

Volume I

A Guide Through

Church Of God In Christ

JUDICIAL PROCESS

Trial Court

Jurisdictional Council of Pastors and Elders

Appeals Court

General Council of Pastors and Elders

Supreme Court

The Judiciary Board

Clemency

The General Board

JUSTICE THE GUARDIAN OF LIBERTY

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JUSTICE THE GUARDIAN OF LIBERTY

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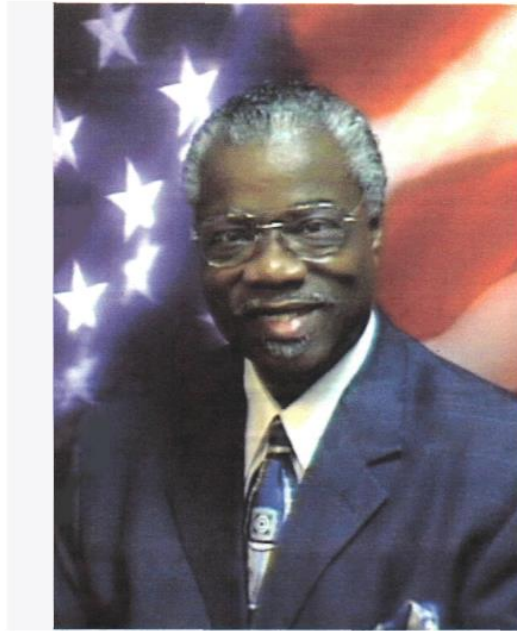
PREFACE

Our Church Judicial System is based on the principle that an independent, fair and competent Judiciary will interpret and apply the laws that governs us. The role of the Judiciary is central to our concepts of justice and the rule of law in the Church. Intrinsic to all sections of this concept are the precepts that Ecclesiastical Leaders, to include Judges, individually and collectively, must respect and honor their office as a public trust and strive to enhance and maintain confidence in our church legal system. The Ecclesiastical Judges in the Church are the arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law in our church.

It is our hope that as you read and study the material contained in this publication you will develop an appetite for a more involved understanding of our Church Judicial System and the processes involved.

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The Author
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The seventh of eighteen siblings. The husband of one wife for forty three years (43), Father of two (2) adult daughters and Grandfather to five (5) grandchildren. Retired and a Decorated Military Veteran. Education includes ST. Philips College, Upper Iowa University, Michigan State University to name a few, he holds an Associates of Science Degree, a Bachelor of Science Degree, a Master of Arts Degree, and a Doctor of Theology Degree. His civic involvement includes, but not limited to the NAACP, SCLS, Urban League, National Black Caucus and Meriwether County Ecumenical Council. Professional involvement includes but not limited to the FOP, the Ecclesiastical Law Society, the AIP and NAP, CLC, CAC, CCC and CDC. His Ecclesiastical involvement includes but not limited to Administrative Assistant, District Superintendent, Pastoral ministry for 42 years, Jurisdictional Council of Pastors and Elders Chairman, Executive Committee Member of the General Council of Pastors and Elders, Executive Committee member of the General Assembly, Job-description and Remuneration Committee Chairman, former Chairman and Chief Judge of the Judicial Review Committee /Appeals Court for the General Council of the Church of God in Christ to list a few of his services. He's Saved Sanctified and filled with the Holy Ghost.



CHURCH DISCIPLINE

Though church discipline is a very difficult area of doctrine and one hard to practice, it nevertheless rests upon the divine authority of Scripture and is vital to the purity, power, progress, and purpose of the church. The responsibility and necessity for discipline is not an option for the church if it obeys the Word of God, but a church must be equally concerned that Scripture is carefully followed in the practice of church discipline.

The discipline of the church is first patterned after the fact that *the Lord Himself disciplines His children* (Heb. 12:6) and, as a father delegates part of the discipline of the children to the mother, so the Lord has delegated the discipline of the church family to the church itself (1 Cor. 5:12-13; 2 Cor. 2:6).

Church discipline is to be patterned after and based on *the divine commands of Scripture* (1 Cor. 4:6). We have numerous passages of Scripture which both command and give us God's directives on the how, why, when, and where of church discipline.

Again, a failure to exercise this responsibility demonstrates a lack of obedience and belief in the authority of the Bible (1 Cor. 5:1-13; Matt. 18:17-18; Titus 3:10; 2 Thess. 3:6-15; 1 Tim. 5:20; Gal. 6:1).

The Purposes of Church Discipline:

- (1) To bring glory to God and enhance the testimony of the flock.
- (2) To restore, heal, and build up sinning believers (Matt. 18:15; 2 Thess. 3:14-15; Heb. 12:10-13; Gal. 6:1-2; Jam. 5:20).
- (3) To produce a healthy faith, one sound in doctrine (Tit. 1:13; 1 Tim. 1:19-20).
- (4) To win a soul to Christ, if the sinning person is only a professing Christian (2 Tim. 2:24-26).
- (5) To silence false teachers and their influence in the church (Tit. 1:10-11).
- (6) To set an example for the rest of the body and promote godly fear (1 Tim. 5:20).
- (7) To protect the church against the destructive consequences that occurs when churches fail to carry out church discipline. A church that fails to exercise discipline experiences four losses: The Loss of Purity, The Loss of Power, The Loss of Progress and The Loss of Purpose.

Should any Church fail to comply with the establish mandates of the Church Of God In Christ Charter, Constitution, By-Laws, Rules, Policies and Procedures the provisions of Part I ARTICLE VIII of The Constitution "CHURCH DISCIPLINE" in the Pages 28-34 will apply.

The Judiciary System

The **Judiciary** (also known as the **Judicial Branch or court system**) is the system of court that interprets and applies the law in the various states.

The judiciary also provides a mechanism for the resolution of disputes.

Under the doctrine of the separation of power, the judiciary generally does not make law (that is, in a plenary fashion, which is the responsibility of the legislature, the) or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case.

This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the "Supreme Court" or "Constitutional "), together with lower courts.

The Judicial Branch has the power to change laws through the process of judicial review.

Courts with judicial review power may annul the laws and rules of the State when it finds them incompatible with a higher norm of society.

Judges constitute a critical force for interpretation and implementation of a constitution, thus *de facto* creating a body of constitutional law.

The term "judiciary" is also used to refer collectively to the personnel, such as judges and other adjudicators, who form the core of a judiciary (sometimes referred to as a "bench"), as well as the staffs who keep the system running smoothly.

THE CHURCH OF GOD IN CHRIST JUDICIARY

On the 4th day of April, 1990, upon the recommendation and report of the Church of God in Christ General Assembly's Committee on Constitution, it was ordered pursuant to the Constitution of the Church of God in Christ, Article VIII Judiciary Board, that:

1. The Judiciary Board of the Church of God in Christ, Incorporated, shall be established as the third branch of church government to exist in conjunction with the two present branches of government, the executive and legislative branches.
2. The Judiciary Board shall be comprised of nine members. Three members shall be jurisdictional bishops (Episcopal), three members shall be elders other than bishops (ministerial), and three members shall be from the church at large (general).
3. (Each of the nine members shall be at least 45 years of age and an active member of the Church of God in Christ, for not less than twenty years, persons of mature judgment, proven ability, integrity and knowledgeable in Church of God in Christ constitutional matters and doctrine.

4. At the first election, for Judiciary Board members, all nine Judiciary Board member's terms of office shall be staggered in order to avoid the expiration of the terms of all elected board members simultaneously. The chairman, vice chairman, and secretary shall be elected by the constituents of the elected Judiciary Board and shall have tenure of seven years. All other board member's terms shall be staggered accordingly to the number of votes received, the three candidates, out of the remaining six receiving the highest number of votes shall receive the five-year terms, and the remaining three members receiving the lowest number of votes shall receive the three-year terms. A Judiciary Board member's term of office, with, the exception of the initial staggered terms, shall be seven years. A member shall not be elected for more than two terms and may not serve more than fourteen years in office. The approval of the General Assembly delegates shall be required for the Judicial Board member's continuance in office for a second term.

5. The nine members of the Judiciary Board are elected and retained in office by the legislative branch of church government, the General Assembly; and its budget must be submitted annually to the Board of Trustees who will submit it to the General Board, the executive branch, for review with final approval from the General Assembly. The Judiciary is to receive per diem and related expenses in carrying out its duties, but may not exceed its approved budget without prior approval of the General Assembly or the General Board when the General Assembly is not in session.

6. Only after a decision has been rendered by one of the Church's current forums of dispute resolution (the judiciary committee of the Board of Bishops; the judiciary committee of the Council of Pastors and Elders, and the dispute resolution forum of the Women's Department), that a litigant or one of the above mentioned judiciary committees has the right to appeal to the Judiciary Board.

7. The judicial branch, the Judiciary Board shall balance the legislative and executive branches by being the final authority on questions of constitutionality doctrine and the final appellate forum of the Church for disputes. •

8. The Judiciary Board shall have as its highest objective the protection of the rights of every member of the Church of God in Christ, Incorporated as set forth in the Church Constitution, Article VIII, without regard for official position or social status.

The Judiciary Board shall serve to prevent the intrusion of civil authorities into the affairs of the Church wherever inevitable disputes shall arise, in accordance with precedent setting resolutions, those reasonable grounds for modifying or overruling previous rulings or resolutions, and in accordance with legitimate interpretation of the Church's constitution and doctrine.

THE CHURCH OF GOD IN CHRIST JUDICIAL SYSTEM



JUSTICE

THE NATURE

The Judiciary Board is the Supreme Court of the Church of God In Christ, Inc., comprised of nine members; three from the General Assembly, three from the Board of Bishops and three from the Pastors and Elders Council. Each member having a term of seven years.

The Judiciary Board is also the final appellate forum of the church of disputes except in cases that have been appealed to the General Board for executive clemency (i.e. Pastor, or Bishop, removal, and Church Disorganization).

In all human interactions there is the possibility and indeed the likelihood there will be differences of opinion. Often decisions are made that an aggrieved individual may feel like has treated him or her unjustly whether and Elder, a Bishop, a Supervisor, an elected or appointed National Office, or a Member.

So that all may know and have a clear understanding of what the judiciary branch of the COGIC is and how it functions, the following information is provided.

Each member cannot serve more than two terms, nor can the member serve more than 14 years in office unless approved by the General Assembly. Each Judiciary Board Member is at least 45 years of age and an active member in good standing with the Church of God In Christ, Inc. Each Justice must possess mature judgment proven ability, integrity and a thorough knowledge of the Church of God In Christ, Inc., Constitution and Doctrine.

THE FUNCTION

It is responsible for interpreting the laws adopted by the legislative branch, which is the General Assembly. The Judicial Branch renders its decisions based on the interpretation of Scripture and Constitution. The Judiciary Board is the final authority in the interpretation of the constitution and the final forum for church disputes. The enforcement of those decisions is the responsibility of the Executive Branch.

THE PROCESS

The Judicial system includes a trial and appellate process. The Church of God in Christ, Inc. has established a court system for the administration of justice and dispute resolution. The system is as follows:

Functions of the Church Of God In Christ Judicial System



The system of courts in the Church of God In Christ for the administration of justice is as follows:

Trial Courts:

The court before which issues of fact and law are tried, witnesses called and evidence presented and first determined.

The lower dispute forums in the church are:

1. Jurisdiction - Pastors and Elders Council
2. Women's Dept. - Dispute Resolution Committee
3. Board of Bishops - Judiciary Committee
4. General Board - (Forum for National Officers)
5. General Assembly - Judicial Council

NOTE: The judicial process really starts with the Pastor of Local church who is responsible for discipline and the administration of justice for members of the local church who are not credentialed, appointed or elected officers of the jurisdiction or nation church.

Appellate Court:

The court whose jurisdiction is to review decisions of lower courts or agencies. General Council of Pastors and Elders Council - Judicial Review Committee

Supreme Court:

The Judiciary Board is the Supreme court of the Church of God in Christ, Inc., and is the final authority on questions of ecclesiastical constitutional doctrine, it maintains balance between the legislative (General Assembly) and executive branch (General Board). The Judiciary Board is also the final appellate forum of the church for disputes, except in cases that have been appealed to the Presiding Bishop for executive clemency (i.e. Pastoral and Bishops removals and Church Disorganization.)

