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.
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

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Expenses

| Title IV Sub Comm. Meetings | $2,435  |
| Consultants                | 2,650   |
| Meetings                   | 10,533  |
| Administrative Costs       | 180     |

Total $13,363 $38,272

BUDGET APPROPRIATION

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Total $18,250 $16,250 $14,250 $48,750

RESOLUTIONS

Resolution A002 Standing Commission on Constitution and Canons Budget Appropriation

Resolved, the House of ______ concurring, That the sum of $48,750 be appropriated for the work of the Standing Commission on Constitution and Canons during the next triennium.

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

Resolved, the House of ______ concurring, That Article II, Section 4, of the Constitution be amended to read as follows:

It shall be lawful for a Diocese, at the request of the Bishop of that Diocese, to elect not more than 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

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

Resolved, the House of _______ concurring, That Canon I.1.2.(n) (2) [Standing Commission on Constitution and Canons] is hereby amended by adding a statement to read as follows: *The Commission shall from time to time revise and promulgate such amendments to Appendix A to Title IV of these Canons as to the Federal Rules of Civil Procedure and the Federal Rules of*
Resolution A006 Amend Canon I.17.6: Expand Due Process

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

Sec. 6. A person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the rubrics, or who desires a judgment as to his or her status in the Church, or who has been informed of an intention to refuse or repel him or her from the Holy Communion under the rubrics, may lodge a complaint or application with the Bishop or Ecclesiastical Authority. A Priest who refuses or repels a person from the Holy Communion, or who communicates to a person an intent to repel that person from the Holy Communion shall inform that person, in writing, within fourteen days thereof of (i) the reasons therefor and (ii) his or her right to lodge a complaint with the Bishop or Ecclesiastical Authority. No Member of the Clergy of this Church shall be required to admit to the Sacraments a person so refused or repelled without the written direction of the Bishop or Ecclesiastical Authority. The Bishop or Ecclesiastical Authority may in certain circumstances see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the member of the Clergy. If it shall appear to the Bishop or Ecclesiastical Authority that there is sufficient cause to justify refusal of the Holy Communion, however, appropriate steps shall be taken to institute such inquiry as may be directed by the Canons of the Diocese; and should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will ensure an impartial investigation and judgment, which judgment shall be made in writing within sixty days of the complaint and which shall also specify the steps required for readmission 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.
Resolution A008 Amend Canon III.14.4(c): Renunciation of Ministry Reference

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

Resolved, the House of _______ concurring, That Canon 1.15.4. is hereby amended to read as follows: Sec. 4. If the Deacon or Priest fails to comply with these conditions, the Bishop of the Diocese of canonical residence may proceed in accordance with Canon IV.40-11.

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

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

CANON 18.

Of Renunciation of the Ordained Ministry

Of Priests and Deacons

Sec. 1. If any Priest or Deacon of this Church not subject to the provisions of Canon IV.8. shall declare, in writing, to the Ecclesiastical Authority of the Diocese in which such Priest or Deacon is canonically resident, a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Bishop to record the declaration and request so made. The Bishop, being satisfied that the person so declaring is not subject to the provision of Canon IV.8. but is acting voluntarily and for causes, assigned or known, which do not affect the Priest's or Deacon's moral character, shall lay the matter before the clerical members of the Standing Committee, and with the advice and consent of a majority of such members the Ecclesiastical Authority may pronounce that such renunciation is accepted, and that the Priest or Deacon is released from the obligations of the Ministerial office, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed from the ordained Ministry.
Sec. 2. If a Priest or Deacon making the aforesaid declaration of renunciation of the ordained Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for the same, the Ecclesiastical Authority to whom such declaration is made shall not consider or act upon such declaration until after the said Presentment shall have been dismissed or the said Trial shall have been concluded and the Priest or Deacon judged not to have committed an Offense.

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

Of Bishops

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

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

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

Church, the Ecclesiastical Authority of each diocese of this Church, the Recorder, the Secretary 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
Resolved, the House of ________ concurring, That Canon III.22.4.(a) is hereby amended to read as follows:
Sec. 4(a) If the date of the election of a Bishop occurs more than three months 120 days before the meeting of the General Convention, the Standing Committee of the Diocese electing shall by its President, or by some person or persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committees of the several Dioceses a certificate of the election by the Secretary of Convention of the Diocese, bearing a statement that evidence of the Bishop-elect's having been duly ordered Deacon and Priest and the certificates as to the Bishop-elect's medical, psychological and psychiatric examination required in Sec. 3.(b) of this Canon have been received and that a testimonial in the form set out in Sec. 3.(a) of this Canon have been received by a constitutional majority of the Convention. The Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction of the Presiding Bishop's receipt of the certificates mentioned in this Section and request a statement of consent or withholding of consent. Each Standing Committee, in not more than 120 days after the sending by the electing Diocese of the certificate of the election, shall respond by sending the Standing Committee of the Diocese electing either the testimonial of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent. If a majority of the Standing Committees of all the Dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the Diocese electing shall then forward the evidence of the consent, with the other necessary documents described in Sec. 3.(a) and (b) of this Canon, to the Presiding Bishop, who shall immediately communicate them to every Bishop of this Church exercising jurisdiction. If the Presiding Bishop receives sufficient statements to indicate a majority of those Bishops consents to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing 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
Resolved, That Canon III.22.6. is hereby amended to read as follows:
Sec. 6. In case a majority of all the Standing Committees do not consent within four months 120 days or in case a majority of all the Bishops exercising jurisdiction do not consent 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 II.22.4.(a)

Resolution A013 Add Definition to Canon IV.15: Discipline
Resolved, the House of _______ concurring, That Canon IV.15. is hereby amended by adding thereto a definition reading as follows: “Discipline”: The Discipline of the Church shall be found in the Constitution, the Canons and the Rubrics of the Book of Common Prayer.

Resolution A014 Add Definition to Canon IV.15: Doctrine
Resolved, the House of _______ concurring, That Canon IV.15. is hereby amended by adding thereto a definition reading as follows: “Doctrine”: The Doctrine of the Church shall be found in the Apostles’ Creed, the Nicene Creed, and the Sacraments, Pastoral Offices, and Ordinal in the 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,
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.

