

Consent Calendar Explanation

There are three consent calendars: A) concurrence with proposed changes to the Discipline. B) concurrence with petitions on non-Disciplinary matters. C) non-concurrence on Disciplinary and non-Disciplinary items. The first day items will be listed as 01. The second day will be listed 02, and so forth. Items can be placed on the consent calendar if: 1) no more than twenty votes were cast against the prevailing position; 2) it has no financial implications; 3) the proposal does not require a constitutional amendment. Any twenty delegates may have a consent calendar item removed by sign-

Corrections to the Calendar

1396-2627

Committee Item #GJ107-2627-A

Petition #:

30800

General and Judicial Committee recommends concurred as amended

¶ 2627. Delete all of existing ¶ 2627 and replace as follows:

¶ 2627. Trial Procedures - Fundamental Principles for Trials - Church trials are to be regarded as an expedient of last resort. Only after every reasonable effort has been made to correct any wrong and adjust any existing difficulty should steps be taken to institute a trial. No such trial as herein provided shall be construed to deprive the respondent or the Church of legal civil rights, except to the extent that immunity is provided as in ¶ 2623. All trials shall be conducted according to The Book of Discipline in a consistent Christian manner by a properly constituted court after due investigation.

1. General Organization and Pre-Trial Procedures - a) Officers of the Court - Officers shall consist of a presiding officer (see ¶¶ 2627.5b, 2627.6b, 2627.7b), 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.

b) 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 person making the original complaint. 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

c) Pre-Trial Motions - 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 may determine 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.

d) 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 respondent bishop of that conference, who shall convene the court. The cost of prosecution shall be borne by the conference where the case originated.

e) - Notice - (1) 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 ad-

dressed 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.

(2) In all cases wherein it is provided that no notice shall be given to a bishop or 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 another bishop within the same jurisdiction and, in the case of a district superintendent, to the bishop in charge.

f) Trial Scheduling and Continuances - If in any case the respondent, after due notice (twenty [20] 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.

g) Counsel - In all cases, a respondent shall be entitled to appear and to select and be represented by counsel, a clergyperson in full connection of The United Methodist Church if the respondent is a bishop, a clergyperson, or a diaconal minister; and a lay or clergy member of The United 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 ¶¶ 2627.5a, 2627.6a, and 2627.7a) 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. In the case of a trial of a bishop, clergy person, or local pastor, counsel for the Church shall be a clergy person in full connection (§§ 358.1d(1), 2626.2(i)) to represent the interests of the Church in pressing the claims of the person making the complaint.

No person who was a member of the cabinet, board of or dained ministry, or committee on investigation who earlier considered the case now before the trial court shall be appointed counsel for the Church or serve as counsel for the respondent or any of the persons bringing complaints in a case. 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.

h) 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 United 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 United 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 under § 332.5.

i) Witness qualifications - A witness, to be qualified, need not be a member of The United Methodist Church.

j) 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 appoint, on the application of either party, a commissioner or commissioners, either a clergy or a lay person or both, to examine the witnesses; 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. Counsel for both parties shall be permitted to examine and cross-examine the witness or witnesses whose testimony is thus taken. The commissioners so appointed shall take such testimony in writing as may be offered by either party. The testimony properly certified by the signature of the commissioner or commissioners shall be transmitted to the presiding officer of the court before which the case is pending.

k) 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, or request that the committee on investigation 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.

l) Open or Closed Trials - The deliberations of the trial court shall be closed. All other sessions of the trial shall be closed, except upon written request to the presiding officer by counsel for the respondent, the trial shall be open.

Also, the trial may be opened by the presiding officer, upon written request of either the counsel for the Church or the counsel for the person charged, to family of the person charged, or family of the person making the original complaint, and/or to other personally significant people. Any motions to open the trial should be presented and decided prior to the date of the trial. In addition, the presiding officer may, 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. 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, the

person representing the Church as well as counsel for the Church, the respondent, and counsel for the respondent shall have a right to be present.

m) 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.

2. Trial Convening and Organization a) Convening of the Trial - The convenor 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.

b) 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 (13) persons shall be selected as a trial court out of a pool of thirty-five (35) or more persons selected according to §§ 2627.5c, 2627.6c, and 2627.7c. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

c) 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 or dained 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 (4) peremptory challenges and challenges for cause without limit. If by reason of challenges for cause being sustained the number is reduced to be low thirteen (13), 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 (13) members and two (2) alternate members has been selected.

d) Alternates - The two (2) 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 coun-

sel for the Church agree to a lesser number.

e) 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.