The Judiciary Board is comprised of nine members from Episcopal, Ministerial and General Assembly categories of the Church. Three members are Jurisdictional Bishops (Episcopal); three members are Elders other than Bishops, (Ministerial). Three members are from the church at large, (General Assembly). All Board Members are elected and retained in office by the General Assembly.

Each member cannot serve more than two terms; nor can he or she serve more than 14 years in office unless approved by the General Assembly. Each Judiciary Board is at least 45 years of age and an active member in good standing of the Church of God In Christ, Inc. Each Justice must possess mature judgment, proven ability, integrity, and a thorough knowledge of the Church of God In Christ Constitution and Doctrine.



Universal Legal Understanding and Behavior for Action

1. For Every Action there must exist a Cause:

Cause then is defined as:

- (a.) To have trustworthy evidence that would convince a reasonable person that it is more likely than not that the alleged has committed an unforgivable offense.
- (b.) An action that produces an effect or result that is harmful or that reflects in a harmful way that is irreversible and unforgivable.

2. Causal action for trial:

- (a) The accused must be formally charged with having committed specific offense(s), before they can be brought to trial.

3. Trial:

- I. Is a none biased setting in which both the plaintiff and defendant can be heard and represented by attorneys and/or representative/advisors.
- II. Both the plaintiff and defendant or their representatives are allowed to make opening statements concerning the facts that they expect to prove during trial.
- III. Since the plaintiff has the burden of proving that their case is correct, they will begin the case or matter.
- IV. The plaintiff must prove their case or matter beyond Doubt, Reasonable Doubt, and Reasonable Doubt to a moral certainty, by the evidence, facts or preponderance of evidence in the case.
- V. Any question of doubt and/or uncertainty must be ruled in favor of the defendant.

4. At Trial:

- a. The accused does not have to prove anything. The accused is innocent until proven guilty beyond doubt.
- b. The entire burden of proof rests on the plaintiff and guilt must be established beyond doubt.
- c. The plaintiff must show that based on all evidence presented, the defendant's guilt is clear and unquestionable, and that no other possibility exist for the alleged offenses.



Rules of the Court and Law of the Case

In civil, criminal, and ecclesiastical court whether you're being sued or suing someone else, bringing an action or having an action brought against you, you should understand these two simple things - *or risk losing!*

Winning is really very simple!

Every lawsuit turns on these two (2) simple things:

- 1 ... the law of the case and
- 2 ... the rules of court (evidence and procedure)

(That's all there is to this venue we call court, civil, criminal, or ecclesiastical!)

1 - THE LAW OF THE CASE

The law of the case is usually *very simple!*

No matter what kind of case yours is, you'll find that every lawsuit or court action turns on what lawyers call "***the law of the case***". Every last one of them, and Every single one!

Every case turns (win or lose) on a very few legal principles that control the outcome of the case - the rights of the victims versus the rights of the offender.

Attorneys call these principles "***the law of the case***". It doesn't matter how important the victim is. It doesn't matter how inferior the offender is. The law of the case is the law of the case **PERIOD!**

The law of the case controls the outcome for those who know how to use the rules of the court (evidence and procedure) to prove what the law requires.

Think about it this way:

You don't have to know all the laws to win a simple dispute or overcome a charge against you.

The law of the case is usually no more than a few appellate court opinions and perhaps a statute or two at most. If you find and can cite the official authorities that state the law of the case, you're halfway home!

The rest of the business of winning is simply using the rules of the court to:

- (1) Allege what the law of the case requires, and
- (2) To prove what you've alleged ... whether you're the plaintiff bringing the case or the defendant trying to get out of the line of fire!

2 - THE RULES OF EVIDENCE AND PROCEDURE

Now let's assume you've found the law of the case that fits the facts of your lawsuit or charges that is whether - plaintiff or defendant. You have the *official* citations and made copies of those so the judge doesn't have to look them up. You've printed out the citations that command a victory for you **IF** you allege and prove what the law of the case requires.

This is where the rules of evidence and procedure come into play ... ***and these are incredibly easy to learn!***

Let's say a plaintiff is coming after you to malfeasance, misappropriation of funds or misconduct in your office. The first thing you do is find the law of the case that will control the outcome in your state and in ecclesiastical cases your denomination. You now know what must be alleged by the plaintiff and proven by the plaintiff in order for the plaintiff to win.

You also now know what *you* must allege in affirmative defenses and what you need to do with discovery and motions to prove the plaintiff cannot meet the burden of the law, civil criminal or ecclesiastical.

You have tremendous power on your side ... *once you know how the court operates!*

In my years of service to our Great Church Judicial Process I've found the most debilitating factor that infects good people with hopelessness is fear that is driven solely by a lack of knowledge of how the process is carried out! Not knowing creates fear. Knowledge displaces fear with the confidence you need to overcome your opponent!

Take any apparently complicated thing apart to examine its component parts and you can quickly see how they all fit together. When you first begin, it seems impossible.

But!

If someone shows you how each separate part works with each of the other parts, even the most complicated things are suddenly easy-to-understand. The mystery my profession has woven disappears!

1 - All lawsuits or court action turn on the law of the case.

2 - All lawsuits are won (or lost) by clever (or clumsy) use of the rules of court to prove the law and facts.

That's all there is to lawsuits or actions, civil criminal or ecclesiastical - *every one of them!*

Ecclesiastical Courts

Ecclesiastical Courts, are tribunals set up by religious authorities to deal with disputes among clerics or with spiritual matters involving either clerics or laymen, also called **Church Court or Spiritual Court**, any of the three church courts having jurisdiction mainly in spiritual or religious matters.

The tribunals of the Church are governed by the Church Judicial Code of conduct, constitution and by-laws.

The procedure for bringing charges against a Local Church, a member of the Clergy, or Jurisdictional Officer are not so clear it is our hope in this book to lend some clarity to this process.

STARTING THE JUDICIAL PROCESS

When in the course of human interaction there is the very real possibility and indeed the likelihood there will be differences of opinion. Often decisions are made that could cause an aggrieved person to feel that he or she has been treated unjustly whether they be an Elder, Bishop, Supervisor, an Elected or Appointed Jurisdictional or National Officer or Lay Member.

So that all may know and have a clear understanding of what the Church Of God In Christ Judiciary Process is for bringing an action this publication is produced, it's my prayer that this book will serve you well.

It should be noted and understood that for anyone to access the Judicial Process of the Church Of God In Christ, you must first be a member of the Church Of God In Christ and second be in good standing in your Local Church, Jurisdiction and the National Church through your National Credential Report being current before the offense occurred and maintained!!

Part II Ecclesiastical Structure, **Article VIII** "Church Discipline" of the Church Of God In Christ Official Manual copyright 1973 and reprinted 1991 and 1992, list in **Section A**. Offenses for which a Church may be tried, **Section B**. Offenses for which a Pastor may be tried, **Section C**. Offenses for which a Jurisdictional Officer may be tried and **Section D**. Offenses for which a Bishop may be tried are outlined, we will not deal with **Section D** in this volume, **volume 1** that will be covered in **Volume 2**.

According to **Part II, Article VI, Section J**. "Pastor of the Local Church":

"The Pastor is the chief executive officer of the local Church and shall have the general oversight and supervision thereof.

Note: The Chief Executive Officer (CEO) is one of the most coveted and least understood, jobs in any organization and the church is no different.

There are those who believe that Chief Executive Officers can do whatever they want, are all powerful, and are magically competent. Of course, nothing could be further from the truth.

By its very nature, the job description of a Chief Executive Officer means meeting the needs of employees, customers, investors, communities, the law, and in the church the membership and/or congregation.

Some of a Chief Executive Officer's job can be delegated. But several elements of the job *must* be done by the CEO themselves. The CEO is responsible for the administrative management and public image of the corporations, the Pastor of the Local church is no different.

What is the CEO's main duty? Setting strategy and vision, the senior team management, they help develop strategy, approves business plans, but the CEO ultimately sets the direction.

The CEO decides, sets budgets, forms partnerships, and hires a team to steer the company accordingly, the church business side no difference.

The CEO's second duty is building culture, which includes trust and partnership. Work gets done through people, and people are profoundly affected by culture. A lousy place to work can drive away high performers. After all, they have their pick of places to work. And a great place to work can attract and retain the very best. Culture is built in dozens of ways, and the CEO sets the tone. While in the secular society according to Black's Law Dictionary sixth edition having the general oversight and supervision means:

"having the authority in all routine affairs in the interest of the organization and its employees, with authority to hire, transfer, suspend, lay off, recall, promote, discharge, reward, discipline and discharge."

1. The Pastor shall have the right to appoint or remove officers of the local church, and administer his office in accordance with the Charter, Constitution, By-Laws of the Church Of God In Christ.

Note: the Pastor will do well to remember **2 Samuel 23:1-4**

1. *Now these be the last words of David. David the son of Jesse said, and the man who was raised up on high, the anointed of the God of Jacob, and the sweet psalmist of Israel, said,*

2. *The Spirit of the LORD spake by me, and his word was in my tongue.*

3. *The God of Israel said, the Rock of Israel spake to me, He that ruleth over us must be just, ruling in the fear of God.*

4. *And he shall be as the light of the morning, when the sun riseth, even a morning without clouds; as the tender grass springing out of the earth by clear shining after rain.*

2. The Pastor shall be responsible for the spiritual and doctrinal guidance of the local church."

Note: Pastors should never forget scripture

Romans 2:21

Thou therefore which teachest another, teachest thou not thyself? thou that preachest a man should not steal, dost thou steal?

2 Timothy 2:6

The husbandman that laboreth must be first partaker of the fruits.

That being noted then in the local church for everyone under the rank of Elder and not functioning in and office outside the appointment of the Pastor is subject to the discipline of the Pastor of the local church. *Ordained Elders, Jurisdictional and/or National Officer* elected and/or appointed are subject to guides of **Part II Article VIII** of the Church Of God In Christ Official Manual as it now is or may be amended from time to time.

Bringing Charges in the Church of God in Christ

The Local Church:

According to **Part II - Ecclesiastical Structure Article VIII - Section A. Para 1.**

1. Offenses for which a Church **may** be tried are as follows:

Note: The word **MAY** is highlighted to give clarity and understanding to its legal meaning. **May** is an auxiliary verb qualifying the meaning of another verb by expressing ability, competency, liberty, permission, possibility, probability or contingency. In the U.S. v. Lexington Mill & E. Co., 232 U.S. 399, 34 S.Ct. 337, 340, 58 L. Ed. 658. the word "**May**" usually employed to imply permissive, optional or discretionary, and **NOT** mandatory action or conduct, Shea v. Shea, Okl., 537 P. 2d 417, 418. Regardless the instrument whether constitution, statute, deed, contract, policy or by-law May is frequently construed as "shall" or "must" to the end that justice may not be the slave of grammar, the general rule of civil court is that the word "May" will not be as a word of command unless there is something in context or subject matter of act to indicate that it is to be used in such sense, Bloom v. Texas State Bd. Of Examiners or Psychologist, Tex. Civ. App., 475 S.W.2d 374,377. s~\

- (a) Persistently violating provisions of the Charter, Constitution and Rules, Laws and Regulations of the Church of God In Christ, or its Articles of Faith.

Note: While I believe we all can appreciate an understanding of the word "violating", I'm not so sure about the word "Persistently" for one to "Persistently" commit the act of violating, this is done "tirelessly, determinedly, with determination, doggedly, steadily and patiently." I'm confident if this was the case this action should be easy to document, not the feeling and/or opinion of a few. We might look at the word "**or**" as well it does not mean both.

- (b) Sustaining and supporting a Pastor who teaches or practices doctrines contrary to or repugnant to the Articles of Faith of the Church of God In Christ.

