

JUDICIAL PRACTICE AND PROCEDURE RULES OF THE GLOBAL METHODIST CHURCH

1. APPLICABILITY OF JUDICIAL PRACTICE AND PROCEDURE RULES (JPP) – The *Judicial Practice and Procedure Rules* have been adopted by the Transitional Leadership Council of the Global Methodist Church and have the force of church law. The *Rules* together with Part Eight of the *Transitional Book of Doctrines and Discipline* shall govern the processes outlined in Part Eight during the time between the legal formation of the Global Methodist Church and the effective date of any legislation passed by the convening General Conference designed to replace them. In the event of a conflict between the *Transitional Book of Doctrines and Discipline* and the *Judicial Practice and Procedure Rules*, the *Transitional Book of Doctrines and Discipline* shall govern.

Section I – Administrative Complaint Process. (See ¶¶ 802-806)

2. PROCEDURES GOVERNING ADMINISTRATIVE COMPLAINTS CONCERNING CLERGY. (See ¶ 805)

1. *Supervisory Response* – The first step in resolving an administrative complaint is a meeting of the complainant, the respondent, and the bishop or presiding elder (district superintendent). Both the complainant and the respondent are entitled to have with them a support person who shall have voice in the meeting. The participants in the meeting shall be informed a minimum of twenty days prior to the scheduled meeting, and the written complaint shall be presented to the complainant at least twenty days prior to any supervisory response. The purpose of the supervisory response is to, so far as possible, establish facts, consider circumstances and explanations, determine if there is an issue that merits action, and arrive at a plan of addressing the unsatisfactory performance of ministerial duties (if any).

The supervisory response shall result in one of three possible outcomes:

a. The presiding elder (district superintendent) or bishop dismisses the complaint, with the agreement of a majority of the presiding elders (district superintendents) in the annual conference as having no basis in church law or fact. In such a case, the presiding elder (district superintendent) or bishop shall provide a written rationale for dismissing the complaint, which shall be placed in the respondent's personnel file and copies of which shall be given to the complainant and respondent.

b. A resolution of the complaint is agreed to by all parties, signed, and placed in the respondent's personnel file.

c. A resolution of the complaint is not agreed to and the presiding elder (district superintendent) or bishop determines that the allegations have a basis in fact that merits a response. In such case, the complaint shall be forwarded to the chairperson of the Board of Ministry for an examination and investigative process.

The supervisory response shall be completed within sixty (60) days of the receipt of the complaint by the bishop or presiding elder (district superintendent), with the possibility of one (and only one) 30-day extension if agreed upon by both the respondent and the complainant.

2. *Investigative Response*. A committee of at least five persons from the Board of Ministry shall convene to investigate the allegations of the complaint. The purpose of the investigative response is to, so far as possible, establish facts, consider circumstances and explanations, determine if there is an issue that merits action, and arrive at a plan of addressing the unsatisfactory performance of ministerial duties (if any). The committee shall have access to all relevant materials related to the allegations and shall be able to interview witnesses. When witnesses are interviewed, the respondent

and complainant, along with their support persons (with voice) shall be entitled to be present and also ask questions.

When the committee has finished its investigation, it shall hold a closed hearing, with the respondent and complainant and their support persons (with voice) entitled to be present. The evidence regarding the allegations shall be presented. The respondent shall also have the opportunity to present evidence, ask questions of witnesses, and make statements to the committee. A verbatim record of the hearing shall be made and kept in the respondent's personnel file. At the conclusion of the hearing, the committee shall enter into executive session for the purpose of resolving the allegations. The committee's investigation shall be completed and the hearing held within 60 days of the referral of the complaint to the Board of Ministry, with the possibility of one (and only one) 30-day extension if agreed upon by both the respondent and the complainant. A written report of the committee's decision, including rationale, shall be placed in the respondent's personnel file and copies given to the respondent and complainant.

The investigative response shall result in one of three outcomes:

- a. The committee may find the allegations are without sufficient basis to take action and dismiss the complaint.
- b. The committee may find the allegations are substantiated and mandate a course of remedial actions, with appropriate benchmarks and follow-up subject to regular oversight by the Board of Ministry and annual review, including but not limited to:
 - 1) Program of continuing education;
 - 2) Sabbatical leave;
 - 3) Personal counseling or therapy;
 - 4) Program of career evaluation;
 - 5) Peer support and supervision;
- c. The committee may find the allegations are substantiated and recommend an involuntary status change, such as surrender of credentials, administrative location, involuntary leave of absence, or involuntary retirement.

Outcomes a or b shall be determined by majority vote of the committee and reported to the Board of Ministry. Outcome c shall require a three-quarters vote of the committee and the ratification by a majority of the Board of Ministry, as well as a majority of the clergy session.

3. *Administrative Review.* The administrative review committee shall review the report of the Investigative Response and the entire process used by the Board of Ministry in the Investigative Response to determine whether it followed the requirements of JPP 2.2, and fair process (§ 804). It shall have no authority to review the facts of the case or decide on its merits. The committee shall issue a report on the process and its compliance with the *Transitional Book of Doctrines and Discipline*, which report shall be given to the respondent, the complainant, the bishop and cabinet, and to the Board of Ministry and clergy session prior to any action by those bodies on the investigative response. Prior to its report, if the committee determines that any error has occurred, it may recommend to the appropriate person or body that action be taken promptly to remedy the error or decide the error is harmless. Whether remedial action is taken shall factor into the response by the Board of Ministry and clergy session. The administrative review committee shall complete its report within thirty (30) days of receiving the matter.

4. *Appeal.* The respondent and complainant both have the right of appeal of the decision by the investigative response of the Board of Ministry. The appeal shall go first to the full Board of Ministry (with no members of the investigative committee voting as part of the full Board action) and then may be appealed to the clergy session. Both bodies shall have access to the full report of the investigative response, and additional evidence, testimony, and statements may be presented by both sides during the appeal. The decision of the Board of Ministry is final unless notice of appeal is

filed with the bishop, with a copy to other parties to the administrative complaint within 30 days of the release of the decision. The decision of the clergy session is final, with no further appeal.

