

CHURCH OF GOD IN CHRIST, INC.
MEMPHIS, TENNESSEE



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THE 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
Elder Joseph Mayfield

Bishop T D. Iglehart
Dr. Cornelius Range, III

Bishop D. L. Lindsey
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.

V I I . C O N F L I C T O F I N T E R E S T

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.

V I I I S E L F - G O V E R N M E N T O F T H E J U D I C I A R Y B O A R D

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 hereto. 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.

5. 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 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 responsibility

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 no 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.
- F. 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.
- G. 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.

- I. 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.

- J. 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.

- L. 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.

M. 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.

- N. The appellant can now make a closing statement summarizing what he/she contend 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.
- O. The Judiciary Board shall cause a copy of all its decisions to be deposited with the General Secretary's Office for record and to
- P In capital cases as defined as the removal of a bishop, jurisdictional mother, or pastor, the Presiding Bishop shall have the
- Q. 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.



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