Note: Let's not forget we teach our members to follow scripture

Hebrews 13:17

"Obey them that have the rule over you, and submit yourselves: for they watch for your souls, as they that must give account, that they may do it with joy, and not with grief: for that is unprofitable for you."

1 Samuel 15:22

"And Samuel said, Hath the LORD as great delight in burnt offerings and sacrifices, as in obeying the voice of the LORD? Behold, to obey is better than sacrifice, and to hearken than the fat of rams."

With documented evidence that the membership of a local church is engaged in such action we should proceed, but not as a means to get the Pastor or take over the church.

- (c) Sanctioning immoral practices of members and failing or refusing to take steps prescribed by the Constitution and By-Laws of the Church for trial of members charged with the commission of the foregoing offenses.

Note: again caution should be taken here remember the Pastor is the Chief Executive Officer of the Local Church and membership discipline is in his care and authority.

According to **Part II - Article VIII- Section B. Para 1 Subparagraphs (a-g)**

1. A Pastor may be tried for the Commission of the following offenses, to wit:

- (a) Repeated failure to abide by the laws, rules and regulations of the Church of God In Christ;

Note: This should not be the Pastors first offense, and there should be records in the Jurisdictional District, and local church office relative to his being counseled and warned about the offenses and the possibility of corrective action.

- (b) Misfeasance, malfeasance or nonfeasance, in office;

Note: the following, Misfeasance: The improper performance of some act, which a person may lawfully do. Malfeasance: the commission of some act, which is positively unlawful, an act that should not have been done at all. Nonfeasance: The omission of an act which a person ought to do, not doing the job. One cannot be guilty of all three offenses at the same time, he may be found guilty with documented evidence of Misfeasance and Malfeasance together, but Nonfeasance said he didn't do the job at all, to do that would be considered pilling on, and that not justice.

- (c) Conviction of a felony or misdemeanor involving moral turpitude in a Court of Law;

Note: Felony: A crime of a graver or more serious nature than those designated as misdemeanors as outline in the penal code, Misdemeanor: an offense lower than felony and generally punishable by a fine, penalty, forfeiture or imprisonment. Moral Turpitude: The act of baseness, vileness, or the depravity in private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man. State v. Adkins, 40 Ohio App.2d 473, 320N.E.2d 308, 311, 69 O.O.2d 416. The requirement is Conviction, which is in a general sense, the result of a criminal trial which ends in a judgment or sentence that the accused is guilty as charged. Not accused or suspected of.

- (d) Espousing doctrines repugnant to the Articles of Faith of the Church of God In Christ;

Note: Teaching a belief system that is Repugnant: which is defined as "Inconsistency, opposition, or contrariety between two or more clauses of the same deed, contract, or statute (doctrine), or between two or more material allegations of the same pleading or any two or more writings (our Charter, Constitution, By-Laws and Policies)."

- (e) Personal Misconduct;

Note: Personal: Appertaining to the person (individual), Misconduct: A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior.

- (f) Misappropriation or misuse of the funds of the Church;

Note: Misappropriation: The unauthorized, improper, or unlawful use of funds

or other property for purpose other than that for which intended. Pocket Books, Inc. v. Dell Pub. Co., 49 Misc.2d 252, 267 N.Y.S.2d 269, 272. This includes but not limited to embezzlement. Misuse: using authorize funds improperly, this is not embezzlement.

(g) Conduct unbecoming a Minister of the Gospel.

Note: this is a very subjective area and should be dealt with, with extreme caution as a person or person's reputation, character and live hood could be at stake. Unbecoming Conduct can be among any behavior that brings dishonor and disgrace upon the person, group, church community, and the Ministry. Be careful of the possibility of civil action for slander and defamation, civil courts will entertain these actions.

According to **Part II, Article VIII, Section A**. Para (2) subparagraph (a)

- (a) "Any member of a local church, who has just cause to believe that the Church of which he is a member has committed any and all of the offenses enumerated hereinabove, may file a charge against the Church, specifically setting out the acts and things complained of. The original charge shall be filed in the office of the Secretary of the Ecclesiastical Jurisdiction, of which the Church is a part, or with which it is affiliated, and copies thereof shall be filed with the Clerk or Secretary of the local Church and copy thereof shall be filed in the office of the General Secretary."

Note: While the member may have what they believe to be "just cause" there must be documented evidence to support that belief, and careful and prayerful consideration before making any allegation(s) remember **Galatians 6:1**

"Brethren, if a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted."

Action of the Ecclesiastical Jurisdiction:

According to **Part II, Article VIII, Section A**. Para (2) subparagraphs (b-i)

- (b) "The Clerk of the Ecclesiastical Jurisdiction shall submit the charge to the Jurisdictional Bishop, who shall appoint an Investigating Committee of not less than three (3) nor more than five (5) members to examine the facts and ascertain whether there is reasonable grounds for having the church brought to trial."

Caution and Consideration:

First the Jurisdictional Bishop upon receipt of the allege charges, might consider talking to the Pastor of the Local Church to gain insight into the allege concerns and to see if a resolution can be reached before following the more formal process.

Second if a peaceful resolution cannot be reached the Jurisdictional Bishop should consider informing the Pastor of the Local Church that he would be following a more formal path to a resolution (No Sneak Attack), be up front with the Pastor.

Third the Jurisdictional Bishop should consider those who will serve on the Investigating Committee, since these individuals **cannot** be part of the body trying the Local Church, they can only be called upon to give testimony to their findings.

- (c) The Investigating Committee shall report its findings and recommendations to the Jurisdictional Bishop. If the Investigating Committee determines that there is not merit to the charge and recommends that the charge be dismissed, the Jurisdictional Bishop shall thereupon dismiss the charge and send copies of the letter or order of dismissal to the principal parties.

Consideration and Instruction: The Jurisdictional Bishop should consider seasoned Pastors and Elders to be part of the Investigating Committee men of integrity, none with ties to the Local Church or Pastor in question, they should be instructed as to the sensitive nature of the allegation(s) and the need to maintain the confidentiality and integrity of the process, again bearing in mind that these individuals **cannot** be a part of the trial nor jury pool, other than as witnesses to their findings.

- (d) If, however, the Investigating Committee finds and determines that the church should be tried, it shall submit its recommendations to the Jurisdictional Bishop, who shall appoint an Ecclesiastical Council consisting of five (5) Pastors of the Jurisdiction to determine the merits of the complaint. Said Council shall give written notice to all interested parties and to the General Secretary of the time and place of the hearing at least twenty (20) days prior to the time the Ecclesiastical Council sets the cause down for trial.

Note: No member of the Investigating Committee can serve on the Ecclesiastical Council hearing and/or trying the matter, neither the jury pool, the notices should be sent out via Certified Return Receipt US Mail and a copy via regular US mail to all parties concerned and to the General Secretary Office. To avoid the appearance of partiality the Chairman of the Ecclesiastical Council should be selected by the member of the Ecclesiastical Council after their appointment and before the trial, with no public announcement until the trial.

- (e) The Parties shall have the right to be represented by Counsel, who shall be members of the Church of God In Christ, but said Counsel may be advised by non-members of the Church.

Note: The Jurisdictional Bishop shall insure that the rights of the Parties are not abridged, that the Parties may be represented by Counsel from another Ecclesiastical Jurisdiction or State so long as they are members of the Church Of God In Christ and in good standings, and not themselves under any disciplinary action(s), and that said Counsel may be advised by non-members of the Church, that means Church Of God In Christ or no Church membership at all.

- (f) The majority decision of the Ecclesiastical Council shall be necessary to sustain the charges.

Note: Since the Ecclesiastical Council shall consist of five (5) Pastors and to sustain the charges necessitates a majority vote of the Ecclesiastical Council, three (3) votes are needed to convict, the Chairman of the Ecclesiastical Council shall cast a vote only in the event of a tie

- (g) In the event the charges are not sustained, the complaint shall be dismissed. But if the charges are sustained, the Council shall render its judgment or decision as follows:
- (1) It may order that the Church be placed on probation; **or**
 - (2) It may order or recommend that the Church be given an opportunity to repent of its evil ways and agree to conform to the government and faith of the Church, recognize the Constitutional authorities of the Church, and specifically refrain from committing, in the future, any of the acts embraced in the charges; **or**
 - (3) It may order that the Church be reorganized; **or**
 - (4) It may order that the Church be disorganized; **or**
 - (5) It may order that the Pastor be suspended or removed from office; **or**
 - (6) It may take such other orders or decisions as it may determine to be for the best interest of the Church of God In Christ.

Note: It should be clearly understood that the Ecclesiastical Council can choose only one of the sanctions listed above, and if none of the sanctions are appropriate for or fit the charges they may choose otherwise, not all of the above nor any combination of the above stated sanctions, always with the best interest of the Church Of God In Christ, the Local Church Membership, the Pastor his family and our witness to the community we serve.

*Any decree and/or order to remove a Pastor and/or disorganize a church is considered a capital case which could and should involve the General Board before action is taken this per the Judicial Code of the Church Of God In Christ Judiciary Board. Less we forget the scripture, **Galatians 6:1** "Brethren, if a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted."*

- (h) The Jurisdictional Bishop shall execute the orders and decrees of the Ecclesiastical Council.

Note: The Jurisdictional Bishop is not at liberty to try and influence the decision or order of the Ecclesiastical Council, nor to amend or edit the decision or order of the Ecclesiastical Council, but to Execute (carry out the decision, order or decree.) only.

- (i) If and in the event a Church is disorganized, its property, real and personal, shall pass to the Trustees of the Ecclesiastical Assembly and the officers of said church, or trustees thereof, who have the legal right to convey title, shall execute a Deed of Conveyance wherein the legal title to said property shall be vested in the Trustees of the Ecclesiastical Assembly, in trust, for the use and benefit of the members of the Church of God In Christ in the Ecclesiastical Jurisdiction of the Church; but said Trustees shall not dispose of said property except by and with the written consent of the Jurisdictional Bishop and the Trustees of the General Church.

Note: It is advised at this point that the Jurisdictional Bishop seeks and get advice from the General Church before he proceeds with any action to remove a Pastor or disorganize a local church to avoid any intrusion of the civil arena, since buildings and money are considered property and civil court can take jurisdiction in these matters particularly Wrongful Termination.

THE MEN OF GOD



God has placed an incredible weight of responsibility onto the Christian leader's shoulders. The leader must not only faithfully nurture and direct the church but also pay careful attention to personal piety. A healthy church depends on healthy ministers whose ministry and personal life reflect equally the power of God.

Paul emphasizes the weight of this dual responsibility by closing the letter as he opened it, with a solemn charge to Timothy in the presence of God. The dangers of unfaithfulness, both to the leader and to the church, have been graphically spelled out in the interplay between descriptions of false teacher and faithful minister throughout the letter. Now, as the final contrast is made, the clarion call to faithful service resounds. The shape and tone of the text suggest that Paul may have adapted a formal ordination or baptismal charge for emphasis. But again, although the focus in this passage is on leaders, the instructions Paul gives apply to us all. Personal Holiness (6:11)

The calling to serve God is a calling to a position of special honor. Paul designates Timothy (and equally all faithful ministers) as *man of God*, a title given to Moses (Deut. 33:1), David (Neh. 12:24), Elijah (1 Kings 17:18) and Elisha (2 Kings 4:7) in the Old Testament. In so doing, he sets the minister apart as one having a special relationship with and an origin in God.

The minister is God's special representative, one whom God has personally chosen and sent. I Timothy 3 is very clear about the qualifications of leaders in the church (i.e., blameless, sober-minded, of good behavior, not violent, gentle, not quarrelsome, etc.).

When men of God fail as they sometimes do there must be a fair and just process for dealing with their actions or the lack thereof in Matthew 18:15-17 there are steps set forth for the purposes of chastisement leading to healing and restoration.

First you are to go to a "brother" that "offends." If he will not listen to your godly, biblical counsel, then take one or two witness with you. If, at that point, he still will not hear, then take it to the church. If he still refuses to listen, then let him be unto thee as "a heathen man and a publican" (see also I Corinthians 5:1-5; Galatians 6:1).