REPORT TO THE 72ND GENERAL CONVENTION 21
CONSTITUTION AND CANONS

Resolution A015 Title IV Revision
Resolved, the House of _______ concurring, That the whole of Title IV, The Canons, be amended to read:

TITLE IV
ECCLESIASTICAL DISCIPLINE
CANON 1.
Of Offenses for Which Bishops, Priests, or Deacons May Be Presented and Tried, and Of Inhibitions
Sec. 1. A Bishop, Priest, or Deacon of this Church shall be liable to Presentment and Trial for the following Offenses, viz.:
(a) Crime.
(b) Immorality.
(c) Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church.
(d) Violation of the Rubrics of the Book of Common Prayer.
(e) Violation of the Constitution or Canons of the General Convention.
(f) Violation of the Constitution or Canons of the Diocese in which the person is canonically resident.
(g) Violation of the Constitution or Canons of a Diocese of this Church wherein the person may have been located temporarily.
(h) Any act which involves a violation of Ordination vows.
(1) If a Charge against a Priest or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Priest or Deacon has disobeyed or disregarded a Pastoral Direction of the Bishop having authority over such person, the Charge must be made by the Bishop giving the Pastoral Direction or by the Ecclesiastical Authority of that dioceese Diocese or by another bishop Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, died or is unable to act and shall set out the Pastoral Direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the Charge by the Bishop and the Presentment by the Standing Committee comply with the foregoing provisions, no finding of a violation based on an act of disregarding a Pastoral Direction of or failing to obey the Bishop having authority over the person charged may be made.
(2) In order for the disregard or disobedience of a Pastoral Direction to constitute a violation of ordination vows the Pastoral Direction must have been a solemn warning to the Priest or Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral Direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine, Discipline or Worship of this Church or the manner of life and behavior of the Priest or Deacon concerned. Upon Trial under any such Presentment the question of whether the disregard or disobedience of the Pastoral Direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered.
(i) Habitual neglect of the exercise of the Ministerial Office, without cause; or habitual neglect of Public Worship, and of the Holy Communion, according to the order and use of this Church.
(j) Conduct Unbecoming a Member of the Clergy; Provided, however, that in the case of a Priest or Deacon charged with this offense, before proceeding to a Presentment, the consent of two-thirds of all the members of the Standing Committee of the Diocese eligible to vote in which the Priest or Deacon is canonically resident shall be required. If the provisions of Canon IV.7.1 apply, the consent of two-thirds of all the members of the Standing Committee of the Diocese eligible to 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. If a Presentment has been made by the Review Committee against a Bishop, or if a Bishop has been convicted in a criminal Court of Record in a cause involving Immorality, or if a judgment has been entered against a Bishop in a civil Court of Record in a case involving Immorality, the Presiding Bishop may issue an Inhibition to the Bishop until after the Judgment of The Court for the Trial of a Bishop becomes final. The consent of a majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.
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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
Chancellor, the Church Attorney or a Lay Assessor in that Diocese. The Waiver and Voluntary Submission shall be effective three days from the date of execution may be withdrawn by the Priest or Deacon within three days of execution by the Priest or Deacon and thereafter shall be effective and irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard prior to the passing of Sentence by the Bishop who is to impose and pronounce Sentence prior to the execution of the Waiver and Voluntary Submission.

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

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

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

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

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

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

(b) Bishops

Sec. 9. If an alleged commission of an Offense has been made known:

Sec. 9. A bishop of this Church may voluntarily submit to discipline under the provisions of this Canon, doing so to the Presiding Bishop, or if there then be none to the then Presiding Officer of the House of Bishops, who shall Charges of an Offense have been filed, or if a Presentment has been issued against a Bishop, the Bishop may, with the consent of the Presiding Bishop, voluntarily submit to the discipline of the Church at any time before Judgment by an
Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Presiding Bishop.

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

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

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

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

Sec. 14. In order to become effective, prior to the imposition and pronouncement of the Sentence, 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.
CANON 3.
Of Presentments
(a) Of a Priest or Deacon
Sec. 1. A Presentment to the Ecclesiastical Trial Court may be issued only by the Standing Committee as provided in this Canon.

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

Sec. 3. A Charge may be made:
(a) by a majority of the lay Members of the Vestry of the Parish of the Respondent; or
(b) by any three Priests canonically resident in the Diocese wherein the Respondent is canonically resident or canonically resident in the Diocese wherein the Respondent is alleged to have committed the Offense; or
(c) by any three confirmed seven adult communicants in good standing as defined in Canon I.17 in the Diocese wherein the Respondent is canonically resident or in the Diocese wherein the Respondent is alleged to have committed the Offense; or
(d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of that Diocese, or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act; or
(e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or
(ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim; or
(f) in a case where the Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church, only by a majority of the members of the Standing Committee of the Diocese in which the Member of the Clergy Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense; or
(g) by a majority of the Standing Committee of the Diocese in which the Member of the Clergy Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense whenever the Standing Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense; or
(h) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the Offense, if different from the dioceese Diocese of canonical residence.

Sec. 4. If a complaint or accusation is brought to the Bishop by a person claiming to be any adult who is (i) the alleged Victim, or the spouse of an alleged Victim, or by the (ii) a parent or guardian of an alleged minor Victim who is a minor or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian or adult child, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes.
of this Church, to obtain assistance to formulate and submit an appropriate Charge and in
obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian or adult
child so choose. Any alleged Victim or Complainant shall also be entitled to the counsel of an
attorney and/or Advocate of their Choice.

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

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

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

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

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

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

Sec. 11. Within thirty days after the filing of a Charge, other than a Charge alleging a conviction
in a criminal Court of Record in a cause involving Immorality or alleging the entry of a judgment
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 experts' statements,
101 whether or not submitted by the Church Attorney. To assist in its
deliberations, the Standing Committee may itself, or through a subcommittee of its members or
102 others appointed by the Standing Committee, provide an opportunity to be heard to the
103 Respondent, the alleged Victim, the Complainant or other persons and receive additional
evidence which it in its sole discretion deems appropriate.
104 (c) The Standing Committee shall may issue a Presentment for an Offense when the information
105 before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was
106 committed, and (ii) the Respondent committed the Offense.

107 Sec. 15(a) The vote of two-thirds a majority of All the members Members of the Standing
108 Committee shall be required to issue a Presentment. Provided, however, that in the case of a
109 Priest or Deacon charged with the Offense of Crime, of Immorality or of Conduct Unbecoming a
110 Member of the Clergy, a two-thirds vote of all the members If the provisions of Canon IV.7.1
111 apply, the consent of a majority of All the Members of the Standing Committee shall be required
to issue a Presentment for this Offense of the Diocese in which the Offense is alleged to have
112 occurred must be obtained. No member shall disclose his or her vote or the vote of any member to
113 any person not a member of the Standing Committee.
114 (b) In the event that, due to members who have been excused or vacancies in office, the Standing
115 Committee does not have sufficient voting members to meet the requirements of Sec.(a) Sec.
116 15(a), the action of the Standing Committee shall be postponed until such time as there are
117 sufficient members in office to fulfill the voting requirements of this Section.

