the House of Bishops
7 at each regular meeting of General Convention, to serve until the adjournment of the third
8 succeeding regular meeting of General Convention. All judges shall serve until their successors

9 are elected and qualify; *Provided, however*, there shall be no change in composition of a Court as
10 to a proceeding pending before it, while that proceeding is unresolved *except as specified in*
11 *Canon IV.5.3.*

12 Sec. 3(a) No ~~bishop~~ *Judge* shall sit as a member of a Court for the Trial of a Bishop who is a
13 Complainant, or is related to the Respondent or Complainant by affinity or consanguinity, or who
14 is excused pursuant to Canon IV.14.11; nor shall any ~~bishop~~ *Judge* sit who, upon objection made
15 by either party for any reason, is deemed by the other members of the Court to be disqualified.

16 (b) The death, permanent disability rendering the person unable to act, resignation; or declination
17 to serve ~~or removal by challenge~~ as a member of *the* Court for the Trial of a Bishop shall
18 constitute a vacancy in the Court. *The recusal or disqualification of a member of the Court from*
19 *consideration of a particular Presentment shall constitute a temporary vacancy in the Court.*

20 (c) Notices of resignations or declinations to serve shall be given by any ~~bishop~~ *Bishop* chosen to
21 serve as a member of the Court for the Trial of a Bishop by written notice sent to the Presiding
22 Bishop.

23 (d) *Notices of recusal shall be given by a Judge to the Presiding Judge.*

24 Sec. 4. The Court for the Trial of a Bishop shall from time to time elect from its own membership
25 a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in
26 any proceeding before the Court the Presiding Judge is disqualified or is for any cause unable to
27 act, the Court shall elect from its members a Presiding Judge *pro tempore*.

28 Sec. 5. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge,
29 the ~~bishop~~ *Bishop* who is senior by consecration shall perform the duties of the office of Presiding
30 Judge.

31 Sec. 6. Vacancies occurring in the Court for the Trial of a Bishop shall be filled as follows:

32 (a) In the case of a *temporary* vacancy due to the *recusal* or disqualification of any Judge, the
33 remaining Judges ~~of the Court shall~~ *may* appoint a Judge to take the place of the one so
34 disqualified in that particular case. *If the recused or disqualified Judge participated in any*
35 *proceedings other than consideration of whether any Judge should be disqualified, the remaining*
36 *Judges shall decide whether or not the Judge will be replaced for the remainder of that case.*

37 (b) In the case of a vacancy in the Court ~~for the Trial of a Bishop~~, the remaining Judges shall have
38 power to fill such vacancy until the next General Convention, when the House of Bishops shall
39 choose a ~~bishop~~ *person* to fill such vacancy. The ~~bishop~~ *person* so chosen shall serve during the
40 remainder of the term.

41 Sec. 7. Not less than ~~six~~ *five* of the Judges shall constitute a quorum, but any less number may
42 adjourn the Court from time to time.

43 ~~Sec. 8(a) Upon receiving a Presentment, the Presiding Judge of the Court for the Trial of Bishop~~
44 ~~shall call the Court to meet at a certain time and place, to be not less than two nor more than four~~
45 ~~calendar months from the day of mailing the notice, and at a place within the Diocese of the~~
46 ~~accused Bishop, unless the same be of such difficult access, in the judgment of the Presiding~~
47 ~~Judge of the Court, that reasonable convenience requires the appointment of another place; and in~~
48 ~~case the Respondent have no jurisdiction, at a place within the Diocese in which the Respondent~~

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49 is canonically resident. With this notice, the Presiding Judge shall send to each member of the
50 Court a copy of the Presentment.

51 *Sec. 8(a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each*
52 *member of the Court a copy of the Presentment. If the Presentment is issued pursuant to Canon*
53 *IV.3.21(c) the Presiding Judge shall also send a copy of the supporting briefs, answer, and*
54 *statements.*

55 ~~(b) The Presiding Judge of the Court shall also summon the Respondent to appear at the same~~
56 ~~time and place to answer the Presentment, and shall also give notice of the time and place to the~~
57 ~~Church Attorney.~~

58 *(b) The Presiding Judge of the Court shall, within not more than three calendar months from the*
59 *Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment*
60 *in accordance with the Federal Rules of Civil Procedure.*

61 *(c) Court proceedings at which the Respondent and Church Attorney are to appear shall be held*
62 *within the Diocese of the accused Bishop, or within the Diocese where the accused Bishop lives*
63 *or serves, at the discretion of the Court. The Court may, for good cause, appoint another place*
64 *for any such proceedings or conduct such proceedings by telephone conference provided that all*
65 *participants can hear and be heard by all other participants in the telephone conference.*

Comment: This section seeks to clarify the existing provisions on venue, retaining primary venue where the accused Bishop lives or serves. In addition, the Court is given clear authority to hold different proceedings in the same matter in different places. This discretion is important because wider church interests may support holding proceedings other than where the accused Bishop lives or serves. Reasons for a different venue might include the fact that the Bishop lives or serves in a remote place, or in a place without facilities deemed appropriate or adequate for the matter, or that a central location is considered appropriate due to the locations of the members of the Court and other participants in the process, or that the trial is of national interest and should be located accordingly.

The proposal also provides the Court with discretion to conduct proceedings by telephone. This could save the Church and parties significant time and money.

66 *Sec. 9. Within three months following each regular meeting of General Convention, the Court for*
67 *the Trial of a Bishop shall appoint a Church Attorney to serve until the next regular meeting of*
68 *General Convention and until a successor is duly appointed and qualified, and from time to time*
69 *for good cause and upon the request of the Church Attorney, appoint one or more assistant Church*
70 *Attorneys to act for and in the place of the Church Attorney.*

71 *Sec. 10. The Court shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be*
72 *Members of the Clergy or adult confirmed lay communicants in good standing of this Church, to*
73 *serve at the pleasure of the Court.*

74 *Sec. 11. The Court shall appoint a Reporter who shall provide for the recording of the proceedings*
75 *and serve at the pleasure of the Court.*

76 Sec. 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors
77 shall have no vote.
78 ~~It shall be their duty to give the Court an opinion on any question of law, procedure or evidence~~
79 ~~but not on any question of doctrine, upon which the Court or any member thereof, or either party,~~
80 ~~shall desire an opinion. Any doubt of whether any question is a matter of doctrine shall be~~
81 ~~decided by the Court by a majority vote.~~

82 Sec. 13. ~~Where a Presentment of a Bishop for holding and teaching publicly or privately, and~~
83 ~~advisedly, any doctrine contrary to that held by this Church is made by any~~ *If the Presentment is*
84 *issued pursuant to Canon IV.3.21(c), the ten Bishops of this Church exercising jurisdiction, they*
85 *who signed the Presentment may select a Church Attorney, subject to confirmation of their*
86 *selection by the Court, which confirmation shall not be unreasonably withheld.*

87 Sec. 14. In all cases, the Church Attorney, or the assistants to the Church Attorney shall appear in
88 behalf of the Church. The Church shall then be considered the party on one side, and the
89 Respondent the party on the other.

90 Sec. 15. ~~The Court may set its own rules of procedure in a Court for the Trial of a Bishop shall be~~
91 ~~governed by The which shall include, but not be limited to, the Federal Rules of Civil Procedure~~
92 ~~as set forth in Appendix A to these Canons.~~

Comment: The proposal parallels changes proposed for diocesan courts which gives the Courts the power to adopt procedural rules in addition to the portions of the Federal Rules of Civil Procedure adopted in the 1994 revision. Many procedural issues are not covered by those rules.

93 Sec. 16. The Court shall be governed by ~~The~~ *the* Federal Rules of Evidence.

94 Sec. 17. The Court shall permit the Respondent to be heard in person or by counsel of the
95 Respondent's own selection, but the Court may regulate the number of counsel who may address
96 the Court or examine witnesses.

97 Sec. 18(a) ~~At the time and place appointed, a quorum of the Court being present, the Presiding~~
98 ~~Judge shall declare the Court open for hearing the case; and when thus open, shall direct the~~
99 ~~Clerk to call the names of the Church Attorney and the Respondent; and shall then cause the~~
100 ~~Clerk to read the Presentment.~~

101 (b) ~~The Respondent shall then be called upon by the Court to plead to the Presentment and the~~
102 ~~plea~~ *The Respondent's answer or other response to the Presentment in accordance with the*
103 *Federal Rules of Civil Procedure shall be duly recorded ; and on neglect or refusal of the*
104 *Respondent to plead, the plea of not guilty shall be entered for the Respondent, and the Trial shall*
105 *proceed; Provided, that for sufficient cause the Court may adjourn from time to time; and*
106 *Provided, also, that the Respondent shall, at all times during the Trial, have liberty to be present,*
107 *and may be accompanied by counsel and one other person of his or her own choosing, and in due*
108 *time and order to produce testimony and to make a defense.*

109 (e)(b) ~~If the Respondent fails or refuses to appear in person, according to the notice served as~~
110 ~~aforsaid answer or otherwise enter an appearance, except for reasonable cause to be allowed by~~
111 ~~the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for~~

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112 *summary judgment in accordance with Rule 56 of the Federal Rules of Civil Procedure. If the*
113 *motion is granted, the Respondent shall be pronounced in Contumacy, and given notice that*
114 *Sentence of Suspension or Deposition will be adjudged and pronounced by the Court at the*
115 *expiration of thirty days unless at that time after the date of the Notice of Sentence, or at such*
116 *convenient time thereafter as the Court shall determine, the Respondent shall appear and stand*
117 *Trial upon the Presentment. If the Respondent does not so appear, Sentence of Suspension, or of*
118 *Deposition from the Ordained Ministry, may. Sentence may thereafter be adjudged and*
119 *pronounced by the Court.*

Comment: The proposed revision provides that if the Respondent fails to answer the Presentment, rather than being automatically suspended or deposed, the Church Attorney must make out a *prima facie* case against the Bishop before Sentence can be adjudged and pronounced.

120 Sec. 19. Each *The Complainant* and the *alleged Victim* shall *each* have the right to be present
121 throughout and observe the Trial and ~~for each to be accompanied by at least one person of their~~
122 ~~own choosing and by an attorney of their own counsel and one other person of his or her~~
123 ~~choosing.~~

124 Sec. 20. The Respondent being present, the Trial shall proceed in accordance with this Canon.
125 The Respondent shall in all cases have the right to be a defense witness, subject to cross-
126 examination in the same manner as any other witness. No testimony shall be received at the Trial
127 except from witnesses who have signed a declaration in the following words or the Oath provided
128 by ~~The~~ *the* Federal Rules of Evidence, to be read aloud before the witness testifies and to be filed
129 with the records of the Court.