3. Trial Guidelines and Rules a) 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 person charged, 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.

b) Order of Trial - After selection of the trial court, 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 shown to be 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.

c) 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 (§ 219) and/or the clergy covenant (§§ 306.4f and 325).

d) Entering of the Plea - At the beginning of the trial, 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.²⁴

e) 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 United 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.

f) Objections - Objections of any party to the proceedings shall be entered on the record.

g) Exclusion of Witnesses - No witness afterward 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. The presiding officer of the court shall determine all questions of relevancy and competency of evidence.

h) 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 record, including all exhibits, papers and evidence in the case, shall be the basis of any appeal that may be taken.

i) Evidence - The introduction of any material relating to events happening before the six-year statute of limitation period as evidence, as preference to evidence, or as build-up for evi-

dence 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.

j) 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.

4. Power of the Trial Court - a) Instruction, Disqualification, Voting and Verdicts - The trial court shall have full power to try the respondent. The trial court shall be a continuing body until the final disposition of the charge. If any regular or alternate member of the trial court fails to attend any part of any session at which evidence is received or oral argument is made to the trial court by counsel, that person shall not thereafter be a member of the trial court, but the rest of the trial court may proceed to judgment.

b) Votes - It shall require a vote of at least nine members of the trial court to sustain the charge(s) and nine votes also shall be required for conviction. Fewer than nine (9) votes for conviction shall be considered an acquittal. The burden of proof for a vote to convict shall be clear and convincing. The trial court shall present to the presiding officer a decision on each charge and each individual specification under each charge. Its findings shall be final, subject to appeal to the committee on appeals of the jurisdictional conference or the central conference, as the case may be.

c) Penalties

(1) If the Trial Results in Conviction. Further testimony may be heard and arguments by counsel presented

regarding what the penalty should be. The trial court shall determine the penalty, which shall require a vote of at least seven (7) members. The trial court shall have the power to expel the respondent from the Church, terminate the conference membership and/or revoke the credentials of or disaffect or consecration of the respondent, suspend the respondent from the exercise of the functions of office, or to fix a lesser penalty. The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court.

(2) Suspension After Trial. The resident bishop may, with the unanimous concurrence of the district superintendents, suspend the person charged from all clergy responsibilities but not the related benefits, such as annuity and conference group medical and hospital insurance and life insurance, pending the outcome of the appeals process. If the person charged should be found in no cent at the end of the judicial process, he or she shall be financially recompensed by his or her annual conference for the time lost under said suspension. Equitable recompense shall be determined by the conference council on finance and administration, taking into account service years, the loss of income during suspension, and loss of parsonage use, if any. In no case shall the recompense be less than the minimum salary. Time on a suspension imposed by the resident bishop may be applied to lessen the time of suspension fixed by the trial court and sustained or modified by the appeals process.

5. Trial of a Bishop -

a) The president of the College of Bishops of the jurisdictional or central conference - or in case the person charged is the president, the secretary of the college - shall proceed to convene the court under the provisions of ¶2627.2

b) The president of the College of Bishops (or in the case the person charged is the president, the secretary) may preside or designate another bishop to serve as presiding officer.

c) The trial shall be convened as provided in ¶2627.2 with the pool of thirty-five (35) or more persons to consist of clergy in full connection named by the College of Bishops in approximately equal numbers from each episcopal area within the jurisdictional or central conference. Special consideration

should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

d) Counsel for the Church shall be a bishop or another clergyperson in full connection.

e) The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the jurisdictional or central conference, who shall keep them in custody. If an appeal is taken, the secretary shall forward the materials forth with to the secretary of the Judicial Council. After the appeal has been heard, the records shall be returned to the secretary of the jurisdictional or central conference.

f) A bishop suspended from office shall have claim on the Episcopal Fund for salary, dwelling, pension, and other related benefits. A bishop removed from office shall have no claim upon the Episcopal Fund for salary, dwelling, pension and other related benefits from the date of such removal.

g) For the purpose of this paragraph, the United Methodist bishops outside of the United States shall constitute one College of Bishops.