5. *Expenses.* All expenses for the administrative process for clergy shall be borne by the annual conference, except for travel and other expenses of the respondent and their support person.

3. PROCEDURES GOVERNING ADMINISTRATIVE COMPLAINTS CONCERNING BISHOPS. (See ¶ 806)

1. When the respondent is a bishop, the administrative process outlined in JPP 2 shall be adhered to, with the following changes. The supervisory process shall be administered by the chair of the Transitional Leadership Council or their designee. The chair shall inform the conference episcopacy committee where the bishop presides (if any) and all active bishops of the complaint and keep them apprised of its progress. Any investigative process shall be carried out by a committee of the Transitional Leadership Council. The investigative committee shall not include anyone from the annual conference presided over by the respondent bishop and shall be representative of the global makeup of the church. The Transitional Leadership Council shall administer any just resolution of an administrative complaint. Any involuntary status change of a bishop must be recommended by a three-fourths vote of the investigative committee and approved by the Transitional Leadership Council by a two-thirds vote (¶ 520.3, 703.2v). The administrative review committee of the annual conference presided over by the bishop shall examine the administrative process and issue its report prior to any action by the Transitional Leadership Council. The Transitional Leadership Council's decision shall be final.

2. *Expenses.* All expenses for the administrative process for complaints involving bishops shall be borne by the general church.

Section II – Judicial Supervisory Process

4. PROCEDURE FOR SUPERVISORY RESPONSE. (See ¶ 808)

1. The first step in resolving a judicial complaint is a required in-person meeting of the complainant, the respondent, and the bishop or presiding elder (at the bishop's discretion). Both the complainant and the respondent are entitled to have with them a support person who shall have voice in the meeting. The participants in the meeting shall be informed a minimum of twenty (20) days prior to the scheduled meeting, and the written complaint shall be presented to the complainant at least twenty (20) days prior to any supervisory response. The purpose of the supervisory response is to, so far as possible, establish facts, consider circumstances and explanations, determine if there is an issue that merits action, and arrive at a resolution of the complaint that restores compliance and redresses any harms resulting from a violation.

2. *If the respondent is a bishop*, the supervisory process shall be administered by the chair of the Transitional Leadership Council or their designee (¶ 810.1).

3. The supervisory response shall be completed within sixty (60) days of the receipt of the complaint by the person administering the complaint, with the possibility of only one 30-day extension if agreed upon by both the respondent and the complainant.

4. The supervisory response shall result in one of three possible outcomes:

a. The presiding elder (district superintendent) or bishop dismisses the complaint, with the agreement of a majority of the presiding elders (district superintendents) in the annual conference (or *if the respondent is a bishop*, the chair of the Transitional Leadership Council dismisses the complaint with the agreement of a majority of the Transitional Leadership Council) as having no basis in church law or fact. In such a case, the presiding elder (district superintendent), bishop, or Transitional Leadership Council chair shall provide a written rationale for dismissing the complaint,

which shall be placed in the respondent's personnel file and copies of which shall be given to the complainant and respondent.

b. A resolution of the complaint is agreed to by all parties, signed, and placed in the respondent's personnel file. The resolution should specify which officer or body of the church will be responsible to ensure that the stipulations of the resolution are followed and maintained.

c. A resolution of the complaint is not agreed to and the presiding elder (district superintendent), bishop, or Transitional Leadership Council chair determines that the allegations have a basis in fact that merits a response. In such case, the complaint shall be forwarded to a counsel for the church to present the complaint to the committee on investigation for an examination and investigative process.

Section III – Judicial Investigative Response.

5. COMPOSITION OF THE COMMITTEE ON INVESTIGATION. (See ¶ 809)

1. *When respondent is a bishop*—The Transitional Leadership Council shall appoint a global committee on investigation. Bishops who are members of the TLC shall nominate persons to be elected. The Transitional Leadership Council shall nominate persons reflecting the racial, ethnic, geographic, and gender diversity of the church.

The committee shall consist of nine members, five ordained clergy who are not bishops and four professing members, and nine alternate members, five of whom shall be ordained clergy who are not bishops and four of whom shall be professing members. If possible, no two members and alternates shall be from the same annual conference. All geographical regions of the church shall be represented on the committee. Committee members must be in good standing and must be of good character. The committee shall elect a chairperson and secretary and organize following its appointment. Five clergy and four laity (or their alternates) seated as members of the committee shall constitute a quorum. Where technically feasible, members of the committee may participate in meetings and hearings through video conferencing.

2. *When the respondent is a clergy person* -- Each annual conference shall elect a committee on investigation to consider judicial complaints against clergy members of the annual conference in accordance with ¶ 613.5.

3. *When respondent is a layperson*— The presiding elder (district superintendent) and the district lay leader (if any), shall appoint a committee on investigation consisting of four professing members and three clergy in full connection to serve only for this complaint. Both clergy and professing members must come from other congregations, exclusive of the churches of the respondent or the complainant. Committee members must be in good standing and must be of good character. The committee should reflect racial, ethnic, and gender diversity. Five members shall constitute a quorum.

6. REFERRAL OF A COMPLAINT TO A COUNSEL FOR THE CHURCH. (See ¶ 810)

1. *When the respondent is a bishop*

a. Within 30 days of the conclusion of the supervisory process, absent a just resolution or the dismissal of the complaint, the Transitional Leadership Council Chair shall name an elder within the same geographical region as the respondent to serve as counsel for the Church. The counsel for the Church shall draft and sign the complaint as a judicial complaint, forward it to the committee on investigation (¶ 810, JPP 5 and 7), and represent the Church in the judicial process, as provided in JPP 6.1 and 7.

b. The counsel for the Church, as appointed under ¶ 810.1a, shall prepare, sign, and forward the judicial complaint and all documentary evidence under consideration, including but not limited

to information from the supervisory process, relevant information from the respondent's personnel file, and a suggested list of witnesses as deemed appropriate, to the chairperson of the committee on investigation, the complainant, and the respondent. The counsel for the Church shall be responsible for providing a progress report of the development of the judicial complaint every thirty (30) days to all parties, starting from the date of appointment until the complaint is finally resolved. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty (30) days of receipt of the judicial complaint. The chairperson shall convene the committee on investigation within sixty (60) days of receiving the judicial complaint.