130 **“I, A.B., a witness on the Trial of a Presentment against the Right Reverend**
131 **_____ , a Bishop of the Episcopal Church, now pending, do most solemnly**
132 **call God to witness that the evidence I am about to give shall be the truth, the whole truth,**
133 **and nothing but the truth, so help me God.”**

134 Sec. 21. Before a vote is taken on the findings and in the presence of the Respondent and counsel,
135 counsel for the parties may submit requested proposed instructions. The Presiding Judge of the
136 Court, after consultation with the Lay Assessors ~~also~~, shall instruct the members of the Court as to
137 the elements of the Offense and charge them (i) that the Respondent must be presumed ~~to be~~
138 ~~innocent until the Respondent’s guilt is established by legal and competent evidence of not to~~
139 *have committed the Offense alleged until established by clear and convincing proof, and unless*
140 *the standard of proof be met the Respondent Presentment must be acquitted dismissed, and (ii)*
141 *that the burden of proof to establish the guilt Respondent’s commission of the Respondent Offense*
142 *is upon the Church Attorney.*

143 Sec. 22. Separate and distinct votes shall be taken first upon the findings as to the ~~guilt of~~
144 *commission of an Offense by the Respondent, and, if the Respondent be found to be guilty have*
145 *committed an Offense, then upon the Sentence to be imposed.*

146 Sec. 23. ~~For a Judgment that the Respondent has committed an Offense, the affirmative vote The~~
147 ~~Court, having fully heard the allegations and proofs of the parties, and having deliberately~~
148 ~~considered the same after the parties have withdrawn, every member of the Court sitting in the~~
149 ~~cause shall declare an opinion about whether the Respondent is guilty or not guilty, and with~~
150 ~~respect to each particular Charge contained in the Presentment.~~

151 Sec. 24(a) ~~For a Judgment on an Offense involving Crime, Immorality or Conduct Unbecoming a~~
152 ~~Member of the Clergy, the concurrence of two-thirds of the members of the Ecclesiastical Trial~~
153 ~~court shall be necessary.~~

154 (b) ~~For a Judgment on any other Offense not involving Crime, Immorality or Conduct~~
155 ~~Unbecoming a Member of the Clergy, the concurrence of two-thirds of the members of the~~
156 ~~Ecclesiastical Trial Court shall be necessary. Failing such two-thirds vote, the Presentment shall~~
157 ~~be dismissed.~~

158 Sec. ~~25~~ 24. The decision of the Court as to all the Charges shall be reduced to writing, and signed
159 by those who assent to it.

160 Sec. 26 25. No vote shall be taken on the Sentence to be imposed until such time as the
161 Respondent, Church Attorney, each Complainant, and, unless waived in writing, the Victim have
162 been informed of the Judgment and each has had a reasonable opportunity to offer matters in
163 excuse or mitigation or to otherwise comment on the Sentence.

164 Sec. 26. *The concurrence of two-thirds of the Members of the Court then serving for that Trial*
165 *shall be necessary to adjudge and impose a sentence upon a Respondent found to have committed*
166 *an offense.*

167 Sec. 27. The Court shall then vote upon a Sentence to be adjudged and imposed upon the
168 Respondent and the decision so signed shall be recorded as the judgment *Judgment* of the Court.

169 Sec. 28(a) The Judgment and Sentence adjudged shall be communicated promptly to the
170 Respondent, each Complainant, and, unless waived in writing, the Victim, the Presiding Bishop
171 and the Standing Committee of the diocese *Diocese* in which the Respondent is canonically
172 resident.

173 (b) Any Respondent who shall be found ~~guilty of any Charge to have committed an Offense~~ may
174 file a motion for a modification of Sentence. Any such motion shall be filed within 30 days from
175 the date of the filing of the decision, and the motion shall set forth all the reasons therefor, and no
176 other shall be relied on at the hearing of the motion without the consent of the Court. The
177 Presiding Judge of the Court shall set a place and time for hearing the motion and shall reconvene
178 the Court to hear and determine the same.

179 (c) The Court may in the interest of justice modify the Sentence. Upon determination of the
180 motion to modify, the ~~judgment as to the guilt of the Respondent shall become final~~ *Clerk of the*
181 *Court shall enter Judgment.* If no motion for modification of Sentence shall be filed within the
182 time limited for filing such motions, the Clerk of the Court shall on the next business day enter,
183 as final, the judgment *Judgment* rendered by the Court. An appeal from a final judgment
184 *Judgment* of a Court for the Trial of a Bishop to the Court of Review of the Trial of a Bishop, as

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185 provided in Canon IV.6, may be taken within thirty days from the entry of the judgment
186 *Judgment*.

187 (d) The final judgment *Judgment* shall be in writing signed by a majority of the Court and direct
188 what Sentence is to be incorporated in the final judgment *Judgment* to be recorded *entered* by the
189 Clerk.

190 (e) After the entry of final judgment *Judgment*, the Presiding Judge of the Court shall appoint a
191 time and place not less than sixty days thereafter for pronouncing the Sentence adjudged. At the
192 time and place appointed, if the Respondent shall not have an appeal pending in the Court of
193 Review of the Trial of a Bishop, or the action of the Court of Review has not made it unnecessary
194 for the Trial Court to proceed to pronounce Sentence, the Presiding Judge of the Court, or a
195 member thereof designated in writing by a majority of the members thereof to do so, shall in the
196 presence of the Respondent, if the Respondent shall see fit to attend, pronounce the Sentence
197 which has been adjudged by the Court, and direct the same to be recorded *entered* by the Clerk;
198 and *Provided, further*, that Sentence shall not be imposed upon a ~~bishop found guilty~~ *Bishop*
199 *found to have committed an Offense* of holding and teaching doctrine contrary to that held by this
200 Church unless and until the said finding shall have been approved by a vote of two-thirds majority
201 ~~of all the bishops canonically assembled in the said House present and entitled to vote.~~ *of the*
202 *Bishops present at a meeting of the House of Bishops.*

203 Sec. 29. (a) The Court shall keep a record of all proceedings.

204 (b) The record shall be kept by the Clerk, inserted in a book and be attested by the signature of
205 the Presiding Judge and Clerk. The record shall be in the custody of the Clerk and kept in the
206 depository of the Registrar of the General Convention, *and in the Archives of the Episcopal*
207 *Church* and shall be open to the inspection of every member of this Church.

208 Sec. 30. The necessary expenses of the Court including ~~therein but not limited to~~ the necessary
209 *fees, costs, disbursements and* expenses of the *Judges, Church Attorneys, Clerks, Reporters and*
210 *Lay Assessors appointed to assist the Court*, shall be a charge upon the General Convention and
211 shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the
212 Court. *The Court shall have the authority to contract for and bind the General Convention to*
213 *payment of these expenses.*

<p>Comment: The proposed revision clarifies that the expenses to be paid by General Convention include attorneys' fees for the Church Attorney and for Lay Assessors as well as their costs and disbursements. It also clarifies that the Court has the authority to commit the General Convention to pay the expenses of the trial.</p>

1 **CANON 6.**

2 **Of Appeals to the Court of Review of the Trial of a Bishop**

3 Sec. 1. A bishop *Bishop* found guilty of any to have committed an Offense shall have the right to
4 appeal from the judgment *Judgment* of the Trial Court to the Court of Review of the Trial of a
5 Bishop; and in the case of a bishop Presented for holding and teaching doctrine contrary to that
6 held by this Church, the Church Attorney shall have a right to appeal.

7 Sec. 2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and
8 determine appeals from the determination of the Court for the Trial of a Bishop.

9 Sec. 3. There shall be a Court of Review of the Trial of a Bishop, consisting of nine bishops.
10 *Bishops*. Three bishops *Bishops* shall be elected by the House of Bishops at each regular meeting
11 of General Convention, to serve until the adjournment of the third succeeding regular meeting of
12 General Convention. All Judges shall serve until their successors are elected and qualify;
13 *Provided, however*, there shall be no change in composition of a Court following the hearing and
14 while a proceeding is pending, unresolved, before the Court.

15 Sec. 4(a) No bishop *Bishop* shall sit as a member of this Court who is a Complainant, is related to
16 the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon
17 IV.14.11; nor shall any bishop *Bishop* sit who, upon objection made by either party for any
18 reason, is deemed by the other members of the Court to be disqualified.

19 (b) The death, permanent disability *rendering the person unable to act*, resignation, or declination
20 to serve as a member of this Court shall constitute a vacancy in the Court. *The recusal or*
21 *disqualification of a member of the Court from consideration of a particular appeal shall*
22 *constitute a temporary vacancy on the Court.*

23 (c) Notices of resignations or declinations to serve shall be given by any *Bishop chosen to serve*
24 *as a member of the Court* by written notice sent to the Presiding Bishop.

25 (d) *Notices of recusal shall be given by a Judge to the Presiding Judge.*

26 Sec. 5. The Court shall from time to time elect from its own membership a Presiding Judge, who
27 shall hold office until the expiration of the term for which chosen. If in any proceeding before the
28 Court the Presiding Judge is disqualified or is for any cause unable to act, the Court shall elect
29 from its members a Presiding Judge *pro tempore*.

30 Sec. 6. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge,
31 the bishop *Bishop* who is senior by consecration shall perform the duties of the office of Presiding
32 Judge.

33 Sec. 7. Vacancies occurring in this Court shall be filled as follows:

34 (a) In the case of a *temporary vacancy due to the recusal or disqualification of any Judge*, the
35 remaining Judges of the Court shall may appoint a Judge to take the place of the one so
36 disqualified in that particular case. *If the recused or disqualified Judge participated in any*
37 *proceedings other than consideration of whether any Judge should be disqualified, the remaining*
38 *Judges shall decide whether or not the Judge will be replaced for the remainder of the case.*

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39 (b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill the vacancy
40 until the next General Convention, when the House of Bishops shall choose a ~~bishop~~ *Bishop* to
41 fill the vacancy. The ~~bishop~~ *Bishop* so chosen shall serve during the remainder of the term.

42 Sec. 8. Not less than ~~six~~ *five* Judges shall constitute a quorum ~~and the~~.

43 ~~Sec. 9. The concurrence of six Judges shall be necessary to pronounce a judgment, but if less than~~
44 ~~a quorum is present they Judgment, but any lesser number may adjourn the Court from time to~~
45 ~~time.~~

46 Sec. 9 10. The Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be
47 Members of the Clergy or adult ~~confirmed~~ *lay* communicants in good standing of this Church, to
48 serve during the pleasure of the Court.

49 Sec. ~~10~~ 11. The Court shall appoint a Reporter who shall provide for the recording of the
50 proceedings and serve during the pleasure of the Court.

