

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2020-000986

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S.C. SUPREME COURT

The Protestant Episcopal Church in the Diocese of South Carolina, *et al.*, Respondents,

v.

The Episcopal Church (a/k/a, The Protestant Episcopal Church in the United States of America); The Episcopal Church in South Carolina, Appellants.

RECORD ON APPEAL – Volume XIX

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	of Bishops of the Synod, and shall represent the Province in all matters requiring the participation of a Bishop.
Representatives of Dioceses.	Sec. 7. Each Diocese and Area Mission within the Province shall be entitled to representation in the Provincial House of Deputies by Presbyters or Deacons canonically resident in the Diocese or Area Mission, and Lay Persons, confirmed adult communicants of this Church in good standing but not necessarily domiciled in the Diocese or Area Mission, in such number as the Provincial Synod, by Ordinance, may provide. Each Diocese and Area Mission shall determine the manner in which its Deputies shall be chosen.
Powers of Provincial Synod.	Sec. 8. The Provincial Synod shall have power: (a) to enact Ordinances for its own regulation and government; (b) to elect judges of the Provincial Court of Review; (c) to perform such duties as many be committed to it by the General Convention; (d) to deal with all matters within the Province; <i>Provided, however,</i> that no Provincial Synod shall have power to regulate or control the internal policy or affairs of any constituent Diocese; and <i>Provided, further,</i> that all actions and proceedings of the Synod shall be subject to and in conformity with the provisions of the Constitution and the Canons for the government of this Church; (e) to adopt a budget for the maintenance of any Provincial work undertaken by the Synod, such budget to be raised in such manner as the Synod may determine; (f) to create by Ordinance a provincial Council with power to administer and carry on such work as may be committed to it by the General Convention, or by the Presiding Bishop and the Executive Council, or by the Synod of the Province.
May take over administration of work.	Sec. 9. The Synod of a Province may take over from the Executive Council, with its consent, and during its pleasure, the administration of any given work within the Province. If the Province shall provide the funds for such work, the constituent Dioceses then members of, and supporting, such Province shall receive proportional credit therefor upon the quotas assigned to them for the support of the Program of the Church, provided that the total amount of such credits shall not exceed the sum appropriated in the budget of the Executive Council for the maintenance of the work so taken over.
To consider subjects referred by General Convention.	Sec. 10. Within sixty days after each session of the General Convention, the Presidents of the two Houses thereof shall refer to the Provincial Synods, or any of them, such subjects as the General Convention may direct, or as they may deem advisable, for consideration thereof by the Synods, and it shall be the duty of such Synods to consider the subject or subjects so referred to them at the first meeting of the Synod held after the adjournment of the General Convention, and to report their action and judgment in the matter to the Secretary of the House of Bishops and to the Secretary of the House of Deputies at least six months before the date of the meeting of the next General Convention.

CANON 10: Of New Dioceses

Sec. 1. Whenever a new Diocese shall be formed within the limits of any Diocese, or by the junction of two or more Dioceses, or parts of Dioceses, and such action shall have been ratified by the General Convention, the Bishop of the Diocese within the limits of which a Diocese is formed, or in case of the junction of two or more Dioceses, or parts of Dioceses, the senior Bishop by consecration, shall thereupon call the Primary Convention of the new Diocese, for the purpose of enabling it to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese.

Primary
Convention.

Sec. 2. In case there should be no Bishop who can call such Primary Convention, pursuant to the foregoing provision, then the duty of calling such Convention for the purpose of organizing and of fixing the time and place of its meeting, shall be vested in the Standing Committee of the Diocese within the limits of which the new one is erected, or in the Standing Committee of the oldest of the Dioceses by the junction of which, or of parts of which, the new Diocese may be formed. And such Standing Committee shall make the call immediately after ratification of the General Convention.

How called with
no Bishop.

Sec. 3. Whenever one Diocese is about to be divided into two Dioceses, the Convention of such Diocese shall declare which portion thereof is to be in the new Diocese, and shall make the same known to the General Convention before the ratification of such division.

Division of
existing
Diocese.

Sec. 4. Whenever a new Diocese shall have organized in Primary Convention in accordance with the provisions of the Constitution and Canons in such case made and provided, and in the manner prescribed in the previous Sections of this Canon, and shall have chosen a name and acceded to the Constitution of the General Convention in accordance with Article V, Section 1 of the Constitution, and shall have laid before the Executive Council certified copies of the Constitution adopted at its Primary Convention, and the proceedings preparatory to the formation of the proposed new Diocese, such new Diocese shall thereupon be admitted into union with the General Convention.

How admitted
into union with
General
Convention.

Sec. 5. In the event of the erection of an Area Mission into a Diocese of this Church, as provided in Article V, Sec. 1, the Convocation of the said Area Mission shall be entitled to elect Deputies to the succeeding General Convention, and also to elect a Bishop. The jurisdiction previously assigned to the Bishop in the Area Mission shall be terminated upon the admission of the new Diocese.

Convocation
may elect
Deputies and
Bishop.

Sec. 6 (a) When a Diocese, and another Diocese which has been formed either by division therefrom or by erection into a Diocese or a Missionary Diocese formed by division therefrom, shall desire to be reunited into one Diocese, the proposed reunion must be initiated by a mutual agreement between the Conventions of the two Dioceses, consented to by the Ecclesiastical Authority of each Diocese. If the

Provision for
reunion of
Dioceses.

said agreement is made and the consents given more than three months before the next meeting of the General Convention, the fact of the agreement and consents shall be certified by the Ecclesiastical Authority and the Secretary of the Convention of each Diocese to all the Bishops of the Church having jurisdiction and to the Standing Committees of all the Dioceses; and when the consents of a majority of such Bishops and of a majority of the Standing Committees to the proposed reunion shall have been received, the facts shall be similarly certified to the Secretary of the House of Deputies of the General Convention, and thereupon the reunion shall be considered complete. But if the agreement is made and the consents given within three months of the next meeting of the General Convention, the facts shall be certified instead to the Secretary of the House of Deputies, who shall lay them before the two Houses; and the reunion shall be deemed to be complete when it shall have been sanctioned by a majority vote in the House of Bishops, and in the House of Deputies voting by orders.

Rights and
jurisdictions of
Bishops.

(b) The Bishop of the parent Diocese shall be the Bishop, and the Bishop of the junior Diocese shall be the Bishop Coadjutor, of the reunited Diocese; but if there be a vacancy in the Episcopate of either Diocese, the Bishop of the other Diocese shall be the Bishop, and the Bishop Coadjutor if there be one shall be the Bishop Coadjutor, of the reunited Diocese.

Dioceses in
union with the
General
Convention.

(c) When the reunion of the two Dioceses shall have been completed, the facts shall be certified to the Presiding Bishop and to the Secretary of the House of Deputies. Thereupon the Presiding Bishop shall notify the Secretary of the House of Bishops of any alteration in the status or style of the Bishop or Bishops concerned, and the Secretary of the House of Deputies shall strike the name of the junior Diocese from the roll of Dioceses in union with the General Convention.

CANON 11: Of Missionary Jurisdictions

Responsibility
of the whole
Church.

Sec. 1. Area Missions established in accordance with Article VI, Sec. 1 and Missionary Dioceses organized in accordance with Article VI, Sec. 3 shall constitute jurisdictions for which this Church as a whole assumes a special responsibility.

House of
Bishops may
establish Area
Missions.

Sec. 2 (a) The House of Bishops may establish a Mission in any Area not included within the boundaries of a Diocese of this Church, or of a Church in communion with this Church, under such conditions and agreements, not inconsistent with the Constitution and Canons of this Church, as shall be approved by the House of Bishops from time to time.

May be ecumen-
ical.

(b) Such Area Mission may be undertaken under the sole auspices of this Church, or it may be undertaken jointly with another Christian body or bodies, on such terms as shall not compromise the doctrines of the Christian faith as this Church has received the same.