2. *When the respondent is a clergy person*

a. Within 30 days of the conclusion of the supervisory process, absent a just resolution or the dismissal of the complaint, the bishop shall name an elder within the annual conference in which the alleged violation took place to serve as counsel for the Church. The counsel for the Church shall draft and sign the complaint as a judicial complaint, forward it to the committee on investigation (§ 810, JPP 5 and 7), and represent the Church in the judicial process, as provided in JPP 6.2 and 7.

b. The counsel for the Church, as appointed under § 810.2a, shall prepare, sign, and forward the judicial complaint and all documentary evidence under consideration, including but not limited to information from the supervisory process, relevant information from the respondent's personnel file, and a suggested list of witnesses as deemed appropriate, to the chairperson of the committee on investigation, the complainant, and the respondent. The counsel for the Church shall be responsible for providing a progress report of the development of the judicial complaint every thirty (30) days to all parties, starting from the date of appointment until the date the complaint is finally resolved. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty (30) days of receipt of the judicial complaint. The chairperson shall convene the committee on investigation within sixty (60) days of receiving the judicial complaint.

3. *When the respondent is a layperson*

a. If a just resolution is not agreed to and the complaint is not dismissed, the presiding elder (district superintendent), shall within thirty (30) days appoint a _____ Church clergy or layperson to serve as counsel for the church. The counsel for the Church shall draft and sign the complaint as a judicial complaint, forward it to the committee on investigation (JPP 5 and 7), and represent the Church in the judicial process, as provided in JPP 6.3 and 7.

b. The counsel for the Church, as appointed under § 810.3a, shall prepare, sign, and forward the judicial complaint and all documentary evidence under consideration, including but not limited to information from the supervisory process and a suggested list of witnesses as deemed appropriate, to the chairperson of the committee on investigation, the complainant, and the respondent. The counsel for the Church shall be responsible for providing a progress report of the development of the judicial complaint every thirty (30) days to all parties, starting from the date of appointment until the date the complaint is finally resolved. The respondent shall be given an opportunity to submit to the committee on investigation a written response to the judicial complaint within thirty (30) days of receipt of the judicial complaint. The chairperson shall convene the committee on investigation within sixty (60) days of receiving the judicial complaint.

7. COMMITTEE ON INVESTIGATION—PROCEDURES. (See § 811)

1. *Parties and Counsel* – The parties are the respondent and the Church.

a. *Counsel for the Church* – Counsel for the Church shall be entitled to choose one assistant counsel without voice who may be an attorney. All reasonable expenses of the counsel and assistant counsel shall be paid by the annual conference (or general church, if the respondent is a bishop), but

no honorarium or compensation shall be paid. When the Counsel for the Church needs to spend significant time away from ministry in order to fulfill their duties, the annual conference shall provide at its expense supplemental ministry assistance.

b. *Committee on Investigation* – The committee on investigation may have legal counsel present, who shall not be the conference chancellor, for the sole purpose of providing advice to the committee, at the annual conference's (or if the respondent is a bishop, general church's) expense.

c. A respondent who is a bishop or a clergyperson shall be entitled to select a clergyperson from the Global Methodist Church to serve as respondent's counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.

d. A lay respondent shall be entitled to select a lay member or clergyperson from the Global Methodist Church to serve as respondent's counsel. A respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.

2. *Preliminary Meeting* – Basic procedural decisions shall be made in a preliminary meeting. During this meeting, the respondent and the respondent's counsel, the complainant, and the counsel for the Church shall have the right to argue procedural points before a decision is made by the chair. All procedural decisions and such unanticipated decisions as may come in the course of the meeting of the committee on investigation shall be rendered in writing so as to be available for consideration in all further possible stages of the case. The chair shall provide any rulings in writing to the parties at least five days prior to the initiation of the hearing before the committee on investigation.

3. *Hearing before the Committee on Investigation*

a. If possible, the respondent and the person(s) bringing the original complaint shall be brought face to face, but the inability to do this shall not invalidate an investigation. Notice of the hearings shall be given to all parties, including the complainant, and they all shall be permitted to be present during testimony, but not during deliberations. Proceedings in the investigation shall be informal. No oaths shall be taken. All procedural decisions shall be made by the chairperson.

b. *Interview of witness prior to or outside of hearing*—The chairperson shall have the power, whenever it is appropriate in the committee's own discretion, to appoint at least two members of the committee to interview any witness(es), provided that all parties may be present (without voice) and that three days notice of the time and place of such interview shall have been given to all parties. The members so appointed shall create a verbatim record of the interview and certify the record by signature for transmittal to the chairperson.

c. *Examination of witnesses*—The committee on investigation may call and question such persons or request such written information, including but not limited to materials from the supervisory process, as it deems necessary to establish whether or not there are reasonable grounds for formulating a charge or charges. The committee may receive from the counsels suggested lists of persons to be questioned, sources of written material, or questions to be asked. There shall be no right of cross-examination by either the respondent or the person(s) bringing the original complaint.

d. *Evidence*—The committee should only consider testimony or evidence which is relevant and reliable. The chairperson or presiding officer, after consultation with counsel for both parties, shall rule on challenges to relevance and reliability. The introduction of any material relating to events barred by the statute of limitations (§ 807.3) as evidence, as preface to evidence, or as build-up for evidence in the procedures of the committee on investigation or the trial proceedings shall be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable.

e. *Verbatim transcript*—There shall be a verbatim record of all proceedings of the committee on investigation, except when the committee meets in executive session. The term *executive session* shall mean the committee meeting alone or with its legal counsel. If the complaint is dismissed or returned to the bishop, a verbatim record shall be sent to the conference secretary for retention.