118 Sec. 16. If a Presentment be issued, it shall be in writing, dated, and signed by the President or
119 the Secretary of the Standing Committee on behalf of the Standing Committee, whether or not
that officer voted in favor of the Presentment. In the event that there be no President or Secretary,
or they be absent, a member of the Standing Committee appointed for that purpose shall sign the
Presentment. The Presentment also shall contain (i) a separate accusation addressed to each
Offense, if there be more than one, and (ii) a plain and concise factual statement in of each
separate accusation which, without specific allegations of an evidentiary nature, asserts facts
supporting every element of the Offense charged and the Respondent’s commission thereof with
sufficient precision sufficient to clearly apprise the Respondent of the conduct which is the subject
of the Presentment.

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

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

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

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

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

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

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

(b) No Presentment for violation(s) of Canon IV.1.1(c) shall be filed unless a Statement of
Disassociation from the doctrine alleged to be contrary to that held by this Church has been
issued by the House of Bishops. A Request for a Statement of Disassociation shall include a
statement of the doctrine alleged to be contrary to that held by this Church, the Bishop or
Bishops alleged to have held and taught publicly or privately, and advisedly, that doctrine, and a
concise statement of the facts upon which the Request for the Statement of Disassociation is
based. The written Request for a Statement of Disassociation from the doctrine alleged, signed by
any ten Bishops exercising jurisdiction in this Church. The Charge shall must be filed with the Presiding Bishop, together with the proposed Statement of Disassociation and a brief in support thereof. The Presiding Bishop shall thereupon serve a copy of the Charge upon the bishop Request for a Statement of Disassociation upon the Bishop charged, together with the proposed Statement of Disassociation and a copy of the supporting brief. The Presiding Bishop shall fix a date for the filing of an answer a response, and brief in support thereof, within three months from the date of service, and may, using discretion and for good cause, extend the time for answering responding for not more than two additional months. Upon the filing of an answer a response and supporting brief, if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and briefs to each member of the House of Bishops. The Request for a Statement of Disassociation shall be considered no later than the next regularly scheduled House of Bishops' meeting held at least one month after copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and briefs are transmitted to each member of the House of Bishops. The House of Bishops may amend the proposed Statement of Disassociation. If a Statement of Disassociation is not issued by the conclusion of the meeting, there shall be no further proceedings under Title IV for holding and teaching the doctrine alleged in the Request for a Statement of Disassociation. (c) A Bishop may be Presented for an Offense under Canon IV.1.1(c) and any other Offenses arising out of acts alleged to be contrary to the doctrine of the Church which was the subject of the Statement of Disassociation only upon a written Presentment signed by any ten Bishops exercising jurisdiction in this Church. The Presentment shall be filed with the Presiding Bishop, together with a brief in support thereof, and a statement why the issuance of a Statement of Disassociation was not a sufficient response to the acts alleged, within six months of the issuance of a Statement of Disassociation based upon the same doctrine as was alleged in the Request for a Statement of Disassociation. The Presiding Bishop shall thereupon serve a copy of the Presentment upon the Bishop presented, together with a copy of the supporting brief and statement. The Presiding Bishop shall fix a date for the filing of an answer, brief in support thereof, and statement why the issuance of a Statement of Disassociation was a sufficient response to the acts alleged, within three months from the date of service, and may extend the time for answering for not more than two additional months. Upon the filing of an answer, supporting brief, and statement, if any, or upon the expiration of the time fixed for an answer, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Charge, Presentment, answer, and briefs, and statements to each member of the House of Bishops. The written consent of one-fourth third of the bishops Bishops qualified to vote in the House of Bishops shall be required before the proceeding may continue. In case one-fourth of all the bishops entitled so to act do not consent within two months from the date of the notification to them the Presiding Bishop does not receive the written consent of one-third of all the Bishops eligible to vote within sixty days of the date the notification by the Presiding Bishop was sent to them, the Presiding Bishop shall declare the Charge Presentment dismissed and no further proceedings may be had thereon. If the Presiding Bishop receives the necessary written consents within sixty days as specified above, the Presiding Bishop shall forthwith forward the Presentment, answer, briefs, and statements to the Presiding Judge of The Court for the Trial of a Bishop.
(d) Any Offenses other than those specified in this Section 21 will be governed by Sections 22 - 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.

(c) Of a Bishop Charged with Other Offenses

Sec. 23 22. In the case of a bishop Bishop convicted in a criminal Court of Record in a cause involving Immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, it shall be the duty of the Presiding Bishop to institute an inquiry
into the matter. If the conviction or judgment be established, the Presiding Bishop shall cause the Chancellor to the Presiding Bishop to prepare a Presentment, which the Presiding Bishop shall sign and issue against the Bishop for Trial. The Bishop shall notify the Presiding Bishop, in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any time for appeal has expired. The time periods specified in Canon IV.14.4 shall be tolled until the Bishop provides the required notification to the Presiding Bishop. Nothing in this section shall prevent Charges from being filed against the Bishop based on the conviction, judgment, or 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.

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

(1) three Bishops; or
(2) ten or more Priests, Deacons, or adult communicants of this Church in good standing, of whom at least two shall be Priests. One Priest and not less than six Lay Persons shall be of the Diocese of which the Respondent is canonically resident, or, in the case the Respondent has no jurisdiction, of the Diocese in which the Respondent is canonically resident. Such Charges shall be in writing, signed by all the Complainants, Verified by two or more of them, and filed with; or
(3) in a case when the Offense alleged is the Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, as specified in (1) or (2) or by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged 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.

(b) Whenever the Presiding Bishop of the Church has sufficient reason to believe that any Bishop has committed an Offense and the interests and good order and discipline of the Church require investigation by the Review Committee, the Presiding Bishop shall concisely and clearly inform the Review Committee in writing as to the nature of and facts surrounding each alleged offense and the specifications of the Offense. Offense but without judgment or comment upon the allegations, and the Review Committee shall proceed as if a Charge had been filed.
(b)-(c) A bishop Bishop who shall have reason to believe that there are in circulation rumors, reports, or allegations affecting such bishop's Bishop's personal or official character, may, acting in conformity with the written advice and consent of any two bishops Bishops of this Church, demand in writing of the Presiding Bishop that investigation of said rumors, reports, and allegations be made. It shall be the duty of the Presiding Bishop to cause the matter to be investigated and report the results to the requesting Bishop.