(c) For every such Area Mission, a Bishop of this Church, or of a Church in communion with this Church, shall be assigned by the House of Bishops to give episcopal oversight. The person so assigned, if a Bishop of this Church, shall, for the duration of such assignment, exercise jurisdiction as a Missionary Bishop under these Canons, so far as they are applicable to the Area Mission; and should occasion arise for the function of a Standing Committee or a Commission on Ministry, the Bishop shall appoint a board or boards of Clergy and Lay Persons resident in the area, to fulfill such functions as may be required.

Bishops to be assigned to oversee Area Missions.

(d) Except as may be expressly provided otherwise in the agreements referred to in paragraph (a) of this Section, the Bishop having jurisdiction in an Area Mission may authorize the use of such forms of worship as the Bishop may judge appropriate to the circumstances.

(e) An Area Mission may be terminated by the House of Bishops as a mission of this Church; or it may be transferred by them to become a mission of another Church, or to become a constituent part of an autonomous Province in communion with this Church; or it may organize itself as an extra-provincial Diocese.

May be terminated by House of Bishops.

(f) An Area Mission which shall have been undertaken under the sole auspices of this Church, with a Bishop of this Church assigned to give episcopal oversight, shall be entitled to representation in the Provincial House of Bishops and the Provincial House of Deputies in the Province of which it is a part.

Representation in its Province.

(g) In the event of a vacancy in the office of Bishop assigned jurisdiction in an Area Mission, the charge thereof shall devolve upon the Presiding Bishop, with the power of appointing some other Bishop as his substitute in such charge, until the vacancy is filled by the House of Bishops.

Episcopal vacancy.

Sec. 3 (a) An Area not previously organized as a Diocese, and not under the permanent jurisdiction of a Bishop in communion with this Church, may, upon application for admission, in accordance with the procedures of Article V, Section 1, be admitted as a Diocese, and may be accepted as a Missionary Diocese within the meaning of Sec. 1 of this Canon. Such Missionary Diocese, and every present Missionary Diocese organized by the House of Bishops under previously existing Canons and admitted into union with the General Convention, shall be governed by a Constitution and Canons, adopted by the Convention of the said Diocese, which acknowledge the authority of the Constitution and Canons of the General Convention, and incorporate the provisions set forth in the subsequent paragraphs of this section.

May be organized as Missionary Diocese.

To adopt a Constitution and Canons.

(b) In the event a Missionary Diocese beyond the territory of the United States of America is incapable of functioning as a jurisdiction in union with the Episcopal Church, and the Bishop, or if there be none the Ecclesiastical Authority, of such Diocese, after consultation with appropriate diocesan authorities and the Presiding Bishop agree that continuation in union with this Church is no longer feasible, the Presiding Bishop is authorized, after consultation with the appropriate

Transfer to another Province.

	authorities in the Anglican Communion, to take such action as needed for such Diocese to become a constituent part of another Province or Regional Council in communion with this Church. (c) In every Missionary Diocese there shall be an annual Convention, composed of the Bishop or Bishops, the other Clergy of the Diocese, and Lay Delegates from the organized Congregations. Such Convention shall elect a Standing Committee, in accordance with the diocesan Canons, which shall have the powers and duties set forth for Standing Committees in Canon I.12 and in other Canons of the General Convention. It shall also elect Clerical and Lay Deputies and alternate Deputies to the General Convention, in accordance with its diocesan Canons, and the provisions of Article I.4 of the Constitution. If the Missionary Diocese is a member of a Province of this Church, it shall also provide for Clerical and Lay Deputies and alternate Deputies to the Synod, in accordance with the diocesan Canons and the provisions of the Ordinances of the Province. (d) The Convention of a Missionary Diocese shall also adopt an annual budget and program for the Diocese, and provide for the means of its administration throughout the year; and shall make provision for the review and approval of requests for grants in aid from the Executive Council or other sources of funds, both toward current operations and for capital needs. (e) The election of the Bishop of a Missionary Diocese, in the event of a vacancy, or, when canonical consent is given, the election of a person to be Bishop Coadjutor or Bishop Suffragan, shall be made by a Diocesan Convention in accordance with its own Canons, and the provisions of Canon III.11 of the General Convention. (f) At the request of the Convention of a Missionary Diocese, supported by the presentation of relevant facts and a reasonable plan, the General Convention may by joint Resolution (1) permit the Diocese seeking autonomy to unite with another Province, or Regional Council having metropolitan authority, of the Anglican Communion, or (2) permit the Diocese seeking autonomy but not planning to unite with another Province or Regional Council, to unite with no less than three (3) other viable Dioceses at the same time which are geographically contiguous, or so located geographically as to be considered of the same region, for the purpose of establishing a new Province, or new Regional Council having metropolitan authority, of the Anglican Communion. (g) At the request of the Convention of a Missionary Diocese, accompanied by the Bishop's written resignation of permanent jurisdiction therein, the General Convention may alter the status of a Missionary Diocese to that of an Area Mission, under such terms and conditions as may be stipulated by the House of Bishops in accordance with Canon I.11.2(a); and in such case, its right to representation by Deputies in the General Convention shall cease. Sec. 4. Notice shall be sent to all Archbishops and Metropolitans, and all Presiding Bishops, of Churches in communion with this Church, of the establishment of any Area Mission, or of the organization or
Convention to elect Standing Committee and representatives.	
Missionary Diocese to adopt a budget.	
Election of Bishop.	
General Convention may grant autonomy.	
May transfer to another Province or Regional Council.	
Status of Missionary Diocese may be altered to Area Mission.	
Notices to be sent to Primates.	

change of status of any Missionary Diocese outside the United States; and of the consecration, or assignment, of a Missionary Bishop therefor.

It is hereby declared as the judgment of this Church that no two Bishops of Churches in communion with each other should exercise jurisdiction in the same place; except as may be defined by a concordat adopted jointly by the competent authority of each of the said Churches, after consultation with the appropriate inter-Anglican body.

Two Bishops
not to exercise
jurisdiction in
same place.

CANON 12: Of Standing Committees

Sec. 1. In every Diocese the Standing Committee shall elect from their own body a President and a Secretary. They may meet in conformity with their own rules from time to time, and shall keep a record of their proceedings; and they may be summoned to a special meeting whenever the President may deem it necessary. They may be summoned on the requisition of the Bishop, whenever the Bishop shall desire their advice; and they may meet of their own accord and agreeably to their own rules when they may be disposed to advise the Bishop.

Meetings.

Sec. 2. In all cases in which a Canon of the General Convention directs a duty to be performed, or a power to be exercised, by a Standing Committee, or by the Clerical members thereof, or by any other body consisting of several members, a majority of said members, the whole having been duly cited to meet, shall be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is expressly required by the Canon.

Quorum.

CANON 13: Of Parishes and Congregations

Sec. 1. Every Congregation of this Church shall belong to the Church in the Diocese in which its place of worship is situated; a Member of the Clergy serving a Cure having Congregations in more than one jurisdiction shall have such rights, including vote, in the Convention of the jurisdiction in which the Member of the Clergy has canonical residence as may be provided in the Canons of that diocese and may be granted seat and voice in the jurisdiction(s) in which the Member of the Clergy does not have canonical residence.

Congregation
to belong to
Diocese where
its place of
worship is
situated.
Clergy to have
seat in one
Convention.

Sec. 2 (a) The ascertainment and defining of the boundaries of existing Parishes or Parochial Cures, as well as the establishment of a new Parish or Congregation, and the formation of a new Parish within the limits of any other Parish, is left to the action of the several Diocesan Conventions.

Parish Bounda-
ries.

(b) Until a Canon or other regulation of a Diocesan Convention shall have been adopted, the formation of new Parishes, or the establishment of new Parishes or Congregations within the limits of existing Parishes, shall be vested in the Bishop of the Diocese, acting by and with the advice and consent of the Standing Committee thereof, and, in case of there being no Bishop, of the Ecclesiastical Authority.

Formation of
new Parish
within limits of
existing Parish.