6. Trial of a Clergy Member of an Annual Conference, Local Pastor, Clergy on Honorable or Administrative Location, or Diaconal Minister -

a) The resident bishop of the respondent shall proceed to convene the court under the provisions of ¶2627.2.

b) The resident bishop shall designate another bishop to be presiding officer.

c)(1) The trial for a clergy member or a local pastor shall be convened as provided in ¶2627.2 with the pool of thirty-five (35) or more persons to consist of clergy in full connection. 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 district superintendents. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

(2) The trial for a diaconal minister shall be convened as provided in ¶2627.2 and shall consist of a pool of thirty-five (35) or more persons who shall be diaconal ministers or, when

necessary, members of the Church. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

d) Counsel for the Church shall be a clergyperson in full connection.

e) 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 forth with to the president of the court of appeals of the jurisdictional or central conference. If a president has not been elected, the secretary shall send the materials to such members of the court of appeals as the president of the College of Bishops shall designate. 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 Judicial Council, in which case the relevant documents shall be forwarded to the secretary of that body.

7. Trial of Lay Member of a Local Church -

a) The district superintendent of the person charged shall proceed to convene the court under the provisions of ¶2627.2

b) The district superintendent may be the presiding officer or may designate another clergyperson in full connection to preside.

c) The trial shall be convened as provided in ¶2627.2, with the pool of thirty-five (35) or more persons to consist of lay 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 district superintendent, who may consult with the district lay leader. Special consideration should be given so that the pool includes persons representative of racial, ethnic, and gender diversity.

d) Counsel for the Church shall be a lay or clergyperson who is a member of The United Methodist Church.

e) 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 (35) member pool shall consist of lay members from that district. The cost of prosecution shall be borne by the annual conference.

f) 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 membership of the charged layperson in The United Methodist Church be terminated; provided that the trial court shall first consider other remedies that would fulfill the provisions of ¶221.

g) The appropriate officer of the trial shall, at the conclusion of the proceeding, deposit all trial documents with the secretary of the charge conference. If an appeal is taken, the secretary shall deliver all documents to the district superintendent. After the appeal has been heard, the records shall be returned to the custody of the secretary of the charge conference.

1397-2628

Committee Item #GJ108-2628-A

Petition #:

30544

General and Judicial Committee recommends concur as amended

¶2628. Appeal Procedures 1.

General

a) In all cases of appeal, the appellant shall within thirty (30) days give written notice of appeal and at the same time shall furnish to the officer receiving such notice (¶2628.2b, .3a) and to the counsel for the Church a written statement of the grounds of the appeal, and the hearing in the appellate committee body shall be limited to the grounds set forth in such statement.

b) When any appellate committee body shall reverse in whole or in part the findings of a committee on investigation or trial court, or remand the case for a new hearing or trial, or

change the penalty imposed by the trial court, it shall return to the convening officer of the trial court a statement of the grounds of its action

...

g) The appellate body shall determine two questions only:

(1) Does the weight of the evidence sustain the charge or charges?

(2) Were there such errors of Church law as to vitiate the verdict and/or the penalty?

These questions shall be determined by the records of the trial and the argument of counsel for the Church and for the respondent. The committee on appeals appellate body shall in no case hear witnesses. It may have the legal counsel present, who shall not be the conference chancellor for the conference from which the appeal is taken, for the sole purpose of providing advice to the appellate body.

...

j) ~~Errors or defects in judicial proceedings shall be duly considered when present on appeal.~~

~~(1) In regard to cases where there is an investigation under & 2626, but no trial is held as a result thereof, errors of Church law or administration committed by those in charge of the investigation are to be corrected by the presiding officer of the next conference on request in open session, and in such event the conference may also order just and suitable remedies if injury resulted from such errors.~~

~~(2) Errors of Church law or defects in judicial proceedings that are discovered on appeal are to be corrected by the presiding officer of the next conference upon request in open session, and in such event the conference may also order just and suitable remedies if injury has resulted from such errors.~~

j) The Church shall have no right of appeal from findings of the trial court. In regard to cases where there is an investigation under ¶2626, but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional committee on appeals by counsel for the Church. The committee on investigation's decision not to certify a bill of charges does not constitute an egregious error of Church law or administration. When the committee on appeals shall find egregious errors of Church law or administration under

this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.

...

2. Appeal of a Bishop, Clergy Member of an Annual Conference, Clergy on Honorable or Administrative Location, Local Pastor, or Diaconal Minister.

a) Each jurisdictional and central conference, upon nomination of the College of Bishops, shall elect a committee on appeals composed of four (4) elders clergy, one (1) diaconal minister, one (1) full-time local pastor, and three (3) laypersons who have been at least six (6) years successively members of The United Methodist Church, and an equal number of corresponding alternates. This committee shall serve until its successors have been elected. No member shall participate in the hearing of an appeal who is a member of a conference in the episcopal area of the appellant. Any vacancy shall be filled by the College of Bishops.