51 Sec. ~~11~~ 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay
52 Assessors shall have no vote. ~~It shall be their duty to give the Court an opinion on any question of~~
53 ~~law, procedure or evidence, but not a question of doctrine, upon which the Court or any member~~
54 ~~thereof, or either party, shall desire an opinion. If a doubt shall arise as to whether any question is~~
55 ~~a matter of doctrine, it shall be decided by the Court by a majority vote.~~

56
57 ~~Sec. ~~12~~ 13. The rules of procedure in the Court shall be~~ *The Court shall be guided by the Federal*
58 *Rules of Civil Procedure set forth in Appendix A to these Canons. Appellate Procedure and may*
59 *adopt rules of procedure not inconsistent with the Constitution and Canons of the Church, with*
60 *the power to alter or rescind the same from time to time, provided the same shall not cause*
61 *material and substantial injustice to be done or seriously prejudice the rights of the parties.*

62 ~~Sec. ~~13~~ 14. The Court shall permit the Respondent to be heard in person and by counsel of the~~
63 ~~Respondent's own selection, but the Court may regulate the number of counsel who may address~~
64 ~~the Court.~~

65 Sec. ~~14~~(a) 15(a) Unless within thirty days from the date of entry of judgment *Judgment* in the
66 Trial Court the appellant has given notice of the appeal in writing to the Trial Court, to the party
67 against whom the appeal is taken, and to the Presiding Judge of the Court of Review of the Trial
68 of a Bishop, assigning in the notice the reasons of appeal, the appellant shall be held to have
69 waived the right of appeal although in its discretion the Court of Review of the Trial of a Bishop
70 may entertain and hear an appeal not taken within such the prescribed period.

71 (b) The Presiding Judge of the Court of Review upon receiving the notice of appeal shall appoint
72 a time within 60 days thereafter, *unless for good cause extended*, for hearing the appeal and fix
73 the place of the hearing. At least 30 days prior to the day appointed, the Presiding Judge shall
74 give written notice of the time and place to the other members of the Court and also the appellant
75 and appellee.

76 Sec. 15 16. Upon notice of appeal being given, the Clerk of the Trial Court shall send to the Clerk
77 of the Court of Review of the Trial of a Bishop a transcript of the record, including all the
78 evidence, certified by the Presiding Judge and Clerk of the Trial Court, and the Clerk shall lay the
79 same before the Court of Review at its next session.

80 Sec. 16 17. No oral testimony shall be heard by the Court of Review.

81 Sec. 17 18. The Court of Review of the Trial of a Bishop may affirm or reverse any judgment
82 *Judgment* brought before it on appeal, and may enter final judgment *Judgment* in the case or may
83 remand the same to the Trial Court for a new Trial or for such further proceedings as the interests
84 of justice may require; ~~Provided, however, that if the Respondent has been found not guilty by the~~
85 ~~Trial Court upon any of the Charges upon which tried other than that of holding and teaching~~
86 ~~doctrine contrary to that held by this Church, the Court of Review of the Trial of a Bishop shall~~
87 ~~have no power to reverse these findings..~~

88 Sec. ~~18(a)~~ 19(a) If the Court of Review of the Trial of a Bishop enters final judgment *Judgment* in
89 the case, and if by that judgment *Judgment* the Respondent is found guilty ~~of to have committed~~
90 any of the Charges upon which tried, the Court of Review of the Trial of a Bishop may review the
91 Sentence adjudged by the Trial Court and may adjudge a lesser Sentence than that adjudged by
92 the Trial Court. Before final Sentence is adjudged by the Court of Review the Respondent shall
93 have the opportunity to make a statement to the Court in excuse or mitigation. The Church
94 Attorney, each Complainant, and, unless waived in writing, the Victim shall have the opportunity
95 to make a statement to the Court regarding the Sentence to be adjudged and imposed.

96 (b) The final Sentence adjudged shall be pronounced pursuant to Canon IV.5.27 and the notices
97 thereof required by Canon IV.12 shall be given.

98 Sec. 19 20. In case of appeal, all proceedings in the Trial Court and the pronouncement of
99 Sentence shall be stayed until the appeal is dismissed by the Court of Review of the Trial of a
100 Bishop, or the case be remanded by the Court to the Trial Court for further proceedings, or until
101 final judgment *Judgment* has been adjudged by the Court of Review.

102 Sec. 20. ~~Should the appellant fail to prosecute an appeal before the said Court of Review at the~~
103 ~~first session thereof after the entry of the appeal at which it could be heard, the appeal may be~~
104 ~~dismissed for want of prosecution. In case the Court dismisses the appeal, the Clerk of the Court~~
105 ~~shall immediately give notice of the dismissal to the Trial Court.~~

106 Sec. 21. The appellant may discontinue the appeal at any time before a hearing thereof has begun
107 before the Court of Review of the Trial of a Bishop. After the hearing has begun, the appellant
108 may discontinue the appeal only with the consent of the Court. If the appeal is discontinued, the
109 Trial Court shall proceed as if no appeal had been taken.

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1 **CANON 7.**

2 **Of a Priest or Deacon in Any Diocese Chargeable with Offense in Another**

3 Sec. 1. If a Priest or Deacon canonically resident in a Diocese shall have acted in any other
4 Diocese in such a way as to be liable to Presentment, the Ecclesiastical Authority thereof shall
5 give notice of the same to the Ecclesiastical Authority where the Priest or Deacon is canonically
6 resident, exhibiting, with the information given, reasonable ground for presuming its truth. If the
7 Ecclesiastical Authority, after due notice given, shall omit, for the space of three months, to
8 proceed against the offending Priest or Deacon, or shall request the Ecclesiastical Authority of the
9 Diocese in which the Offense or Offenses are alleged to have been committed to proceed against
10 that Priest or Deacon, it shall be within the power of the Ecclesiastical Authority of the Diocese,
11 within which the Offense or Offenses are alleged to have been committed, to institute proceedings
12 pursuant to this Title.

13 Sec. 2. If a Priest or Deacon shall come temporarily into any Diocese, under the imputation of
14 having elsewhere committed any of the ~~Offenses~~ *Offense* within the provisions of Canon IV.1, or
15 if any Priest or Deacon, while temporarily in any Diocese, shall so offend, the Bishop of that
16 Diocese, upon probable cause, may Admonish or Inhibit the Priest or Deacon from officiating in
17 that Diocese. And if, after Inhibition, the Priest or Deacon so officiate, the Bishop shall give
18 notice to all the Clergy and Congregations in that Diocese that the officiating of the Priest or
19 Deacon is inhibited; and like notice shall be given to the Ecclesiastical Authority of the Diocese in
20 which the Priest or Deacon is canonically resident, and to the Recorder. The Inhibition shall
21 continue in force until the soonest of (i) the Bishop of the first-named Diocese is satisfied of the
22 innocence of the Priest or Deacon *dissolves the Inhibition*, (ii) the Standing Committee assuming
23 jurisdiction ~~thereover~~ *thereof* votes not to issue a Presentment, or (iii) if presented, the Priest or
24 Deacon is acquitted ~~on Trial~~ *Presentment is dismissed*.

25 Sec. 3. The provisions of Section 2 shall apply to Clergy ordained in foreign lands by bishops
26 *Bishops* in communion with this Church; but in such case notice of the Inhibition shall be given to
27 the Bishop from whose jurisdiction the Priest or Deacon shall appear to have come, and also to all
28 the Bishops exercising jurisdiction in this Church, and to the Recorder.

1 **CANON 8.**

2 **Of Renunciation of the Ministry by Members of the Clergy Amenable for *Presentment* for 3 an Offense**

4 Sec. 1. If *Subject to the provisions of Section 3 of this Canon*, if any Priest or Deacon (i)
5 Amenable for *but not under* Presentment for an Offense of Crime, of Immorality or of Conduct
6 Unbecoming a Member of the Clergy, or (ii) ~~not under Presentment therefor but~~ Amenable for or
7 ~~subject to~~ *under* a Presentment for any other Offense, shall declare in writing to the Ecclesiastical
8 Authority of the Diocese in which that person is canonically resident a renunciation of the
9 Ministry of this Church and a desire to be removed therefrom, the Ecclesiastical Authority if it be
10 a ~~bishop~~ *Bishop*, or if the Ecclesiastical Authority not be a ~~bishop~~ *a Bishop a Bishop* acting
11 for the Ecclesiastical Authority, may ~~not~~ accept the renunciation and shall ~~not~~ pronounce Sentence
12 of Deposition save with the consent of a majority of ~~all~~ *All the members* *Members* of the Standing
13 Committee of the Diocese. Upon receiving the consent of the Standing Committee, the Bishop or
14 the ~~bishop~~ *Bishop* acting for the Ecclesiastical Authority may proceed to impose a Sentence of
15 Deposition in accordance with Canon IV.12.4.

16 Sec. 2. If any bishop ~~not~~ *Bishop* Amenable for but not under Presentment for an Offense of Crime,
 17 Immorality or Conduct Unbecoming a Member of the Clergy or ~~not under Presentment therefor~~
 18 ~~but~~ Amenable for or subject to *under* a Presentment for any other Offense shall declare in writing
 19 to the Presiding Bishop, or if there then be none to the presiding officer of the House of Bishops,
 20 a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Presiding
 21 Bishop or the presiding officer may ~~not~~ accept the renunciation and shall ~~not~~ pronounce Sentence
 22 of Deposition save with the consent of a majority of all ~~All~~ the members *Members* of the ~~Advisory~~
 23 ~~Review Committee to the Presiding Bishop~~. Upon receiving the consent of the *Advisory Review*
 24 *Committee*, the Presiding Bishop or the presiding officer of the House of Bishops may proceed to
 25 impose a Sentence of Deposition in accordance with Canon IV.12.

Comment: The proposed revision makes the procedure for renunciation by Bishops parallel to that for Priests and Deacons with the Review Committee fulfilling the role of the Standing Committee. Renunciation by a Bishop for non-disciplinary reasons is now covered in Title III.

26 Sec. 3. If a Member of the Clergy making a declaration of renunciation of the Ministry be charged
 27 ~~with, or under a Presentment for any canonical~~ *an* Offense involving Crime, Immorality or
 28 Conduct Unbecoming a Member of the Clergy, or shall have been placed on Trial for the same,
 29 the declaration shall not be considered or acted upon until after the Presentment has been
 30 dismissed or the Trial has been concluded and Sentence, if any, adjudged. Thereafter, unless the
 31 renunciation be revoked by the Member of the Clergy, the Bishop, or *Presiding Bishop as the*
 32 *case may be*, may accept the renunciation and impose and pronounce a Sentence of Deposition.

33 Sec. 4. No declaration of renunciation of the ministry of this Church under this Canon shall
 34 become effective until it has been accepted by the ~~governing authority~~ and Sentence has been
 35 pronounced.