4. *Bill of Charges and Specifications, Deliberations, Vote, and Referral*—A vote on each charge and each specification shall be taken separately. It is incumbent on each member of the committee to base his or her vote solely on whether reasonable grounds exist to support the charges. If there are members who are unwilling to uphold the *Doctrines and Discipline* for reasons of conscience or otherwise, such members shall step aside in this matter and either alternate members or others who are willing to uphold the *Doctrines and Discipline* must be appointed to the committee to enable it to complete its responsibility.

a. *Bill of Charges and Specifications*—A charge is one of the chargeable offenses listed in ¶ 807.1-2. A charge shall not include more than one such chargeable offense. More than one charge against the same person may be presented and tried at the same time. Each charge must be written with specifications that support the charge. Each charge must be accompanied by one or more specifications of fact. Each specification, standing alone, must allege a factual occurrence that, if found to be true, would support a finding of guilt on the related charge. The specifications should be as specific as possible with information such as date, place, and specific events alleged to have occurred.

b. *Finding of reasonable grounds by committee and referral of bill of charges and specifications for trial*

1) *When respondent is a bishop*—A vote to adopt any charge or specification shall require six votes. Any bill of charges and specifications adopted shall be sent within five days to the bishop charged, to the secretary of the General Conference, to the chair and members of the Transitional Leadership Council, to counsel for the Church, and to the chairperson of the conference episcopacy committee (if any).

2) *When respondent is a clergyperson other than a bishop*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee on investigation shall be sent by the chairperson within five days to the respondent, the complainant, the secretary of the annual conference, the chair of the Board of Ministry, the counsel for the Church, and the bishop.

3) *When respondent is a layperson*—A vote to adopt any charge or specification shall require five votes. Any bill of charges and specifications adopted by the committee shall be sent within five days to the respondent, the complainant, the recording secretary of the charge conference, counsel for the Church, the pastor(s), and the presiding elder (district superintendent).

c. *Findings other than reasonable grounds by committee or other actions*

1) If the committee on investigation determines that there are no reasonable grounds for charges, it may dismiss the judicial complaint. When deemed appropriate, it may also refer matters of concern to the proper referring Church official (to the chair of the Transitional Leadership Council in the case of a bishop, to the bishop in the case of a clergyperson, or to the pastor(s) in the case of a layperson) for administrative or other action. Notification of these actions should be given to the respondent, the complainant, counsel for the Church, and the proper referring Church officials, along with a written rationale for the committee's decision.

2) If the committee on investigation determines that the judicial complaint is not based upon chargeable offenses, or for other good cause, the committee may refer the complaint to the proper referring Church official (JPP 7.5c(1) above) for administrative or other action. Such referral will not constitute a dismissal or double jeopardy under ¶ 804.8. Notification of these actions should be given to the respondent, the complainant, counsel for the Church, and the proper referring Church officials.

3) Upon recommendation of the counsel for the Church and the counsel for the respondent, the committee may refer the matter back to the bishop (or if the respondent is a bishop, to the chair of the Transitional Leadership Council) as deemed appropriate for a process seeking a just resolution under the provisions of ¶ 803. The bishop or chair shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral shall not constitute a dismissal or double jeopardy under ¶ 804.8. The appropriate persons, including the counsel for the Church, the counsel for the respondent, and the complainant, shall enter into a written agreement outlining the process, including any agreements on confidentiality. Deadlines shall be suspended during a process seeking resolution.

If resolution is achieved, a written statement affirming such resolution, including any terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for reporting such change or for readmission. The committee on investigation shall retain jurisdiction for the period of time stated for the implementation of the resolution agreement. The committee shall periodically monitor the progress of the completion of the terms and conditions of the resolution agreement, and shall certify when the terms and conditions of the agreement are completed. When the terms and conditions of the agreement are completed, the committee on investigation shall report its certification, and the status of the respondent as a result of completing the terms and conditions of the resolution agreement, to the resident bishop or Transitional Leadership Council chair.

If the process does not result in resolution, the matter shall be returned to the committee on investigation for further consideration.

Also, decision(s) of a trial court that call for certification as to the completion of terms and conditions of the trial court's decision(s) after the end of a trial are to be assigned to the committee on investigation for monitoring and certification of completion of the decision, unless the trial court specifies otherwise. If the respondent fails to complete the terms and conditions of a trial court decision, the committee shall notify the presiding officer of the trial, who may reconvene the trial court for its further consideration.

5. *Special Investigations*—In the event that jurisdiction in a judicial proceeding is ended as a result of the death of, or surrender of credentials by, the respondent in cases where the chargeable offense includes those listed in ¶ 807.1c, d, or e or ¶ 807.2c, d, or e, the committee on investigation may be convened at the request of the presiding bishop to make pastoral inquiry into the charges. The inquiry shall:

- a. not be judicial in nature;
- b. be empowered to receive witnesses and to consider evidence; and
- c. make a report of the inquiry to the body where the respondent's membership was held, including recommendations, if any.

6. *Records of the Committee on Investigation* – At the conclusion of the investigation process, all documents used by the committee on investigation, including transcriptions of its hearings, shall be sent to the secretary of the General Conference (when the respondent is a bishop) or of the annual conference (when the respondent is a clergyperson other than a bishop or is a layperson), who shall keep them in custody. Such documents are to be held in a confidential file and shall not be released except for the purposes of trial and then only to counsel for the Church, the respondent, and the presiding officer of the trial court. Those receiving the documents shall return them to the secretary of the General or annual conference following the conclusion of the trial and any appeal.

7. *When the respondent is a layperson*, the presiding elder (district superintendent) shall preside at all meetings of the committee on investigation, shall be given a copy of the judicial complaint and any response, and shall have the right to be present and to speak at all meetings of the committee.

