

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2009
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2009-A058
TITLE: Amend Canons IV.6, IV.14, IV.15 and the Appendix to Title IV
PROPOSER: Standing Commission on Constitution and Canons
COMMITTEE: Canons

Directly Related: (attached)

2003-D056 On the Topic of Amending the Canons on Ecclesiastical Discipline (Rejected)
2003-D062 Amend Constitution Article IX [Trial Court of Bishops-Second Reading]

Indirectly Related:

2006-A153 Create a New Title IV Task Force

In preparing this report, the Archives researched the resolutions of General Convention for the period 1976 through 2006, selecting "direct" resolutions that have a substantive bearing on the proposed legislation. Committee members who are interested in obtaining copies of "indirectly related" resolutions, legislative history before 1976, or who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.



Resolution Number: 2003-D056
Title: On the Topic of Amending the Canons on Ecclesiastical Discipline
Legislative Action Taken: Rejected
Text of the Resolution:

Resolved, That Canon IV.6 sections 2 and 17 be amended to read as follows:

Sec. 2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine appeals from the determination of the Court for the Trial of a Bishop *and the Court for the Trial of a Bishop for an Offense of Doctrine.*

Sec. 17. An appeal shall be heard upon the Record on Appeal of the Court for the Trial of a Bishop *or the Court for the Trial of a Bishop for an Offense of Doctrine.* Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review. And be it further

Resolved, That the definition of Ecclesiastical Trial Court in Canon IV.14 Sec. 23 be amended to read as follows:

Sec. 23. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or applicable Diocesan canon, all costs, expenses and fees of the several parties shall be the obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense of the Diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the expense of the Province. The Record of proceedings of a Review Committee, the Court for the Trial of a Bishop, *the Court for the Trial of a Bishop for an Offense of Doctrine* and the Court of Review of a Trial of a Bishop shall be the expense of the General Convention. Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.

And be it further

Resolved, That Canon IV.15 be amended to read as follows:

Ecclesiastical Trial Court shall mean a Diocesan Court for the Trial of a Priest or Deacon established pursuant to Canon IV.4(a) and The Court for the Trial of a Bishop *and the Court for the Trial of a Bishop for an Offense of Doctrine* pursuant to Canon IV.5.1.

And be it further

Resolved, That the Title IV Appendix A be amended to read as follows: Title IV Appendix A Rules of Procedure of the Ecclesiastical Trial Courts ~~and the Court for the Trial of a Bishop~~



Resolution Number: 2003-D062
Title: Amend Constitution Article IX [Trial Court of Bishops-Second Reading]
Legislative Action Taken: Concurred
Final Text:

Resolved, That the first paragraph of Article IX of the Constitution be amended to read as follows:
The General Convention may, by Canon, establish *one or more* ~~a Court~~ Courts for the Trial of Bishops; ~~which shall be composed of Bishops only.~~

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 570f.

TOPIC/TITLE: Canons: Amend Canons IV.6, IV.14, IV.15 and the Appendix to Title IV

PROPOSER: Standing Commission on Constitution and Canons

C&C PAGE: 151

BB PAGE: 120

1 *Resolved*, the House of _____ concurring, That the following sections of Title IV are
 2 hereby amended to read as follows:

3 Canon IV.6.2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear
 4 and determine appeals from ~~the~~ determinations of the Court for the Trial of a Bishop *and the*
 5 *Court for the Trial of a Bishop for an Offense of Doctrine.*

6
 7 Canon IV.6.17. An appeal shall be heard upon the Record on Appeal of the Court for the
 8 Trial of a Bishop *or the Court for the Trial of a Bishop for an Offense of Doctrine.* Except for
 9 the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken
 10 by the Court of Review.

11
 12 Canon IV.14.23. Expenses of Parties and Costs of Proceedings. Except as expressly provided
 13 in this Title, or applicable Diocesan canon, all costs, expenses and fees of the several parties
 14 shall be the obligation of the party incurring them. The record of proceedings of a Diocesan
 15 Ecclesiastical Trial Court shall be the expense of the diocese. The record of proceedings of a
 16 Court of Review of a Trial of a Priest or Deacon shall be the expense of the province. The
 17 record of Proceedings of a Review Committee, the Court for the Trial of a Bishop, *the Court*
 18 *for the Trial of a Bishop for an Offense of Doctrine* and the Court of Review of a Trial of a
 19 Bishop shall be the expense of the General Convention. Nothing in this Title precludes the
 20 voluntary payment of a Respondent's costs, expenses and fees by any other party or person,
 21 including a diocese.

22
 23 Canon IV.15 (definition of Ecclesiastical Trial Court) Ecclesiastical Trial Court shall mean a
 24 Diocesan Court for the Trial of a Priest or Deacon established pursuant to Canon IV.4(a) and
 25 the Court for the Trial of a Bishop *and the Court for the Trial of a Bishop for an Offense of*
 26 *Doctrine* pursuant to Canon IV.5.1.

27
 28 The title of Appendix A to read as follows: "Rules of Procedure of the Ecclesiastical Trial
 29 Courts ~~and the Court for the Trial of a Bishop.~~

EXPLANATION:

This Resolution contains editing "housekeeping" changes to conform the Canons to Constitutional changes

Review Status: Not Yet Reviewed for Canonical Form; Not Yet Reviewed for Constitutional Form

adopted at second reading in 2003, relating to trials of bishops. This Resolution is identical to Resolution A033 from 2006. No action was taken on A033 in 2006. A033 would have amended Canons IV.6, .14, .15, and the Title to Appendix A of Title IV. These canonical changes were first proposed in 2003 (D056), but D056 was not adopted in concurrence by both Houses. Resolution A033 was recommended by SCCC in its 2006 Blue Book report and also by the first Title IV Task Force in its 2006 Blue Book report (as part of Resolution A153). Accordingly, the Commission believes that this Resolution (A033 from 2006) should be re-submitted for adoption in 2009.

Review Status: Not Yet Reviewed for Canonical Form; Not Yet Reviewed for Constitutional Form