Part II Article VI Section J. Pastor of Local Churches

The Pastor is the chief executive officer of the local Church and shall have general oversight and supervision thereof.

1. The Pastor shall have the right to appoint or remove officers of the local church, and to administer his office in accordance with the Charter, Constitution, By-Laws of the Church of God In Christ
2. The Pastor shall be responsible for the spiritual and doctrinal guidance of the local church.

According to **Part II - Ecclesiastical Structure Section B. Para 1. subparagraphs (a-g)**

1. A Pastor may be tried for the Commission of the following offenses, to wit:
 - (a) Repeated failure to abide by the laws, rules and regulations of the Church of God In Christ;
 - (b) Misfeasance, malfeasance or nonfeasance, in office;
 - (c) Conviction of a felony or misdemeanor involving moral turpitude in a Court of Law;
 - (d) Espousing doctrines repugnant to the Articles of Faith of the Church of God In Christ;
 - (e) Personal Misconduct;
 - (f) Misappropriation or misuse of the funds of the Church;
 - (g) Conduct unbecoming a Minister of the Gospel.

The Pastor of the local church:

According to **Part II, Article VIII Section B, Paragraph 2 subparagraph as (a-j)** Trial of Pastors of Local Churches

- (a) When a majority of the members of the Church of God In Christ have documented evidence that a Pastor of a local church has committed any or all of the offenses enumerated hereinabove, they may file charges against such Pastor specifically setting out the acts and things complained of. The original copy of the charges shall be filed in the office of the Secretary of the Assembly of the Ecclesiastical Jurisdiction of which the Church and Pastor are a part, or with which they are affiliated, and copies thereof shall be filed in the office of the General Secretary of the Church of God In Christ at its National Headquarters in Memphis, Tennessee.

Clarity and Understanding: While the language of subparagraph (a) of the above mention section of the Official Manual of the Church Of God In Christ states *"When a majority of the members of the Church of God In Christ have documented evidence that a Pastor of a local church has committed any or all of the offenses enumerated hereinabove, they may file charges against such Pastor specifically setting out the acts and things complained of."* It can be argued in the civil arena that, that para reefer to the Church Of God In Christ plural, however our usual practice has been and is (a majority of the members of the Local Church of God In Christ where the offence occurred). Documented evidence is not what you think or feel, but what is real hard and fast. A majority of the members is not one or a few persons with influence, but 50%+1 of the local church membership of record.

Note: While the General Assembly did give authority to the Presiding Bishop and the General Board to suspend elected and/or appointed

officers of the General Church to include but not limited to Bishops, Supervisors, Pastors, Elders, Ministers, Missionaries, Evangelists or Deacons, and the authority to delegate that authority to the Jurisdictional Bishop where the misconduct occurs, this authority is only in cases where the General Church could be at risk relating to sexual misconduct, domestic violence, criminal behavior and possible civil suits that may follow, not matters of dispute over administrative and/or Episcopal policies.

"General Board Resolution to the General Assembly November 12, 2002

- Whereas:** there is an epidemic of sexual molestations across the length and breadth of this country concerning the clergy as revealed by recent revelations stemming and flowing from the Catholic Church and its priests concerning minor children, and,
- Whereas:** The Church Of God In Christ is a national and international major reformation with a desire to protect its membership from the ravages of this blight and the extreme cost to defend and settle lawsuits that emanate from this unfortunate course of conduct, and,
- Whereas:** The Catholic Church has been required to expend millions of dollars to defend and/or settle numerous lawsuits, and,
- Whereas:** the National Church is in need of immediate protection from those who would expose the National Church to untold millions of dollars and liability for said misconduct and most importantly from the emotional devastation that results from such misconduct,

Now Therefore, Be It Resolved: that the Presiding Bishop and General Board of the Church Of God In Christ, with the concurrence of the General Assembly, adopt the following rule:

"The Presiding Bishop and General Board will have the authority to suspend any officer, elected or appointed, including, but not limited to, Bishops, Supervisors, Pastors, Elders, Ministers, Missionaries, Evangelists or Deacons pending the outcome of any allegations of misconduct which has the potential to substantially impact the National Church financially, morally, and spiritually. The Presiding Bishop, with the approval General Board, shall have authority to delegate this authority to the Jurisdictional Bishop where the misconduct occurred." The Motion was made for adoption the motion second and prevailed."

- (b) The Clerk of the Assembly of said Ecclesiastical Jurisdiction shall submit the charges to the Jurisdictional Bishop who shall appoint an Investigating Committee of not less than three (3), not more than five (5), members to examine the facts and ascertain whether there are reasonable ground for having the Pastor brought to trial.

Caution and Consideration:

First the Jurisdictional Bishop upon receipt of the allege charges, might consider talking to the Pastor of the Local Church to gain insight into the allege concerns and to see if a resolution can be reached before following the more formal process.

Second if a peaceful resolution cannot be reached the Jurisdictional Bishop might consider informing the Pastor of the Local Church that he would be following a more formal path to a resolution (No Sneak Attack), be up front with the Pastor.

Third the Jurisdictional Bishop might consider those who will serve on the Investigating Committee, since these individuals **cannot** be part of the body trying the Pastor of the Local Church, nor the Jury pool, they can only be called upon to give testimony to their findings.

- (c) The Investigating Committee shall report its findings and recommendations to the Jurisdictional Bishop, and if it reports that the charges are without merit the trial shall be dismissed by the Jurisdictional Bishop, and notice of the dismissal shall be sent to all interested parties including the General Secretary.

Consideration and Instruction: The Jurisdictional Bishop should consider seasoned Pastors and Elders to be part of the Investigating Committee men of integrity, none with ties to the Local Church or Pastor in question, they should be instructed as to the sensitive nature of the allegation(s) and the need to maintain the confidentiality and integrity of the process, again bearing in mind that these individuals **cannot** be a part of the trial nor jury pool, other than as witnesses to their findings.

- (d) If the Investigating Committee finds and determines that the Pastor should be tried, it shall be submit its recommendations to the Jurisdictional Bishop, who shall refer the case to the Elders Council of the respective Ecclesiastical Jurisdiction and the Secretary of the Elders Council shall give written notices to all principal parties and a copy of said notices shall also be filed in the office of the General Secretary at the National Headquarters, Memphis, Tennessee, and said notices shall be given at least twenty (20) days prior to the time the Elders Council set the matter down for trial.

Note: No member of the Investigating Committee can be a part of the Trial process or the Jury pool; they can give testimony of their findings only. The notices should be sent out via Certified Return Receipt US Mail and a copy via regular US mail to all parties concerned and to the General Secretary Office. To avoid the appearance of partiality the Chairman of the Pastors and Elders Council who is now elected by his peers should serve as the Judge at the trial, with a jury pool selected by the Council at large before the trial, with no public announcement until the trial, always keeping in mind the sensitive nature of the proceedings requiring confidentiality and integrity.

- (e) The Parties shall have the right to be represented by Counsel, who shall be members of the Church of God In Christ, but said Counsel may be advised by non-members of the Church.

Note: The Jurisdictional Bishop shall insure that the rights of the Parties are not abridged, that the Parties may be represented by Counsel from another Ecclesiastical Jurisdiction or State so long as they are members of the Church Of God In Christ and in good standings, and not themselves under any disciplinary action(s), and that said Counsel may be advised by non-members of the Church, that means Church Of God In Christ or no Church membership at all.

- (f) Decisions of the members of the Elders Council by a majority vote shall be necessary to sustain the charges and find the Pastor guilty of committing the alleged offenses.

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Note: Depending on the size of the Ecclesiastical Jurisdiction Pastors and Elders Council this can pose a challenge, to facilitate clarity, fairness and accuracy in administering Justice the following might be considered:

- (a). In Jurisdictions with 30 or more Churches (Pastors), selecting a jury pool of (18) Pastors and Elders with (12) primary jurist and (6) alternates to hear, decide and render a decision and/or judgment of the case or
 - (b). In Jurisdictions with 29 or less Churches (Pastors), selecting a jury pool of (12) Pastors and Elders with (9) primary jurist and (3) alternates to hear, decide and render a decision and/or judgment of the case.
 - (c). It should be remembered that neither the Chairman of the Council serving as the Judge, nor The Pastors and/or Elders serving as the Prosecution, nor the Defendant, nor the Representatives for the Defense, nor the recorder/transcriber/stenograph, nor bailiff shall have a vote during the trial or when the matter comes before the full Council for a vote of substation, as they are officers and parties to the proceedings.
 - (d). When the case comes before the full Council for a vote, only the charges will be read, and the vote of the jury presented in the following manner: (See attachment #)
- (g) In the event the charges are not sustained, the complaint shall be dismissed. But if the charges are sustained, it shall render its decision or enter a Decree, as follows:

- (1) It may order that the Pastor be placed on probation; **or**

Note: is based on the violation and the Pastors wiliness to comply. Probation can range anywhere from one month to 3 years

- (2) It may suspend the pastor for a definite period of time; or

Note: again it is based on the violation and the Pastors wiliness to comply you must also consider compensation during this period of suspension, you cannot deny the Pastor his livelihood during any period of suspension, that is considered property and the civil court can take jurisdiction

- (3) It may remove him from office and declare the pulpit vacant; or

Note: Be very careful here, it's easy to get caught up in wrongful termination, which will then put the Church at risk.

- (4) It may render such other decisions or decrees as justice may demand or as it may determine to be in the best interest of the Church of God In Christ.

Note: It should be clearly understood that the Council can choose only one of the sanctions listed above, and if none of the sanctions are appropriate for or fit the charges they may choose otherwise, not all of the above nor any combination of the above stated sanctions, always with the best interest of the Church Of God In Christ, the Local Church Membership, the Pastor his family and our witness to the community we serve, remembering scripture, ***Galatians 6:1** "Brethren, if a man be overtaken in a fault, ye*

which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted."

- (h) In the event a Pastor is dissatisfied with the decision or decree of the Jurisdictional Elders Council, he may appeal to the General Council by filing notice of appeal within thirty (30) days from the final decision of the Elders Council of the respective Jurisdiction.

Note: The Appeal Process is not just because you don't like the decision or is dissatisfied with the verdict, in order to have a viable appeal you must show that the Jurisdiction committed:

Judicial Error

Prosecutorial Misconduct

New Evidence to shed new light on the case in your favor.

That evidence was omitted or withheld from you during trial that would be to your favor.

Violation of court rules.

If appeals were granted just because we don't like the verdict the court would be overwhelm with frivolous appeals.

- (i) The General Council shall review the case and render its decision by a majority vote of the delegates and members present and voting.

Note: read the General Council Handbook on the Judicial Review Committee the Appeals court for the General Council and the Church.

- (j) The Jurisdictional Bishop shall execute the orders and decrees of the General Board.

Note: The Jurisdictional Bishop is not at liberty to try and influence the decision , order or decree of the Council, nor to amend or edit the decision or order of the Council, but to Execute (carry out the decision or order) only.

Part II, Article VIII Section C. Trial Of Jurisdictional Officers

1. The Trial of Jurisdictional Officers, except Jurisdictional Bishops, shall be the same in all respects as that of a Pastor. The decision of the Jurisdictional Assembly shall be final.



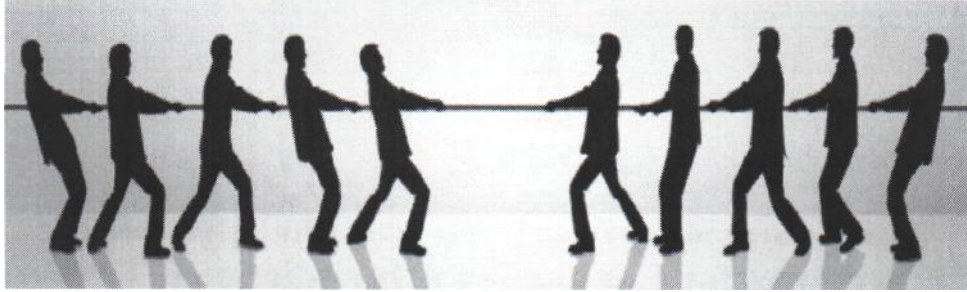
ECCLESIASTICAL PRETRIAL PROCEDURE

From the General Pastors and Elders Official Handbook.