Section IV – Trials.

8. GENERAL ORGANIZATION AND PRE-TRIAL PROCEDURES. (See ¶ 812)

1. *Officers of the Court* – Officers shall consist of a presiding officer (JPP 11.2, 12.2, 13.2), who shall appoint a secretary and such other officers as deemed necessary. The presiding officer may have legal counsel, who shall not be the conference chancellor, at the expense of the annual conference holding the trial, for the sole purpose of advice to the presiding officer during the trial.

2. *Time and Place of Trial* – The official charged with convening the trial shall also fix the time and place for the trial and will notify the presiding officer, the respondent, counsel for the Church, and the complainant. In all cases, sufficient time shall be allowed for these persons to appear at the given place and time and for the respondent to prepare for the trial. The presiding officer shall decide what constitutes “sufficient time,” but in no case shall this time be less than twenty (20) days.

3. *Pre-Trial Motions and Referrals* – All appeals of any procedural or substantive matters that have occurred prior to referral of the charges to trial must be appealed to the presiding officer of the trial court before the convening of the trial. Otherwise, the right to appeal on such matters is forfeited. All objections to and motions regarding the regularity of the proceedings and the form and substance of charges and specifications must be made before the convening of the trial court. The presiding officer shall rule on all such preliminary objections and motions; in furtherance of truth and justice may permit amendments to the specifications or charges not changing the general nature of the same; and may dismiss all or any part of the bill of charges upon a finding by the presiding officer (1) that all or such part is without legal or factual basis or (2) that, even assuming the specifications to be true, they do not constitute a basis for a chargeable offense.

The presiding officer may refer the matter as deemed appropriate for a process seeking a just resolution under the provisions of ¶ 803 to the bishop (or if the respondent is a bishop, to the Transitional Leadership Council chair) with consent of the counsel for the Church and counsel for the respondent. The bishop or Transitional Leadership Council chair shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 804.8. If a process seeking a just resolution is used, the appropriate persons, including the counsel for the Church, counsel for the respondent, and complainant should enter into a written agreement outlining such process, including any agreement on confidentiality. If resolution is achieved, a written statement affirming such resolution, including any terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for reporting such change or for readmission. The committee on investigation shall be charged with maintaining oversight of the fulfillment of the agreement (JPP 7.5c(3)). Such a written statement shall be given to the presiding officer, and the presiding officer shall take action consistent with the agreement. If no resolution results, the matter is returned to the presiding officer for the continuance of the trial process.

4. *Change of Venue* – The respondent may request a change of venue. This shall be a written request to the presiding officer of the court within ten (10) days of receipt of notice to appear for trial. The presiding officer shall rule upon the request after hearing arguments by the respondent and the Church. If the motion is approved, the presiding officer shall name the annual conference outside the episcopal area wherein the trial shall be held and shall notify the bishop of that

conference, who shall convene the court. The cost of prosecution shall be borne by the conference where the case originated.

5. *Notice*

a. All notices required or provided for in relationship to investigations, trials, and appeals shall be in writing, signed by or on behalf of the person or body giving or required to give such notice, and shall be addressed to the person or body to whom it is required to be given. Such notices shall be served by delivering a copy thereof to the party or chief officer of the body to whom it is addressed in person or sent by other delivery system to the last known residence or address of such party. Proof of notice shall be provided and becomes a part of the record of the case.

b. In all cases wherein it is provided that notice shall be given to a bishop or presiding elder (district superintendent) and the charges are against that particular person, then such notice (in addition to being given to the accused) shall be given, in the case of a bishop, to the chair of the Transitional Leadership Council and, in the case of a presiding elder (district superintendent), to the bishop in charge.

6. *Trial Scheduling and Continuances* – If in any case the respondent, after due notice (twenty days) has been given, shall refuse or neglect to appear at the time and place set forth for the hearing, the trial may proceed in the respondent's absence. However, if in the sole discretion of the presiding officer there is good and sufficient reason for the absence of the respondent or another essential person, the presiding officer may reschedule the trial to a later date.

7. *Counsel* – In all cases, a respondent shall be entitled to appear and to select and be represented by counsel: a clergy member of the Global Methodist Church if the respondent is a bishop or a clergy person; and a lay or clergy member of the Global Methodist Church if the respondent is a lay member. The respondent and the Church shall be entitled to have counsel heard in oral or written argument or both. The official charged with convening the court (see ¶¶ 813) shall, within thirty (30) days after receiving a copy of the charges and specifications, appoint counsel for the Church, if counsel has not been previously appointed, under the provisions of ¶¶ 804.10 and 810. In all cases of trial where counsel has not been chosen by the respondent, counsel shall be appointed by the presiding officer. The counsel for the Church and for the respondent each shall be entitled to choose one assistant counsel, who may be an attorney, without voice. "Without voice" means without the ability to speak to or within the hearing of the trial court. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney.

8. *Witnesses* – Notice to appear shall be given to such witnesses as either party may name and shall be issued in the name of the Church and be signed by the presiding officer of the trial. It shall be the duty of all clergy and lay members of the Global Methodist Church to appear and testify when summoned. Refusal to appear or to answer questions ruled by the presiding officer to be relevant may be considered as disobedience to the order and discipline of the Global Methodist Church, except when refusal to answer is based on a good faith claim that answering might tend to incriminate the witness under state or federal criminal law or is based on a claim of confidential communication to a clergy person. A witness, to be qualified, need not be a member of the Global Methodist Church.

9. *Commissioned Out-of-Court Testimony*—The presiding officer of any court before which a case may be pending shall have power, whenever the necessity of the parties or witnesses shall require, to allow the examination of the witnesses outside of the trial hearing; provided that three days' notice of the time and place of taking such testimony shall have been given to the adverse party. The party making this request shall have the burden of showing good cause and shall bear the cost of such commissioned out-of-court testimony. The presiding officer or his/her designee shall preside over the testimony. Counsel for both parties shall be permitted to examine and cross-examine the witness

or witnesses whose testimony is thus taken. The testimony shall be transcribed for inclusion in the trial record. The testimony may also be video recorded for replay during the trial. The testimony shall be transmitted to the presiding officer and secretary of the court before which the case is pending.