...

b) In case of conviction by a trial court, a bishop, clergy member, local pastor, clergy on honorable or administrative location, or diaconal minister shall have the right of appeal to the jurisdictional or central conference committee on appeals above constituted; provided that within thirty (30) days after the conviction, the appellant shall notify the presiding bishop of the conference (or, when the appellant is a bishop, the president and secretary of the College of Bishops) and the presiding officer of the trial court in writing of the intention to appeal.

c) When notice of an appeal has been given to the presiding officer of the trial court, the presiding officer shall give notice of the same to the secretary of the committee on appeals of the jurisdictional or central conference and submit the documents in the case, or in case the documents have been sent to the secretary of the annual conference, instruct the secretary to send the documents to the president of the committee on appeals. The jurisdictional or central conference committee on appeals shall within thirty (30) days give notice to the presiding bishop of the conference from which the appeal is

taken (or to the president and secretary of the College of Bishops when the appellant is a bishop) and to the appellant of the time and place where the appeal will be heard. Such hearing shall occur within ~~120~~ 180 days following receipt of notice to the committee on appeals. Both the annual conference, missionary conference, or provisional conference and the appellant may be represented by counsel as specified in ¶2627.1f. The presiding bishop of the conference or, in the appeal of a bishop, the president or secretary of the College of Bishops, shall appoint counsel for the Church.

d) All necessary traveling and sustenance expense incurred by the committee on appeals, including any cost for legal counsel retained to advise the committee, ~~the counsel for the Church, and the counsel for the appellant,~~ in the hearing of an appeal case coming from an annual conference and appearing before any jurisdictional or central conference committee

on appeals, shall be paid out of the administrative fund of the central or jurisdictional conference in which the proceedings arise. The president of the committee on appeals 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 committee on appeals orders the annual conference to reimburse the respondent.

~~This paragraph, as it relates to the process for nomination, appointment, or election of individuals, officers, courts, administrative bodies, review bodies, or committees, shall become effective immediately upon the conclusion of the 1992 General Conference.~~

3. Appeal of a Lay Member

a) A lay member convicted in a trial court shall have the right of appeal and shall serve written notice of

appeal with the pastor and the district superintendent within thirty (30) days of conviction.

...

c) The committee on appeals shall be constituted in the following manner: The district superintendent shall appoint eleven (11) laypersons who are members of United Methodist Churches within the annual conference other than the appellant's local church, none of whom shall have been members of the trial court, and who hold office either as lay leader or lay member of the annual conference. At the convening of the committee on appeals, from seven (7) to eleven (11) of these shall be selected to serve on the ~~court~~ committee. The counsel for the appellant and the counsel for the Church shall have the right to challenge for cause, and the decisions on the validity of such challenges shall be made by the presiding officer, who shall be the district superintendent.

* * * (remainder of ¶ 2628 unchanged)

Special Consent Calendar C92

When legislation was moved to the Consent Calendar as a result of the action of the General Conference on Wednesday morning, May 10, 2000 that effectively changed Rule 29.a to "No more than ten votes were cast against the prevailing position in the Committee," the following two items were inadvertently omitted. These items previously appeared on the reg-

ular Calendar for action and are now on the Consent Calendar.

DCA page no. 2088

1149-405-S
Subject: If an AC exceeds 250,000 members Jur. Conf may realign episcopal/AC boundaries
 Committee Item CO71
 Petition number 3
 1492-CO-405-DS

1158-NonDis-S
Subject: Formation of non-geographic judicatories
 Committee Item CO118
 Petition number 3
 1849-CO-NonDis-O\$
 DCA page no. 2090

Special Consent Calendar A93

1352-510.2
Subject: Resolution life shall be eight years rather than twelve
 Committee Item: CO108-510.2-C
 Petition:
 30939-CO-510.2-D, Pg. 172
 Membership: 89; Present: 78;
 For: 55; Against: 18; Not Voting: 5;
 Date: 5/8

The Committee recommends concurrence.

[] Con cur rence [] Non con cur rence Date /

318-64
Subject: Preservation of old-growth forests
 Committee Item: FO26-64-C
 Petition:
 30195-FO-64-D, Pg. 1276
 Membership: 116; Present: 108;
 For: 107; Against: 0; Not Voting: 1;
 Date: 5/5

The Committee recommends concurrence.