Boundaries of Parish when not defined by law.	Sec. 3 (a) Where Parish boundaries are not defined by law, or settled by Diocesan Authority under Section 2 of this Canon, or are not otherwise settled, they shall be defined by the civil divisions of the State as follows: Parochial boundaries shall be the limits as fixed by law, of a village, town, township, incorporated borough, city, or of some division of any such civil district, which may be recognized by the Bishop, acting with the advice and consent of the Standing Committee, as constituting the boundaries of a Parish.
Parochial Cure.	(b) If there be but one Church or Congregation within the limits of such village, town, township, borough, city, or such division of a civil district, as herein provided, the same shall be deemed the Parochial Cure of the Member of the Clergy having charge thereof. If there be two or more Churches or Congregations therein, it shall be deemed the Cure of the Members of the Clergy thereof.
Not to affect legal rights.	(c) This Canon shall not affect the legal rights of property of any Parish or Congregation.
CANON 14: Of Parish Vestries	
Regulations left to State or Diocesan law.	Sec. 1. In every Parish of this Church the number, mode of selection, and term of office of Wardens and Members of the Vestry, with the qualifications of voters, shall be such as the State or Diocesan law may permit or require, and the Wardens and Members of the Vestry selected under such law shall hold office until their successors are selected and have qualified.
As agents and legal representatives.	Sec. 2. Except as provided by the law of the State or of the Diocese, the Vestry shall be agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish to its Clergy.
Rector to preside.	Sec. 3. Unless it conflicts with the law as aforesaid, the Rector, or such other member of the Vestry designated by the Rector, shall preside in all the meetings of the Vestry.
CANON 15: Of Congregations in Foreign Lands	
Congregations in foreign lands.	Sec. 1. It shall be lawful, under the conditions hereinafter stated, to organize a Congregation in any foreign land and not within the jurisdiction of any Missionary Bishop of this Church nor within any Diocese, Province, or Regional Church of the Anglican Communion.
Who may officiate temporarily.	Sec. 2. The Bishop in charge of such Congregations, and the Council of Advice hereinafter provided for, may authorize any Presbyter of this Church to officiate temporarily at any place to be named by them within any such foreign land, upon being satisfied that it is expedient to establish at such place a Congregation of this Church.
Organization.	Sec. 3. Such Presbyter, after having publicly officiated at such place on four consecutive Sundays, may give notice, in the time of Divine Service, that a meeting of the persons of full age and attending the

services, will be held, at a time and place to be named by the Presbyter in charge, to organize the Congregation. The said meeting may proceed to effect an organization subject to the approval of the said Bishop and Council of Advice and in conformity to such regulations as the said Council of Advice may provide.

Sec. 4. Before being taken under the direction of the General Convention of this Church, such Congregation shall be required, in its Constitution, or Plan, or Articles of Organization, to recognize and accede to the Constitution, Canons, Doctrine, Discipline, and Worship of this Church, and to agree to submit to and obey such directions as may be, from time to time, received from the Bishop in charge and Council of Advice.

To recognize
Constitution
and Canons.

Sec. 5. The desire of such Congregation to be taken under the direction of the General Convention shall be duly certified by the Member of the Clergy, one Warden, and two Vestry members or Trustees of said Congregation, duly elected.

To be received
by General
Convention.

Sec. 6. Such certificate, and the Constitution, Plan, or Articles of Organization, shall be submitted to the General Convention, if it be in session, or to the Presiding Bishop at any other time; and in case the same are found satisfactory, the Secretary of the House of Deputies of the General Convention, under written instruction from the Presiding Bishop, shall thereupon place the name of the Congregation on the list of Congregations in foreign lands under the direction of the General Convention; and a certificate of the said official action shall be forwarded to and filed by the Registrar of this Church. Such Congregations are placed under the government and jurisdiction of the Presiding Bishop.

How accepted.

Sec. 7. The Presiding Bishop may, from time to time, by written commission under the episcopal signature and seal, assign to a Bishop or Bishops of this Church, or of a Church in communion with this Church, the care of, and responsibility for, one or more of such Congregations and the Clergy officiating therein, for such period of time as the Presiding Bishop may deem expedient; *Provided*, that, should such term expire in a year during which a General Convention is to be held, prior to said Convention, the commission may be extended until the adjournment of the Convention.

Presiding
Bishop may
assign jurisdic-
tion.

Sec. 8. Nothing in this Canon is to be construed as preventing the election of a Bishop to have charge of such Congregations under the provision of Canon III.12.1-4.

Sec. 9. To aid the Presiding Bishop or the Bishop in charge of these foreign Churches in administering the affairs of the same, and in settling such questions as may, by means of their peculiar situation, arise, a Council of Advice, consisting of four Clergy and four Lay Persons, shall be constituted as follows, and shall act as a Council of Advice to the Bishop in charge of the foreign Churches. They shall be chosen to serve for two years and until their successors are elected and

Council of
Advice and its
function.

have accepted election, by a Convocation duly convened, of all the Clergy of the foreign Churches or Chapels, and of two Lay representatives of each Church or Chapel, chosen by its Vestry or Committee. The Council of Advice shall be convened on the requisition of the Bishop whenever the Bishop may desire their advice, and they may meet of their own accord and agreeably to their own rules when they may wish to advise the Bishop. When a meeting is not practicable, the Bishop may ascertain their mind by letter.

It shall be lawful for the Presiding Bishop at any time to authorize by writing under the episcopal hand and seal the Council of Advice to act as the Ecclesiastical Authority.

Members of the Clergy charged with canonical offense.

Sec. 10. In case a Member of the Clergy in charge of a Congregation in a foreign land shall be accused of any offense under the Canons of this Church, it shall be the duty of the Bishop in charge of such Congregations to summon the Council of Advice, and cause an inquiry to be instituted as to the truth of such accusation; and should there be reasonable grounds for believing the same to be true, the said Bishop and the Council of Advice shall appoint a Commission, consisting of three Clergy and two Lay Persons, whose duty it shall be to meet in the place where the accused resides, and to obtain all the evidence in the case from the parties interested; they shall give to the accused all rights under the Canons of this Church which can be exercised in a foreign land. The judgment of the said Commission, solemnly made, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect; *Provided*, that no such Commission shall recommend any other discipline than admonition or removal of the Member of the Clergy from charge of said Congregation.

Proviso.

Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in their judgment, to show that said Member of the Clergy deserves a more severe discipline, all the documents in the case shall be placed in the hands of the Presiding Bishop, who may proceed against the Member of the Clergy, as far as possible, according to the Canons of the General Convention.

Limitation on new Congregations.

Sec. 11. If there be a Congregation within the limits of any city in a foreign land, no new Congregation shall be established in that city, except with the consent of the Bishop in charge and the Council of Advice.

Differences between Member of the Clergy and Congregation.

Sec. 12. In case of a difference between the Member of the Clergy and a Congregation in a foreign land, the Bishop in charge shall duly examine the same, and the said Bishop shall, with the Council of Advice, have full power to settle and adjust such difference upon principles recognized in the Canons of the General Convention.

Appointment of Clergy.

Sec. 13. No Member of the Clergy shall be allowed to take charge of a Congregation in a foreign land, organized under this Canon, until nominated by the Vestry thereof, or, if there be no Vestry, by the Council of Advice, and approved by the Bishop in charge; and once

having accepted such appointment, the Member of the Clergy shall be transferred to the jurisdiction of the Presiding Bishop.

CANON 16: Of Clergy and Congregations Seeking Affiliation with This Church

Sec. 1. Whenever a Congregation of Christian people, holding the Christian faith as set forth in the Catholic creeds and recognizing the Scriptures as containing all things necessary to salvation, but using a rite other than that set forth by this Church, shall desire affiliation with this Church, while retaining the use of its own rite, such congregation shall, with the consent of the Bishop in whose Diocese it is situate, make application through the Bishop to the Presiding Bishop for status.	Congregation seeking affiliation with this Church.
Sec. 2. Any person who has not received episcopal ordination, and desires to serve such a Congregation as a Member of the Clergy, shall conform to the provisions of Canon III.10.4.	Non-episcopally ordained Clergy.
Sec. 3. A Member of the Clergy of such Congregation who shall have been ordained by a Bishop not in communion with this Church, but the regularity of whose ordination is approved by the Presiding Bishop, shall be admitted in the appropriate Order under the provision of Canon III.10.3.	Clergy regularly ordained.
Sec. 4. Clergy and delegates of such Congregations may have seats but no vote in the Diocesan Convention unless by formal action of such Convention they are so admitted.	To have seats but no vote.
Sec. 5. The oversight of Congregations so admitted shall rest with the Bishop of the Diocese unless the Bishop delegates this authority to another Bishop who may be commissioned by the Presiding Bishop to have oversight of such Congregations.	Oversight with Bishop of Diocese.