10. *Amendments to Bill of Charges and Specifications* – After consultation with counsels, the presiding officer of the trial may make amendments to the bill of charges; provided that they do not change the nature of the charges and specifications and do not introduce new matter of which the respondent has not had due notice. When an amendment or amendments to a bill of charges is or are denied by the presiding officer, it or they shall not be introduced in the form of testimony in the trial. Charges or specifications previously considered and dropped by the committee on investigation shall not be introduced in the trial in the form of evidence or otherwise.

11. *Open or Closed Trials* – The selection of the trial court and the deliberations of the trial court shall be closed. All other sessions of the trial shall be open. The presiding officer may, in extenuating circumstances, in his or her judgment on motion of counsel for either party or on the presiding officer's own motion, declare a particular session of the court to be closed. Respecting the seriousness of the proceedings and the privacy of individuals involved, video recording or photography of the proceedings shall not be allowed. At all times, however, in the hearing portion of the trial, the presiding officer, the members of the trial court, the person(s) making the original complaint, counsel for the Church, the respondent, and counsel for the respondent shall have a right to be present.

12. *Combined Trials of Multiple Persons*—In cases in which a number of persons have allegedly engaged in the same offense at the same time and place, their trials may be combined into one trial for that same offense. The presiding officer shall make the determination on combination of trials.

9. TRIAL CONVENING AND SELECTION OF THE TRIAL COURT. (See ¶ 813)

1. *Convening of the Trial* – The convener shall notify the respondent in writing to appear at a fixed time and place no less than twenty (20) days after service of such notice and within a reasonable time thereafter for selection of the members of the trial court (JPP 8.3, ¶ 813).

2. *Trial Pool* – At the appointed time, in the presence of the respondent, counsel for the respondent, counsel for the Church, and the presiding officer, thirteen members and two alternate members shall be selected as a trial court out of a pool of thirty-five or more persons selected according to JPP 11.2, 12.2, and 13.2. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

3. *Selection of the Trial Court* – No person shall serve as a member of the trial court who was a member of the cabinet, Board of Ministry, or committee on investigation who considered the case in the process of coming to trial court. The counsel for the Church and the respondent shall each have up to four peremptory challenges and challenges for cause without limit. If by reason of challenges for cause being sustained the number is reduced to below thirteen, additional appropriate persons shall be nominated in like manner as was the original panel to take the places of the numbers challenged, who likewise shall be subject to challenge for cause. This method of procedure shall be followed until a trial court of thirteen members and two alternate members has been selected.

4. *Alternates* – The two alternate members shall sit as observers of the trial. They shall replace members of the trial court who are not able to continue to serve, so that the trial court shall always consist of thirteen members, unless the respondent and counsel for the Church agree to a lesser number.

5. *Trial Court Questions* – The members of the trial court, including the alternate members, may, subject to the approval of the presiding officer of the court, ask questions on matters on which evidence has been presented.

10. TRIAL GUIDELINES AND RULES.

1. *Authority of Presiding Officer* – After the trial is convened the authority of the presiding officer shall include the right to set reasonable time limits, after consultation with counsel for the Church and counsel for the respondent, for the presentation of the case, provided such time is equal for both. The authority of the presiding officer shall be limited to ruling upon proper representation of the Church and the person charged, admissibility of evidence, recessing, adjourning, and reconvening sessions of the trial, charging the members of the trial court as to the Church law involved in the case at the beginning of the trial and just before they retire to make up their verdict, and such other authority as is normally vested in a civil court judge sitting with a jury, but he or she shall not have authority to pronounce any judgment in favor of or against the person charged other than such verdict as may be returned by the trial court, which body shall have the exclusive right to determine the innocence or guilt of the person charged.

2. *Entering of the Plea* – After selection of the trial court, the respondent shall be called upon by the presiding officer to plead to the charge, and the pleas shall be recorded. If the respondent pleads “guilty” to the charges preferred, no trial shall be necessary, but evidence may be taken with respect to the appropriate penalty, which shall thereupon be imposed. If the respondent pleads “not guilty” or if the respondent should neglect or refuse to plead, the plea of “not guilty” shall be entered, and the trial shall proceed. The respondent shall at all times during the trial, except as hereinafter provided, have the right to produce testimony and that of witnesses and to make defense.

3. *Order of Trial* – Following the entry of the plea, each counsel may make an opening statement to inform the trial court of what the evidence is expected to be. Evidence shall then be offered by questioning of witnesses and by documents and other evidence shown to be relevant and reliable. Each counsel shall have opportunity to make closing arguments before the trial court begins deliberations. Deliberations of the trial court and receiving of the verdict shall follow.

4. *Oaths* – The administration of oaths shall not be required. At the beginning of the trial, the presiding officer shall remind all parties of the duties and responsibilities of Church membership and/or the clergy covenant. Failure to testify truthfully subjects witnesses to potential charges of disobedience to the order and discipline of the Global Methodist Church.

5. *Recess and Trial Procedures* – The court may recess from time to time as convenience or necessity may require. During the time of recess, the members of the trial court shall be instructed that under no circumstance will they speak to one another or to others about the trial or observe media reports regarding the case. When, in consultation with counsel for both parties, the presiding officer finds it advisable, the members and reserves shall be sequestered. Threatening or tampering with the trial court or officers of the trial court shall be considered disobedience to the order and discipline of the Global Methodist Church. The presiding officer shall remain and preside until the decision is rendered and the findings are completed and shall thereupon sign and certify them.

6. *Objections and Rulings* – Objections of any party to the proceedings shall be entered on the record. All rulings on pre-trial appeals, objections, and motions shall be entered on the record. All objections and motions from counsels during the proceedings of the trial shall be made in open session before the trial court and entered on the record along with the rulings of the presiding officer on all such objections and motions.

