

Rules of Discipline – Remedial Pretrial Process

If filed with request for stay of enforcement:

D-6.0103

- 30 days to file complaint with request for stay.
- 3 ways to obtain (signed by members of council members present when action was taken; signed by members of pjc that decided the case; request for signatures of members of pjc that will hear the case).
- “Promptly” sent by sc to officers.
- Officers have 7 days to “report their findings” on preliminary questions (PQs) and timeliness/ completeness of request for stay; pjc then has 10 days in which to enter a stay by one of the 3 methods.
- If issued, respondent has 45 days to file objection.
- No fewer than 3 pjc members conduct hearing at which parties may be present or represented.

D-6.0200 Filing a Complaint in a Remedial Case

- Definitions, jurisdiction
- If filed with no request for stay of enforcement, 90 day deadline after alleged irregularity or failure to cure delinquency.

D-6.0300 Pretrial Procedures

- This begins process if no stay of enforcement is requested.
- Complaint includes statement that it has been properly delivered to respondent (via signed receipt or affidavit of personal service).
- Respondent appoints Committee of Counsel (CoC). Clerks and Presbytery/Synod Executives may not be members of CoC in council they serve.
- Answer within 45 days of receipt of the complaint (date submitted by Complainant with Complaint).
- Complaint and Answer transmitted to pjc officers.
- “Prompt” examination of PQs and “report findings.”
- 4 PQs listed.
- 30 days for pjc member or party to challenge findings.
- Opportunity to “present evidence and argument,” and file briefs.
- “If a hearing is necessary,” scheduled at least 30 days prior to trial, unless circumstances “render advisable the disposition” immediately preceding trial.

D-6.0307 Duty of Respondent Clerk of Session of SC

- Within 45 days after receipt of Complaint, clerk lists papers in writing to parties, then 15 days for Complainant to request additional papers.
- Transmitted to SC of higher council if case is accepted.
- Pjc may provide by rule for exploration of settlement possibilities or narrow issues at pretrial conference.

Church Discipline – Remedial Pretrial Process

D-4.01 Remedial Process

- Preliminary statement, including definitions, jurisdiction, deadlines and the counting of days, and filing methods.

D-4.02 Filing a Complaint

- Filed with SC of council having jurisdiction, initially by cert. mail or personal delivery with receipt or affidavit which Complainant then submits to SC for inclusion in the record (D-4.0302).
- SC then transmits to respondent.
- Respondent appoints CoC. Clerks and employees may not be members of CoC in council they serve.
- 30 days to file Complaint with request for a stay of enforcement; 90 days if no stay of enforcement.
- Details of standing and jurisdiction

D-4.03 Contents of a Complaint

- Description of items and method of filing.

D-4.04 Request for Stay of Enforcement

- 3 methods to obtain (signed by members of council members present when action was taken; signed by members of pjc that decided the case; request for signatures of members of pjc that will hear the case).

D-4.05 Examination of Papers

- 5 PQs listed, along with examples of relief that *cannot* be granted.
- “Preliminary ruling” issued by officers within 10 days of receipt of the Complaint.
- Stay of Enforcement may be entered if requested under first 2 methods.

D-4.06 Processing a Request for a Stay of Enforcement.

- 10 days for pjc members to sign stay request.
- Process outlined for request by third method.

D-4.07 Response and Next Actions

- Preliminary ruling may be challenged within 15 days
- Answer due within 30 days if preliminary ruling accepts case or its dismissal of the case is challenged.
- Answer may raise issues related to PQs, and may also challenge stay of enforcement, and these are processed together.

D-5.01 Pretrial Procedures

- Within 45 days after receipt of Complaint, clerk lists papers in writing to parties, then 30 days for Complainant to request additional papers.
- Transmitted to SC of higher council if case is accepted.
- Pjc may require briefs; provide for parties to explore settlement or narrow issues; shall hold pretrial conference conducted by pjc moderator and clerk or their designees.