1 **CANON 9.**

2 **Of Abandonment of the Communion of This Church by a Bishop**

3 Sec. 1. If a bishop *Bishop* abandons the communion of this Church (a) by an open renunciation of
 4 the Doctrine, Discipline, or Worship of this Church, or (b) by formal admission into any religious
 5 body not in communion with the same, or (c) by exercising episcopal acts in and for a religious
 6 body other than this Church or another Church in communion with this Church, so as to extend to
 7 such body Holy Orders as this Church holds them, or to administer on behalf of such religious
 8 body Confirmation without the express consent and commission of the proper authority in this
 9 Church; it shall be the duty of the ~~Advisory Committee to the Presiding Bishop, as provided for by~~
 10 ~~the Rules of Order of the House of Bishops Review Committee~~, by a majority vote thereof *of All*
 11 *the Members*, to certify the fact to the Presiding Bishop, ~~or if there be none, to the presiding~~
 12 ~~officer of the House of Bishops~~, and with the certificate to send a statement of the acts or
 13 declarations which show such abandonment, which certificate and statement shall be recorded by
 14 the Presiding Bishop ~~or the presiding officer~~. The Presiding Bishop, ~~or the presiding officer~~, with
 15 the consent of the three senior bishops *Bishops* having jurisdiction in this Church, shall then
 16 inhibit the said bishop *Bishop* until such time as the House of Bishops shall investigate the matter
 17 and act thereon. During the period of Inhibition, the bishop *Bishop* shall not perform any
 18 episcopal, ministerial or canonical ~~functions~~ *acts*, except as relate to the administration of the

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19 temporal affairs of the Diocese of which the bishop *Bishop* holds jurisdiction or in which the
20 bishop *Bishop* is then serving.

21 Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the bishop
22 *Bishop* of the certification and Inhibition. Unless the inhibited bishop *Bishop*, within two months,
23 makes declaration by a Verified written statement to the Presiding Bishop, ~~or the presiding~~
24 ~~officer~~, that the facts alleged in the certificate are false or utilize *utilizes* the provisions of Canon
25 IV.8. or Canon III.18, as applicable, the bishop *Bishop* will be liable to Deposition. If the
26 Presiding Bishop, ~~or the presiding officer~~, is reasonably satisfied that the statement ~~(i)~~ constitutes
27 *(i)* a good faith retraction of the declarations or acts relied upon in the certification to the
28 Presiding Bishop or *(ii)* a good faith denial that the bishop *Bishop* made the declarations or
29 committed the acts relied upon in the certificate, upon *the Presiding Bishop*, with the advice and
30 consent of a majority of the three senior bishops *Bishops* consenting to Inhibition, may terminate
31 the Inhibition. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the
32 House of Bishops at the next regular or special meeting of the House ~~to consider the case~~. If the
33 House, by a majority of the whole number of bishops *Bishops* entitled to vote, shall give its
34 consent, the Presiding Bishop shall depose the bishop *Bishop* from the Ministry, and pronounce
35 and record in the presence of two or more bishops *Bishops* that the bishop *Bishop* has been so
36 deposed.

1 CANON 10.

2 **Of Abandonment of the Communion of This Church by a Priest or Deacon**

3 Sec. 1. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is
4 canonically resident that the Priest or Deacon, without using the provisions of Canon IV.8 *or*
5 *III.18*, has abandoned the Communion of this Church, then the Standing Committee shall
6 ascertain and consider the facts, and if it shall determine by a vote of three-fourths of ~~all its~~
7 ~~members~~ *All the Members* that the Priest or Deacon has abandoned the Communion of this
8 Church by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or by a
9 formal admission into any religious body not in communion with this Church, or in any other way,
10 it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop
11 of such Diocese, or if there be no such Bishop, to the bishop *Bishop* of an adjacent Diocese, its
12 determination, together with a statement setting out in reasonable detail the acts or declarations
13 relied upon in making its determination. If the Bishop affirms the determination, the Bishop shall
14 then inhibit the Priest or Deacon from officiating in the Diocese for six months and shall send to
15 the Priest or Deacon a copy of the determination and statement, together with a notice that the
16 Priest or Deacon has the rights specified in Section 2 and at the end of the six-months period the
17 Bishop will consider deposing the Priest or Deacon in accordance with the provisions of Section
18 2.

19 Sec. 2. Prior to the expiration of the six-month period of Inhibition, the Bishop may permit the
20 Priest or Deacon to utilize the provisions of Canon IV.8 or Canon III.18, as applicable. If within
21 such six-month period the Priest or Deacon shall transmit to the Bishop a statement in writing
22 signed by the Priest or Deacon which the Bishop is reasonably satisfied constitutes a good faith
23 retraction of such declarations or acts relied upon in the determination or a good faith denial that
24 the Priest or Deacon committed the acts or made the declarations relied upon in the
25 determination, the Bishop shall withdraw the notice and the Inhibition shall expire. If, however,

26 within the six-month period, the Bishop does not pronounce acceptance of the renunciation of the
27 Priest or Deacon in accordance with Canon IV.8 or Canon III.18, as applicable, or the Priest or
28 Deacon does not make retraction or denial as provided above, then it shall be the duty of the
29 Bishop either (i) to depose the Priest or Deacon as provided in Canon IV.12, or (ii) if the Bishop
30 is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of
31 the Standing Committee to pronounce and record in the presence of two or more Priests that the
32 Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not
33 affect the person's moral character) is deprived of the right to exercise the gifts and spiritual
34 authority conferred in Ordination.

1 **CANON 11.**

2 **Of a Priest or Deacon Engaging in Secular Employment without Consent, Being Absent**
3 **from the Diocese, or Abandoning the Work of the Ministry**

4 Sec. 1. If a Priest or Deacon has engaged in any secular calling or business without the consent of
5 the Bishop of the Diocese in which the Priest or Deacon is canonically resident as provided in
6 Canon III.15, it shall be the duty of the Standing Committee of the Diocese, upon the case being
7 brought to their attention by the written statement of the Bishop, to institute an inquiry into the
8 matter. If in the judgment of the Standing Committee there is sufficient reason for further
9 proceedings, it shall be the duty of the Standing Committee to Present the offending Priest or
10 Deacon for trial *Trial* for violation of Ordination vows and these Canons.

11 Sec. 2. If a Priest or Deacon has substantially and materially abandoned the work of the ministry
12 of this Church and the exercise of the office to which ordained without having given reasons
13 satisfactory to the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, or
14 without renouncing the ministry as provided in Canon III.18 or without seeking to be released
15 from the obligations of the office pursuant to Canon III.14.4(c), it shall be the duty of the Standing
16 Committee of the Diocese, upon the case being brought to their attention by the written statement
17 of the Bishop, to institute an inquiry into the matter. If in the judgment of the Standing Committee
18 there is sufficient reason for further proceedings, it shall be the duty of the Standing Committee to
19 Present the offending Priest or Deacon for trial *Trial* for violation of Ordination vows and these
20 Canons.

21 Sec. 3(a) Whenever a Priest or Deacon of this Church shall have been absent from the Diocese for
22 a period of more than two years and has failed to make the annual report required by Canon I.6.1,
23 the Bishop shall bring the case to the attention of the Standing Committee by written statement,
24 whereupon the Standing Committee may institute an inquiry into the matter. If in the judgment of
25 the Standing Committee there is sufficient reason for further proceedings, the Standing
26 Committee shall Present the offending Priest or Deacon for trial *Trial* for violation of Ordination
27 vows and these Canons.

28 (b) On application either by the Bishop or Priest or Deacon, or at the discretion of the Presiding
29 Bishop, with the approval of the Bishop of that jurisdiction, a Priest or Deacon now on the Special
30 List of Clergy maintained by the Secretary of the House of Bishops may be placed again on a
31 Diocesan Clergy Roll.

32 (c) A Priest or Deacon whose name remains upon the List of the Secretary of the House of
33 Bishops shall not be considered as canonically resident in a Diocese.

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- 34 (d) Any Priest or Deacon whose name is on the List, as aforesaid, and who has not made an
35 annual report on the Priest or Deacon's exercise of office to the Presiding Bishop for a period of
36 five years, may be considered to have abandoned the Ordained Ministry of this Church. The
37 Presiding Bishop may, in the exercise of discretion, upon notice in accordance with Canon IV.14,
38 in the presence of two Presbyters, pronounce Sentence of Deposition upon the Priest or Deacon,
39 and authorize the Secretary of the House of Bishops to strike the name from the List and to give
40 notice of the fact to the Priest or Deacon as provided in Canon IV.12.
- 41 (e) A Priest or Deacon whose name remains upon the List of the Secretary of the House of
42 Bishops shall be Amenable for an Offense in either the Diocese wherein the Offense has occurred
43 or the Diocese in which the Priest or Deacon was canonically resident ~~immediate~~ *immediately*
44 prior to being added to the List.

1 CANON 12.

2 Of Sentences

3 Sec. 1(a) The three sentences *Sentences* which may be adjudged by a Trial Court and imposed are
4 Admonition, Suspension, or Deposition.

5 (b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary
6 Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

7 ~~This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which
8 convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.~~

9 (e)(c)

10 (1) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and
11 Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

12 (2) Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the
13 Clergy, the Sentence shall specify on what terms and on what conditions and at what time
14 the Suspension shall cease.

15 (3) Where a Sentence is to be adjudged and pronounced, as a condition of the acceptance of
16 discipline under a Waiver and Voluntary Submission, the Ecclesiastical Authority may
17 require the resignation of the Priest or Deacon from ecclesiastical and related secular
18 offices held by that Priest or Deacon upon such terms and conditions as the Ecclesiastical
19 Authority may deem to be appropriate, just and proper.

20 (4) The Suspension of a ~~Member of the Clergy~~ *Priest* from the exercise of the Sacred Ministry
21 *ordained ministry* shall terminate the Pastoral Relationship unless (1) the Vestry by two-
22 thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship
23 continue. ~~Unless, and (ii) the Ecclesiastical Authority approves such request. If the Pastoral~~
24 Relationship has *not* been terminated, religious services and sacramental ministrations shall
25 be provided for that Parish as though a vacancy exists in the Office of the Rector. This
26 Section shall not prohibit the application of Canon III.21.

27 (d) (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and
28 Voluntary Submission under Canon IV.2, (ii) after final Judgment by a Trial Court, (iii)
29 when there has been a renunciation under Canon IV.8, (iv) upon the abandonment of the
30 communion of the Church as set forth in Canons IV.9 and IV.10, or (v) by the Presiding
31 Bishop pursuant to Canon IV.11.3(d)

32 (2) Upon the pronouncement of a Sentence of Deposition, ~~after Trial or after the acceptance of~~
33 ~~a Waiver and Voluntary Submission to discipline,~~ all ecclesiastical offices held by the
34 Member of the Clergy deposed, including a rectorship *Rectorship* and all ecclesiastical

35 and related secular offices, shall be ~~immediately~~ *thereupon be automatically* terminated
36 and vacated.