PRETRIAL PROCEDURE

1. All, the provisions and conditions of **Article VIII, Section B** of the Constitution, of the Church of God In Christ, Inc., must be complied with in their entirety.
2. Upon receipt of a Formal written referral from the Jurisdictional Bishop for action by the Jurisdictional Council of Pastors and Elders, the case becomes the sole responsibility of the Jurisdictional Council to conduct the trial.
3. The Chairman, upon receipt of the referral from the Jurisdictional Bishop, should communicate with the Jurisdictional Bishop, to insure that the Jurisdictional Council has all of the pertinent information pertaining to the matter referred and the names of all parties involved with the matter, this must include but not limited to all documented evidence and witnesses.
4. The Chairman shall then assign the File a Case Number.
5. The Chairman should call a meeting of the Executive Committee of the Council, to inform them of the referral and to establish the ground rules for the trial, set the date, time and place where the trial will be held.
6. The Chairman, in compliance with **Article VIII Section B Para (d)** will instruct the Secretary of the Council to send Certified notice to all principal parties, with copies to the Jurisdictional Secretary and the office of the General Secretary of the Church Of God In Christ, Inc. Memphis Tennessee. This notice should be sent at least twenty (20) days prior to the date the Council has set the matter for trial.
7. Pursuant to **Article VII, Section B, Para 2-1**, of the Constitution, the accused has the right to be represented by Advisor and/or Counsel. The Chairman shall instruct the Secretary of the Council to send Certified communication to the accused requesting the name(s) of Advisor and/or Counsel who will represent the accused if the accused will be represented by Advisor and/or Counsel.
8. The Jurisdictional Bishop shall appoint one (1) or more Pastors and or Elders to prosecute the case, (to present the evidence against the accused).
9. Upon notice from the accused of representation by Advisor and/or Counsel, the Chairman will instruct the Secretary of the Council to supply the accused Advisor and/or Counsel with copies of the documented evidence and necessary witness list to be used at trial before the trial.
10. In Jurisdictions where there are large numbers of Pastors and Elders, it may be advisable for the Chairman of the Council to appoint a **Judicial Review Committee** of not less than nine (9) nor more than fifteen (15) members, who shall serve as jurors in the conduct of the trial.
11. At the date, time and place scheduled, the Council shall proceed to hold the trial.

Conflict of Interest



At all cost in the interest of Justice Avoid Conflict of Interest Challenges.

A term used to describe the situation in which a public official or fiduciary who, contrary to the obligation and absolute duty to act for the benefit of the public or a designated individual, exploits the relationship for personal benefit, typically pecuniary

A situation in which a person has a duty to more than one person or organization, but cannot do justice to the actual or potentially adverse interests of both parties.

A conflict of interest (COI) occurs when an individual or organization is involved in multiple interests, one of which could *possibly* corrupt the motivation for an act in another.

The presence of a conflict of interest is independent from the execution of impropriety. \

Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs.

A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest."

Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public office.

Secondary interest includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favours for family and friends, but conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible, and quantifiable.

The secondary interests are not treated as wrong in themselves, but become objectionable when they are believed to have greater weight than the primary interests.

The *conflict* in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.



JUSTICE

From the General Pastors and Elders 2011 Official Handbook.

Procedures for Conducting a Jurisdictional Trial

1. First of all, the provisions of the Constitution, of the Church of God In Christ, Inc., as provided in **Article VIII, Section B**, must be complied with in their entirety, to include the Investigating Committee, note members of the Jurisdictional Administration nor the Investigating Committee can be a part of the Jurisdictional Trial, or jury pool they serve only in the capacity as witnesses.
2. After the Jurisdictional Pastors and Elders Council receive the case on referral from the Jurisdictional Bishop, it becomes the sole responsibility of the Jurisdictional Council to conduct the trial.
3. Upon receipt of the referral from the Jurisdictional Bishop, the Chairman of the Jurisdictional Pastors and Elders Council shall call a meeting of the full Council.
4. At the meeting of the Full Council, the Council shall establish the ground rules for the trial in compliance with the Church Of God In Christ Judicial Code of Conduct published November 14, 1994, setting the date, time and place where the trial will be held, at this meeting the Chairman of the Council shall insure that all evidence, material and exhibits that will be presented at trial is available to all parties within 30 days of the trial.
5. The Council shall give thirty (30) days written notice of date, time and place of the trial to all concerned persons.
6. The Jurisdictional Bishop shall appoint one (1) or more Pastors and or Elders to prosecute the case, (to present the evidence against the defendant).
7. Pursuant to Article VII, Section B, Paragraph 2-1, of the Constitution, the defendant has the right to be represented by counsel, who is members of the Church Of God In Christ.
8. In Jurisdictions where there are large numbers of Pastors and Elders, it may be advisable for the Chairman of the Council to appoint a **Judicial Review Committee** of not less than twelve (12) nor more than eighteen (18) members, who shall conduct the trial, in this case shall the Chairman of the Judicial Review committee serve as the Judge.
9. At the date, time and place scheduled, the Council shall proceed to hold the trial.
10. If the Council finds the defendant guilty, it shall set the penalty as provided in **Article VIII, Section B, Paragraph 2, g-1,2,3, and 4**.
11. If the defendant is found guilty or innocent, the Jurisdictional Bishop shall execute the orders and decrees of the Jurisdictional Pastors and Elders Council.

12. In the event the Jurisdictional Pastors and Elders Council uses a Judicial Review Committee to conduct the trial, the committee shall make its decision by majority vote of the members participating in the trial hearings.
13. After completing its work, the Chairman of the committee shall inform the Chairman of the Jurisdictional Pastors and Elders Council of its findings.
14. The Chairman of the Council shall call the full Council together to hear the report.
15. The Full Council minus those participating in the trial shall approve or disapprove the committee's report by majority vote of those members present and voting.
16. Any member of the Jurisdictional Pastors and Elders Council who serves on the investigating committee or as a prosecutor shall not have the right to vote on the guilt or innocence of the defendant.
17. If a defendant is found guilty and the penalty imposed removes him from his office as Pastor or otherwise adversely affects his livelihood, he shall have the right to a stay of execution by the Judicial Review Committee of the General Council pending the outcome of a Formal Appeal or Appeal to the General board for Clemency.

THE TRIAL PROCEDURE

When it is clear that all interested parties are present, and the Council Chamber has been secured and certified.

1. The Chairman / Judge shall call the chamber to order with:
 - a. Prayer
 - b. Scripture
2. The Chairman/ Judge shall identify the jury though not by names.
3. The Chairman/ Judge shall identify the transcriber though not by name.
4. The Chairman/ Judge shall identify the accuser and accuser's advisor/counsel should there be any, then the accused and the accused advisor/counsel should there be any
5. The Chairman/ Judge shall then state the purpose for the Jurisdictional Council assembly.
6. The Chairman/ Judge shall then state the accusation/charges against the accused.
7. The Chairman/ Judge shall then ask the accused to enter a plea.
8. The Chairman/ Judge shall then give the accuser and/or advisor/Counsel time to make an opening statement.
9. The Chairman/ Judge shall then give the accused and/or advisor/Counsel time to make an opening statement.
10. The Chairman/ Judge shall then give the accuser and/or Advisor/Counsel time to present their case and any evidence, witnesses or relevant materials to conclusion in the case

before the Jurisdictional Council, allowing for cross examination by the accused and/or Advisor/Counsel.

11. The Chairman/ Judge shall then give time to the accused and/or Advisor/Counsel to present its defense to include evidence, witnesses or relevant materials to conclusion, allowing for cross examination by accuser and/or Advisor/Counsel.
12. The Chairman/ Judge shall then allow for rebuttal witness should there be any.
13. The Chairman/ Judge shall then allow for closing statements by both the accused and/or Advisor /Counsel then the accuser and/or Advisor/Counsel.
14. The Chairman/ Judge shall then give instruction to the Jury before deliberation begins.
15. The Chairman/ Judge shall then dismiss the accuser, the accused and their advisor/counsel from the Council Chamber while the deliberation takes place.
16. When a decision has been reach the Chairman/ Judge shall call all interested parties and their counsel back to the Council Chamber to hear the decision/decree.
17. When the decision/decree has been read the Chairman/ Judge shall inform both the accused and the accuser, if either is dissatisfied with the decision/decree of the Jurisdictional Council they have the right to appeal which must be filed within thirty (30) days of receipt of the decision/decree of the Jurisdictional Council.
18. The Chairman/ Judge shall thank all parties for their cooperation and respect for the process, and dismiss the Jurisdictional Council.
19. If the Council finds the accused guilty, it shall set the penalty as provided in **Article VIII, Section B, Para 2, g-1, 2, 3, and 4.**
20. If the accused is found guilty or innocent, the Jurisdictional Bishop shall execute the orders and decrees of the Jurisdictional Council of Pastors and Elders.
21. After completing its work, the Chairman shall inform the Jurisdictional Council of its findings, decision / decree.
22. In the event the Jurisdictional Council uses a Judicial Review Committee to conduct the trial, the committee shall make its decision by majority vote of the members present and who participated in the trial. The matter shall then be put to a Full vote before the Jurisdictional Council for confirmation of the decision / decree.
23. The Council shall approve or disapprove the report by majority vote of those members present and voting.
24. Any member of the Jurisdictional Council of Pastors and Elders who serves on the investigating committee or as a prosecutor shall not have the right to vote on the guilt or innocence of the accused.
25. If the accused is found guilty and the penalty imposed removes him from his office as Pastor or otherwise adversely affects his livelihood, he shall have the right to a stay of execution pending appeal.

Sample Letter
Seaside Ecclesiastical Jurisdiction
Church Of God In Christ
4537 Over River Road
Ocean City, Atlantis 45783

JURISDICTIONAL PASTORS AND ELDERS COUNCIL

Report of the Jurisdictional Tribunal

Members of the Council,

On (Date of Trial) May 11, 2013, a trial was held by the Jurisdictional Pastors and Elders Council, a Tribunal of the Council was selected to hear the charges brought against Pastor Walking Dog. The trial followed an investigation by conducted by the investigating committee appointed by our Jurisdictional Bishop as called for *Part II, Article VIII, Section B. Para 2* subpara (b,c,d). The investigating committee conducted an investigation by interviewing all parties concerned and reviewing all documented evidence, after careful and prayerful of the interview, testimonies and documented evidence presented by both the Complaint and the Defendant the investigating committee deemed that there was merits to the charges and that the matter should be tried.

The following charges were brought against (the defendant name) Pastor Walking Dog, by (the parties bringing charges) 53% of the members of (Name of the Church) the Longriver Church of God in Christ (church address) 123 Shallowford Drive Winston, Atlantis 30135 in accordance with the Church Of God In Christ Official Manual Copyright 1973 Part II, Article VIII, Section B. Para 1 alleging the following (state the charges) that Pastor Walking Dog on February 23, 2013 committed the following offense(s):

Misfeasance in that on February 23, 2013 after being entrusted with church restricted funds to pay for the needed repairs of the church heating unit, he used the restricted church funds entrusted to him for his personal use, thus the heating unit did not get repaired and he to date has not repaid the funds.

Personal Misconduct and Conduct unbecoming a Minister of the Gospel. in that on February 23, 2013 while at the hotel under an assumed name and using the church van he was involved in an altercation that resulted in his being cited by the local police and the church van being impounded.

Misappropriation in that on February 23, 2013 he took and used money from the church petty cash and paid for a hotel room without an invoice and turned in the hotel receipt for reimbursement.

The trial was held at the Mountain Top Church of God in Christ located at 349 Burn Road Ocean City, Atlantis 45783 all parties were notified by Certified Return Receipt U.S. mail, all green card were recovered, the parties right to be heard, present witnesses and evidence, also to be represented by Counsel was not abridged.