CANON 17: Of Regulations Respecting the Laity

Sec. 1 (a) All persons who have received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, whether in this Church or in another Christian Church, and whose Baptisms have been duly recorded in this Church, are members thereof.	Baptized members.
(b) Members sixteen years of age and over are to be considered adult members.	Adult members.
(c) It is expected that all adult members of this Church, after appropriate instruction, will have made a mature public affirmation of their faith and commitment to the responsibilities of their Baptism and will have been confirmed or received by the laying on of hands by a Bishop of this Church or by a Bishop of a Church in communion with this Church. Those who have previously made a mature public commitment in another Church may be received by the laying on of hands by a Bishop of this Church, rather than confirmed.	Members confirmed or received.
(d) Any person who is baptized in this Church as an adult and receives the laying on of hands by the Bishop at Baptism is to be	Adult baptism.

considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any person who is baptized in this Church as an adult and at some time after the Baptism receives the laying on of hands by the Bishop in Reaffirmation of Baptismal Vows is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any baptized person who received the laying on of hands at Confirmation (by any Bishop in apostolic succession) and is received into the Episcopal Church by a Bishop of this Church is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; and also,

Any baptized person who received the laying on of hands by a Bishop of this Church at Confirmation or Reception is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed.

Communicants. **Sec. 2 (a)** All members of this Church who have received Holy Communion in this Church at least three times during the preceding year are to be considered communicants of this Church.

Adult communicants. **(b)** For the purposes of statistical consistency throughout the Church, communicants sixteen years of age and over are to be considered adult communicants.

Communicants in good standing. **Sec. 3.** All communicants of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God, are to be considered communicants in good standing.

Removing to another congregation. **Sec. 4 (a)** A member of this Church removing from the congregation in which that person's membership is recorded shall procure a certificate of membership indicating that that person is recorded as a member (or adult member) of this Church and whether or not such a member:

- (1) is a communicant;
- (2) is recorded as being in good standing;
- (3) has been confirmed or received by a Bishop of this Church or a Bishop in communion with this Church.

Upon acknowledgment that a member who has received such a certificate has been enrolled in another congregation of this or another Church, the Member of the Clergy in charge or Warden issuing the certificate shall remove the name of the person from the parish register.

(b) The Member of the Clergy in charge or Warden of the congregation to which such certificate is surrendered shall record in the parish register the information contained on the presented certificate of membership, and then notify the Member of the Clergy in charge or Warden of the congregation which issued the certificate that the person has been duly recorded as a member of the new

congregation. Whereupon the person's removal shall be noted in the parish register of the congregation which issued the certificate.

(c) If a member of this Church, not having such a certificate, desires to become a member of a congregation in the place to which he or she has removed, that person shall be directed by the Member of the Clergy in charge of the said congregation to procure a certificate from the former congregation, although on failure to produce such a certificate through no fault of the person applying, appropriate entry may be made in the parish register upon the evidence of membership status sufficient in the judgment of the Member of the Clergy in charge or Warden.

(d) Any communicant of any Church in communion with this Church shall be entitled to the benefit of this section so far as the same can be made applicable.

Sec. 5. No one shall be denied rights, status or access to an equal place in the life, worship, and governance of this Church because of race, color, ethnic origin, national origin, marital status, sex, sexual orientation, disabilities or age, except as otherwise specified by Canons.

Rights of Laity.

Sec. 6. A person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the rubrics, or who has been informed of an intention to refuse or repel him or her from the Holy Communion under the rubrics, may appeal to the Bishop or Ecclesiastical Authority. A Priest who refuses or repels a person from the Holy Communion, or who communicates to a person an intent to repel that person from the Holy Communion shall inform that person, in writing, within fourteen days thereof of (i) the reasons therefor and (ii) his or her right to appeal to the Bishop or Ecclesiastical Authority. No Member of the Clergy of this Church shall be required to admit to the Sacraments a person so refused or repelled without the written direction of the Bishop or Ecclesiastical Authority. The Bishop or Ecclesiastical Authority may in certain circumstances see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the member of the Clergy. If it shall appear to the Bishop or Ecclesiastical Authority that there is sufficient cause to justify refusal of the Holy Communion, however, appropriate steps shall be taken to institute such inquiry as may be directed by the Canons of the Diocese; and should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will ensure an impartial investigation and judgment, which judgment shall be made in writing within sixty days of the appeal and which shall also specify the steps required for readmission to Holy Communion.

Refusal of Holy Communion.

Sec. 7. No unbaptized person shall be eligible to receive Holy Communion in this Church.

Eligibility for Communion.

Sec. 8. Any person accepting any office in this Church shall well and faithfully perform the duties of that office in accordance with the

Fiduciary responsibility.

Constitution and Canons of this Church and of the Diocese in which the office is being exercised.

CANON 18: Of the Solemnization of Holy Matrimony

Legal and
canonical
requirements.

Sec. 1. Every Member of the Clergy of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

Conditions.

Sec. 2. Before solemnizing a marriage the Member of the Clergy shall have ascertained:

Laws of State.

(a) That both parties have the right to contract a marriage according to the laws of the State.

Understanding
Holy Matrimo-
ny.

(b) That both parties understand that Holy Matrimony is a physical and spiritual union of a man and a woman, entered into within the community of faith, by mutual consent of heart, mind, and will, and with intent that it be lifelong.

Free consent.

(c) That both parties freely and knowingly consent to such marriage, without fraud, coercion, mistake as to identity of a partner, or mental reservation.

One party
baptized.

(d) That at least one of the parties has received Holy Baptism.

Instruction.

(e) That both parties have been instructed as to the nature, meaning, and purpose of Holy Matrimony by the Member of the Clergy, or that they have both received such instruction from persons known by the Member of the Clergy to be competent and responsible.

Procedures.

Sec. 3. No Member of the Clergy of this Church shall solemnize any marriage unless the following procedures are complied with:

Thirty days'
notice.

(a) The intention of the parties to contract marriage shall have been signified to the Member of the Clergy at least thirty days before the service of solemnization; *Provided*, that for weighty cause, this requirement may be dispensed with if one of the parties is a member of the Congregation of the Member of the Clergy, or can furnish satisfactory evidence of responsibility.

In case the thirty days' notice is waived, the Member of the Clergy shall report such action in writing to the Bishop immediately.

Witnesses.

(b) There shall be present at least two witnesses to the solemnization of marriage.

Recorded in
Register.

(c) The Member of the Clergy shall record in the proper register the date and place of the marriage, the names of the parties and their parents, the age of the parties, their residences, and their Church status; the witnesses and the Member of the Clergy shall sign the record.

Declaration of
Intention.

(d) The Member of the Clergy shall have required that the parties sign the following declaration:

(e) "We, A.B. and C.D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold

marriage to be a lifelong union of husband and wife as it is set forth in the Book of Common Prayer.

- (f) "We believe that the union of husband and wife, in heart, body, and mind, is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord.
- (g) "And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto."

Sec. 4. It shall be within the discretion of any Member of the Clergy of this Church to decline to solemnize any marriage.

**CANON 19: Of Regulations Respecting Holy Matrimony:
Concerning Preservation of Marriage, Dissolution of Marriage,
and Remarriage**

Sec. 1. When marital unity is imperiled by dissension, it shall be the duty, if possible, of either or both parties, before taking legal action, to lay the matter before a Member of the Clergy; it shall be the duty of such Member of the Clergy to act first to protect and promote the physical and emotional safety of those involved and only then, if it be possible, to labor that the parties may be reconciled.

When marriage is imperiled.