37 (3) A Member of the Clergy deposed from the ~~Sacred Ministry~~ *any order of ordained ministry*
38 is deposed entirely from the ~~Sacred Ministry~~ *ordained ministry*.

39 Sec. 2. A Sentence after final Judgment by a Trial Court shall be adjudged by the Trial Court.

40 Sec. 3. The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) after
41 the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) when there has been
42 a renunciation under Canon IV.8, or, (iii) upon the abandonment of the communion of the Church
43 as set forth in Canon IV.10.

44 Sec. 4(a) If a Priest or Deacon is liable to Sentence upon Judgment by a Trial Court or upon
45 affirmance of the Judgment by a Court of Review, Sentence shall be imposed by the Bishop of the
46 Diocese in which the original trial *Trial* of the Respondent was had, or in case that Bishop is
47 disqualified or there be no Bishop of that jurisdiction, by another Bishop at the request of the
48 Standing Committee of that Diocese.

49 (b) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under
50 Canon IV.2, Sentence shall be imposed by the Bishop to whom the submission was made.

51 (c) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church
52 under Canon IV.8, Sentence shall be imposed by the Bishop of the Diocese in which the
53 Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another
54 ~~bishop~~ *Bishop* at the request of the Standing Committee of the Diocese.

55 (d) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church
56 under Canon IV.10, Sentence shall be imposed by the Bishop of the Diocese in which the
57 Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another
58 ~~bishop~~ *Bishop* at the request of the Standing Committee of the Diocese.

59 Sec. 5. No Sentence shall be pronounced by a Bishop upon a Priest or Deacon after final
60 Judgment by a Trial Court until an opportunity has been given to the Respondent and, the Church
61 Attorney, *the Complainant and, unless waived in writing, the Victim* to show cause why Sentence
62 should not be pronounced and to offer any matter ~~in-excuse-or-mitigation~~ for the consideration of
63 the Bishop.

64 Sec. 6. It shall be lawful for the Bishop to pronounce a lesser Sentence upon a Priest or Deacon
65 than that adjudged by the Trial Court, if the Bishop so choose.

66 Sec. 7. The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by
67 a Trial Court shall appoint a time and place for pronouncing the Sentence and shall cause notice
68 thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant,
69 and, unless waived in writing, the Victim in the manner provided in Canon IV.14.17.

70 Sec. 8. Sentence of Deposition imposed on a Priest or Deacon shall be pronounced in the presence
71 of two or more Priests.

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72 Sec. 9. When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof
73 without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the
74 Convention and the Standing Committee of the Diocese in which the person so sentenced was
75 canonically resident and in which the Sentence is pronounced, which shall be added to the official
76 records of each Diocese; to the Presiding Bishop, to all other bishops *Bishops* of this Church, and
77 where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the
78 Recorder; to the *Church Deployment Office*, and to the Secretary of the House of Bishops, who
79 shall deposit and preserve such notice among the archives of the House. The notice shall specify
80 under what Canon the Priest or Deacon has been suspended or deposed.

81 Sec. 10. When a bishop *Bishop* is liable to Sentence under a judgment *Judgment* of a Trial Court
82 or under a judgment *Judgment* of a Court of Review of the Trial of a Bishop on an appeal to the
83 Court of Review, the Sentence to be imposed shall be one of the Sentences specified in Canon
84 IV.12.1, the Presiding Bishop to pronounce it, and the procedure to be followed in imposing
85 Sentence shall be as provided in the several Canons governing the procedure of those Courts.

86 Sec. 11. In the case of the Suspension or Deposition of a Bishop, it shall be the duty of the
87 Presiding Bishop to give notice of the Sentence to the Ecclesiastical Authority of every Diocese of
88 this Church, to the Recorder and, to the *Church Deployment Office*, and to the Secretary of the
89 House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of
90 Churches in communion with this Church.

91 Sec. 12. The Court for the Trial of a Bishop shall have the discretion to order that a bishop
92 *Bishop*: (i) convicted in a criminal Court of Record of a Crime involving Immorality, (ii) against
93 whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, or
94 (iii) found guilty to have committed an *Offense* upon a Presentment for a Crime, for Immorality,
95 for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by
96 this Church, or for Conduct Unbecoming a Member of the Clergy shall not, on the conviction, the
97 rendering of the judgment or the finding of guilty *commission of an Offense*, and while the
98 conviction, the judgment or the finding of guilty continues unreversed, perform any episcopal, or
99 ministerial or canonical ~~functions~~ *acts*, except those that relate to the administration of the
100 temporal affairs of the Diocese in which the bishop *Bishop* holds jurisdiction or in which the
101 bishop *Bishop* is then serving.

102 Sec. 13. The Suspension of a bishop *Bishop* from the exercise of the ~~Sacred Ministry~~ *episcopal*
103 *office and ordained ministry* shall not terminate any episcopal office held by that bishop *Bishop*
104 but may by its terms suspend episcopal, ministerial or canonical ~~functions~~ *acts*, except as relate to
105 the administration of the temporal affairs of the Diocese of which the bishop *Bishop* holds
106 jurisdiction or in which the bishop *Bishop* is then serving. The application of this Canon shall not
107 affect the right to terminate the term of an assistant bishop *Bishop*.

1 **CANON 13.**

2 **Of the Remission or Modification of Sentences**

3 Sec. 1. The House of Bishops may remit and terminate any judicial Sentence which may have
4 been imposed upon a bishop *Bishop*, or modify the same so far as to designate a precise period of
5 time, or other specific contingency, on the occurrence of which the Sentence shall utterly cease,
6 and be of no further force or effect; *Provided*, that no such Remission or modification shall be
7 made except at a meeting of the House of Bishops, during the session of some General
8 Convention, or at a special meeting of the House of Bishops, which shall be convened by the
9 Presiding Bishop on the application of any five bishops *Bishops*, after three months' notice in
10 writing of the time, place, and object of the meeting being given to each bishop *Bishop*; *Provided*,
11 also, that the Remission or modification be assented to by not less than a majority of the bishops
12 *Bishops*; *And provided*, that nothing herein shall be construed to repeal or alter the provisions of
13 Canon IV.12.

14 Sec. 2(a) A Bishop who deems the reasons sufficient may, with the advice and consent of two-
15 thirds of ~~all~~ *All the members Members* of the Standing Committee, remit and terminate a
16 Sentence of Suspension pronounced in that Bishop's jurisdiction upon a Priest or Deacon.

17 (b) A Bishop who deems the reasons sufficient may also remit and terminate any Sentence of
18 Deposition pronounced in the Bishop's jurisdiction upon a Priest or Deacon, but shall exercise
19 this power only upon the following conditions:

20 (1) That the Remission shall be done with the advice and consent of two-thirds of ~~all~~ *All the*
21 *members Members* of the Standing Committee;

22 (2) That the proposed Remission, with the reasons therefor, shall be submitted to the judgment
23 of five of the bishops *Bishops* of this Church whose Dioceses are nearest to the Bishop's
24 own, and the Bishop shall receive in writing from at least four of the bishops *Bishops*, their
25 approval of the Remission, and their consent thereto.

26 (3) That before such Remission, the Bishop shall require the person so ~~Removed or~~ Deposed,
27 who desires to be restored to the ~~Ordained Ministry~~ *ordained ministry*, to subscribe to the
28 declaration required in Article VIII. of the Constitution.

29 Sec. 3. In case the person was ~~Deposed~~ *deposed* for abandoning the communion of this Church, or
30 was ~~Deposed~~ *deposed* ~~or Removed~~ by reason of renunciation of or release from the exercise of the
31 Office of Priest or Deacon, or for other causes, the person also having abandoned its communion,
32 the Bishop before granting the Remission, shall be satisfied that the person has lived in lay
33 communion with this Church for not less than one year next preceding application for the
34 Remission.

35 Sec. 4. In case the person applying for Remission shall be residing other than in the Diocese in
36 which ~~Removed or~~ Deposed *deposed*, the Bishop to whom application has been made, before
37 granting the Remission, shall be furnished with written evidence of the approval of the
38 application with the reasons therefor from the Bishop of the Diocese in which the person is then
39 residing.

40 Sec. 5. A Bishop who shall grant Remission for any Sentence of ~~Removal or~~ Deposition shall,
41 without delay, give due notice thereof under the Bishop's own hand, sending the notice in a
42 sealed envelope to every Member of the Clergy, each Vestry, the Secretary of the Convention and

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43 the Standing Committee of the Diocese, which shall be added to the official records of the
44 Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where there is no
45 Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder, *and the*
46 *Church Deployment Office*; and to the Secretary of the House of Bishops and Secretary of the
47 House of Deputies, who shall deposit and preserve the notice among the archives of those Houses
48 giving, with the full name of the person restored, the date of the ~~Removal or~~ Deposition, and the
49 Order of the Ministry to which that person is restored.

1 **CANON 14.**

2 **Of General Provisions Applicable to this Title**

3 Sec. 1. Ecclesiastical Nature. Disciplinary proceedings under this Title are neither civil nor
4 criminal, but ecclesiastical in nature and represent determinations by this Church of who shall
5 serve as Members of the Clergy of this Church and further represent the polity and order of this
6 hierarchical Church. Clergy who have voluntarily sought and accepted ordination in this Church
7 have given their express consent and subjected themselves to the discipline of this Church and
8 may not claim in proceedings under this Title constitutional guarantees afforded to citizens in
9 other contexts.

10 Sec. 2. Resort to secular courts. No Member of the Clergy of this Church may resort to the secular
11 courts for the purpose of *interpreting the Constitution and Canons, or for the purpose of*
12 *resolving any dispute arising thereunder, or for the purpose of* delaying, hindering or reviewing
13 *or affecting in any way* any proceeding under this Title.

14 Sec. 3. Review of proceedings by secular courts. No secular court shall have authority to review,
15 annul, reverse, restrain or otherwise delay any proceeding under this Title.

16 Sec. 4. Limitations of Actions. (a) (1) No Presentment shall be made for any Offense specified in
17 ~~Canon IV-1-1~~ that constitutes (a) Crime, (b) Immorality, or (j) Conduct Unbecoming a Member of
18 the Clergy, unless the Offense was committed within, or continued up to, ten years immediately
19 preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop
20 except: (i) in the case of a conviction of the Respondent in a criminal Court of Record or a
21 judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made
22 at any time within three years after the conviction or judgment becomes final; (ii) in a case where
23 the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time
24 prior to the alleged Victim's attaining the age of twenty-five years; or (iii) if an alleged Victim
25 entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if
26 the Offense is not discovered or its effects realized during the ten years immediately following the
27 date of the Offense, the time within which the Charge shall be received by the Standing
28 Committee shall be extended to two years after the disability ceases or the alleged Victim
29 discovers or realizes the effects of the occurrence of the Offense; *Provided, however*, in the case of
30 clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing
31 Committee shall not be extended beyond fifteen years from the date the Offense was committed or
32 continued. (2) The time limits of this Section shall not apply to Offenses the specifications of
33 which include physical violence, sexual abuse or sexual exploitation, if the acts occurred when
34 the *alleged* Victim was a Minor. (3) For Offenses, the specifications of which include physical
35 violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on

36 Limitations (Canon IV.1.4.) Charges may be made to a Standing Committee or the Presiding
37 Bishop, in the case of a Bishop, no later than July 1, 1998. (4) Except as provided in clauses (2)
38 and (3) of this Section, these Limitations of Actions shall not be effective retroactively but shall
39 be effective only from the effective dates of this Canon forward.