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

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

Sec. 26. The Board of Inquiry shall Any Charge against a Bishop shall be filed with the Presiding Bishop who shall promptly communicate the same to the Respondent. The Presiding Bishop shall forward the Charge to the Review Committee at such time as the Presiding Bishop shall determine
or when requested in writing by the Complainant or Respondent after 90 days of receipt of the 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.

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

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

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

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

Sec. 29 31. If any Priest appointed to a Board of Inquiry the Review Committee is elected a bishop Bishop, or if any lay person elected to a Board of Inquiry appointed to the Review Committee is ordained to the ministry prior to the commencement of an Inquiry, that person shall immediately cease to be a member of the Board Committee. If either event occurs following the commencement of an Inquiry, the person shall filing of a Charge or referral of a matter for investigation or other action, the person may continue to serve until the completion of the Inquiry and the rendering of a judgment thereon: investigation or of the consideration of that Charge or matter.
Sec. 30. A vacancy occurring in a Board of Inquiry shall be filled by the Bishop who made that appointment. The Review Committee shall be filled as follows:

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

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

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

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

Sec. 34. The members of the Board of Inquiry Review Committee may not be challenged by the Respondent or the Church Attorney.
Sec. 35. The Board of Inquiry Review Committee may adopt and publish rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time.

Sec. 36. In the conduct of this inquiry, the Board of Inquiry shall be guided by the Federal Rules of Evidence. 38. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to 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.

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

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

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

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

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

Sec. 42. Within sixty days after receipt of the statement from the Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney to prepare a Presentment and shall issue a Presentment for an Offense, which shall be transmitted with the certificate of the determination of the Board to shall render a confidential Report to the Review Committee of the
findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The Report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Review Committee. Provided, however, the Review Committee shall share the Report of the Church Attorney with the Presiding Bishop.

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

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

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

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

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

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

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

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

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

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

Sec. 47 50. Non-compliance with the time limits or any procedural requirements set forth in this Canon shall not be grounds for the dismissal of a Presentment unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.
CANON 4.

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

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

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

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

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

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

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

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

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

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

Sec. 9. An Ecclesiastical Trial Court shall be governed by the portion of The Federal Rules of Civil Procedure set forth in Appendix A to these Canons, and such other procedural rules or determinations as the Ecclesiastical Trial Court deems appropriate not inconsistent with this Title.
Sec. 10. The Ecclesiastical Trial Court shall be governed by the Federal Rules of Evidence in the conduct of the Trial.

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

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

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

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

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

Sec. 16. The Respondent shall then be called upon by the Court to plead to the Presentment and the plea shall be duly recorded; and on neglect or refusal of the Respondent to plead, the plea of not guilty shall be entered for the Respondent. (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment. (b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge’s receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with the Federal Rules of Civil Procedure. (c) The Respondent’s answer or other response to the Presentment in accordance with the Federal Rules of Civil Procedure shall be duly recorded and the Trial shall proceed; Provided, that for sufficient cause the Court may adjourn from time to time; and Provided, also, that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense. (d) If the Respondent fails or refuses to answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for summary judgment in accordance with Rule 56 of the Federal Rules of Civil Procedure. If the motion is granted, the Respondent shall be given notice that Sentence of Admonition, Suspension or Deposition will be adjudged and pronounced by the Court at the expiration of thirty days after the date of the Notice of Sentence, or at such
convenient time thereafter as the Court shall determine. Sentence of Admonition, Suspension or of Deposition from the Ordained Ministry may, thereafter, be adjudged and pronounced by the Court.

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

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

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

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

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

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

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

Sec. 24. During the same period, the Court shall provide an opportunity for statements from Complainants or Victims to the Court pertaining to the Sentence to be adjudged and imposed.
Sec. 25 24. During the same period, the Church Attorney may make a recommendation to the Court as to the Sentence to be adjudged. The members of the Court shall vote upon the Sentence.

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

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

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

Sec. 28. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 29. The judgment and any Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, the Respondent, each Complainant, and, unless waived in writing, the Victim.

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

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

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

Sec. 30(a) 31. In each of the Provinces there shall be a Court of Review of the Trial of a Priest or Deacon, which shall be composed of a Bishop of the Province, three Priests canonically resident in Dioceses within the Province, and three Lay Persons who are confirmed adult communicants of this Church in good standing, having domicile in the Province; at least two of the Lay Persons shall be learned in the law.
(b) The Court of Review shall be appointed by the President of the Province from a panel established by the Province consisting of three Bishops, five Priests and five Lay Persons.

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

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

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

Sec. 33(a). 34(a) Notices of resignations or declinations to serve shall be given as follows:

1. By the Presiding Judge of the Court of Review of the Trial of a Priest or Deacon; by written notice sent to the President of the Provincial Synod.
2. By a Priest or Lay Member of the Court, by written notice sent to the Presiding Judge of the Court.

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

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

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

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

Sec. 34(a). 35(a) The several Courts of Review are vested with jurisdiction to hear and determine appeals from decisions of Ecclesiastical Trial Courts in Dioceses within that Province in Ecclesiastical Trials of Priests or Deacons.
Sec. 35 36. The Respondent may take an appeal to the Court of Review of the Province within
which an Ecclesiastical Trial was held from a Judgment. The right of appeal is solely that of the
Respondent, except as provided in Section 37 of this Canon.

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

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

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

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

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

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

Sec. 40 41. It shall be the duty of the appellant to reproduce copies Ecclesiastical Trial Court to
prepare a copy of the Record on Appeal of the Ecclesiastical Trial as transmitted transcribed, to
be printed or otherwise reproduced as shall be permitted by the Presiding Judge of the Court of
Review. Within thirty days after receiving the copy of the Record on Appeal, the appellant shall
serve two copies of the Record on Appeal, the notice of appeal and the appellant's brief, if any,
upon the opposite party, and shall deliver seven copies of each to the Presiding Judge of the Court
for the use of the Judges.

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

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

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

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

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

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

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

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

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

Sec. 49. No determination or judgment Judgment of any Ecclesiastical Trial Court shall be
disturbed for technical errors not going to the merits of the cause case.
Sec. 50. The Court may reverse or affirm in whole or in part the decision determination or Judgment of the Ecclesiastical Trial Court, or, if in its opinion justice shall so require, may grant a new trial Trial. If after having been duly notified, the appellant fails to appear, and no sufficient excuse be shown, the Court, in its discretion, may dismiss the appeal for want of prosecution, or may proceed to hear and determine the appeal in the appellant's absence.

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

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

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

CANON 5.

