

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A056
Title: Amend Canon IV.5.4 on the Election of Members of the Court of Review
Proposer: Standing Commission on Structure, Governance, Constitution and Canons
Topic: Canons, Discipline

Directly Related: (Attached)

2022-A118 Amend Canon IV.5.4 [On Disciplinary Structures]

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).

A056 - Amend Canon IV.5.4 on the Election of Members of the Court of Review

Final Status: Not Yet Finalized

Proposed by: Standing Commission on Structure, Governance, Constitution and Canons

Has Budget Implications: No

Cost:

Amends C&C or Rules of Order: Yes

Requests New Interim Body: No

Changes Mandate Of Existing Ib: No

Directs Dfms Staff: No

Directs Dioceses: No

Directs Executive Council: No

HiA: No House Assigned

Legislative Committee Currently Assigned: No Committee Assigned

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, That the 81st General Convention amend Canon IV.5.4 to read as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

IV.5.4

d. The Clergy and lay members and alternates on the Court of Review shall be elected by the House of Deputies at a regular meeting of the General Convention.

e. Except for a member filling a vacancy, the term of office of a member of the Court of Review shall begin at the adjournment of the regular meeting of the General Convention at which the member was elected and expire upon the adjournment of the second regular meeting of the General Convention following.

f. Members of the Court of Review shall serve staggered terms of office such that the terms of one-half of the members expire at each regular meeting of the General Convention. The

Joint Standing Committee on Nominations shall make its nominations in a manner that supports this staggering of terms.

g. Any member who has served 12 or more consecutive years shall not be eligible for reelection to the Court of Review until the next regular meeting of the General Convention following the one at which the member was not eligible for reelection to the Court of Review. A person's service as an alternate shall not count against these term limitations.

And renumbering all that follows.

<Proposed amended resolution text showing exact changes being made:>

d. The Clergy and lay members and alternates on the Court of Review shall be elected by the House of Deputies at a regular meeting of the General Convention.

~~1. e.~~ Except for a member filling a vacancy, the term of office of a member of the Court of Review shall begin at the adjournment of the regular meeting of the General Convention at which the member was elected and expire upon the adjournment of the second regular meeting of the General Convention following.

~~2. f.~~ Members of the Court of Review shall serve staggered terms of office such that the terms of one-half of the members expire at each regular meeting of the General Convention. The Joint Standing Committee on Nominations shall make its nominations in a manner that supports this staggering of terms.

~~3. g.~~ Any member who has served 12 or more consecutive years shall not be eligible for reelection to the Court of Review until the next regular meeting of the General Convention following the one at which the member was not eligible for reelection to the Court of Review. A person's service as an alternate shall not count against these term limitations.

Explanation

In its current form, subsections 1, 2, and 3 apply only to section d. This was not the intention of the Standing Commission on Structure, Governance, Constitution, and Canons when it presented this to the 80th General Convention. Rather, these three sections were meant to apply to all of Canon IV.5. By renumbering these as e, f, and g, it now applies broadly to Bishops, Presbyters, Deacons, and Lay members of the Court of Review.



Resolution Number: 2022-A118
Title: Amend Canon IV.5.4 [On Disciplinary Structures]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 80th General Convention amend Canon IV.5.4 to read as follows.

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(c).

a. The Court of Review ~~shall consist~~ *consists* of: *i.* ~~(i)~~ **Three (3) Bishops**; *ii.* ~~six (6) Members of the Clergy, which and will who must include not fewer than at least two (2) Priests and not fewer than at least 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 in this Section. No more than two (2) Priests or Deacons, whether a member or alternate, shall 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 Joint Standing Committee on Nominations will nominate a slate of Clergy and lay persons for election to the Court of Review, in accordance with the Joint Standing Committee on Nominations' canonical charge and procedures and guided by the skill sets needed for effective service on the Court of Review. The Joint Standing Committee on Nomination may but need not nominate more persons than there are vacancies. The Clergy and lay nominees for the Court of Review may but need not be Deputies to General Convention. The Joint Standing Committee on Nominations must create a description of the skills, gifts, and experience requisite for service on the Court of Review, after consultation with the Court, including the value of cultural and geographic diversity on the Court and the value of including historically underrepresented voices in the governance of the Church.

~~*b c.* The Bishops Bishop members and Bishop alternate members on the Court of Review shall will be nominated by the Presiding Bishop after consultation with the Joint Standing Committee on Nominations, and then elected by the House of Bishops at a regular meeting of the General Convention. 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.~~

~~*d.* The Clergy and lay members and alternates on the Court of Review shall will be elected by the House of Deputies at a regular meeting of the General Convention 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.~~

i. Except for a member filling a vacancy, the term of office of a member of the Court of Review begins at the adjournment of the regular meeting of the General Convention at which the member was elected and expires on the adjournment of the second regular meeting of the General Convention following.

ii. Members of the Court of Review will serve staggered terms of office such that the terms of half of the members expire at each regular meeting of the General Convention. The

Joint Standing Committee on Nominations must make its nominations in a manner that supports this staggering of terms.

iii. Any member who has served 12 or more consecutive years will be ineligible for reelection to the Court of Review until the next regular meeting of the General Convention following the one at which the member was ineligible for reelection to the Court of Review. A person's service as an alternate will not count against these term limitations.

e. The Court of Review shall must select a president President from among its members. The President shall must be a Priest, Deacon, or lay person.

e. f. The persons appointed to the Court of Review shall will 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 Panel will continue to serve on that panel until its work has been completed the Panel has completed its work.

dg. Whenever a matter is referred to the Court of Review, the President shall must appoint a panel Panel for that case consisting of one Bishop, two Members of the Clergy, and two lay persons. No Bishop or Clergy member of the Court of Review may serve in any matter originating from the Diocese in which such Bishop or Clergy member is canonically resident serves on the Disciplinary Board or is then currently licensed to serve, and no lay member may serve in a matter originating from the Diocese of the lay member's primary residence or a Diocese in which the lay member is then currently active. In such event, the President must appoint another member of the Court from the same Order to serve; if no other member is available to serve, the President must appoint an the alternate of the same Order to shall serve.

eh. If any member of the Court of Review is excused pursuant to the provisions of under Canon IV.5.3.c, or, upon objection made by either party to the appeal, is deemed found by the other members of the Court of Review to be disqualified, an alternate shall will serve.

fi. In the event of any Court of Review member's death, resignation, or declination to serve, or disability rendering the member unable to act, or is ineligible to serve under Canons IV.5.4.d or .e, and in the further event that there no other member of the Court is no alternate available to serve, the President of the Court of Review shall must declare a vacancy on the Court of Review. Notices of resignation or declination to serve shall must be communicated in writing to the President of the Court of Review.

gj. Vacancies on the Court of Review shall must be filled by appointment by the President of the House of Deputies for lay and Clergy members and by the Presiding Bishop for Bishop members Court of Review of persons qualified as provided in Canon IV.5.4.a.

hk. The Court of Review shall must appoint a clerk who may be a member of the Court, who shall will be custodian of all records and files of the Court of Review, and who shall will provide administrative services as needed for the functioning of the Court.

il. The rules of procedure for appeals to the Court of Review are as provided in Canon IV.15, but the Court of Review may adopt, alter, or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Baltimore, 2022* (New York: General Convention, 2023), pp. 464-466.