40 (b) No Presentment shall issue for any Offense specified in Canon IV.1.1. (c), (d), (e), (f), (g), (h)
41 and (i) unless the Offense was committed within, or continued up to, two years immediately
42 preceding the time the Charge is filed with the Standing Committee.

43 (c) Periods in which the Respondent is in the custody of secular authorities shall be excluded in
44 computing the period of limitation prescribed in this Canon, if that custody would prevent the
45 Respondent from participating in an Ecclesiastical Trial.

46 (d) *The filing of a Request for a Statement of Disassociation under Canon IV.3.21 shall be the*
47 *equivalent of filing a Charge for purposes of this Section for alleged violations of Canon*
48 *IV.1.1(c) for holding and teaching publicly or privately, and advisedly, any doctrine contrary to*
49 *that held by this Church and all other Offenses for which Presentment may be made pursuant to*
50 *Canon IV.3.21(c)*

51 Sec. 5. Materiality. In order for the Offenses specified in Canon IV.1.1. (d), (e), (f) and (g) to be
52 considered for Presentment, the Offense complained of must be intentional, material and
53 meaningful as determined by the Standing Committee *or Review Committee*.

54 Sec. 6. Time. (a) Computation. In computing any period of time the day of the act or event from
55 which the designated period of time begins to run shall not be included. The last day of the period
56 shall be included, unless it is a Saturday, a Sunday or a legal holiday in that jurisdiction, in which
57 event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal
58 holiday in that jurisdiction.

59 (b) Additional Time after Service by Mail. Whenever a party has the right or is required to do an
60 act within a prescribed period after the service of a notice or other paper, if service is served by
61 mail, five days shall be added to the prescribed period.

62 Sec. 7. Quorum. In all cases in this Title where a Canon directs a duty to be performed or a power
63 to be exercised, by ~~the~~ *a Standing Committee, by the Review Committee*, by a Trial Court or by
64 any other body consisting of several members, a majority of the members, the whole having been
65 duly cited to meet, shall be a quorum; and a majority of the members present when a quorum
66 exists shall be competent to act, unless otherwise expressly required by Canon.

67 Sec. 8. Influencing proceedings. No person subject to the authority of this Church may attempt to
68 coerce or by any other means improperly influence, directly or indirectly, the actions of the *a*
69 *Standing Committee, the Review Committee*, an Ecclesiastical Trial Court, any other Court or
70 ~~Board of Inquiry~~ provided for in these Canons, or any member thereof or any person involved in
71 such proceedings in reaching the issuance of any Presentment or the findings, ~~Verdict Judgment~~
72 or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply
73 with respect to (i) statements and instructions given by the Church Attorney, the Respondent, or
74 counsel for a Respondent to the Standing Committee prior to Presentment or to the Ecclesiastical
75 Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by
76 witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by
77 Complainants, *alleged Victims* or their Advocates as provided for in this Title.

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78 Sec. 9. Involuntary Statements. (a) No person proceeding under the authority of this Title may
79 interrogate, or request a statement from, a Respondent or a person suspected of an Offense
80 without first informing that person of the nature of the accusation and advising that person that no
81 statement need be made regarding the Offense of which the Respondent is accused or suspected
82 and that any statement so made may be used in evidence against that person in any Ecclesiastical
83 Trial.

84 (b) No Respondent or a person suspected of an Offense may be compelled to ~~incriminate himself~~
85 ~~or herself or respond to any question the answer to which may tend to incriminate him or her or to~~
86 testify against himself or herself in any proceedings under this Title.

87 (c) No statement obtained from any person in violation of this Canon, or through the use of
88 coercion, undue influence or improper inducement may be received in evidence against that
89 person in a Trial under this Title.

90 (d) No Advocate shall be required to respond to any question regarding any Complainant or
91 *alleged* Victim.

92 Sec. 10. Former jeopardy. No Member of the Clergy may be Presented or tried a second time
93 under this Title for the same Offense, or after Waiver and Voluntary Submission to discipline,
94 *upon which a Sentence has been imposed and pronounced*, without the Member of the Clergy's
95 consent.

96 Sec. 11. Relationship to parties. Any member of any Standing Committee, ~~Board of Inquiry~~
97 ~~Review Committee~~ or any Court provided for in this Title (i) who is related to the Respondent by
98 blood or marriage, (ii) who has knowledge of essential facts involved in the matter, (iii) who has a
99 close personal or professional relationship with the Respondent, any alleged Victim, or any
100 witness in the matter, or (iv) who reasonably believes himself or herself unable to render a fair
101 and independent judgment, shall be disqualified and excused from service in connection with the
102 matter.

103 Sec. 12. Presumption of ~~Innocence~~ *Non-Commission of an Offense*. There is a presumption of
104 ~~innocence~~ *that the Respondent did not commit the Offense alleged* until the presumption is
105 overcome by Clear and Convincing evidence.

106 Sec. 13. Standard of Proof. The standard of proof required to establish an Offense by the
107 Respondent by an Ecclesiastical Trial Court shall be that of Clear and Convincing evidence.

108 Sec. 14. Burden of Proof. The burden of proof to establish an Offense by a Respondent is upon the
109 Church Attorney.

110 Sec. 15. Roles of Chancellors, Vice Chancellors, etc. ~~Chancellors and Vice Chancellors~~ *Neither*
111 *the Chancellor nor a Vice Chancellor of the Diocese shall serve as Church Attorney or Lay*
112 *Assessor in that Diocese. The Presiding Bishop's Chancellor shall not serve as Church Attorneys*
113 ~~or Lay Assessors~~ *Attorney or Lay Assessor in any proceeding against a Bishop of this Church.*
114 *The Church Attorney shall not be from the same law firm as the Chancellor or Vice Chancellor or*
115 *as the Chancellor to the Presiding Bishop or as a Lay Assessor.*

116 Sec. 16.—Amenability. *Jurisdiction.* Bishops, Priests, and Deacons are Amenable for Offenses
117 committed by them; a Bishop to a Court of Bishops, and a Priest or Deacon to the Ecclesiastical
118 Authority of the jurisdiction in which the Priest or Deacon is canonically resident at the time the
119 Charge is made or in which the Offense occurred, *except as provided in Canon IV.11.3(e)*

120 Sec. 17. Service of Notices and Citations. (a) A notice or Citation required by any law of this
121 Church to any Member of the Clergy to appear, at a certain time and place for the Trial of an
122 Offense, shall be deemed to be duly served if a copy thereof be delivered to the person to be
123 served, be left at the person's usual place of abode within the United States as to persons
124 Canonically resident in the United States, or as to persons Canonically resident in countries or
125 territories other than the United States at the person's usual place of abode within the country or
126 territory of residence with a person of suitable age and discretion, or be mailed by certified mail
127 return receipt requested to the person's usual place of abode within the United States or by
128 similar mail service if mailed in a country other than the United States, at least sixty days before
129 the day of appearance named therein, and in case the Member of the Clergy has departed from the
130 United States or other country or territory of Canonical Residence and has not been duly served, if
131 a copy of the Citation be published once a week for four successive weeks in such newspaper
132 printed in the jurisdiction in which the Member of the Clergy is cited to appear as the
133 Ecclesiastical Authority shall designate, the last publication to be three months before the day of
134 appearance. Acceptance of service will render unnecessary any further process of Citation.

135 (b) A notice or Citation, other than those above mentioned, required by any law of this Church,
136 when no other mode of service is provided, may be served personally, or by certified mail return
137 receipt requested, addressed to the person to be served, at the person's last known place of
138 residence, or by leaving a copy at the person's last usual place of abode within the United States
139 as to persons who are Canonically resident in the United States, or at the person's last known
140 usual place of abode in a country or territory other than the United States where the person is
141 Canonically resident, with a person of suitable age and discretion.

142 Sec. 18. Bishops. A reference in this Title to a Bishop intending to mean the Bishop holding
143 jurisdiction pursuant to Article II of the Constitution of this Church shall include a Bishop
144 Coadjutor, if specific jurisdiction for matters contemplated by this Title has been assigned to the
145 Bishop Coadjutor pursuant to Canon III.24.1(c)

146 Sec. 19. Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an
147 Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges
148 or otherwise or due to the determination by the Standing Committee for good cause shown that
149 change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an
150 Ecclesiastical Trial Court of another ~~diocese~~ *Diocese* of that Province reasonably convenient for
151 the parties. The reasonable expenses of the Alternate Ecclesiastical Trial Court shall be the
152 responsibility of the Diocese from which the Presentment has issued.

153 Sec. 20. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title,
154 *or applicable Diocesan canon*, all costs and, expenses *and fees* of the several parties shall be the
155 obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical
156 Trial Court shall be the expense of the Diocese. The record of proceedings of a Court of Review
157 of a Trial of a Priest or Deacon shall be the expense of the Province. The record of proceedings of

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158 a Review Committee, the Court for the Trial of a Bishop and the Court of Review of a Trial of a
159 Bishop shall be the expense of the General Convention. *Nothing in this Title precludes the*
160 *voluntary payment of a Respondent's costs, expenses and fees by any other party or person,*
161 *including a Diocese.*

162 Sec. 21. Absence, etc. of Presiding Bishop. If the Presiding Bishop should be absent, under a
163 disability rendering the Presiding Bishop unable to act, or otherwise disqualified, except as
164 expressly otherwise provided in this Title duties assigned to the Presiding Bishop under this Title
165 shall be performed by that Bishop who would be the next qualified Presiding Officer of the House
166 of Bishops.

167 Sec. 22. Effect of the Suspension of a Bishop. If the Bishop of a Diocese shall be subject to a
168 Sentence of Suspension, the body or person who would be the Ecclesiastical Authority of that
169 Diocese if there were no Bishop shall have authority to request episcopal assistance and Episcopal
170 Acts from another bishop *Bishop* of this Church.

171 Sec. 23. Privileged Communications. ~~No communication privileged under the law of the state or~~
172 ~~under applicable federal law~~ *Privileged Communication* shall be required to be disclosed.
173 Further, the secrecy of a confession is morally absolute for the confessor, and must under no
174 circumstances be broken.