Of the Court for the Trial of a Bishop

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

Sec. 2. There shall be a The Court for the Trial of a Bishop, consisting shall consist of nine bishops Bishops of this Church. Three bishops Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention. All judges shall serve until their successors
are elected and qualify; Provided, however, there shall be no change in composition of a Court as to a proceeding pending before it, while that proceeding is unresolved except as specified in Canon IV.5.3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Court proceedings at which the Respondent and Church Attorney are to appear shall be held within the Diocese of the accused Bishop, or within the Diocese where the accused Bishop lives or serves, at the discretion of the Court. The Court may, for good cause, appoint another place for any such proceedings or conduct such proceedings by telephone conference provided that all 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.

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

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

Sec. 11. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve at the pleasure of the Court.
Sec. 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.

It shall be their duty to give the Court an opinion on any question of law, procedure or evidence but not on any question of doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion. Any doubt of whether any question is a matter of doctrine shall be decided by the Court by a majority vote.

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

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

Sec. 15. The Court may set its own rules of procedure in a Court for the Trial of a Bishop shall be governed by The which shall include, but not be limited to, the Federal Rules of Civil Procedure 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.

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

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

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

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

(e)(b) If the Respondent fails or refuses to appear in person, according to the notice served as aforesaid answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for
summary judgment in accordance with Rule 56 of the Federal Rules of Civil Procedure. If the
motion is granted, the Respondent shall be pronounced in Contumacy, and given notice that
Sentence of Suspension or Deposition will be adjudged and pronounced by the Court at the
expiration of thirty days unless at that time after the date of the Notice of Sentence, or at such
convenient time thereafter as the Court shall determine, the Respondent shall appear and stand
Trial upon the Presentment. If the Respondent does not so appear, Sentence of Suspension, or of
Deposition—from the Ordained Ministry, may. Sentence may thereafter be adjudged and
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.

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

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

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

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

Sec. 22. Separate and distinct votes shall be taken first upon the findings as to the guilt of
commission of an Offense by the Respondent, and, if the Respondent be found to be guilty have
committed an Offense, then upon the Sentence to be imposed.
Sec. 23. For a Judgment that the Respondent has committed an Offense, the affirmative vote of the Court, having fully heard the allegations and proofs of the parties, and having deliberately considered the same after the parties have withdrawn, every member of the Court sitting in the cause shall declare an opinion about whether the Respondent is guilty or not guilty, and with respect to each particular Charge contained in the Presentment.

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

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

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

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

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

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

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

(c) The Court may in the interest of justice modify the Sentence. Upon determination of the motion to modify, the judgment as to the guilt of the Respondent shall become final. Clerk of the Court shall enter Judgment. If no motion for modification of Sentence shall be filed within the time limited for filing such motions, the Clerk of the Court shall on the next business day enter, as final, the judgment rendered by the Court. An appeal from a final 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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provided in Canon IV.6, may be taken within thirty days from the entry of the judgment Judgment.

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

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

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

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

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

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.
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CANON 6.

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

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

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.

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

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

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

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

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

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

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

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

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining Judges of the Court may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused or disqualified Judge participated in any proceedings other than consideration of whether any Judge should be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder of the case.
(b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill the vacancy until the next General Convention, when the House of Bishops shall choose a bishop Bishop to fill the vacancy. The bishop Bishop so chosen shall serve during the remainder of the term.

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

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

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

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

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

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

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

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

(b) The Presiding Judge of the Court of Review upon receiving the notice of appeal shall appoint a time within 60 days thereafter, unless for good cause extended, for hearing the appeal and fix the place of the hearing. At least 30 days prior to the day appointed, the Presiding Judge shall give written notice of the time and place to the other members of the Court and also the appellant and appellee.
Sec. 15 16. Upon notice of appeal being given, the Clerk of the Trial Court shall send to the Clerk of the Court of Review of the Trial of a Bishop a transcript of the record, including all the evidence, certified by the Presiding Judge and Clerk of the Trial Court, and the Clerk shall lay the same before the Court of Review at its next session.

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

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

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

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

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

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

Sec. 21. The appellant may discontinue the appeal at any time before a hearing thereof has begun before the Court of Review of the Trial of a Bishop. After the hearing has begun, the appellant may discontinue the appeal only with the consent of the Court. If the appeal is discontinued, the Trial Court shall proceed as if no appeal had been taken.
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
22 the innocence of the Priest or Deacon dissolves the Inhibition, (ii) the Standing Committee assuming
23 jurisdiction 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 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.
Sec. 2. If any bishop not Bishop Amenable for but not under Presentment for an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy or not under Presentment therefor but Amenable for or subject to under a Presentment for any other Offense shall declare in writing to the Presiding Bishop, or if there then be none to the presiding officer of the House of Bishops, a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Presiding Bishop or the presiding officer may not accept the renunciation and shall not pronounce Sentence of Deposition save with the consent of a majority of all All the members Members of the Advisory Review Committee to the Presiding Bishop. Upon receiving the consent of the Advisory Review Committee, the Presiding Bishop or the presiding officer of the House of Bishops may proceed to 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.

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

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

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

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

CANON 10.

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

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

Sec. 2. Prior to the expiration of the six-month period of Inhibition, the Bishop may permit the Priest or Deacon to utilize the provisions of Canon IV.8 or Canon III.18, as applicable. If within such six-month period the Priest or Deacon shall transmit to the Bishop a statement in writing signed by the Priest or Deacon which the Bishop is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop shall withdraw the notice and the Inhibition shall expire. If, however,
within the six-month period, the Bishop does not pronounce acceptance of the renunciation of the
Priest or Deacon in accordance with Canon IV.8 or Canon III.18, as applicable, or the Priest or
Deacon does not make retraction or denial as provided above, then it shall be the duty of the
Bishop either (i) to depose the Priest or Deacon as provided in Canon IV.12, or (ii) if the Bishop
is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of
the Standing Committee to pronounce and record in the presence of two or more Priests that the
Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not
affect the person's moral character) is deprived of the right to exercise the gifts and spiritual
authority conferred in Ordination.

CANON 11.
Of a Priest or Deacon Engaging in Secular Employment without Consent, Being Absent
from the Diocese, or Abandoning the Work of the Ministry
Sec. 1. If a Priest or Deacon has engaged in any secular calling or business without the consent of
the Bishop of the Diocese in which the Priest or Deacon is canonically resident as provided in
Canon III.15, it shall be the duty of the Standing Committee of the Diocese, upon the case being
brought to their attention by the written statement of the Bishop, to institute an inquiry into the
matter. If in the judgment of the Standing Committee there is sufficient reason for further
proceedings, it shall be the duty of the Standing Committee to Present the offending Priest or
Deacon for trial Trial for violation of Ordination vows and these Canons.