[] Con cur rence [] Non con cur rence Date /

319-64
Subject: A call for policies that support food safety
 Committee Item: FO27-64-C
 Petition:
 30196-FO-64-D, Pg. 1276
 Membership: 116; Present: 108;
 For: 106; Against: 0; Not Voting: 2;
 Date: 5/5

The Committee recommends concurrence.

[] Con cur rence [] Non con cur rence Date /

606-67**Subject: How corporations behave affects their public support**

Committee Item: FO32-67-A
Petition:

30131-FO-67-D, Pg. 512
Membership: 116; Present: 113;
For: 107; Against: 6; Not Voting: 0;
Date: 5/5

The Committee recommends concurrence as amended as follows:

Make the following addition:
...and for the earth which supports...

Concurrence Non concurrence Date /

1180-65**Subject: Suicide**

Committee Item: FO74-65-A

Petition:

30550-FO-65-D, Pg. 504
Membership: 116; Present: 99;
For: 76; Against: 20; Not Voting: 3;
Date: 5/5

The Committee recommends concurrence as amended as follows:

Move the proposed paragraph 1 to be the second paragraph. The entire proposed ¶65.II.M would read:

We believe that suicide is not the way a human life should end. The church has an obligation to see that all persons have access to needed pastoral and medical care and therapy in those circumstances that lead

to loss of self-worth, or suicidal despair, and/or the desire to seek physician assisted suicide. We encourage the church to provide education to address the biblical, theological, social and ethical issues related to suicide, including United Methodist theological seminary courses focusing on issues of suicide.

A Christian perspective on suicide begins with an affirmation of faith that nothing, including suicide, separates us from the love of God. (Romans 8:38-39). Therefore, we deplore the condemnation of people who take their own lives, and we consider unjust the stigma that so often falls on surviving family and friends.

We strongly encourage pastors to address this issue through preaching and teaching. We urge pastors to provide pastoral care to attempters, ... remove the oppressive stigma around suicide. **The church does not endorse the enlistment of medical providers, who are charged to cure and to care, to assist people in taking their own lives.**

Delete the last paragraph.

Concurrence Non concurrence Date /

1552-907.1**Subject: Add a young adult between 17 and 27 from NC, SC & SE jurisd's to GCOM**

Committee Item: GJ186-907.1-C

Petition:

31252-GJ-907.1-D, Pg. 728
Membership: 92; Present: 67;
For: 43; Against: 18; Not Voting: 6;

Date: 5/10

The Committee recommends concurrence.

Concurrence Non concurrence Date /

1553-907.1**Subject: Between 10 percent youth and 10 percent young adults shall ensure representation**

Committee Item: GJ189-907.1-C

Petition:

31254-GJ-907.1-D, Pg. 729
Membership: 92; Present: 62;
For: 41; Against: 18; Not Voting: 3;
Date: 5/10

The Committee recommends concurrence.

Concurrence Non concurrence Date /

1203-315.6**Subject: Evangelism as requirement for local pastor candidate.**

Committee Item: HE173-315.6-C

Petition:

30625-HE-315.6-D, Pg. 954
Membership: 108; Present: 102;
For: 90; Against: 12; Not Voting: 0;
Date: 5/8

The Committee recommends concurrence.

Concurrence Non concurrence Date /

Special Consent Calendar B93**1353-NonDis****Subject: GBCS and Women's Division alert constituencies re crisis in reproductive and end-of-life health care**

Committee Item: CS96-NonDis-C
Petition:

31756-CS-NonDis-O, Pg. 101
Membership: 120; Present: 84;
For: 62; Against: 20; Not Voting: 2;
Date: 5/9

The Committee recommends concurrence.

Concurrence Non concurrence Date /

1371-R132**Subject: Pornography and sexual violence**

Committee Item: FO66-R132-A

Petition:

30836-FO-R132-U, Pg. 558
Membership: 116; Present: 104;
For: 92; Against: 11; Not Voting: 1;
Date: 5/5

The Committee recommends concurrence as amended as follows:

Delete the last sentence of the fourth paragraph: ~~Pornography is not obscene because it is erotic; it is obscene because it is dehumanizing.~~

In the seventh paragraph, delete the first sentence: ~~Erotica is sexual material... that does not portray... degradation. Sex education material...~~

Paragraph 13: Delete first sentence and amend to read:

Care should be taken that children and youth are protected from pornographic materials. The supervision and love of Christian parents and other caring adults, supported by the extended church family, are the primary source of sex education. A comprehensive approach to sex education offers an additional basis for countering pornography. Children and youth need ...