175 Sec. ~~26~~ 24. Non-compliance with any procedural requirements set forth in this Title shall not be
176 grounds for the dismissal of any proceeding unless the non-compliance shall cause material and
177 substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by
178 the Court on motion and hearing.

179 Sec. ~~27~~ 25. Former Sentence of Removal. Solely for the purposes of the application of these
180 Canons to persons who have received the pronouncement of the former ~~sentene~~ *Sentence* of
181 removal, the former ~~sentene~~ *Sentence* of removal shall be deemed to have been a Sentence of
182 Deposition.

1 CANON 15.

2 Of Terminology used in this Title

3 ~~Sec. 1.~~ Except as otherwise expressly provided or unless the context otherwise requires, as used
4 in this Title the following terms and phrases shall have the following meanings:

5 "Acknowledged" shall mean the execution of an instrument in form sufficient to record a deed in
6 the jurisdiction wherein the instrument has been executed.

7 "Admonish" shall mean to caution, advise or counsel against wrong practices or to warn against
8 the danger of an Offense.

9 "Admonition" shall mean ~~after a Judgment~~, a censure or reprimand which is a public and formal
10 reproof of the conduct of a Member of the Clergy.

11 "Advocate" shall mean a person, lay or clergy, ~~assigned by the Ecclesiastical Authority~~ *designated*
12 to support and assist a Complainant or an alleged Victim in any ~~proceedings~~ *proceeding*
13 contemplated by this Title.

14 "All the ~~members~~" *Members*" shall mean the total number of members of the body provided for
15 by Constitution or Canon without regard to absences, excused members, abstentions or vacancies.

- 16 “Amenable” shall mean subject, accountable, and responsible to the discipline of this Church.
17 ~~“Board of Inquiry” shall mean that body established under Canon IV.3(b) to investigate a Charge~~
18 ~~against a bishop and, if warranted, to issue a Presentment.~~
19 *“Amenable for Presentment for an Offense” shall mean that a reasonable suspicion exists that*
20 *the individual has been or may be accused of the commission of an Offense.*
21 “Canonically resident” shall mean the canonical residence or domicile of a Member of the Clergy
22 of this Church established by ordination or letters dimissory.
23 “Chancellor” shall mean a person appointed or elected to that office in a diocese *Diocese*, under
24 its Canons or otherwise by the Ecclesiastical Authority, and shall include Vice Chancellors or
25 similar legal officers *of the Diocese*. *“Chancellor” shall also include the Presiding Bishop’s*
26 *Chancellor.*
27 “Charge” shall mean a formal and Verified accusation against a Member of the Clergy that the
28 Member of the Clergy is ~~guilty of~~ *has committed* an Offense ~~specified in Canon IV.1.1.~~
29 “Church Attorney” shall mean (i) as to proceedings concerning Priests and Deacons, a duly
30 licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the
31 Standing Committee, to represent the Church in the prosecution of Presentments against Priests
32 and Deacons and to represent the Church in an appeal to the Court of Review of a Trial of a Priest
33 or Deacon; (ii) as to proceedings concerning bishops *Bishops*, a duly licensed attorney, appointed
34 to investigate matters of ecclesiastical discipline on behalf of a ~~Board of Inquiry~~ *the Review*
35 *Committee*, to represent the Church in the prosecution of Presentments against Bishops and to
36 represent the Church in an appeal to the Court of Review of a Trial of a Bishop. ~~The Church~~
37 ~~Attorney shall not be from the same law firm as a Chancellor or to the Chancellor to the Presiding~~
38 ~~Bishop or to a Lay Assessor. pursuant to Canon IV.5.9, and appointed by the Presenters pursuant~~
39 ~~to Canon IV.5.13.~~
40 “Citation” shall mean a written direction from an Ecclesiastical Court to a member of this Church
41 or person subject to the jurisdiction of this Church to appear and give testimony before that
42 Ecclesiastical Court.
43 “Clear and Convincing” shall mean proof sufficient to convince ordinarily prudent people that
44 there is a high probability that what is claimed actually happened. More than a preponderance of
45 the evidence is required but not proof beyond a reasonable doubt.
46 “Clerk of the Court” shall mean that person appointed by an Ecclesiastical Court to keep the
47 account of proceedings of the Court.
48 “Complainant” shall mean the person or body by whom a Charge is made.
49 “Conduct Unbecoming a Member of the Clergy” shall mean any disorder or neglect that
50 prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to
51 bring material discredit upon the Church or the Holy Orders conferred by the Church.
52 ~~“Contumacy” shall mean the refusal or intentional omission of a Member of the Clergy who has~~
53 ~~been duly cited to appear and defend a Presentment issued against the Member of the Clergy, or,~~
54 ~~if the Member of the Clergy is duly before the Court, to obey some lawful order or direction made~~
55 ~~by the Court in the matter.~~
56 “Convention” shall mean the governing body or assembly of a diocese *Diocese* by whatever name
57 it is styled in that diocese *Diocese*.
58 “Court of Record” shall mean a secular civil or criminal court of the national government, a state,
59 territory or other jurisdiction wherein the Diocese is located which keeps a separate record of a
60 trial or issues its ~~Verdict or judgment~~ *Judgment* in writing sufficient on its face to state an

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61 Offense under this Title and as to be able to be certified or duly authenticated by the judge,
62 justice, clerk or other appropriate officer of that court.

63 “Crime” shall mean a positive or negative act in violation of a penal law which embraces acts
64 immoral or wrong in and of themselves. As used in this Title, “Crime” does not embrace acts or
65 conduct prohibited by statute to which no moral turpitude attaches and constituting Crimes only
66 because they are so prohibited.

67 “Deposition” shall mean a Sentence by which a Member of the Clergy is deprived of the right to
68 exercise the gifts and spiritual authority of ~~God~~ *God’s* word and sacraments conferred at
69 ordination.

70 “Ecclesiastical Authority” shall mean the Bishop of the diocese *Diocese* or, if there be none, the
71 Standing Committee or such other ecclesiastical authority established by the Constitution and
72 Canons of the diocese *Diocese*.

73 “Ecclesiastical Court” shall mean a court established under this Title.

74 “Ecclesiastical Trial Court” shall mean a Diocesan Court for the Trial of a Priest or Deacon
75 established pursuant to Canon IV.4(a) *and The Court for the Trial of a Bishop pursuant to Canon*
76 *IV.5.1.*

77 “Federal Rules of Appellate Procedure” shall mean *the Federal Rules of Appellate Procedure for*
78 *the United States District Courts, Title 28 United States Code, as amended from time to time and*
79 *as further set out in Appendix A, except as otherwise modified by express provisions of this Title.*

80 “Federal Rules of Evidence” shall mean ~~The~~ *the* Federal Rules of Evidence for United States
81 District Courts and Magistrates, *Title 28 United States Code*, as amended from time to time.

82 “Federal Rules of Civil Procedure” shall mean ~~The~~ *the* Federal Rules of Civil Procedure for the
83 United States District Courts, Title 28 ~~U.S.~~ *United States* Code, as amended from time to time
84 and as further set out in Appendix A ~~to these Canons~~, except as otherwise modified by express
85 provisions of this Title.

86 “Godly Admonition”: see Pastoral Direction.

87 “Inhibition” shall mean a written command from a Bishop that a Priest or Deacon shall cease
88 from exercising the gifts of ordination in the sacred *ordained* ministry as specified in the
89 Inhibition. When an Inhibition is issued to a ~~bishop~~ *Bishop* it may also command the ~~bishop~~
90 *Bishop* to cease all episcopal, *ministerial or canonical* acts.

91 “Judgment” shall mean the determination by an Ecclesiastical Trial Court that a Respondent has
92 or has not committed the Offense for which presented.

93 “Lay Assessor” shall mean a duly licensed attorney to advise in matters of law, *procedure and*
94 *evidence* affecting a Court or ~~Board of Inquiry in their~~ *Review Committee in its* proceedings.

95 “Limitations of Actions” shall mean the time within which a Charge must be filed with a
96 Standing Committee in a matter concerning a Priest or Deacon or filed with the Presiding Bishop
97 in a matter concerning a ~~bishop~~ *Bishop* as provided for in Canon IV.14.4.

98 “Member of the Clergy” shall mean Bishops, Priests and Deacons of this Church unless the
99 context shall exclude a Bishop.

100 “Minor” shall mean a person under the age of twenty-one years of age.

101 “Offense” shall mean any conduct or acts proscribed in Canon IV.1.1.

102 “Pastoral Direction” shall mean a written solemn warning from a Bishop to a Priest or Deacon
103 setting forth clearly the reasons for the Pastoral Direction given in the capacity of pastor, teacher
104 and canonical overseer, which is neither capricious or arbitrary in nature nor in any way contrary
105 to the Constitution and Canons of the Church, national or diocesan, and directed to some matter
106 which concerns the Doctrine, Discipline or worship of this Church or manner of life and behavior

107 of the Priest or Deacon addressed, and shall be deemed to include without limitation
108 “Admonition” and “Godly Admonition”.

109 “Presentment” shall mean the writing *under Canon IV.3.21(c) or* of a Standing Committee or a
110 ~~Board of Inquiry Review Committee~~ to an Ecclesiastical Trial Court that ~~an offense there are~~
111 ~~reasonable grounds to believe (i) an Offense~~ has been committed which is triable ~~and that there~~
112 ~~are reasonable grounds to believe that, and (ii) the person named therein has committed it.~~

113 “Presiding Bishop” shall mean the Presiding Bishop of this Church or, if there be none or the then
114 Presiding Bishop be absent or disabled, the presiding officer of the House of Bishops.

115 “Privileged Communications” shall mean (i) disclosures in confidence made by a person to a
116 Member of the Clergy with the purpose of seeking religious counsel, advice, solace, absolution or
117 ministration wherein the Member of the Clergy is acting in the capacity of spiritual advisor to the
118 person, and where the person making the disclosures has a reasonable expectation that the
119 communication will be kept in confidence, (ii) communications *privileged* under the law of the
120 state ~~and or~~ applicable federal law, and (iii) such other *privileged* communications as *are* defined
121 under ~~The the~~ Federal Rules of Evidence.

122 “Reasonable Cause” shall mean grounds sufficiently strong to warrant reasonable persons to
123 believe that the Charge is true.

124 “Record on Appeal” shall mean *such part of* the Presentment, original papers and exhibits filed in
125 the Trial Court, the transcript of proceedings, the Decision of the Trial Court and the Sentence
126 adjudged and to be imposed, *as may be designated by the parties pursuant to Rule 10 of the*
127 *Federal Rules of Appellate Procedure.*

128 “Remission” shall mean the forgiveness and termination of a Sentence imposed.

129 “Reporter” shall mean that person charged with the responsibility of taking the recording of the
130 proceedings.

131 “Respondent” shall mean a Member of the Clergy charged with an Offense.

