

COURT OF REVIEW

Membership

Ms. Laura Russell, <i>President</i>	Newark, II	2021
The Rt. Rev. John Bauerschmidt	Tennessee, IV	2021
Mr. Julian M. Bivins, Jr.	Virginia, III	2021
Ms. Karen Clopton	California, VIII	2021
Ms. Sharon Henes	Milwaukee, V	2021
The Rt. Rev. Carlye Hughes	Newark, II	2021
The Rev. Lisa Kirby	East Carolina, IV	2021
The Rev. Gayle McCarty	West Tennessee, IV	2021
The Rev. Tracie Middleton	The Episcopal Church in North Texas, VII	2021
The Rev. C. Suzanne Mollison	Oklahoma, VII	2021
The Rt. Rev. Gretchen Rehberg	Spokane, VIII	2021
The Rev. Canon Brian Reid	Northwestern Pennsylvania, III	2021
Mrs. Brunilda Rodriguez Velez	Puerto Rico, IX	2021
The Hon. William Vodrey	Ohio, V	2021
The Rev. Christopher Wendell	Massachusetts, I	2021
The Rt. Rev. José McLoughlin, <i>Bishop Alternate</i>	Western North Carolina, IV	2021
The Rev. Chip Whitacre, <i>Clergy Alternate</i>	Minnesota, VI	2021
Mr. James Hunt, <i>Lay Alternate</i>	Montana, VI	2021

Representation at General Convention

Deputies Sharon Henes and Christopher Wendell are authorized to receive non-substantive amendments to this report.

Mandate

Amended Canon IV.5.4. a, b and c

Sec. 4. There shall be a court to be known as the Court of Review, with jurisdiction to receive and determine appeals from Hearing Panels of Dioceses as provided in Canon IV.15 and to determine venue issues as provided in Canon IV.19.5.

- a.** The Court of Review shall consist of: (i) Three (3) Bishops; six (6) Members of the Clergy, which and will include not fewer than two (2) Priests and not fewer than two (2) Deacons; and six (6) lay persons; and (ii) one (1) Bishop, one (1) Priest or Deacon, and one (1) lay person to serve as alternates as hereinafter provided. No more than two (2) be canonically resident in the same Diocese as any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a different Diocese than any other lay person. The Priests, Deacons and lay persons shall be or have been members of the Disciplinary Boards of their respective Dioceses.
- b.** The Bishops on the Court of Review shall be elected by the House of Bishops. One of the Bishops on the Court of Review shall be chosen from Provinces I, II or III; one of the Bishops shall be chosen from Provinces IV, V or VI; and one of the Bishops shall be chosen from Provinces VII, VIII or IX. The clergy and lay members and alternates of the Court of Review shall be elected by the House of Deputies for a three-year term, such that one-third of clergy members and one-third of lay members shall come from Province I, II, or III; one-third shall come from Province IV, V, or VI; and one-third shall come from Province VII, VIII, IX. The Court of Review shall select a president from among its members. The President shall be a Priest, Deacon or lay person.
- c.** The persons appointed to the Court of Review shall continue to serve until their respective successors have been elected, except in case of death, resignation or declination to serve. Members of the Court of Review who are currently appointed to a panel shall continue to serve on that panel until its work has been completed

Summary of Work

Meetings

The Court was organized in November of 2019 by Executive Council. The Court met in person December 2-4, 2019 in Chicago, Illinois. We subsequently met via Zoom video platform on October 14th, 2020, and December 21st, 2020.

No resolutions were referred to the Court for review.

Summary of Work

Our first meeting, December 2-4, 2019, consisted of a three day training. In addition, the Court elected a President. It also determined it should have a Vice President (should the President be unable to act), that the Court would benefit from having Rules of Procedure, and would benefit from having an internet website for Court information.

During the following year the Court drafted and approved Rules of Procedure for the Court of Review. It elected a Vice President. It created an email account for the President of the Court of Review (court@episcopalchurch.org) for the filing of documents. Finally, it reviewed the Canons of the Episcopal Church and discussed potential amendments to better assist our work, and further clarify the role of the Court of Review and prepared resolutions to achieve those purposes.