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

Sec. 3(a) Whenever a Priest or Deacon of this Church shall have been absent from the Diocese for
a period of more than two years and has failed to make the annual report required by Canon I.6.1,
the Bishop shall bring the case to the attention of the Standing Committee by written statement,
whereupon the Standing Committee may institute an inquiry into the matter. If in the judgment of
the Standing Committee there is sufficient reason for further proceedings, the Standing
Committee shall Present the offending Priest or Deacon for trial Trial for violation of Ordination
wows and these Canons.
(b) On application either by the Bishop or Priest or Deacon, or at the discretion of the Presiding
Bishop, with the approval of the Bishop of that jurisdiction, a Priest or Deacon now on the Special
List of Clergy maintained by the Secretary of the House of Bishops may be placed again on a
Diocesan Clergy Roll.
(c) A Priest or Deacon whose name remains upon the List of the Secretary of the House of
Bishops shall not be considered as canonically resident in a Diocese.
(d) Any Priest or Deacon whose name is on the List, as aforesaid, and who has not made an
annual report on the Priest or Deacon's exercise of office to the Presiding Bishop for a period of
five years, may be considered to have abandoned the Ordained Ministry of this Church. The
Presiding Bishop may, in the exercise of discretion, upon notice in accordance with Canon IV.14,
in the presence of two Presbyters, pronounce Sentence of Deposition upon the Priest or Deacon,
and authorize the Secretary of the House of Bishops to strike the name from the List and to give
notice of the fact to the Priest or Deacon as provided in Canon IV.12.
(e) A Priest or Deacon whose name remains upon the List of the Secretary of the House of
Bishops shall be Amenable for an Offense in either the Diocese wherein the Offense has occurred
or the Diocese in which the Priest or Deacon was canonically resident immediate immediately
prior to being added to the List.

CANON 12.
Of Sentences
Sec. 1(a) The three sentences Sentences which may be adjudged by a Trial Court and imposed are
Admonition, Suspension, or Deposition.
(b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary
Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.
This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which
convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.
(e)(c)
(1) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and
Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.
(2) Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the
Clergy, the Sentence shall specify on what terms and on what conditions and at what time
the Suspension shall cease.
(3) Where a Sentence is to be adjudged and pronounced, as a condition of the acceptance of
discipline under a Waiver and Voluntary Submission, the Ecclesiastical Authority may
require the resignation of the Priest or Deacon from ecclesiastical and related secular
offices held by that Priest or Deacon upon such terms and conditions as the Ecclesiastical
Authority may deem to be appropriate, just and proper.
(4) The Suspension of a Member of the Clergy Priest from the exercise of the Sacred Ministry
ordained ministry shall terminate the Pastoral Relationship unless (1) the Vestry by two-
thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship
continue. Unless, and (ii) the Ecclesiastical Authority approves such request. If the Pastoral
Relationship has not been terminated, religious services and sacramental ministrations shall
be provided for that Parish as though a vacancy exists in the Office of the Rector. This
Section shall not prohibit the application of Canon III.21.
(d) (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and
Voluntary Submission under Canon IV.2, (ii) after final Judgment by a Trial Court, (iii)
when there has been a renunciation under Canon IV.8, (iv) upon the abandonment of the
communion of the Church as set forth in Canons IV.9 and IV.10, or (v) by the Presiding
Bishop pursuant to Canon IV.11.3(d)
(2) Upon the pronouncement of a Sentence of Deposition, after Trial or after the acceptance of
a Waiver and Voluntary Submission to discipline, all ecclesiastical offices held by the
Member of the Clergy deposed, including a rectorship Rectorship and all ecclesiastical
and related secular offices, shall be immediately thereupon be automatically terminated and vacated.

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

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

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

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

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

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

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

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

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

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

Sec. 8. Sentence of Deposition imposed on a Priest or Deacon shall be pronounced in the presence of two or more Priests.
Sec. 9. When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the Convention and the Standing Committee of the Diocese in which the person so sentenced was canonically resident and in which the Sentence is pronounced, which shall be added to the official records of each Diocese; to the Presiding Bishop, to all other bishops Bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; to the Church Deployment Office, and to the Secretary of the House of Bishops, who shall deposit and preserve such notice among the archives of the House. The notice shall specify under what Canon the Priest or Deacon has been suspended or deposed.

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

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

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

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

Of the Remission or Modification of Sentences

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

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

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

1. That the Remission shall be done with the advice and consent of two-thirds of all All the members Members of the Standing Committee;
2. That the proposed Remission, with the reasons therefor, shall be submitted to the judgment of five of the bishops Bishops of this Church whose Dioceses are nearest to the Bishop's own, and the Bishop shall receive in writing from at least four of the bishops Bishops, their approval of the Remission, and their consent thereto.
3. That before such Remission, the Bishop shall require the person so Removed or Deposed, who desires to be restored to the Ordained Ministry ordained ministry, to subscribe to the declaration required in Article VIII. of the Constitution.

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

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

Sec. 5. A Bishop who shall grant Remission for any Sentence of Removal or Deposition shall, without delay, give due notice thereof under the Bishop's own hand, sending the notice in a sealed envelope to every Member of the Clergy, each Vestry, the Secretary of the Convention and
the Standing Committee of the Diocese, which shall be added to the official records of the
Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where there is no
Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder, and the
Church Deployment Office; and to the Secretary of the House of Bishops and Secretary of the
House of Deputies, who shall deposit and preserve the notice among the archives of those Houses
giving, with the full name of the person restored, the date of the Removal or Deposition, and the
Order of the Ministry to which that person is restored.

CANON 14.

Of General Provisions Applicable to this Title

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

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

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

Sec. 4. Limitations of Actions. (a) (1) No Presentment shall be made for any Offense specified in
Canon IV.1.1 that constitutes (a) Crime, (b) Immorality, or (j) Conduct Unbecoming a Member of
the Clergy, unless the Offense was committed within, or continued up to, ten years immediately
preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop
except: (i) in the case of a conviction of the Respondent in a criminal Court of Record or a
judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made
at any time within three years after the conviction or judgment becomes final; (ii) in a case where
the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time
prior to the alleged Victim's attaining the age of twenty-five years; or (iii) if an alleged Victim
entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if
the Offense is not discovered or its effects realized during the ten years immediately following the
date of the Offense, the time within which the Charge shall be received by the Standing
Committee shall be extended to two years after the disability ceases or the alleged Victim
discovers or realizes the effects of the occurrence of the Offense; Provided, however, in the case of
clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing
Committee shall not be extended beyond fifteen years from the date the Offense was committed or
continued. (2) The time limits of this Section shall not apply to Offenses the specifications of
which include physical violence, sexual abuse or sexual exploitation, if the acts occurred when
the alleged Victim was a Minor. (3) For Offenses, the specifications of which include physical
violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on
Limitations (Canon IV.1.4.) Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998. (4) Except as provided in clauses (2) and (3) of this Section, these Limitations of Actions shall not be effective retroactively but shall be effective only from the effective dates of this Canon forward.