Sec. 2 (a) Any member of this Church whose marriage has been annulled or dissolved by a civil court may apply to the Bishop or Ecclesiastical Authority of the Diocese in which such person is legally or canonically resident for a judgment as to his or her marital status in the eyes of the Church. Such judgment may be a recognition of the nullity, or of the termination of the said marriage; *Provided*, that no such judgment shall be construed as affecting in any way the legitimacy of children or the civil validity of the former relationship.

Application for judgment on marital status.

(b) Every judgment rendered under this Section shall be in writing and shall be made a matter of permanent record in the Archives of the Diocese.

Judgment in writing.

Sec. 3. No Member of the Clergy of this Church shall solemnize the marriage of any person who has been the husband or wife of any other person then living, nor shall any member of this Church enter into a marriage when either of the contracting parties has been the husband or the wife of any other person then living, except as hereinafter provided:

Conditions for re-marriage.

- (a) The Member of the Clergy shall be satisfied by appropriate evidence that the prior marriage has been annulled or dissolved by a final judgment or decree of a civil court of competent jurisdiction.

Decree that former marriage is dissolved.

- (b) The Member of the Clergy shall have instructed the parties that continuing concern must be shown for the well-being of the former spouse, and of any children of the prior marriage.

Concern for former spouse and children.

Consent of
Bishop and
report given.

(c) The Member of the Clergy shall consult with and obtain the consent of the Bishop of the Diocese wherein the Member of the Clergy is canonically resident or the Bishop of the Diocese in which the Member of the Clergy is licensed to officiate prior to, and shall report to that Bishop, the solemnization of any marriage under this Section.

Consent of
Bishop of other
jurisdiction.

(d) If the proposed marriage is to be solemnized in a jurisdiction other than the one in which the consent has been given, the consent shall be affirmed by the Bishop of that jurisdiction.

Sec. 4. All provisions of Canon I.18 shall, in all cases, apply.

CANON 20: Of Churches in Full Communion

Covenant
relationships.

Sec. 1. The Episcopal Church, a member of the Anglican Communion, has a relationship of full communion with those Churches in the historic episcopal succession and with whom it has entered into covenant agreements including:

- (a) the Old Catholic Churches of the Union of Utrecht,
- (b) la Iglesia Filipina Independiente/the Philippine Independent Church, and
- (c) the Mar Thoma Syrian Church of Malabar.

Lutherans

Sec. 2. The Episcopal Church has a relationship of full communion with the Evangelical Lutheran Church in America under the terms of "Called to Common Mission," which was adopted by the 73rd General Convention of the Episcopal Church as Resolution A040.

TITLE II WORSHIP

CANON 1: Of the Due Celebration of Sundays

All persons within this Church shall celebrate and keep the Lord's Day, commonly called Sunday, by regular participation in the public worship of the Church, by hearing the Word of God read and taught, and by other acts of devotion and works of charity, using all godly and sober conversation.

The Lord's Day
to be observed.

CANON 2: Of Translations of the Bible

The Lessons prescribed in the Book of Common Prayer shall be read from the translation of the Holy Scriptures commonly known as the King James or Authorized Version (which is the historic Bible of this Church) together with the Marginal Readings authorized for use by the General Convention of 1901; or from one of the three translations known as Revised Versions, including the English Revision of 1881, the American Revision of 1901, and the Revised Standard Version of 1952; from the Jerusalem Bible of 1966; from the New English Bible with the Apocrypha of 1970; or from The 1976 Good News Bible (Today's English Version); or from The New American Bible (1970); or from The Revised Standard Version, an Ecumenical Edition, commonly known as the "R.S.V. Common Bible" (1973); or from The New International Version (1978); or from The New Jerusalem Bible (1987); or from the Revised English Bible (1989); or from the New Revised Standard Version (1990); or from translations, authorized by the diocesan bishop, of those approved versions published in any other language; or from other versions of the Bible, including those in languages other than English, which shall be authorized by diocesan bishops for specific use in congregations or ministries within their dioceses.

Authorized
versions.

CANON 3: Of the Standard Book of Common Prayer

Sec. 1. The copy of the Book of Common Prayer accepted by the General Convention of this Church, in the year of our Lord 1979, and authenticated by the signatures of the Presiding Officers and Secretaries of the two Houses of the General Convention, is hereby declared to be the Standard Book of Common Prayer of this Church.

Standard Book
of Common
Prayer.

Sec. 2. All copies of the Book of Common Prayer to be hereafter made and published shall conform to this Standard, and shall agree therewith in paging, and, as far as it is possible, in all other matters of typographical arrangement, except that the Rubrics may be printed either in red or black, and that page numbers shall be set against the several headings in the Table of Contents. The requirement of uniformity in paging shall apply to the entire book but shall not extend to editions smaller than those known as 32mo, or to editions noted for music.

All copies to
conform.

Correcting inaccuracies.	Sec. 3. In case any typographical inaccuracy shall be found in the Standard Book of Common Prayer, its correction may be ordered by a joint Resolution of any General Convention, and notice of such corrections shall be communicated by the Custodian to the Ecclesiastical Authority of each Diocese of this Church, and to actual publishers of the Book of Common Prayer.
Copies of Standard to be sent to Dioceses.	Sec. 4. Folio copies of the Standard Book of Common Prayer, duly authenticated, as in the case of the Standard Book, shall be sent to the Ecclesiastical Authority of each Diocese in trust for the use thereof, and for reference and appeal in questions as to the authorized formularies of this Church.
All editions must be authorized.	Sec. 5. No copy, translation, or edition of the Book of Common Prayer, or a part or parts thereof, shall be made, printed, published, or used as of authority in this Church, unless it contains the authorization of the Custodian of the Standard Book of Common Prayer, certifying that the Custodian or some person appointed by the Custodian has compared the said copy, translation, or edition with the said Standard, or a certified copy thereof, and that it conforms thereto. And no copy, translation, or edition of the Book of Common Prayer, or a part or parts thereof, shall be made, printed, published, or used as of authority in this Church, or certified as aforesaid, which contains or is bound up with any alterations or additions thereto, or with any other matter, except the Holy Scriptures or the authorized Hymnal of this Church, or with material set forth in the Book of Occasional Services and The Proper for the Lesser Feasts and Fasts, as those books are authorized from time to time by the General Convention.
Trial use.	Sec. 6 (a) Whenever the General Convention, pursuant to Article X of the Constitution, shall authorize for trial use a proposed revision of the Book of Common Prayer, or of a portion or portions thereof, the enabling Resolution shall specify the period of such trial use, the precise text thereof, and any special terms or conditions under which such trial use shall be carried out.
Duties of Custodian.	(b) It shall be the duty of the Custodian of the Standard Book of Common Prayer: (1) To arrange for the publication of such proposed revision; (2) To protect, by copyright, the authorized text of such revision, on behalf of the General Convention; which copyright shall be relinquished when such proposed revision or revisions shall have been adopted by the General Convention as an alteration of, or addition to, the Book of Common Prayer; (3) To certify that printed copies of such revision or revisions have been duly authorized by the General Convention, and that the printed text conforms to that approved by the General Convention.
Authorized trial use texts.	(c) During the said period of trial use and under the modifying conditions specified, only the material so authorized, and in the exact

form in which it has been so authorized, shall be available as an alternative for the said Book of Common Prayer or the said portion or portions thereof; *Provided, however,* that it shall be competent for the Presiding Bishop and the President of the House of Deputies, jointly, on recommendation by a resolution duly adopted at a meeting of the Standing Commission on Liturgy and Music communicated to the said presiding officers in writing, to authorize variations and adjustments to, or substitutions for, or alterations in, any portion of the texts under trial, which seem desirable as a result of such trial use, and which do not change the substance of a rite.

(d) In the event of the authorization of such variations, adjustments, substitutions, or alternatives, as aforesaid, it shall be the duty of the Custodian of the Standard Book of Common Prayer to notify the Ecclesiastical Authority of every Diocese, and the Convocation of the American Churches in Europe, of such action, and to give notice thereof through the media of public information.