No matters came before the Court during this triennium.

Currently, the Court will continue to work on an internet-based website to disseminate information for the Court of Review as required by the Canons, and it continue to review the canons as they pertain to our work.

Proposed resolutions

A074 Resolution Amending Canon III.11.8.a Provision for Written Objections to the election of a Bishop Diocesan

Resolved, the House of _____ concurring, That the 80th General Convention amend Canon III.11.8.a to read as follows:

Within ten days after the election of a Bishop Diocesan, a Bishop Coadjutor, or a Bishop Suffragan by a Diocesan Convention, delegates constituting no less than ten percent of the number of delegates casting votes on the final ballot may file with the Secretary of the Convention written objections to the election process, setting forth in detail all alleged irregularities. Within ten days after receipt thereof, the Secretary of the Convention shall forward copies of the same to the Bishop Diocesan, the Chancellor and Standing Committee of the Diocese, and to the Presiding Bishop, who shall request the Court of Review of the Province in which the Diocese is located to investigate the complaint. The Court of Review may invite response by the Bishop Diocesan, the Chancellor, the Standing Committee and any other persons within the Diocese for which the Bishop was elected. Within thirty days after receipt of the request, the Court of Review shall send a written report of its

findings to the Presiding Bishop, a copy of which report the Presiding Bishop, within fifteen days, shall cause to be sent to the Bishop Diocesan, the Chancellor, the Standing Committee and the Secretary of the Convention of the electing Diocese. The Secretary shall send a copy of the report to each of the delegates who filed objection to the election process.

EXPLANATION

The proposed amendment eliminates residual language referring to the Provincial Court, which under Canon IV is now the church-wide Court of Review, thus making the language of a Province not appropriate.

A075 Resolution Amending Canon IV.5.4 Provision for the Court of Review

Resolved, the House of _____ concurring, That the 80th General Convention amend Canon IV.5.4 to include the addition of a section j. as follows:

j. The Court of Review may extend for good cause any deadlines as set forth in the Canons pertaining to the Court of Review.

EXPLANATION

There are circumstances beyond one's control that could result in missing a deadline (e.g.: the death or disability of counsel). This resolution allows for the Court of Review to extend deadlines due to such circumstances instead of denying relief for failure to timely file.

A076 Resolution Amending Canon IV.15.2 Provision to serve Notice of Appeal

Resolved, the House of _____ concurring, That the 80th General Convention amend Canon IV.15.2 to read as follows:

Within forty (40) days after issuance of an Order by a Hearing Panel, the Respondent or the Church Attorney may appeal to the Court of Review, by serving written notice of the appeal upon the Bishop Diocesan, with copies of the notice to the presidents of the Hearing Panel and the ~~Province~~ *President of the Court of Review*. The notice of appeal shall be signed by the Respondent's counsel or the

Church Attorney and shall include a copy of the Order from which the appeal is taken and state the grounds of the appeal.

EXPLANATION

The notice to the President of the Province made sense when we had provincial courts. Now that we have just one Court of Review that Court's President should be the person to receive notice of all appeals.

A077 Resolution Amending Canon IV.15.3 Provision to serve Notice of Appeal by Bishop Diocesan

Resolved, the House of _____ concurring, That the 80th General Convention amend Canon IV.15.3 to read as follows:

Any Order from a Hearing Panel finding that a Respondent did not commit an Offense involving a question of the Doctrine, Faith or Worship of the Church may be appealed by the Bishop Diocesan upon the written request of at least two Bishops Diocesan of other Dioceses within the Province who are not members of the Court of Review. Such an appeal shall be taken on the question of the Church's Doctrine, Faith and Worship only, and may not seek to reverse the finding of the Hearing Panel that Offenses were not committed. An appeal under this section may be taken by service of a notice of appeal by the Bishop Diocesan upon the Respondent, the Church Attorney and the presidents of the Hearing Panel and the *Province President of the Court of Review* within forty days after the Order of the Hearing Panel is received by the Bishop Diocesan.

EXPLANATION

The notice to the President of the Province made sense when we had provincial courts. Now that we have just one Court of Review the President of that Court needs to receive notice of all appeals.