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

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

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

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

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

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

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

Sec. 8. Influencing proceedings. No person subject to the authority of this Church may attempt to coerce or by any other means improperly influence, directly or indirectly, the actions of the a Standing Committee, the Review Committee, an Ecclesiastical Trial Court, any other Court or Board of Inquiry provided for in these Canons, or any member thereof or any person involved in such proceedings in reaching the issuance of any Presentment or the findings, Verdict Judgment or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply with respect to (i) statements and instructions given by the Church Attorney, the Respondent, or counsel for a Respondent to the Standing Committee prior to Presentment or to the Ecclesiastical Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by Complainants, alleged Victims or their Advocates as provided for in this Title.
Sec. 9. Involuntary Statements. (a) No person proceeding under the authority of this Title may interrogate, or request a statement from, a Respondent or a person suspected of an Offense without first informing that person of the nature of the accusation and advising that person that no statement need be made regarding the Offense of which the Respondent is accused or suspected and that any statement so made may be used in evidence against that person in any Ecclesiastical Trial.

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

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

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

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

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

Sec. 12. Presumption of Innocence. There is a presumption of innocence that the Respondent did not commit the Offense alleged until the presumption is overcome by Clear and Convincing evidence.

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

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

Sec. 15. Roles of Chancellors, Vice Chancellors, etc. Neither the Chancellor nor a Vice Chancellor of the Diocese shall serve as Church Attorney or Lay Assessor in that Diocese. The Presiding Bishop's Chancellor shall not serve as Church Attorneys or Lay Assessors. The Church Attorney shall not be from the same law firm as the Chancellor or Vice Chancellor or as the Chancellor to the Presiding Bishop or as a Lay Assessor.
Sec. 16. Amenity. Jurisdiction. Bishops, Priests, and Deacons are Amenable for Offenses committed by them; a Bishop to a Court of Bishops, and a Priest or Deacon to the Ecclesiastical Authority of the jurisdiction in which the Priest or Deacon is canonically resident at the time the Charge is made or in which the Offense occurred, except as provided in Canon IV.11.3.(e)

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

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

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

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

Sec. 20. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or applicable Diocesan canon, all costs and 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 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.

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

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

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

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

Sec. 27 25. Former Sentence of Removal. Solely for the purposes of the application of these
Canons to persons who have received the pronouncement of the former sentence Sentence of
removal, the former sentence Sentence of removal shall be deemed to have been a Sentence of
Deposition.

CANON 15.

Of Terminology used in this Title

Except as otherwise expressly provided or unless the context otherwise requires, as used
in this Title the following terms and phrases shall have the following meanings:

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

“Admonish” shall mean to caution, advise or counsel against wrong practices or to warn against
the danger of an Offense.

“Admonition” shall mean after a Judgment, a censure or reprimand which is a public and formal
reproof of the conduct of a Member of the Clergy.

“Advocate” shall mean a person, lay or clergy, assigned by the Ecclesiastical Authority designated
to support and assist a Complainant or an alleged Victim in any proceedings proceeding
contemplated by this Title.

“All the members” Members” shall mean the total number of members of the body provided for
by Constitution or Canon without regard to absences, excused members, abstentions or vacancies.
"Amenable" shall mean subject, accountable, and responsible to the discipline of this Church.

"Board of Inquiry" shall mean that body established under Canon IV.3(b) to investigate a Charge against a bishop and, if warranted, to issue a Presentment.

"Amenable for Presentment for an Offense" shall mean that a reasonable suspicion exists that the individual has been or may be accused of the commission of an Offense.

"Canonically resident" shall mean the canonical residence or domicile of a Member of the Clergy of this Church established by ordination or letters dimissory.

"Chancellor" shall mean a person appointed or elected to that office in a Diocese, under its Canons or otherwise by the Ecclesiastical Authority, and shall include Vice Chancellors or similar legal officers of the Diocese. "Chancellor" shall also include the Presiding Bishop's Chancellor.

"Charge" shall mean a formal and Verified accusation against a Member of the Clergy that the Member of the Clergy is guilty of has committed an Offense specified in Canon IV.1.1.

"Church Attorney" shall mean (i) as to proceedings concerning Priests and Deacons, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Standing Committee, to represent the Church in the prosecution of Presentments against Priests and Deacons and to represent the Church in an appeal to the Court of Review of a Trial of a Priest or Deacon; (ii) as to proceedings concerning bishops, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of a Board of Inquiry the Review Committee, to represent the Church in the prosecution of Presentments against Bishops and to represent the Church in an appeal to the Court of Review of a Trial of a Bishop. The Church Attorney shall not be from the same law firm as a Chancellor or to the Chancellor to the Presiding Bishop or to a Lay Assessor, pursuant to Canon IV.5.9, and appointed by the Presenters pursuant to Canon IV.5.13.

"Citation" shall mean a written direction from an Ecclesiastical Court to a member of this Church or person subject to the jurisdiction of this Church to appear and give testimony before that Ecclesiastical Court.

"Clear and Convincing" shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

"Clerk of the Court" shall mean that person appointed by an Ecclesiastical Court to keep the account of proceedings of the Court.

"Complainant" shall mean the person or body by whom a Charge is made.

"Conduct Unbecoming a Member of the Clergy" shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

"Contumacy" shall mean the refusal or intentional omission of a Member of the Clergy who has been duly cited to appear and defend a Presentment issued against the Member of the Clergy, or, if the Member of the Clergy is duly before the Court, to obey some lawful order or direction made by the Court in the matter.

"Convention" shall mean the governing body or assembly of a Diocese by whatever name it is styled in that Diocese.

"Court of Record" shall mean a secular civil or criminal court of the national government, a state, territory or other jurisdiction wherein the Diocese is located which keeps a separate record of a trial or issues its Verdict or judgment in writing sufficient on its face to state an
Offense under this Title and as to be able to be certified or duly authenticated by the judge, justice, clerk or other appropriate officer of that court.

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

"Deposition" shall mean a Sentence by which a Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination.

"Ecclesiastical Authority" shall mean the Bishop of the dioecese Diocese or, if there be none, the Standing Committee or such other ecclesiastical authority established by the Constitution and Canons of the dioecese Diocese.