I the Council chairman served as the Judge, Pastor Joy Littlefoot and Eld. Will Run served as Prosecutors presenting the case against Pastor Walking Dog who was the Defendant, Pastor Why Not along with Attorney You Gotit represented Pastor Walking, on the Jury were Pastor Shut Yourmouth, Pastor Let Mego, Pastor 111 Beback, Eld. Idont Know, Eld. Who Cares, Pastor Its On, Eld. Im Here, Supt. You Late, Supt. My Turn, Pastor Its Over, Pastor Stick Close, Eld. We Gone, served as the primary jurist, Pastor To Late, Pastor Coulda Beenrne, Eld. Just Letmego, Eld. Will Come, Supt. Lost Yesterday and Eld. Go Home served as alternate jurist, Eld. To Short served as the court recorder, and Eld. Try Me served as bailiff.

The trial lasted one day after the presentation of witnesses, testimonies, evidence and closing opening by both sides the jury was given instruction and retired to deliberate, the deliberated for eight hours and returned a verdict of guilty on all counts. The jury then deliberated for another four hours and returned with its judgment and order which we present to you now for you vote.

The verdict and Judgment (sentence)

Pastor Walking Dog, you were charged with the following offenses to which you have answered:

Misfeasance in that on February 23, 2013 after being entrusted with church restricted funds to pay for the needed repairs of the church heating unit, he used the restricted church funds entrusted to him for his personal use, thus the heating unit did not get repaired and he to date has not repaid the funds.

Personal Misconduct and Conduct unbecoming a Minister of the Gospel. in that on February 23, 2013 while at the hotel under an assumed name and using the church van he was involved in an altercation that resulted in his being sited by the local police and the church van being impounded.

Misappropriation in that on February 23, 2013 he took and used money from the church petty cash and paid for a hotel room without an invoice and turned in the hotel receipt for reimbursement.

You were properly notified of the charges against you, you were given ample time to respond to the charges, you were interviewed by the Investigating Committee and properly notified of their findings, you were properly informed of the trial and the trial date time and location, you were properly of the tribunal and jury who would hear your case, you were properly informed of your rights to be represented by Counsel, which you did have, you consented to appear at the trial and presented your defense to include witnesses and evidence, also to cross examine those bringing the charges against you which you did through your Counsel. You agreed and signed a letter that you would abide by the decision of the court should you loose on exhausting your right to appeal to the General Council of Pastors and Elders, which you have (30) thirty days from receipt of this order to appeal. A jury of your peers heard the case presented against you and your defense, and found you guilty of all charges by a unanimous vote.

It is the decision and decree of this court that you be placed on one (1) year probation with monthly supervision by your District Superintendent who will report your progress to the Jurisdictional Bishop, you are ordered to pay restitution to the local church the sum of money you took from the restricted church fund and petty cash. Should you choose to repeat and/or continue any of the offenses you are found guilty of by this court or commit any other offenses in violation of the official manual of the Church of God In Christ or any civil and/or law you are to be immediately removed from the office of pastor and the pulpit declare vacant by the Jurisdictional Bishop without the need of another trial.

Pastors and Elders this is the finding, decision and decree of the Jurisdictional Tribunal your vote is necessary to sustain these findings, the decision and decree.

The Vote

We the Jurisdictional Pastors and Elders Council of Seaside Ecclesiastical Jurisdiction Church Of God In Christ on this (date of vote) 25th day of May 2013 meet at the Mountain Top Church of God in Christ located at 349 Burn Road Ocean City, Atlantis 45783 at 12:00 noon Present were 60 Pastors and Elders of which 26 could not vote due to their position in the trial, which left 34 Pastor and Elders to vote, the following is the result of that vote:

30 voted to Sustain the Findings, Decision, and Decree.

04 voted Not to Sustain the Findings, Decision, and Decree.

Pastor Walking Dog is it the decision by majority vote of the Jurisdictional Pastors and Elders Council of the Seaside Ecclesiastical Jurisdiction Church Of God In Christ that you are guilty as charged and that the sanctions as stated in the court findings, decision and decree is sustained you are so ordered to comply. You have a right to appeal this findings, decision and decree to the General Council of Pastors and Elders within thirty days of receipt of this order.

Signature

Jurisdictional Chairman

Council Secretary

Court recorder

Plaintiff or Representative

Defendant or Representative



JUDICIAL APPEAL

Article V Committees

Section II. Judicial Review Committee

In the past this committee has been known as the Judiciary Board and the Judiciary Committee/Commission of the Elders Council. In recent years the General Assembly has established a Judiciary Board which serves the Church as its Supreme Court. The Elders Council by resolution of the General Assembly is now the General Council of Pastors and Elders and serves as an Appeals Court for the Church. In order that there be no confusion about or between the Judiciary Board which serves as the Supreme Court and the General Council of Pastors and Elders Judiciary Board, hereinafter the General Council's Judiciary Board shall be known as the "Judicial Review Committee" and shall serve as an Appeals Court for the Church Of God In Christ.

Para 1. The purpose of the Judicial Review Committee is to:

- a. Review, upon appeal, decisions and/or final judgment of the entities of the Church involving interpretations of the Articles of Incorporation, the Charter, Constitution, By-Laws, Policy and Procedure, and Discipline in the Church Of God In Christ.
- b. Declare all election results in the General Council if there is dispute.
- c. Hear all alleged violations of the rules and regulations, and/or irregularities in the General Council and Church when appealed.
- d. Resolve grievances between members of the Council and entities of the Church Of God In Christ.
- e. Hear other grievances and issues as referred to the Judicial Review Committee by the General Board, the Board of Bishops, the General Assembly, Jurisdictional Bishop, Jurisdictional Assemblies, Departments and members of the Church Of God In Christ.
- f. To review, revise and enhance the Rules and Regulations of the General Council of Pastors and Elders to ensure compliance with the Charter,

Constitution, By-Laws, Policy and Procedure, Customs and Tradition and Doctrinal position of the Church Of God In Christ, as well as applicable Civil Laws.

Para 2. The General Council's Judicial Review Committee is an extension of the Judicial Process of our Church serving as an Appeals Court for both the General Council of Pastors and Elders and the Church Of God In Christ, it is the First Court of Appeal. The Judicial Review Committee in concert with the General Council is also an Ecclesiastical Council with the authority to hear, try, review and determine matters referred to it by as stated above all done in compliance with the guidelines set forth by the General Assembly and the Judicial Code of Conduct of the Church Of God In Christ as it now is or may be amended from time to time.

The Judicial Review Committee is comprised of no less than 9 nor more than 15 members, who also serve as Ecclesiastical Judges of the Appeals Court for the General Council and the Church. The Chairman of the Judicial Review Committee serves as the Chief Ecclesiastical Appeals Court Judge for the Council and the Church. The Judicial Review Committee helps to ensure that the members of the Church are able to pursue their spiritual goals and mission, in an atmosphere free from unreasonable interference or threat of interference. While the Judicial Review Committee shall serve as an Appeals Court for the General Council and the Church, a report of its decisions/decrees must be presented to the General Council for its endorsement.

Para 3. The process of appeal is not designed to be punitive. It is intended to educate the members of the Church about appropriate behavior and the potential consequences of their actions and choices. The Judicial Review Committee is designed to help the Church develop values and concepts. Among these values and concepts are accountability, responsibility, fairness, justice, safety, and order. It also provides the Church an opportunity to develop and practice skills in leadership, group process, decision-making, ethical and moral reasoning.

Para 4. Mission: To investigate and resolve complaints alleging misconduct, or abuse of authority, procedural and judicial errors, and to promote public confidence in the courts, the integrity and independence of the Judiciary by ensuring a high standard of judicial conduct on and off the bench.

All procedures concerning the filing of a complaint, its investigation and resolution can be obtained from the General Council of Pastors and Elders Judicial Review Committee's office.

Para 5. Application for Appeal and/or Appeal Hearing Procedure

1. All requests for an Appeal and/or Appeal Hearing before the Judicial Review Committee / Appeals Court shall be addressed to the Chairman of the General Council, this request letter shall be in the form of formal Notice of Appeal and shall include:
 - a. Letter requesting a Formal Hearing.
 - b. Statement as to the nature and reason for the request.

- c. Documents supporting the nature and reason for requesting Formal Hearing.
 - d. Good contact information on all parties to and/or involved with the request.
 - e. Copy of current National Credential Card and General Council membership card.
2. Upon receipt of the request for an Appeal and/or Appeal Hearing, the Chairman of the General Council shall forward such request along with all supporting documents to the Chairman of the Judicial Review Committee within fourteen (14) days of receipt, barring no legitimate impediments.
3. The Chairman of the Judicial Review Committee upon receipt of documents from the Council Chairman shall send copies of the Appeal document to the Legal Advisor and all members of the Judicial Review Committee.
4. The Judicial Review Committee Chairman in consultation with the Legal Advisor and Committee members shall determine whether or not the appellant in the appeals document has met all the constitutional and legal requirements and whether or not the General Council has jurisdiction in the particular matter or case.
5. In the event that the Judicial Review Committee Chairman, in consultation with Committee members and the Legal Advisor, determines that the appellant in the appeals document has not met the constitutional and legal requirements or that the General Council does not have jurisdiction, the Judicial Review Committee shall recommend to the Chairman of the General Council that the request for an appeal hearing be denied. In such case, a letter setting forth the particulars and justification for denial would be sent to the appellant and Appellee by the Chairman of the Judicial Review Committee within forty five (45) days of receipt.
6. In the event the Judicial Review Committee decides that the matter/case meets the requirements for Appeal, the Chairman of the Judicial Review Committee will inform the Chairman of the General Council, the General Council Chairman will notify all parties (The Appellant and Appellee by Certified U. S. Postal mail of the decision of the Judicial Review Committee informing them that all further communication with respect to the matter/case will come from and with , this communication is to be sent within twenty one (21) days).
7. The Appeals Court will inform the General Council Chairman, the Appellant and Appellee, that the matter/case has been received for Appeal, in the event and Appeal Hearing is necessary the Appeals Court will set the date, time and place of the hearing, and so notify the parties at least thirty (30) days prior to the hearing, by Certified U. S. Postal mail, and shall request any additional information and materials necessary to the hearing of the matter/case.

8. After the Appeal is review (and/or after hearing all oral arguments if necessary) the Appeals Court will make its decision by a majority vote of those assigned to and participating in the process. The Court shall report its decision to the Chairman of the General Council.
9. As soon as possible after receiving the report of the Judicial Review Committee/ Appeals Court, the Chairman of the General Council shall bring the Judicial Review Committee/ Appeals Court before the General Council to make its report. The General Council shall endorse the Judicial Review Committee /Appeals Court's report, and the Chairman of the General Council in conjunction with the Chief Ecclesiastical Appeals Court Judge shall notify the Appellant and the Appellee of the ruling, decision/decree.
10. In matters/case less than capital in nature the Judicial Review Committee/Appeals Court shall have the authority to render a decision after a hearing by the Court without the necessity of coming before the full Council so long as such decision is reported to the Chairman and the Executive Committee of the General Council with a full report to the full Council at its next meeting.

Para 6. Stay of Execution

In cases where penalties imposed could deprive a Pastor of his livelihood or otherwise do irreparable damage to his reputation or image or irreparable harm to the congregation or the Church at large, the Judicial Review Committee/Appeals Court shall have the authority to order a stay of execution until the appeal has been heard or denied.

(While Certified U. S. Postal Mail is the constitutionally preferred method of communication, certain matters via verifiable electronic communication can be used to expedite the process and followed up by Certified U. S. Postal within seven (7) business days.)

Article IX

Confidentiality

Definition: Confidential Information

General Council's activities involve both public and confidential information. While public information can be shared with anyone, confidential information must be treated carefully.

Confidential information ***should not and must not*** be shared with anyone other than the General Council staff directly involved in that activity and or matter.

