

**General Convention of The Episcopal Church 2024  
Archives' Research Report**

**Resolution No.:** 2024-A107  
**Title:** Amend Canon IV.19.12  
**Proposer:** Court of Review  
**Topic:** Canons, Discipline

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**Directly Related:** (Attached)

None

**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](#).*

# A107 - Amend Canon IV.19.12

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**Final Status:** Not Yet Finalized

**Proposed by:** Court of Review

**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

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## Resolution Text

*Resolved*, the House of \_\_\_\_\_ concurring,

That Canon IV.19.12 is hereby amended 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.>**

**Sec. 12.** In all proceedings under this Title whenever a Respondent or a Complainant is required or permitted to appear or to participate or to be heard or to be present, they each shall have the right to be accompanied by and to be represented by counsel of their choice. Counsel representing respondents may not withdraw from their representation without both providing notice to the Respondent and the Church Attorney, and receiving permission to withdraw from the Panel to whom the matter is currently referred. Respondent shall be permitted the opportunity to be heard concerning the withdrawal of counsel.

Notwithstanding Respondent's right to be accompanied by and represented by counsel of their choice, any counsel determined to have previously withdrawn from representation without permission of the relevant Panel shall not be eligible to represent respondents in Title IV matters within The Episcopal Church. Whenever any notice or other document is provided to or served upon a Respondent or a Complainant under this Title, such shall also simultaneously be provided to or served upon their respective counsel, if Respondent or Complainant, as the case may be, has notified the Bishop of the identity and contact information for such counsel. Nothing in this Title shall be construed as requiring any

Respondent to be represented by counsel. Anything in this Title required or permitted to be done by the Respondent's counsel may be done by the Respondent personally.

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

**Sec. 12.** In all proceedings under this Title whenever a Respondent or a Complainant is required or permitted to appear or to participate or to be heard or to be present, they each shall have the right to be accompanied by and to be represented by counsel of their choice. *Counsel representing respondents may not withdraw from their representation without both providing notice to the Respondent and the Church Attorney, and receiving permission to withdraw from the Panel to whom the matter is currently referred. Respondent shall be permitted the opportunity to be heard concerning the withdrawal of counsel. Notwithstanding Respondent's right to be accompanied by and represented by counsel of their choice, any counsel determined to have previously withdrawn from representation without permission of the relevant Panel shall not be eligible to represent respondents in Title IV matters within The Episcopal Church.* Whenever any notice or other document is provided to or served upon a Respondent or a Complainant under this Title, such shall also simultaneously be provided to or served upon their respective counsel, if Respondent or Complainant, as the case may be, has notified the Bishop of the identity and contact information for such counsel. Nothing in this Title shall be construed as requiring any Respondent to be represented by counsel. Anything in this Title required or permitted to be done by the Respondent's counsel may be done by the Respondent personally.

## **Explanation**

While Respondents are not required to be represented by counsel at any point in Title IV matters, those who choose to be so represented have a reasonable expectation that they will be well-served by their counsel. In recent years, the unanticipated withdrawal of counsel chosen by respondents has created significant hardship in the administration of Title IV matters. Unlike in the practice of secular law, where ethically concerning behavior by attorneys is subject to professional discipline, The Episcopal Church's clergy disciplinary process lacks any way of enforcing sanctions upon attorneys once they are no longer representing participants in a Title IV process. This resolution amends the canons to bar from any future representation of respondents an attorney who withdraws from representing a Respondent without permission of the relevant Panel. This will provide the strongest possible protections the canons can offer to protect respondents from being abandoned by their attorneys, and to protect injured parties and other affected individuals and communities from the potential delays in final adjudication associated with unanticipated or untimely attorney withdrawals.