"Ecclesiastical Court" shall mean a court established under this Title.

"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 pursuant to Canon IV.5.1.

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


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

"Godly Admonition": see Pastoral Direction.

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

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

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

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

"Member of the Clergy" shall mean Bishops, Priests and Deacons of this Church unless the context shall exclude a Bishop.

"Minor" shall mean a person under the age of twenty-one years of age.

"Offense" shall mean any conduct or acts proscribed in Canon IV.1.1.

"Pastoral Direction" shall mean a written solemn warning from a Bishop to a Priest or Deacon setting forth clearly the reasons for the Pastoral Direction given in the capacity of pastor, teacher and canonical overseer, which is neither capricious or arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, national or diocesan, and directed to some matter which concerns the Doctrine, Discipline or worship of this Church or manner of life and behavior.
of the Priest or Deacon addressed, and shall be deemed to include without limitation
“Admonition” and “Godly Admonition”.  

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

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

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

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

“Record on Appeal” shall mean such part of the Presentment, original papers and exhibits filed in
the Trial Court, the transcript of proceedings, the Decision of the Trial Court and the Sentence
adjudged and to be imposed, as may be designated by the parties pursuant to Rule 10 of the

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

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

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

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

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

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

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

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

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

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

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

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

“Victim” shall mean a person who has been, or is, or is alleged to be the object of acts of the
Respondent.
“Waiver and Voluntary Submission” shall mean a written instrument containing the information required by this Title and Acknowledged by the person executing the same in accordance with Canon IV.2.

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 IV, The Canons of the Protestant Episcopal Church in the United States.]

RULE 4. Summons
(a) Form. The summons shall be signed by the clerk, identify the court and the parties, be directed to the accused Respondent and state the name and address of the Church Advocate Attorney. It shall state the time within which the accused Respondent must appear and defend, and notify the accused Respondent that failure to do so will result in a judgment of-guilt that the Respondent committed the Offense and place the accused Respondent at risk for a sentence Sentence to be pronounced at a later date. The court Court may allow a summons to be amended.
(c) Service with Complaint (Presentment); by Whom Made.
(1) A summons shall be served together with a copy of the Presentment.
(2) Service may be made by any person who is not a direct party and who is at least 18 years of age.
(d) Waiver of Service; Duty to Save Costs of Service; Request to Waive.
[The provisions of FRCP 4(d) shall apply noting that the “Plaintiff” shall be the Church as represented by the Church Advocate Attorney; the “Defendant” shall be the accused Respondent; and, the “Complaint” shall be the Presentment.]
(e) Service Upon Individuals Within a Judicial District of the United States.
[The provisions of FRCP 4(e) shall apply noting that service may be made upon individuals in any territorial area wherein episcopal jurisdiction of this Church is recognized.]
(l) Proof of Service. If service is not waived, the person effecting service shall make proof thereof by affidavat or sworn statement to the court.

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

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

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

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

RULE 11. Signing of Pleadings, Motions and Other Papers; Sanctions [FRCP 11, as written deleting all references to sanctions.]
RULE 12. Defenses and Objections - When and How Presented - By Pleading or Motion - Motion for Judgment on the Pleadings.

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

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

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

(b) How presented. [as written.]

(d) Preliminary Hearings. [as written.]

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

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

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

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

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

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

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

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

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

RULE 56. Summary Judgment [FRCP 56]

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

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

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

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

Rule 10. The Record of Appeal.

(d) Agreed Statement as the Record on Appeal. In lieu of the Record on Appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided by the Trial Court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision.
of the issues presented. If the statement conforms to the truth, it, together with such additions as
the Court may consider necessary fully to present the issues raised by the appeal, shall be
approved by the Trial Court and shall be transmitted to the Court of Review as the Record on
Appeal.
(e) Correction or Modification of the Record on Appeal. Any dispute as to whether the Record on
Appeal truly discloses what occurred in the Trial Court shall be addressed to and resolved by the
Trial Court.

Rule 25. Filing and Service.
(a) Filing. A paper required or permitted to be filed in the Court of Review must be filed with the
Clerk of the Court of Review. Filing may be accomplished by mail addressed to the Clerk. Filing
is not timely unless the Clerk receives the papers within the time fixed for filing, except that briefs
and appendices are treated as filed when mailed. A Court of Review may permit filing by
facsimile or other electronic means.
(b) Service of All Papers Required. [FRAP 25(b) as written.]
(c) Manner of Service. [FRAP 25(c) as written.]
(d) Proof of Service. [FRAP 25(c) as written, substituting “Rule 25(a)” for “Rule 25(a)(2)(B)”]

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

(a) Appellant’s Brief. The brief of the appellant must contain, under appropriate headings and in
the order here indicated:
(1) A table of contents with page references, and a table of cases, canons or authorities with
page references.
(2) A statement of the issues presented for review.
(3) A statement of the case, including a description of the course of proceedings and a
statement of the facts relevant to the issues presented for review, with appropriate references to
the record.
(4) A brief summary of the argument.
(5) An argument. The argument must contain the contentions of the appellant on the issues
presented and the reasons therefor, with citations to the authorities and parts of the record
relied on.
(6) A short conclusion stating the precise relief sought.
(b) Appellee’s Brief. The brief of appellee must conform to the requirements of paragraphs (a)(1),
(4), (5), and (6)
(c) Reply Brief. Appellant may file a brief in reply to the brief of appellee, and if the appellee has
cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues
presented in the cross-appeal. All reply briefs shall contain a table of contents and a table of
authorities cited with page references.
(g) Length of Briefs. Except by permission of the Court of Review, principal briefs shall not
exceed fifty (50) pages and reply briefs must not exceed twenty-five (25) pages exclusive of pages
containing the table of contents, table of authorities, proof of service and any addendum.
Rule 29. Brief of an Amicus Curiae. A brief of an amicus curiae may be filed only by leave of the Court of Review granted on motion or at the request of the Court. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

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

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

Rule 34. Oral Argument.
(a) In General. Oral argument, if requested, shall be allowed in all appeals.
(b) Notice of Argument. The Presiding Judge of the Court of Review shall provide at least thirty (3) day's written notice of the time and place of oral argument to all parties to the appeal.
(c) Order and Content of Argument. The hearing of oral argument shall proceed with the argument of appellant, argument of appellee, and rebuttal by appellant. Additional opportunities to present argument may be afforded by the Court so long as the appellant receives the final opportunity to speak. During the oral argument, the Court may address questions to any participant in the oral argument, but shall not receive any evidence not contained in the Record of Appeal.