Amend line 7 to read: care fully prepared, **age-appropriate** sex education materials.

Amend line 9 to read: mutually-con senting relationships between **married** adults.

Amend last sen tence to read:

If we fail to pro vide such ma te ri als, **ac com pa nied by pa ren tal and adult su per vision**, we ~~foree~~ **risk** the reliance of children and youth pornography as ~~a~~ the primary source of in for ma tion about sex u ality.

Paragraph 16: add a new number 4 to read:

4. Monitor and limit access by chil dren and youth to por nog ra phy and sex u ally ex plicit ma te ri al.

Num ber 4 be comes 5; 5 be comes 6; and 6 be comes 7, which is com bined with 8 and reads:

7. Pro vide ed u ca tional ses sions for par ents ... In ter net us age. **En courage par ents to es ta blish** ~~(such as es ta blish ing~~ basic rules for teen agers and chil dren; **en courage par ents to uti lize** uti lizing screen ing tech nology, etc.); ~~En courage par ents to uti lize~~ filter ing soft ware to pre vent chil dren from ...

...
Num ber 8 is amended to read:

8. Call for so cial re spon si bil ity in all me dia, in clud ing the In ter net, **and in all pub lic li brar ies**, and work with lo cal, na tional and in ter na tional groups that ad vocate for global me dia mon i tor ing of im ages of women, **men**, and chil dren; and

Con cur rence Non con cur rence Date /

Special Consent Calendar C93

1366-249.13
Subject: Change
“apportionment” to “asking” in
all the BoD paragraphs
including but not limited to
these

Com mit tee Item: FA176-249.13-N
Petition:

31336-FA-249.13-D, Pg. 463
Mem ber ship: 97; Pres ent: 83;
For: 66; Against: 16; Not Voting: 1;
Date: 5/8

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1367-612.1
Subject: Annual conference
CFA may reduce amounts
apportioned to districts, charges
or churches

Com mit tee Item: FA177-612.1-N
Petition:

30112-FA-612.1-D, Pg. 427
Mem ber ship: 97; Pres ent: 85;
For: 68; Against: 16; Not Voting: 1;
Date: 5/8

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1368-612
Subject: Funding requests
including apportionments shall
be suggested amounts and not
mandatory

Com mit tee Item: FA178-612-N
Petition:

30944-FA-612-D, Pg. 426

Mem ber ship: 97; Pres ent: 85;
For: 71; Against: 13; Not Voting: 1;
Date: 5/8

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1177-NonDis
Subject: Health care is a basic
human right; end private health
insurance; adopt nat’l health
care system

Com mit tee Item: FO67-NonDis-N
Petition:

30198-FO-NonDis-O, Pg. 530
Mem ber ship: 116; Pres ent: 115;
For: 98; Against: 15; Not Voting: 2;
Date: 5/5

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1376-65.D
Subject: Divorce & remarriage
is incompatible with the
teachings of Jesus Christ

Com mit tee Item: FO109-65.D-N
Petition:

30226-FO-65.D-D, Pg. 495
Mem ber ship: 116; Pres ent: 108;
For: 87; Against: 14; Not Voting: 7;
Date: 5/9

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1547-268
Subject: Observe an annual
Alcohol and Drug Awareness
Sunday

Com mit tee Item: GJ119-268-N
Petition:

30893-GJ-268-D, Pg. 713
Mem ber ship: 92; Pres ent: 57;
For: 38; Against: 16; Not Voting: 3;
Date: 5/9

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1549-700
Subject: Gen’l agency laity pool
members shall be professing
members for two years

Com mit tee Item: GJ159-700-N
Petition:

30374-GJ-700-D, Pg. 718
Mem ber ship: 92; Pres ent: 58;
For: 36; Against: 18; Not Voting: 4;
Date: 5/9

The Committee recommends Non con cur rence.