Confidential information includes, but not limited to *any*

- Information submitted to General Council for review, such as
 - Referral for Judicial Review
 - Cases to be heard and adjudicated
 - Judgment and decisions

- General Council Financial, professional, or personal information related to Officers Responsible Individual or the Council itself, such as
 - Salaries
 - Performance reports
 - Health information
 - Recommendations or discussions related to funding decisions by the Council or its Committees

Confidentiality Guidelines

It is your responsibility to comply with all restrictions regarding confidential information. You must ask your Committee Chairman to specify the confidential information of each Committee.

Do not hesitate to ask any questions about confidentiality.

How Confidentiality Is Unknowingly Violated

Confidentiality is often unknowingly violated when individuals seek assistance in understanding certain aspects of issues. Do not consult anyone outside the immediate Committee for assistance.

You should contact your Committee Chairman or the Council Chairman for assistance.

Consequences of a Breach in Confidentiality

Depending on the nature of the breach, you could

- Void a decision, or contract
- Create a protest that would severely delay or ruin possible future efforts.

If you think that you have breached confidentiality, alert your Committee Chairman immediately.

THE JUDICIAL CODE OF CONDUCT



CHURCH OF GOD IN CHRIST, INC.
MEMPHIS, TENNESSEE

THE JUDICIARY BOARD
November 14, 1994

JUDICIAL CODE OF CONDUCT

FOREWORD

This issue of the Judiciary Code of Conduct of the Church Of God In Christ, Inc. is provided as a service of the **Judiciary Board** (*The Supreme Appeals Court of the Church Of God In Christ, Inc.*). It contains the policies and procedures relating to the processing of complaints governed by the Judiciary Board. This edition of The Judicial Code of Conduct is the complete text of statutes, disseminated at the 87th General Assembly session November 14, 1994.

Should you have questions concerning Church Judicial Law, please address your inquiries to our main office in Memphis, Tennessee or our branch office:

930 Mason Street
Memphis, Tennessee 38126

1994 JUDICIARY BOARD MEMBERS

Bishop T L. Westbrook, Chairman
Bishop C. D. Kinsey, Vice-Chairman
Bishop H. J. Williams, Secretary

Elder John L. Butler	Bishop T D. Iglehart	Bishop D. L. Lindsey
Elder Joseph Mayfield	Dr. Cornelius Range, III	Bishop Nathaniel Wells

THE JUDICIAL CODE OF CONDUCT

PREAMBLE

I. PURPOSE

The purpose of this Judicial Code is to provide the Church Of God In Christ, Inc., membership with the Judiciary Board policies, procedures and guidance relating to the processing of complaints governed by the Board's regulations as articulated in the Constitution of the Church Of God In Christ, Inc., (Article VIII- "Judiciary Board"). Further, the Code is the vehicle by which "due process" is assured every member of the Church, and to prevent the necessity of intrusion by the civil authorities into the affairs of the Church whenever disputes arise.

Members of the Church in their respective positions are responsible for the initial implementation of the complaint processing procedures. It is the Board's responsibility to direct and further the implementation of these procedures, policies, practices, and principles of the Church of God in Christ, Inc. The implementation of the Board's responsibility shall be without regard to the position of parties, ecclesiastical title, gender, or standing involved with this process.

II. AUTHORITY

This code is issued pursuant to Article VIII-" Judiciary Board" of The Constitution of the Church of God in Christ, Inc., adopted and ratified on April 11, 1991, by the General Assembly of the Church. It shall have the same force and effect and be binding on the members of the Church as are all other provisions of the Constitution of the Church.

III. RESPONSIBILITY

The Judiciary Board has an affirmative duty before God to be responsible for the quality of justice dispensed to God's people and is responsible to all members in the Church of God in Christ, Inc. Each Board member has the same affirmative duty.

IV. COMPETENCE

A Judiciary Board member shall be godly, diligent, competent, prompt and professional.

V. CONDUCT

A Board member shall keep confidential all information relative to any matter from any Church Body or person who may appear before the Board except as disclosures are required and/or authorized by Article VIII (par. 14) of the Constitution of the Church of God in Christ, Inc., The conduct of Judiciary Board member shall conform to the biblical standard of holiness and the requirements of the Church of God in Christ, Inc., ecclesiastical law and doctrine. A Board Member in judicial service, ecclesiastical business, and personal affairs shall maintain this standard.

The Judiciary Board shall not permit the process to be used to harass, intimidate and/ or promote a personal agenda, including, but not limited to, the enhancement of special interest. The Board shall display and maintain respect for the ecclesiastical appellate forum and its judicial, ethical, procedural, and evidential systems. The same respect shall be accorded those who service it, including, but not limited to, advisors, counselors, prelates, pastors, elders and lay persons.

VI. DUTIES

The general duties, powers and jurisdiction of the Judiciary Board shall be as prescribed and set forth in the Constitution and the Judicial Code of Conduct. The Board shall have and exercise all powers and authority reasonably, specifically or impliedly granted to the Board. No action of the Board may abrogate, curtail, limit or detract from a right or privilege granted to a Board member by the Constitution.

Additionally, Board members are urged to be guided by the biblical principles of holiness. Further, Board members collectively shall assure the highest standards of judicial service to all members of the Church.

VII. CONFLICT OF INTEREST

In instances where conflicting responsibilities are encountered within the Church's judicial system, ecclesiastical and ethical problems arise. These conflicts are aggravated when decisions are rendered with regard for position, title and status of the parties; therefore, the Board member shall strive to retain Christian and biblical integrity to ensure that these conflicts do not exist. Similarly, a Board member engaged in other professions or vocations must maintain the appropriate judicial balance in each endeavor, so as to avoid the appearance of impropriety.

VIII SELF-GOVERNMENT OF THE JUDICIARY BOARD

All Judiciary Board members must properly perform the obligation of their elected office. An independent Judiciary Board is an important force in preserving the Church's rules, regulations, constitutional provisions, doctrinal interpretations and traditions. Equal protection and "due process" shall be the right of every member.

Each Board member shall have a responsibility to assure that the Board's Judicial Code and/or regulations are conceived in the interest of all the Church members and not in the furtherance of the parochial or self-interested concerns of any one branch of Church government. Neglect of these responsibilities compromises the independence of the Judiciary Board and the Church's interest that it purports to serve.

Judiciary Board members play a vital role in the preservation of the polity of the Church of God in Christ, Inc., as a hierarchical church. The fulfillment of this role requires an understanding by Board members of their relationship to federal, state and local judicial systems and especially the first and fourteen amendments of the United States Constitution. The Code of Judicial Conduct, when properly applied, also serves to enhance that relationship.

CODE OF JUDICIAL CONDUCT

Rule 1: Uphold The Integrity And Independence Of The Judiciary Board

In the Church of God in Christ, Inc., an independent Judiciary Board is indispensable to justice; therefore, a Board member shall observe and participate in establishing, maintaining and enforcing high standards of conduct so that the integrity and independence of the Judiciary Board shall not be questioned. The provisions of this Code shall be construed, applied and modified to further that objective.

Rule 2: Avoid The Appearance Of Impropriety

- A. A Board member shall comply with the Church of God in Christ, Inc., Constitution, amendments, by-laws, and all appendices thereto. A Board member shall always conduct himself/herself in a way that promotes public confidence in the integrity and impartiality of the Judiciary Board.
- B. A Board member shall not allow his/her family, social position, ecclesiastical title or any other relationships to influence his/ her judicial conduct or judgment. He/she shall not lend the prestige of this office to advance the private interests of others or convey the impression that they are in a special position to influence him/her.
- C. A Board member shall not hear any matter involving and stemming from his or her ecclesiastical jurisdiction. Further, no Board member shall sit in judgment regarding any matter in which a lay member, a pastor, or a bishop from his ecclesiastical jurisdiction is a party to the matter at issue.
- D. A Board member shall not testify as a character witness within the proceedings over which he or she judges. The testimony of a Board member as a character witness injects the prestige of this office into the proceeding in which he or she testifies and may be misunderstood to be an official endorsement of a person's character.

Rule 3: Perform Duties of Office Impartially

A. Judicial Responsibilities

- 1. A Board member shall be faithful to the Holy Bible, the Church of God in Christ Constitution, By-Laws and Amendments.
- 2. A Board member shall maintain order and decorum in proceedings before him/her or cancel the same as provided for by these rules.
- 3. A Board member shall be patient, dignified, and courteous to all parties, including, but not limited to witnesses, counselors, advisors and others with whom he/she engages officially.
- 4. The Judiciary Board shall accord every party to a proceeding the right to be heard. However, the Board shall not receive, entertain nor consider *ex-parte* communications concerning a pending matter. A Board member shall promptly dispose of the business of a proceeding by devoting adequate time to his/her duties and responsibilities including, but not limited to, the

punctual attendance at hearings and expeditious determination of matters under consideration. Specific time parameters for the resolution of matters before the Board must be adhered to, if justice is to be served. A Board member shall abstain from public comments about a pending proceeding before the Board. This subsection does not prohibit the Board and/or its spokesperson from making public statements within their official duties or from explaining for public information the procedures of the Judiciary Board.

B Administrative Responsibilities

1. A Board member shall diligently discharge his or her administrative responsibilities and maintain professional competence in the administration of judicial matters.
2. The Judiciary Board shall require its support staff to observe the same standards of fidelity and diligence that applies to the Board.
3. The Judiciary Board shall take or initiate appropriate disciplinary measures against a Board member, counselor or advisor for professional misconduct of which it may become aware.

C Disqualification

A Board member shall disqualify himself or herself in a proceeding in which his or her impartiality might be questioned, including, but not limited to, instances where he/she:

- a. is a party to the proceeding;
- b. is acting as a counselor in the proceeding;
- c. is known to have an interest that could be affected by the outcome of the proceeding. For example:
 - i. He or she has a personal bias or prejudice concerning a party or personal knowledge of disputed facts concerning the proceeding,
 - ii. He or she has served as a representative or attorney for the particular jurisdiction out of which the controversy arose,
 - iii. A family member including, but not limited to, any person within the third degree of family relationship.

Rule 4: Activities To Improve The Administration Of Justice

The Judiciary Board shall convene an annual judicial conference to consider the work of the Board and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than October 31.

Rule 5: Political Activity

A. Political Conduct

- 1 A Board member shall not:
 - a Engage in any unauthorized speeches or promotions that might bring dishonor and/or compromise the integrity of the Judiciary Board.;

- b. make speeches for an organization or candidate for a national position within the Church nor publicly endorse a candidate for a national position within the Church:
 - c. act as a leader or hold any office in an ecclesiastical organization; nor
 - d. Solicit funds, pay an assessment nor make a contribution to a candidate for any national position with the Church of God in Christ, Inc.
- 2 A Board member shall resign his/her national appointed office when he or she has been elected to serve as a member of the Church of God in Christ, Inc., Judiciary Board.

B. Campaign Conduct

- 1. Incumbent Board members competing for general election shall maintain the dignity appropriate to judicial office.
- 2. Family members should be encouraged to follow the same standards of ecclesiastical conduct that apply to the Board.

Rule 6: Compliance With The Code Of Judicial Conduct Is Mandatory

- A. All Board members shall comply with the Code of Judicial Conduct.
- B. All Board members are held to the same Judicial Code standard regardless of ecclesiastical title.
- C. All Board members are subject to the provision provided for in the discipline of the Constitution without regard for ecclesiastical title or position. \

RULES FOR COUNSELORS AND ADVISORS APPEARING BEFORE THE JUDICIARY BOARD OF THE CHURCH OF GOD IN CHRIST

PREAMBLE

The Rules of Professional conduct are interpreted with reference to the purpose of legal representation and the church law. Some rules are imperatives and are cast in terms of "shall" or "shall not." These define proper conduct for purposes of ecclesiastical discipline. Others generally cast in terms of "May" or "should" are permissive and define areas under the rules in which the judicial officer has discretion. Compliance with the rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance. Second, it relies upon reinforcement by ecclesiastical and public opinion. Finally, when necessary it relies upon enforcement through disciplinary proceedings. These rules simply provide a framework for the ethical practice of ecclesiastical law within the highest adjudicative forum of the Church.