Sec. 7. The appointment of the Custodian of the Standard Book of Common Prayer shall be made by nomination of the House of Bishops and confirmed by the House of Deputies at a meeting of the General Convention. The Custodian shall hold office until the second General Convention following the General Convention at which the Custodian was nominated and confirmed. A vacancy occurring in the office of Custodian when General Convention is not meeting may be filled until the next General Convention by appointment by the Presiding Bishop upon the confirmation of the Executive Council.

Appointment of
Custodian.

Sec. 8. It shall be the duty of the Ecclesiastical Authority of any Diocese in which any unauthorized edition of the Book of Common Prayer, or any part or parts thereof, shall be published or circulated, to give public notice that the said edition is not of authority in this Church.

Action on
unauthorized
editions.

CANON 4: Of the Authorization of Special Forms of Service

In any Congregation, worshipping in other than the English language, which shall have placed itself under the oversight of a Bishop of this Church, it shall be lawful to use a form of service in such language; *Provided,* that such form of service shall have previously been approved by the Bishop of the Diocese, until such time as an authorized edition of the Book of Common Prayer in such language shall be set forth by the authority of the General Convention; and *Provided further,* that no Bishop shall license any such form of service until first satisfied that the same is in accordance with the Doctrine and Worship of this Church; nor in any case shall such form of service be used for the ordination or consecration of Bishops, Priests, or Deacons.

Authorized
forms of
worship in a
foreign
language.

CANON 5: Of the Music of the Church

It shall be the duty of every Member of the Clergy to see that music is used as an offering for the glory of God and as a help to the people in

Clergy responsi-
ble for music.

their worship in accordance with the Book of Common Prayer and as authorized by the rubrics or by the General Convention of this Church. To this end the Member of the Clergy shall have final authority in the administration of matters pertaining to music. In fulfilling this responsibility the Member of the Clergy shall seek assistance from persons skilled in music. Together they shall see that music is appropriate to the context in which it is used.

CANON 6: Of Dedicated and Consecrated Churches

Evidence of
affiliation.

Sec. 1. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently satisfied that the building and the ground on which it is erected are secured for ownership and use by a Parish, Mission, Congregation, or Institution affiliated with this Church and subject to its Constitution and Canons.

Consent
required to
encumber or
alienate
consecrated
property.

Sec. 2. It shall not be lawful for any Vestry, Trustees, or other body authorized by laws of any State or Territory to hold property for any Diocese, Parish or Congregation, to encumber or alienate any dedicated and consecrated Church or Chapel, or any Church or Chapel which has been used solely for Divine Service, belonging to the Parish or Congregation which they represent, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese.

Consent to
deconsecrate
Churches.

Sec. 3. No dedicated and consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the previous consent of the Standing Committee of the Diocese.

All Churches to
be held in trust.

Sec. 4. Any dedicated and consecrated Church or Chapel shall be subject to the trust declared with respect to real and personal property held by any Parish, Mission, or Congregation as set forth in Canon I. 7.4.

TITLE III MINISTRY

CANON 1: Of the Ministry of All Baptized Persons

Sec. 1. Each Diocese shall make provision for the affirmation and development of the ministry of all baptized persons, including: Responsibility of Diocese.

(a) Assistance in understanding that all baptized persons are called to minister in Christ's name, to identify their gifts with the help of the Church and to serve Christ's mission at all times and in all places.

(b) Assistance in understanding that all baptized persons are called to sustain their ministries through commitment to life-long Christian formation.

Sec. 2. No person shall be denied access to the discernment process for any ministry, lay or ordained, in this Church because of race, color, ethnic origin, national origin, sex, marital status, sexual orientation, disabilities or age, except as otherwise provided by these Canons. No right to licensing, ordination, or election is hereby established. Access to discernment process.

Sec. 3. The provisions of these Canons for the admission of Candidates for the Ordination to the three Orders: Bishops, Priests and Deacons shall be equally applicable to men and women. Equal applicability.

CANON 2: Of Commissions on Ministry

Sec. 1. In each Diocese there shall be a Commission on Ministry ("Commission") consisting of Priests, Deacons, if any, and Lay Persons. The Canons of each Diocese shall provide for the number of members, terms of office, and manner of selection to the Commission. Each Diocese to have a Commission.

Sec. 2. The Commission shall advise and assist the Bishop:

(a) In the implementation of Title III of these Canons.

(b) In the determination of present and future opportunities and needs for the ministry of all baptized persons.

(c) In the design and oversight of the ongoing process for recruitment, discernment, formation for ministry, and assessment of readiness therefor.

To assist the Bishop.

Sec. 3. The Commission may adopt rules for its work, subject to the approval of the Bishop; *Provided* that they are not inconsistent with the Constitution and Canons of this Church and of the Diocese. May adopt rules.

Sec. 4. The Commission may establish committees consisting of members and other persons to report to the Commission or to act on its behalf.

Sec. 5. The Bishop and Commission shall ensure that the members of the Commission and its committees receive ongoing education and training for their work. Education and training.

CANON 3: Of Discernment

Community discernment in the call to ministry.

Sec. 1. The Bishop and Commission shall provide encouragement, training, and necessary resources to assist each congregation in developing an ongoing process of community discernment appropriate to the cultural background, age, and life experiences of all persons seeking direction in their call to ministry.

Discernment communities.

Sec. 2. The Bishop, in consultation with the Commission, may utilize college and university campus ministry centers and other communities of faith as additional communities where discernment takes place. In cases where these discernment communities are located in another jurisdiction, the Bishop will consult with the Bishop where the discernment community is located.

Recruiting leadership.

Sec. 3. The Bishop and Commission shall actively solicit from congregations, schools and other youth organizations, college and university campus ministry centers, seminaries, and other communities of faith names of persons whose demonstrated qualities of Christian commitment and potential for leadership and vision mark them as desirable candidates for positions of leadership in the Church.

Support for discernment process.

Sec. 4. The Bishop, Commission, and the discernment community shall assist persons engaged in a process of ministry discernment to determine appropriate avenues for the expression and support of their ministries, either lay or ordained.

CANON 4: Of Licensed Ministries

Selection and license.

Sec. 1 (a) A confirmed communicant in good standing or, in extraordinary circumstances, subject to guidelines established by the Bishop, a communicant in good standing, may be licensed by the Ecclesiastical Authority to serve as Pastoral Leader, Worship Leader, Preacher, Eucharistic Minister, Eucharistic Visitor, or Catechist. Requirements and guidelines for the selection, training, continuing education, and deployment of such persons, and the duration of licenses shall be established by the Bishop in consultation with the Commission on Ministry.

Member of the Armed Forces.

(b) The Presiding Bishop or the Bishop Suffragan for the Armed Forces may authorize a member of the Armed Forces to exercise one or more of these ministries in the Armed Forces in accordance with the provisions of this Canon. Requirements and guidelines for the selection, training, continuing education, and deployment of such persons shall be established by the Bishop granting the license.

Terms.

Sec. 2 (a) The Member of the Clergy or other leader exercising oversight of the congregation or other community of faith may request the Ecclesiastical Authority with jurisdiction to license persons within that congregation or other community of faith to exercise such ministries. The license shall be issued for a period of time to be determined under Canon III.4.1(a) and may be renewed. The license may be revoked by the Ecclesiastical Authority upon request of or

upon notice to the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith.

(b) In renewing the license, the Ecclesiastical Authority shall consider the performance of the ministry by the person licensed, continuing education in the licensed area, and the endorsement of the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith in which the person is serving. Renewal.

(c) A person licensed in any Diocese under the provisions of this Canon may serve in another congregation or other community of faith in the same or another Diocese only at the invitation of the Member of the Clergy or other leader exercising oversight, and with the consent of the Ecclesiastical Authority in whose jurisdiction the service will occur.

Sec. 3. A Pastoral Leader is a lay person authorized to exercise pastoral or administrative responsibility in a congregation under special circumstances, as defined by the Bishop. Pastoral Leader.

Sec. 4. A Worship Leader is a lay person who regularly leads public worship under the direction of the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith. Worship Leader.