Con cur rence Non con cur rence Date /

1550-705.1
Subject: Qualification for
general agency board
membership to include years of
church membership

Com mit tee Item: GJ160-705.1-N
Petition:

30375-GJ-705.1-D, Pg. 719
Mem ber ship: 92; Pres ent: 58;
For: 33; Against: 20; Not Voting: 5;
Date: 5/9

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1554-NonDis
Subject: GCOM study advisability of changing jurisdictional structure

Com mit tee Item: GJ190-NonDis-N

Petition: 31739-GJ-NonDis-O, Pg. 772
Mem ber ship: 92; Pres ent: 56;
For: 38; Against: 17; Not Voting: 1;
Date: 5/10

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1555-702
Subject: Program agencies shall not make declarations in counter to UMC mission or doctrine

Com mit tee Item: GJ200-702-N

Petition: 31874-GJ-702-D, Pg. 1334
Mem ber ship: 92; Pres ent: 58;
For: 35; Against: 19; Not Voting: 4;
Date: 5/10

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1197-NonDis
Subject: GBGM will cooperate with other denominations in proclaiming the gospel throughout the world

Com mit tee Item: GM17-NonDis-N

Petition: 31018-GM-1301-D, Pg. 865
Mem ber ship: 113; Pres ent: 85;
For: 66; Against: 19; Not Voting: 0;
Date: 5/6

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1384-633.1
Subject: Add two local pastors as observers to Conference Board of Ordained Ministry

Com mit tee Item: HE225-633.1-N

Petition: 30186-HE-633.1-D, Pg. 1006
Mem ber ship: 108; Pres ent: 95;
For: 78; Against: 16; Not Voting: 1;
Date: 5/9

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1385-635.3
Subject: Delete "sex" add "color, social status, etc."
Com mit tee Item: HE232-635.3-N

Petition: 30645-HE-635.3-D, Pg. 1008
Mem ber ship: 108; Pres ent: 95;
For: 82; Against: 13; Not Voting: 0;
Date: 5/9

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1388-365.2
Subject: Lengthen time for associate members to meet transition requirements

Com mit tee Item: HE249-365.2-N

Petition: 30090-HE-365.2-D, Pg. 989
Mem ber ship: 108; Pres ent: 97;
For: 77; Against: 15; Not Voting: 5;
Date: 5/9

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

1389-306.4
Subject: Remove fidelity and celibacy

Com mit tee Item: HE256-306.4-N

Petition: 31458-HE-306.4-D, Pg. 948
Mem ber ship: 108; Pres ent: 90;
For: 78; Against: 12; Not Voting: 0;
Date: 5/9

The Committee recommends Non concurrence.

Con cur rence Non con cur rence Date /

Consent Calendar A07

1563-603.8
Subject: Annual conference may designate person as the chancellor

Com mit tee Item: CO89-603.8-A

Petition: 30091-CO-603.8-D, Pg. 176
Mem ber ship: 89; Pres ent: 79;
For: 64; Against: 12; Not Voting: 3;
Date: 5/8

The Committee recommends concurrence as amended as follows: At the end of the first sentence, delete "bar of the state" and insert "appropriate bar or bars in the episcopal area."

Con cur rence Non con cur rence Date /

1564-2401
Subject: Continue membership in World Methodist Council

Com mit tee Item: IC88-2401-C

Petition: 31586-IC-2401-D, Pg. 1420
Mem ber ship: 73; Pres ent: 39;
For: 37; Against: 0; Not Voting: 2;
Date: 5/9

The Committee recommends concurrence.

Con cur rence Non con cur rence Date /

Consent Calendar C07

1565-NonDis**Subject: Include "Grace Upon Grace" in BoResolutions**

Committee Item: FO73-NonDis-N
Petition:

31379-FO-NonDis-O, Pg. 96

Membership: 116; Present: 99;
For: 88; Against: 10; Not Voting: 1;
Date: 5/5

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1566-65.G**Subject: Keep present language regarding homosexuality and same gender unions in Book of Discipline**

Committee Item: FO82-65.G-N
Petitions:

30237-FO-65.G-D, Pg. 489;

30699-FO-30-C, Pg. 473;

31038-FO-65.C-D, Pg. 543

Membership: 116; Present: 112;
For: 109; Against: 2; Not Voting: 1;
Date: 5/8

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1567-NonDis**Subject: Renew support that scripture take precedent in the quadrilateral.**

Committee Item:
FO131-NonDis-N

Petition:

30661-FO-NonDis-O, Pg. 534

Membership: 116; Present: 99;
For: 95; Against: 3; Not Voting: 1;
Date: 5/10

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1568-304**Subject: Amend 304 to remove reference to homosexuality or marriage**

Committee Item: FO136-304-N
Petition:

31981-FO-304-D, Pg. 1889

Membership: 116; Present: 116;
For: 115; Against: 0; Not Voting: 1;
Date: 5/8

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1569-2628.1**Subject: Requirement to answer all objections**

Committee Item: GJ109-2628.1-N
Petitions:

30399-GJ-2628.2-D, Pg. 771;