Failure to Comply

Failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. A disciplinary assessment shall be based upon the facts and circumstances of the alleged misconduct. Specifically, the willfulness and seriousness of the violation, as well as any extenuating factors, shall be considered when the Board disciplines someone for misconduct.

The Board may also consider prior acts of misconduct when determining what form of discipline the Board will impose against someone.

Violation of a Rule by Counselor or Advisor

Violation of a rule may produce a cause of action and a presumption that a legal duty has been breached. The rules are designed to provide guidance to counselors and advisors and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability; however, they are a basis for disciplinary action and can be invoked by opposing parties. A rule is a just basis for a counselor or advisor's self-assessment or for the sanctions of a counselor or advisor. The administration of disciplinary authority does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the rule. Accordingly, nothing in the rules shall be deemed to augment any substantive legal duty of counselors or Board members.

These rules are based upon the Official Manual of the Church of God in Christ, Inc. Policies stated in the Official manual shall serve as precedents for the Judicial Code of Conduct.

The Preambles to the Judicial Code of Conduct and Rules of Counselors and Advisors are to provide general orientation. They are intended as guides to interpretation, but the text of each rule is authoritative.

RULES FOR COUNSELORS AND ADVISORS

Rule 1: Confidentiality of Information

- A. A counselor shall not reveal information relating to representation of a litigant. The litigant may consent after consultation with his/her representative to disclosures that are authorized, except as stated in paragraph
- B. A counselor shall reveal such information if necessary to comply with the duties stated in rule 2.
- C. The duty not to reveal information relating to representation of a litigant continues after the litigant-counselor relationship has been terminated.

Rule 2: Terminating Representation

- A. A counselor or advisor shall not represent a litigant or shall withdraw from representation if:
 - 1. The representation will result in violating these rules of conduct;
 - 2. The counselor's physical or mental condition materially impairs his or her ability to represent the party; or,
 - 3. The litigant states in writing that the counselor shall no longer represent him or her.
- B. A counselor shall take steps to the extent reasonably practical to protect a party's interest, such as giving reasonable notice to the litigants, allowing time for retention of other counsel and surrendering documents and other material belongings.

Rule 3: Candor Toward the Judiciary Board

- A. A counsel shall not knowingly:
 - 1. make a false statement of fact or law to the Judiciary Board;
 - 2. Fail to disclose a material fact to the Judiciary Board when disclosure is necessary to avoid assisting a fraudulent act by a litigant; nor offer evidence that the counselor knows to be false.
- B. A statement in an open proceeding may properly be made only when the counselor knows the assertion is true or believes it to be true on the basis of reasonably diligent inquiry.
- C. If perjured testimony or false evidence has been offered by a party to a matter before the Judiciary Board, the counselor's proper course is to ask his or her client to disclose the falsehood or, if possible, to withdraw the falsehood from evidence. If that fails, the counselor should seek to withdraw the statement if that will remedy the situation. If withdrawal shall not remedy the situation or is impossible, the counselor should make disclosure to the Judiciary Board. It is for the Judiciary Board then to determine what should be done.

Rule 5: Fairness to Opposing Party

A counselor shall not:

- A. unlawfully obstruct another party's access to evidence, nor unlawfully alter, destroy or cancel a document or other material having potential evidential value nor help another person to do any such act;
- B. falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the witness' testimony; however, a counselor may pay, cause to be paid, guarantee or acquiesce in the payment of
 - 1. expenses reasonably incurred by a witness in attending or testifying;
 - 2. reasonable compensation to a witness for the witness' loss of time in attending or testifying; and
 - 3. A reasonable fee for the professional services of an expert witness.
- C. when appearing before the Judiciary Board, assert his or her personal opinion as to the justness of a cause, as to the credibility of a witness, as to the guilt or innocence of an accused; but, the counselor may argue, on the counselor's analysis of the evidence for any position or conclusion with respect to the matters stated herein.
- D. requests a person other than a party to refrain from voluntarily giving relevant information to another party unless:
 - 1. the person is a relative or an employee or other agent of the party; and,
 - 2. The counselor reasonably believes that the person's interest will not be adversely affected by not giving such information and such conduct is not prohibited by Rule 3, entitled "Duties of Counselor or Advisor."
- E. communicate about the subject of the representation with a party the counselor knows to be represented by another Counselor in the matter, unless the counselor has the consent of the opposing counselor or is authorized in writing by his/her client to do the same."

Rule 6: Appeals Generally

An appeal or referral to the Judiciary Board may be taken or made, only in those matters and situations prescribed in the Constitution of the Church of God in Christ, Inc. Article VIII - Judiciary Board, under the subtitle "DUTIES." Upon such appeal, the Board may review any questions of ecclesiastical procedures, orders, determinations and ruling, made or used by a lower tribunal or referring body.

The review of questions of fact, shall normally only be to determine whether the facts as found by a lower tribunal or referring body, fairly and reasonably support the decision rendered. However, in a rare case, and for good cause shown to be in the interest of justice, the Board may permit the introduction of "new" facts on appeal, or the Board may

conduct investigation to clarify an issue.

Rule 7: Appeals Process

Any person(s) making an appeal to the Judiciary Board must follow the Procedure set forth in the Constitution, including the filing of notice with the Chairman of the Judiciary Board or the Secretary of the Judiciary Board, within 30 days after the final decision of the lower tribunal.

A. The "NOTICE OF APPEAL" shall contain:

1. The name, address and telephone number of each person, group or other entity making the appeal (the "Appellant" or "Appellants");
2. The name, address and telephone number of each person, group or other entity against whom the appeal is taken (the "Appellee" or "Appellee");
3. The name, address and telephone number of each Counselor, Advisor or any other person representing the parties; and,
4. A concise statement, sufficient to indicate the nature and substance of the case.

The "NOTICE OF APPEAL" shall be sent by Certified Mail, Return Receipt, via the United States Postal Service, or by any other method which will ensure timely delivery and provide proof of said delivery

B. Within twenty – one (21) days after receipt of the Notice of Appeal, the Secretary of the Judiciary Board shall notify both Appellant (s) and Appellee(s) of the receipt of same and request any additional written documentation needed to perfect and process the Appeal. That Secretary shall further notify the parties, and their Counselors and/or Advisors of the time, date and place of the hearing scheduled by the Judiciary Board. It is the responsibility of each party to advise the Board of any address or circumstance change

C. A sample of the additional written documentation which the parties are required to furnish, is as follows:

1. Transcripts and/ or records of the lower tribunal;
2. Documents and other evidence submitted at the lower tribunal;
3. Orders and ruling appealed from documents and other evidence submitted at the lower tribunal;
4. Judgment of the lower court or tribunal.

The Judiciary Board may decide any appeal before it, based solely on the written documentation and other evidence submitted or adduced without a hearing or personal appearance by the parties, their Counselors or advisors. However, if the Notice of Appeal demands same, a reasonable opportunity shall be afforded for a personal appearance or hearing before the Judiciary Board.

D. The Judiciary Board shall render its written decision:

1. Within ninety (90) days after the final hearing before said Board; within ninety (90) days after the deadline given to supply additional written documentation; or
2. If not additional documentation was requested, nor any hearing or personal

appearance held, then within ninety (90) days after the Board has received the Notice of Appeal.

- E. Notwithstanding the time limits set forth in this Section, the Judiciary Board may waive, modify or extend same at its discretion, in the interest of justice.
- F. In its sole discretion, any hearing scheduled by the Judiciary Board, may be held:
 - 1. At the site of any National Meeting or Conference of the Church, immediately prior to, during, or at the conclusion of such National Meeting or Conference.
 - 2. On matters requiring a determination as to the constitutionality of an act, a Board hearing must be held and conducted by the entire Board.

At all hearings conducted by the Judiciary Board, time constraints shall be established and enforced for the presentation by each party, including counselors and/or Advisors; however, the Judiciary Board may modify, waive or adjust such time parameters in its discretion, in the interest of justice.

- G. All parties who testify before this highest forum shall affirm that all that he/she states will be truth. It shall be the responsibility of the Board to ensure that the affirmation is implemented prior to testimony. All testimony shall be recorded and/or transcribed by a qualified court reporter or stenographer independent of and non-interested party to the matter (a member of the Church of God in Christ, Inc.) No other recording devices shall be allowed.
- H. No contumacious (stubborn; disobedient; rebellious) conduct shall be tolerated by anyone, including, but not limited to, each party, their Advisors and/or Counselors. Such conduct will result in the immediate cancellation of the proceedings and the dismissal of the matter before the Judiciary Board at the discretion of the Board. Holiness is the applicable standard.

The Presiding Board Member shall open the hearing with prayer and introduce the Board. He shall then explain the procedures to be followed for the hearing.

The appellant as the moving party shall make an opening statement. The opening statement shall present a brief explanation of the matter before this forum and advise what the evidence presented will show. The respondent must similarly make an opening statement and summarize what his/her evidence will show. Neither party may waive the opening statement, but may present the same in writing prior to the hearing.

- I. The Judiciary Board shall receive all relevant and material evidence presented to it. The same shall be made a part of the record, marked and identified as to which party presented the same.
- J. The Judiciary Board shall have the right to ask questions of each party. The questions posed shall be for clarification only and not to be an advocate for either side of the issue.
- K. The appellant can now make a closing statement summarizing what he/she contends that their evidence showed and why they should prevail. Similarly, the respondent is afforded an opportunity to make a closing statement. Either party can elect not to make a closing statement, allowing the matter to be decided on the record.
- L. The Judiciary Board shall cause a copy of all its decisions to be deposited with the General Secretary's Office for record and to

- M. In capital cases as defined as the removal of a bishop, jurisdictional mother, or pastor, the Presiding Bishop shall have the discretionary right to grant executive clemency. This section is not binding on the Office of the Presiding Bishop, but is merely an extension of the authority of the office on a case-by-case basis.
- N. These procedures may be modified and adjusted by the Judiciary Board as the need of justice dictates for the common good of the people of God, but shall be ratified by the General Assembly.

enforced for the presentation by each party, including Counselors and/or Advisors; however, the Judiciary Board may modify, waive or adjust such time parameters in its discretion, in the interest of justice.

Executive Clemency

Leniency and/or Mercy. A power given to a public official, such as the Governor of a State or the President of the United States of America, to in some way lower or moderate the harshness of punishment imposed upon a convicted person sentenced to capital punishment.

In the Church Of God In Christ, if a capital case has been sustained by the Judiciary Board the offender can make an appeal for clemency to the General Board, the Presiding Bishop (*Chief Apostle, Spiritual Leader, President and Chairman of the Board of Directors of it's Not for Profit Corporation*) of the Church has been granted this power, though not binding, but an extension of the authority of the office on a case by case basis.

Clemency is considered to be an act of grace. It is based on the policy of fairness, justice, and forgiveness. It is not a right but rather a privilege, and one who is granted clemency does not have the offense(s) forgotten, as in Amnesty, but is forgiven and treated more leniently for the offensive acts.

There are many reasons for exercising this power, including real doubts about the guilt of the party, apparent excessive sentence, such as (i.e. Pastor, and/or Bishop, removal, and Church Disorganization), humanitarian concerns such as illness of an/or aged of the offender, to clear the record of someone who has demonstrated rehabilitation and/or sincere remorse for their act(s), or in the church because it is in the best interest of the Church Of God In Christ plural.

Clemency is similar to pardon inasmuch as it is an act of grace exempting someone from punishment, this done on a case by case basis.

Disclaimer: The information contained and presented in this publication provides general information about the law and the judicial process of the Church of God in Christ and the compliance requirements, presented by the author. The information contained and presented in this publication is not designed to be a substitute for legal advice and should not be viewed as constituting legal advice, this is information presented by one who has successfully navigated and for twenty five (25) years been involved with the Church of God in Christ Judicial Process. If you encounter a judicial matter, you are urged to contact those authorized to assist you in obtaining specific advice and/or direction about your situation