Sec. 5. A Preacher is a lay person authorized to preach. Persons so authorized shall only preach in congregations under the direction of the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith. Preacher.

Sec. 6. A Eucharistic Minister is a lay person authorized to administer the Consecrated Elements at a Celebration of Holy Eucharist. A Eucharistic Minister should normally act under the direction of a Deacon, if any, or otherwise, the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith. Eucharistic Minister.

Sec. 7. A Eucharistic Visitor is a lay person authorized to take the Consecrated Elements in a timely manner following a Celebration of Holy Eucharist to members of the congregation who, by reason of illness or infirmity, were unable to be present at the Celebration. A Eucharistic Visitor should normally act under the direction of a Deacon, if any, or otherwise, the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith. Eucharistic Visitor.

Sec. 8. A Catechist is a lay person authorized to prepare persons for Baptism, Confirmation, Reception, and the Reaffirmation of Baptismal Vows, and shall function under the direction of the Member of the Clergy or other leader exercising oversight of the congregation or other community of faith. Catechist.

CANON 5: Of General Provisions Respecting Ordination

Sec. 1 (a) The canonical authority assigned to the Bishop Diocesan by this Tide may be exercised by a Bishop Coadjutor, when so empowered Episcopal authority.

under Canon III.19, and at the request of the Bishop Diocesan, by a Bishop Suffragan, or by any other Bishop of a Church in full communion with this Church who was ordained in the historic succession, at the request of the ordinand's Bishop.

(b) The Council of Advice of the Convocation of American Churches in Europe, and the board appointed by a Bishop having jurisdiction in an Area Mission in accordance with the provisions of Canon I.11.2(c), shall, for the purpose of this and other Canons of Title III have the same powers as the Standing Committee of a Diocese.

(c) In case of a vacancy in the episcopate in a Diocese, the Ecclesiastical Authority may authorize and request the President of the House of Bishops of the Province to take order for an ordination.

Sec. 2 (a) No Nominee, Postulant, or Candidate for ordination shall sign any of the certificates required by this Title.

Testimonials.

(b) Testimonials required of the Standing Committee by this Title must be signed by a majority of the whole Committee, at a meeting duly convened, except that testimonials may be executed in counterparts, each of which shall be deemed an original.

Vestry's letter of support.

(c) Whenever the letter of support of a Vestry is required, the letter must be signed and dated by at least two-thirds of all of the members of the Vestry, at a meeting duly convened, and by the Rector or Priest-in-Charge of the Parish, and attested by the Clerk of the Vestry. Should there be no Rector or Priest-in-Charge, the letter shall be signed by a Priest of the Diocese acquainted with the nominee and the Parish, the reason for the substitution being stated in the attesting clause.

(d) If the congregation or other discernment community of which the nominee is a member is not a Parish, the letter of support required by Canon III.6 or Canon III.8 shall be signed and dated by the Member of the Clergy and the council of the congregation or other community of faith, and shall be attested by the secretary of the meeting at which the letter was approved. Should there be no Member of the Clergy, the letter shall be signed and dated by a Priest of the Diocese acquainted with the nominee and the congregation or other community of faith, the reason for the substitution being stated in the attesting clause.

Member of a Religious Order or Community.

(e) If the applicant is a member of a Religious Order or Christian Community recognized by Canon III.24, the letters of support referred to in Canon III.5 or Canon III.6 and any other requirements imposed on a congregation or Member of the Clergy may be given by the Superior or person in charge, and Chapter, or other comparable body of the Order or Community.

Dispensations.

Sec. 3. An application for any dispensation permitted by this Title from any of the requirements for ordination must first be made to the Bishop, and if approved, referred to the Standing Committee for its advice and consent.

CANON 6: Of the Ordination of Deacons**Sec. 1. Selection**

The Bishop, in consultation with the Commission, shall establish procedures to identify and to select persons with evident gifts and fitness for ordination to the Diaconate.

Selection and
Nomination of
Deacons.

Sec. 2. Nomination

A confirmed adult communicant in good standing, may be nominated for ordination to the diaconate by the person's congregation or other community of faith.

(a) The Nomination shall be in writing and shall include a letter of support by the Nominee's congregation or other community of faith committing the community to

- (1) pledge to contribute financially to that preparation, and
- (2) involve itself in the Nominee's preparation for ordination to the Diaconate.

If it be a congregation, the letter shall be signed by two-thirds of the Vestry or comparable body, and by the Member of the Clergy or leader exercising oversight.

(b) The Nominee, if in agreement with the nomination, shall accept the nomination in writing and shall provide the following to the Bishop:

Application for
admission as
Postulant.

- (1) Full name and date of birth.
- (2) The length of time resident in the Diocese.
- (3) Evidence of Baptism and Confirmation.
- (4) Whether an application has been made previously for Postulancy or the person has been nominated in any Diocese.
- (5) A description of the process of discernment by which the Nominee has been identified for ordination to the Diaconate.
- (6) The level of education attained and, if any, the degrees earned, and areas of specialization, together with copies of official transcripts.

Sec. 3. Postulancy

Postulancy is the time between nomination and candidacy and may initiate the formal preparation for ordination. Postulancy involves continued exploration of and decision about the Postulant's call to the Diaconate.

Postulancy for
the Diaconate.

(a) Before granting admission as a Postulant, the Bishop shall

- (1) determine that the Nominee is a confirmed adult communicant in good standing, and
- (2) confer in person with the Nominee,

(b) If the Bishop approves the Nominee proceeding into Postulancy, the Commission, or a committee of the Commission, shall meet with the Nominee to review the application and prepare an evaluation of the Nominee's qualifications to pursue a program of

Commission to
review the
application.

Previous refusal or cessation.	preparation for ordination to the Diaconate. The Commission shall present its evaluation and recommendations to the Bishop. (c) No Bishop shall consider accepting as a Postulant any person who has been refused admission as a Candidate for ordination to the Diaconate in any other Diocese, or who, having been admitted, has afterwards ceased to be a Candidate, until receipt of a letter from the Bishop of the Diocese refusing admission, or in which the person has been a Candidate, declaring the cause of refusal or of cessation.
Admission to Postulancy.	(d) The Bishop may admit the Nominee as a Postulant for ordination to the Diaconate. The Bishop shall record the Postulant's name and date of admission in a Register kept for that purpose. The Bishop shall inform the Postulant, the Member of the Clergy or other leader exercising oversight of the Postulant's congregation or other community of faith, the Commission, the Standing Committee, and the director of the Postulant's program of preparation, of the fact and date of such admission.
Ember Weeks.	(e) Each Postulant for ordination to the Diaconate shall communicate with the Bishop in person or by letter, four times a year, in the Ember Weeks, reflecting on the Postulant's academic, diaconal, human, spiritual, and practical development.
Removal.	(f) Any Postulant may be removed as a Postulant at the sole discretion of the Bishop. The Bishop shall give written notice of the removal to the Postulant and the Member of the Clergy or other leader exercising oversight of the Postulant's congregation or other community of faith, the Commission, the Standing Committee, and the director of the program of preparation.
Definition of Candidacy.	Sec. 4. Candidacy Candidacy is a time of education and formation, in preparation for ordination to the Diaconate, established by a formal commitment by the Candidate, the Bishop, the Commission, the Standing Committee and the congregation or other community of faith. (a) A person desiring to be considered as a Candidate for ordination to the Diaconate shall apply to the Bishop. Such application shall include the following: (1) the Postulant's date of admission to Postulancy, and (2) a letter of support by the Postulant's congregation or other community of faith. If it be a congregation the letter shall be signed and dated by at least two-thirds of the Vestry or comparable body and by the Member of the Clergy or other leader exercising oversight.
Admission to Candidacy.	(b) Upon compliance with these requirements, and receipt of a written statement from the Commission attesting to the continuing formation of the Postulant, and having received approval in writing of the Standing Committee who shall have interviewed the Postulant and who shall have had an opportunity to review the documentation relating to the application of the Postulant, the Bishop may admit the Postulant as a Candidate for ordination to the Diaconate. The Bishop shall record the Candidate's name and date of admission in a Register

kept for that purpose. The Bishop shall inform the Candidate, the Member of the Clergy or other leader exercising oversight of the Candidate's congregation or other community of faith, the Commission, the Standing Committee, and the Dean of the seminary the Candidate may be attending or proposes to attend, or the director of the Candidate's program of preparation, of the fact and date of such admission.