30400-GJ-2628.3-D, Pg. 771;

30717-GJ-2628-D, Pg. 768;

30801-GJ-2628-D, Pg. 770;

31859-GJ-2628.1-D, Pg. 1338;

31861-GJ-2628.1-D, Pg. 1339;

31862-GJ-2628.2-D, Pg. 1339

Membership: 92; Present: 70;
For: 70; Against: 0; Not Voting: 0;
Date: 5/9

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1570-702.8**Subject: UM agencies only give money to groups that openly profess Jesus as Savior**

Committee Item: GJ155-702.8-N
Petition:

30948-GJ-702.8-D, Pg. 716

Membership: 92; Present: 58;
For: 58; Against: 0; Not Voting: 0;
Date: 5/9

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1571-NonDis**Subject: Connectional Process Team Report (pp.5-21)**

Committee Item:
GJ162-NonDis-N

Petition:

31995-GJ-NonDis-O

Membership: 92; Present: 82;
For: 80; Against: 0; Not Voting: 2;
Date: 5/6

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1572-NonDis**Subject: Connectional Process Team Report (pp.1-5)**

Committee Item:
GJ163-NonDis-N

Petition:

31994-GJ-NonDis-O

Membership: 92; Present: 82;
For: 82; Against: 0; Not Voting: 0;
Date: 5/10

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1573-NonDis**Subject: Move GBGM to Dallas, Texas by 6/01/2002**

Committee Item:
GM54-NonDis-N

Petition:

30677-GM-NonDis-O, Pg. 870

Membership: 113; Present: 103;
For: 101; Against: 2; Not Voting: 0;
Date: 5/6

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1574-NonDis**Subject: Move GBGM out of NY to a location at least 200 miles removed and completed by 6/01/2001**

Committee Item:
GM55-NonDis-N

Petition:

30676-GM-NonDis-O, Pg. 870

Membership: 113; Present: 103;
For: 101; Against: 2; Not Voting: 0;
Date: 5/6

The Committee recommends Noncon-
currence.

Concur Non con cur Date /

1575-409.1**Subject: No mandatory retirement for bishops**

Committee Item: HE321-409.1-N

Petition: 31495-HE-409.1-D, Pg. 992
Mem ber ship: 108; Pres ent: 71;
For: 71; Against: 0; Not Voting: 0;
Date: 5/11

The Committee recommends Non con-
currence.

Con cur rence Non con cur rence Date /

1576-414.3

**Subject: Broaden bishops’
doctrinal responsibilities**

Com mit tee Item: HE322-414.3-N

Petition:

30015-HE-414.3-D, Pg. 998
Mem ber ship: 108; Pres ent: 71;

For: 71; Against: 0; Not Voting: 0;
Date: 5/11

The Committee recommends Non con-
currence.

Con cur rence Non con cur rence Date /

1577-2401

**Subject: UMC role in World
Methodist Council moves UMC
closer to global ministry**

Com mit tee Item: IC87-2401-N

Petition:

31587-IC-2401-D, Pg. 1098
Mem ber ship: 73; Pres ent: 39;
For: 36; Against: 0; Not Voting: 3;
Date: 5/9

The Committee recommends Non con-
currence.

Con cur rence Non con cur rence Date /

1578-277.1

**Subject: Add a Service of
Dedication**

Com mit tee Item: LC36-277.1-N

Petition:

30898-LC-277.1-D, Pg. 1135
Mem ber ship: 98; Pres ent: 83;
For: 67; Against: 16; Not Voting: 0;
Date: 5/5

The Committee recommends Non con-
currence.

Con cur rence Non con cur rence Date /

Removed from the Consent Calendar

1394-2624

Removed from consent calendar
A06 by the fol low ing peo ple:

- Werlein, Ewing
 - Chamness, Benjamin R.
 - Hanke, Gilbert C.
 - Fos ter, James W.
 - Wussow, Thomas
- and five or more oth ers.

1397-2628

Re moved from con sent cal en dar A06 by
the fol low ing peo ple:

- Capen, Beth
 - Riss, Tim o thy
 - Wakefield, Mar i lyn
 - Nu gent, Randolph
 - Ingram, Betsy
- and five or more oth ers.

1407-907.1

Re moved from con sent cal en dar A06 by
the fol low ing peo ple:

- Gaspard, Joan
 - Smith, Hiram
 - Al len, Doyle
 - Rob in son, Burnham
 - McClure, Charles
- and five or more oth ers.