132 “Restored” or “Restoration” shall mean the act of a Bishop or the Presiding Bishop remitting and
133 terminating a Sentence imposed and returning a Member of the Clergy to good standing in the
134 order to which the Member of the Clergy was ordained.

135 “Sentence” shall mean the sentence adjudged by an Ecclesiastical Court after a finding of *guilty a*
136 *commission of an Offense* or the lesser Sentence to be pronounced by a Bishop or the Presiding
137 Bishop, as the case may be.

138 “Standard of Proof” shall mean that nature of proof required for a Judgment by an Ecclesiastical
139 Court.

140 “Suspension” shall mean a Sentence by which the Member of the Clergy is directed to refrain
141 temporarily from the exercise of the gifts of ministry conferred by ordination.

142 “Temporary Inhibition” shall mean that Inhibition authorized by Canon IV.1.

143 “Trial” shall mean an evidentiary proceeding before an Ecclesiastical Court pursuant to this Title.

144 ~~“Verdict” shall mean the determination of an Ecclesiastical Court.~~

145 “Verification” shall mean a signature before a notary public or similar person authorized to take
146 acknowledgments of signatures on a document that states that the signer has personal knowledge
147 or has investigated the matters set forth in the document and that they are true to the best of the
148 signer’s knowledge and belief.

149 “Verified” shall mean that an instrument contains a Verification.

150 “Victim” shall mean a person who has been, or is, or is alleged to be the object of acts of the
151 Respondent.

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152 “Waiver and Voluntary Submission” shall mean a written instrument containing the information
153 required by this Title and Acknowledged by the person executing the same in accordance with
154 Canon IV.2.

1 APPENDIX A.

Although the text of the Federal Rules of Civil Procedure adopted in 1994 as Appendix A to Title IV are printed in italics in the Constitution & Canons book, for clarity and consistency with the rest of the Commission’s proposal on Title IV, only proposed changes are printed in italics.

2 [Federal Rules of Civil Procedure as modified and adopted for use in the administration of Title
3 IV, The Canons of the Protestant Episcopal Church in the United States.]

4 RULE 4. Summons

5 (a) Form. The summons shall be signed by the clerk, identify the court and the parties, be directed
6 to the accused *Respondent* and state the name and address of the Church *Advocate Attorney*. It
7 shall state the time within which the accused *Respondent* must appear and defend, and notify the
8 accused *Respondent* that failure to do so will result in a judgment of ~~of~~ *guilt* that the Respondent
9 committed the Offense and place the accused *Respondent* at risk for a ~~sentene~~ *Sentence* to be
10 pronounced at a later date. The ~~court~~ *Court* may allow a summons to be amended.

11 (c) Service with Complaint (Presentment); by Whom Made.

12 (1) A summons shall be served together with a copy of the Presentment.

13 (2) Service may be made by any person who is not a direct party and who is at least 18 years of
14 age.

15 (d) Waiver of Service; Duty to Save Costs of Service; Request to Waive.

16 [The provisions of FRCP 4(d) shall apply noting that the “Plaintiff” shall be the Church as
17 represented by the Church *Advocate Attorney*; the “Defendant” shall be the accused *Respondent*;
18 and, the “Complaint” shall be the Presentment.]

19 (e) Service Upon Individuals Within a Judicial District of the United States.

20 [The provisions of FRCP 4(e) shall apply noting that service may be made upon individuals in any
21 territorial area wherein episcopal jurisdiction of this Church is recognized.]

22 (1) Proof of Service. If service is not waived, the person effecting service shall make proof
23 thereof by affidavit or sworn
24 statement to the court.

25 RULE 5. Service and filing of Pleadings and Other Papers. [FRCP 5, as written.]

26 RULE 6. Time. [FRCP 6, as written.]

27 RULE 8. General Rule of Pleading. [FRCP 8, as written.]

28 RULE 10. Form of Pleadings. [FRCP 10, as written, deleting the file number and its designation.]

29 RULE 11. Signing of Pleadings, Motions and Other Papers; Sanctions [FRCP 11, as written
30 deleting all references to sanctions.]

31 RULE 12. Defenses and Objections - When and How Presented - By Pleading or Motion - Motion
32 for Judgment on the Pleadings.

33 (a) When presented. Unless a different time is prescribed, a accused *Respondent* shall serve and
34 answer.

35 (A) within 20 days after being served a Summons and Presentment, or

36 (B) if service of the summons has been timely waived on request under Rule 4(d), within 60
37 days after the date when the request for waiver was sent.

38 (b) How presented. [as written.]

39 (d) Preliminary Hearings. [as written.]

40 (e) Motion for More Definite Statement. [as written.]

41 RULE 15. Amended and Supplemental Pleadings. [FRCP 15, as written, deleting all reference to
42 the "United States" as a party.]

43 RULE 29. Stipulations Regarding Discovery. [FRCP 29, as written, adding the following:]

44 The court, upon application, may order Discovery in all or any forms to take place, under such
45 terms and conditions as the court may prescribe.

46 RULE 32. Use of Depositions in Court Proceedings. [FRCP 32, as written.]

47 RULE 33. Interrogatories to Parties. [FRCP 33, as written.]

48 RULE 34. Production of Document, etc. [FRCP 34, as written.]

49 RULE 36. Requests for Admissions. [FRCP 36, as written.]

50 RULE 43. Taking of Testimony. [FRCP 43, as written.]

51 RULE 56. Summary Judgment [FRCP 56]

52 RULE 61. Harmless Error. [FRCP 61, as written.]

53 *[Federal Rules of Civil Appellate Procedure as modified and adopted for use in the*
54 *administration of Title IV, The Canons of the Protestant Episcopal Church in the United States.]*

55 *Rule 1. Scope of Rules. These rules govern procedure in appeals to Courts of Review as provided*
56 *in Title IV, Canon 4.46 and Title IV, Canon 6.12.*

57 *Rule 2. Suspension of Rules. [FRAP 2 as written.]*

58 *Rule 10. The Record of Appeal.*

59 *(d) Agreed Statement as the Record on Appeal. In lieu of the Record on Appeal as defined in*
60 *subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how*
61 *the issues presented by the appeal arose and were decided by the Trial Court and setting forth*
62 *only so many of the facts averred and proved or sought to be proved as are essential to a decision*

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63 of the issues presented. If the statement conforms to the truth, it, together with such additions as
64 the Court may consider necessary fully to present the issues raised by the appeal, shall be
65 approved by the Trial Court and shall be transmitted to the Court of Review as the Record on
66 Appeal.

67 (e) *Correction or Modification of the Record on Appeal.* Any dispute as to whether the Record on
68 Appeal truly discloses what occurred in the Trial Court shall be addressed to and resolved by the
69 Trial Court.

70 *Rule 25. Filing and Service.*

71 (a) *Filing.* A paper required or permitted to be filed in the Court of Review must be filed with the
72 Clerk of the Court of Review. Filing may be accomplished by mail addressed to the Clerk. Filing
73 is not timely unless the Clerk receives the papers within the time fixed for filing, except that briefs
74 and appendices are treated as filed when mailed. A Court of Review may permit filing by
75 facsimile or other electronic means.

76 (b) *Service of All Papers Required.* [FRAP 25(b) as written.]

77 (c) *Manner of Service.* [FRAP 25(c) as written.]

78 (d) *Proof of Service.* [FRAP 25(c) as written, substituting "Rule 25(a)" for "Rule 25(a)(2)(B)"]

79 *Rule 26. Computation and Extension of Time.* [FRAP 26 as written, substituting "Court of
80 Review" for "Court of Appeals" and deleting the second sentence of subdivision (b)]

81 *Rule 28. Briefs.*

82 (a) *Appellant's Brief.* The brief of the appellant must contain, under appropriate headings and in
83 the order here indicated:

84 (1) A table of contents with page references, and a table of cases, canons or authorities with
85 page references.

86 (2) A statement of the issues presented for review.

87 (3) A statement of the case, including a description of the course of proceedings and a
88 statement of the facts relevant to the issues presented for review, with appropriate references to
89 the record.

90 (4) A brief summary of the argument.

91 (5) An argument. The argument must contain the contentions of the appellant on the issues
92 presented and the reasons therefor, with citations to the authorities and parts of the record
93 relied on.

94 (6) A short conclusion stating the precise relief sought.

95 (b) *Appellee's Brief.* The brief of appellee must conform to the requirements of paragraphs (a)(1),
96 (4), (5), and (6)

97 (c) *Reply Brief.* Appellant may file a brief in reply to the brief of appellee, and if the appellee has
98 cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues
99 presented in the cross-appeal. All reply briefs shall contain a table of contents and a table of
100 authorities cited with page references.

101 (g) *Length of Briefs.* Except by permission of the Court of Review, principal briefs shall not
102 exceed fifty (50) pages and reply briefs must not exceed twenty-five (25) pages exclusive of pages
103 containing the table of contents, table of authorities, proof of service and any addendum.

104 *Rule 29. Brief of an Amicus Curiae.* A brief of an amicus curiae may be filed only by leave of the
105 Court of Review granted on motion or at the request of the Court. A motion of an amicus curiae
106 to participate in the oral argument will be granted only for extraordinary reasons.

107 *Rule 30. Appendix to the Briefs.* The appellant must prepare and file an appendix to the briefs
108 containing (1) any relevant portions of the pleadings or presentment; (2) the decision or opinion
109 in question; and (3) any other parts of the record to which the parties wish to direct the
110 particular attention of the Court of Review. The appendix must be filed with the brief, unless an
111 extension is granted by the Court of Review.

112 *Rule 32. Forms of Briefs, the Appendix and Other Papers.* Briefs, appendices and other papers
113 filed with the Court of Review may be produced by standard typographic printing or by any
114 duplicating or copying process which produces a clear black image on white paper. All printed
115 matter must appear in at least 11 point type on unglazed, white paper, and shall be bound in
116 volumes having pages not exceeding 8 1/2 by 11 inches, typed matter must be double spaced, with
117 numbered pages. The front cover shall contain (1) the name of the court; (2) caption of the case;
118 (3) nature of the proceedings in the court; (4) title of the document; and (5) the names and
119 addresses of counsel representing the party on whose behalf the document is filed.

120 *Rule 34. Oral Argument.*

121 (a) *In General.* Oral argument, if requested, shall be allowed in all appeals.

122 (b) *Notice of Argument.* The Presiding Judge of the Court of Review shall provide at least thirty
123 (3) day's written notice of the time and place of oral argument to all parties to the appeal.

124 (c) *Order and Content of Argument.* The hearing of oral argument shall proceed with the
125 argument of appellant, argument of appellee, and rebuttal by appellant. Additional opportunities
126 to present argument may be afforded by the Court so long as the appellant receives the final
127 opportunity to speak. During the oral argument, the Court may address questions to any
128 participant in the oral argument, but shall not receive any evidence not contained in the Record
129 of Appeal.