7. *Exclusion of Witnesses*—With the exception of the complainant and respondent, no witness to be examined shall be present during the examination of another witness if the opposing party objects. Witnesses shall be examined first by the party producing them, then cross-examined by the opposite party and may be questioned by members of the trial court, with the approval of the presiding officer. After counsels have completed direct and cross examination, the Counsel for the Church may conduct re-direct examination of a witness, provided, however, that the questions

posed by the Counsel for the Church pertain to testimony already offered by the witness. At the completion of re-direct examination, the counsel for the respondent may conduct a re-cross examination, provided, however, that the questions posed by the respondent's counsel pertain only to testimony already offered by the witness during direct or re-direct examination. The presiding officer of the court shall determine all questions of relevancy and competency of evidence.

8. *Recording of Proceedings* – A verbatim record of all proceedings of the trial shall be by stenograph or other appropriate means and reduced to writing and certified by the presiding officer or secretary. The official record, including all exhibits, papers and evidence in the case, shall be the basis of any appeal that may be taken.

9. *Evidence* – The introduction of any material relating to events happening before the six-year statute of limitation period (§ 807.3) as evidence, as preface to evidence, or as build-up for evidence in the procedures of the trial proceedings may be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable. Documentary evidence deemed by the presiding officer to be relevant and reliable may be in the physical possession of the trial court during deliberations at their request.

10. *Instructions and Charges* – The presiding officer shall not deliver a charge reviewing or explaining the evidence or setting forth the merits of the case. The presiding officer shall express no opinion on the law or the facts while the court is deliberating. If requested by either party's counsel, the presiding officer shall instruct the trial court on Church law applicable to the case. Instructions may be given at the beginning of the trial, during the trial, before the trial court begins deliberations or a combination of any of these. If requested by the trial court, instructions may be given during deliberations. The presiding officer shall not review or explain the evidence or comment on the merits of the case.

11. TRIAL OF A BISHOP.

1. The Transitional Leadership Council chair shall designate an active or former bishop to serve as presiding officer.

2. The trial shall be convened as provided in JPP 9 with the pool of thirty-five or more persons to consist of ordained clergy named by the Transitional Leadership Council in approximately equal numbers from each episcopal area within the geographical area where the bishop presides (with a minimum of three annual conferences represented), excluding the annual conference(s) over which the respondent bishop presides. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity. Persons excluded by virtue of JPP 9.3, shall not be included in the trial court pool.

3. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the General Conference, who shall keep them in custody. If an appeal is taken, the secretary shall forward the materials forthwith to the secretary of the committee on appeals. After the appeal has been heard, the records shall be returned to the secretary of the General Conference unless a further appeal on a question of law has been made to the Connectional Committee on Appeals, in which case the relevant documents shall be forwarded to the secretary of that body.

12. TRIAL OF A CLERGY MEMBER.

1. The bishop shall designate another active or former bishop to be presiding officer.

2. The trial for a clergy member shall be convened as provided in JPP 9, with the pool of thirty-five or more persons to consist of ordained clergy from the respondent's annual conference. If there are not enough persons in appropriate categories in an annual conference to complete the pool, additional persons may be appointed from other annual conferences. All appointments to the

pool shall be made by the presiding elders (district superintendents). Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity. Persons excluded by virtue of JPP 9.3, shall not be included in the trial court pool.

3. The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the annual conference, who shall keep them in custody. Such documents are to be held in a confidential file and shall not be released for other than appeal or new trial purposes without a signed release from both the clergyperson charged and the presiding officer of the trial that tried the case. If an appeal is taken, the secretary shall forward the materials forthwith to the president of the committee on appeals. After the appeal has been heard, the records shall be returned to the secretary of the annual conference unless a further appeal on a question of law has been made to the Connectional Committee on Appeals, in which case the relevant documents shall be forwarded to the secretary of that body.

13. TRIAL OF A LAY MEMBER OF A LOCAL CHURCH.

1. The presiding elder (district superintendent) may be the presiding officer or may designate another ordained clergyperson (who does not have any kind of relationship with the respondent or complainant) to preside.

2. The trial shall be convened as provided in JPP 9, with the pool of thirty-five or more persons to consist of professing members of local churches other than the local church of the charged layperson within the same district. Appointments to the pool shall be made by the presiding elder (district superintendent), who may consult with the district lay leader and with local church pastors. Special consideration should be given so that the pool includes persons representative of racial, age, ethnic, and gender diversity. Persons excluded by virtue of JPP 9.3, shall not be included in the trial court pool.

3. The person charged may request a change of venue. This shall be a written request to the officers of the court within ten (10) days of receipt of notice to appear for trial. The presiding officer shall rule upon the request after hearing argument for the defense and the Church. If the motion is approved, the presiding officer shall name another district wherein the trial shall be held and shall notify the district superintendent, who shall convene the court. The thirty-five-member pool shall consist of professing members from that district. The cost of prosecution shall be borne by the annual conference.

4. If the trial court finds that the charges are proven by clear and convincing evidence, then it may impose such penalties as it may determine, including that the professing membership of the charged layperson in the Global Methodist Church be terminated, provided that the trial court shall first consider other remedies that would fulfill the provisions of ¶¶ 303, 315-317, and 319.

5. The appropriate officer of the trial shall, at the conclusion of the proceeding, deposit all trial documents with the secretary of the annual conference. Such documents are to be held in a confidential file and shall not be released for other than appeal or new trial purposes without a signed release from both the layperson charged and the presiding officer of the trial that tried the case. If an appeal is taken, the secretary shall deliver all documents to the presiding elder (district superintendent). After the appeal has been heard, the records shall be returned to the custody of the secretary of the annual conference. The existence (though not the contents) of such a file shall be disclosed at the request of a pastor when a layperson removed from membership desires to join another congregation of the Global Methodist Church.

