

## **From the 2012 General Council of Pastors and Elders Official Handbook**

### **Article V**

#### **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.

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/decreed.
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.)*