Section V – Appeals. (See ¶ 815)

14. APPEAL OF A BISHOP OR CLERGY MEMBER.

1. In case of conviction by a trial court, a bishop or clergy member, including clergy on honorable or administrative location, shall have the right of appeal to the Connectional Council on Appeals, provided proper notice is given under ¶ 815.1.

2. When notice of an appeal has been given to the presiding officer of the court, the presiding officer shall give notice of the same to the chair and secretary of the Connectional Council on Appeals and submit the documents in the case. In case the documents have been sent to the secretary of the annual or General Conference, the presiding officer shall instruct the secretary to send the documents to the president and secretary of the Connectional Council on Appeals. The Council shall give notice within thirty (30) days to the presiding bishop of the conference from which the appeal is taken (or to the Transitional Leadership Council chair when the appellant is a bishop), to the appellant, and to counsel for the opposing party of the time and place where the appeal will be heard. Such hearing shall occur within sixty (60) days following receipt of notice to the committee on appeals. The counsels who prosecuted the trial shall continue in the appeals process, unless replaced in accordance with the provisions of ¶¶ 804.10 and 810.

3. All necessary traveling, sustenance, or other reasonable related expense incurred by the Connectional Council on Appeals, including any cost for legal counsel retained to advise the Council, in the hearing of an appeal case coming from an annual conference and appearing before the Council, shall be paid out of the administrative fund of the annual conference (if respondent is clergy) or general church (if respondent is a bishop) in which the proceedings arise. The president of the Connectional Council on Appeals shall approve all expenses. Expenses for counsel for the Church shall be paid by the annual conference or general church where the case originated. Such expenses for counsel for the respondent shall be paid by the respondent, unless in the interest of fairness, the committee on appeals orders the annual conference or general church to reimburse the respondent.

15. APPEAL OF A LAY MEMBER.

1. A lay member convicted by a trial court shall have the right of appeal and shall serve written notice of appeal with the pastor and the presiding elder (district superintendent) within thirty (30) days of conviction.

2. The presiding elder (district superintendent) shall give written notice to all concerned of the time and place of the convening of an ad hoc appeals committee. Notice of the convening shall be given not less than ten (10) nor more than thirty (30) days after the presiding elder (district superintendent) has received notice of appeal. The committee on appeals shall convene not less than thirty (30) days nor more than ninety (90) days after notice of appeal is received.

3. The ad hoc conference appeals committee shall be constituted in the following manner: The Leadership Committee (¶ 613.4) shall appoint eleven professing members of _____ churches within the annual conference not in the appellant's district (or the district where the trial was held), who hold office either as local church lay leader or lay member of the annual conference, none of whom shall have been members of the trial court. Nine members shall serve as the appeals committee and two shall serve as alternates.

4. The findings of the conference appeals committee shall be certified by the presiding elder (district superintendent) to the pastor of the church of which the accused is a member.

5. Questions of church law arising from the appeal process may be appealed by either party to the Connectional Council on Appeals.

6. All necessary traveling, sustenance, or other reasonable related expenses incurred by the committee on appeals, including any cost for legal counsel retained to advise the committee, in the hearing of an appeal case coming from a lay member and appearing before any committee on appeals, shall be paid out of the administrative fund of the annual conference. The presiding elder

(district superintendent) shall approve all expenses. Expenses for counsel for the Church shall be paid by the annual conference. Such expenses for counsel for the respondent shall be paid by the respondent, unless in the interest of fairness, the appeals committee orders the annual conference to reimburse the respondent.

Section VI – Summary.

16. TIMELINES AND DEADLINES.

This paragraph summarizes the timelines and deadlines contained in ¶¶ 801-819 and the JPP.

1. All notices shall be delivered to the applicable parties not less than 20 days before a hearing (¶¶ 804.2, JPP 2.1, 4.1, 8.2, 8.6, 9.1).
2. Evidence to be used in a hearing shall be available to the respondent not less than ten days prior to the hearing (¶ 804.4).
3. The supervisory response shall be completed within 60 days (with the possibility of a 30-day extension) (JPP 2.1c and 4.3).
4. The investigative response shall be completed within 60 days (with the possibility of a 30-day extension) (JPP 2.2).
5. The relevant supervising officer shall appoint a counsel for the church within 30 days of the end of a supervisory response regarding a judicial complaint (JPP 6.1a, 6.2a, 6.3a).
6. The counsel for the church shall report on the status of the complaint every 30 days to all parties (JPP 6.1b, 6.2b, 6.3b).
7. A response to a judicial complaint must be made in writing within 30 days of the respondent receiving the complaint (JPP 6.1b, 6.2b, 6.3b).
8. The committee on investigation must be convened within 60 days of the receipt of a judicial complaint (JPP 6.1b, 6.2b, 6.3b).
9. Preliminary rulings by the chair of the committee on investigation shall be released to all parties at least 5 days prior to the committee on investigation hearing (JPP 7.2).
10. If witnesses are to be interviewed outside of the hearing, notice shall be given to all parties at least three days before (JPP 7.3b and 8.9).
11. The bill of charges and specifications shall be sent to all parties by the committee on investigation within five days of its decision (JPP 7.1b).
12. Any request for a change of venue shall be submitted with 10 days of receiving the notice of the time and place of a trial (JPP 8.4 and 13.3).
13. The convening officer of the trial court shall appoint a counsel for the church within 30 days of receiving the bill of charges and specifications, if one has not been appointed (JPP 8.7).
14. Notice of an appeal must be filed within 30 days of the release of a decision (¶¶ 815.1, 817.2, JPP 2.4).
15. Notice of a committee on appeals hearing time and place shall be given within 30 days of receiving the appeal (JPP 14.2 and 15.2).
16. The committee on appeals hearing shall be held within 60 days of receiving the appeal (JPP 14.2).
17. An ad hoc (local) committee on appeals shall convene within 30 to 90 days of receiving the appeal (JPP 15.2).