(c) A Candidate must remain in canonical relationship with the Diocese in which admission has been granted until ordination to the Diaconate under this Canon, except, for reasons acceptable to the Bishop, the Candidate may be transferred to another Diocese upon request, provided that the Bishop of the receiving Diocese is willing to accept the Candidate

Transfers to another Diocese.

(d) Any Candidate may be removed as a Candidate, at the sole discretion of the Bishop. The Bishop shall give written notice of the removal to the Candidate and the Member of the Clergy or other leader exercising oversight of the Candidate's congregation or other community of faith, the Commission, the Standing Committee, and the director of the program of preparation.

Candidate may be removed.

(e) If a Bishop has removed the Candidate's name from the list of Candidates, except by transfer, or the Candidate's application for ordination has been rejected, no other Bishop may ordain the person without readmission to Candidacy for a period of at least twelve months.

Sec. 5. Preparation for Ordination

(a) The Bishop and the Commission shall work with the Postulant or Candidate to develop and monitor a program of preparation for ordination to the Diaconate in accordance with this Canon to ensure that pastoral guidance is provided throughout the period of preparation.

(b) The Bishop may assign the Postulant or Candidate to any congregation of the Diocese or other community of faith after consultation with the Member of the Clergy or other leader exercising oversight.

Assignment.

(c) Formation shall take into account the local culture and each Postulant or Candidate's background, age, occupation, and ministry.

Formation.

(d) Prior education and learning from life experience may be considered as part of the formation required for ordination.

(e) Wherever possible, formation for the Diaconate shall take place in community, including other persons in preparation for the Diaconate, or others preparing for ministry.

(f) Before ordination each Candidate shall be prepared in and demonstrate basic competence in five general areas:

Areas of competence.

- (1) Academic studies including, The Holy Scriptures, theology, and the tradition of the Church.
- (2) Diakonia and the diaconate.
- (3) Human awareness and understanding.
- (4) Spiritual development and discipline.

- Training. (5) Practical training and experience.
 (g) Preparation for ordination shall include training regarding
 (1) prevention of sexual misconduct.
 (2) civil requirements for reporting and pastoral opportunities for responding to evidence of abuse.
 (3) the Constitution and Canons of the Episcopal Church, particularly Title IV thereof.
 (4) the Church's teaching on racism.
- Ember Weeks. (h) Each Candidate for ordination to the Diaconate shall communicate with the Bishop in person or by letter, for times a year, in the Ember Weeks, reflecting on the Candidate's academic, diaconal, human, spiritual, and practical development.
- Evaluation of progress. (i) During Candidacy each Candidate's progress shall be evaluated from time to time, and there shall be a written report of the evaluation by those authorized by the Commission to be in charge of the evaluation program. Upon certification by those in charge of the Candidate's program of preparation that the Candidate has successfully completed preparation and is ready for ordination, a final written assessment of readiness for ordination to the Diaconate shall be prepared as determined by the Bishop in consultation with the Commission. This report shall include a recommendation from the Commission regarding the readiness of the Candidate for ordination. Records shall be kept of all evaluations, assessments, and the recommendation, and shall be made available to the Standing Committee.
- Examinations and evaluations. (j) Within thirty-six months prior to ordination as a Deacon, the following must be accomplished
 (1) a background check, according to criteria established by the Bishop and Standing Committee.
 (2) medical and psychological evaluation by professionals approved by the Bishop, using forms prepared for the purpose by The Church Pension Fund, and if desired or necessary, psychiatric referral.
 (k) Reports of all investigations and examinations shall be kept permanently on file by the Bishop and remain a part of the permanent diocesan record.
- Sec. 6. Ordination to the Diaconate**
 (a) A person may be ordained Deacon:
 (1) after at least eighteen months from the time of written acceptance of nomination by the Nominee as provided in III.6.2(b), and
 (2) upon attainment of at least twenty-four years of age.
- Ordination papers. (b) The Bishop shall obtain in writing and provide to the Standing Committee:
 (1) an application from the Candidate requesting ordination as a Deacon under this Canon.
 (2) a letter of support from the Candidate's congregation or other community of faith, signed and dated by at least two-

thirds of the Vestry and the Member of the Clergy or other leader exercising oversight.

- (3) written evidence of admission of the Candidate to Postulancy and Candidacy, giving the dates of admission.
- (4) a certificate from the seminary or other program of preparation showing the Candidate's scholastic record in the subjects required by the Canons, and giving an evaluation with recommendation as to the Candidate's other personal qualifications for ordination together with a recommendation regarding ordination to the Diaconate under this Canon.
- (5) a certificate from the Commission giving a recommendation regarding ordination to the Diaconate under this Canon.

(c) On the receipt of such certificates, the Standing Committee, if a majority of all members consent, shall certify that the Canonical requirements for ordination to the Diaconate under this Canon have been met, that there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination. The Standing Committee shall evidence such certification, by a testimonial, addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee.

Standing
Committee to
consent.

To the Right Reverend _____, Bishop of _____ We, the Standing Committee of _____, having been duly convened at _____ at _____, do testify that A.B., desiring to be ordained to the Diaconate under Canon III.6 has presented to us the certificates as required by the Canons indicating A.B.'s preparedness for ordination to the Diaconate under Canon III.6; and we certify that all canonical requirements for ordination to the Diaconate under Canon III.6 have been met; and we find no sufficient objection to ordination. Therefore, we recommend A.B. for ordination. In witness whereof, we have hereunto set our hands this ____ day of _____, in the year of our Lord ____.

(Signed) _____

(d) The testimonial having been presented to the Bishop, and there being no sufficient objection on medical, psychological, moral, or spiritual grounds, the Bishop may ordain the Candidate to the Diaconate under this Canon; and at the time of ordination the Candidate shall subscribe publicly and make, in the presence of the Bishop, the declaration required in Article VIII of the Constitution.

Declaration of
conformity.

CANON 7: Of the Life and Work of Deacons

Sec. 1. Deacons serve directly under the authority of and are accountable to the Bishop, or in the absence of the Bishop, the Ecclesiastical Authority of the Diocese.

Community of Deacons.	Sec. 2. Deacons canonically resident in each Diocese constitute a Community of Deacons, which shall meet from time to time. The Bishop may appoint one or more of such Deacons as Archdeacon(s) to assist the Bishop in the formation, deployment, supervision, and support of the Deacons or those in preparation to be Deacons, and in the implementation of this Canon.
Council on Deacons.	Sec. 3. The Bishop may establish a Council on Deacons to oversee, study, and promote the Diaconate.
Rights and responsibilities.	Sec. 4. The Bishop, after consultation with the Deacon and the Member of the Clergy or other leader exercising oversight, may assign a Deacon to one or more congregations, other communities of faith or non-parochial ministries. Deacons assigned to a congregation or other community of faith act under the authority of the Member of the Clergy or other leader exercising oversight in all matters concerning the congregation. (a) Subject to the Bishop's approval, Deacons may have a letter of agreement setting forth mutual responsibilities in the assignment, and, if such a letter exists, it is subject to renegotiation with the Vestry/Bishop's Committee after the resignation of the Rector or the Priest-in-Charge. (b) Deacons shall report annually to the Bishop or the Bishop's designee on their life and work. (c) Deacons may serve as administrators of congregations or other communities of faith, but no Deacon shall be in charge of a congregation or other community of faith. (d) Deacons may accept chaplaincies in any hospital, prison, or other institution. (e) Deacons may participate in the governance of the Church. (f) For two years following ordination, new Deacons shall continue a process of formation authorized by the Bishop.
Mentors.	(g) The Bishop or the Bishop's designee, in consultation with the Commission, shall assign each newly ordained Deacon a mentor Deacon where a suitable mentor Deacon is available. The mentor and Deacon shall meet regularly for at least one year to provide guidance, information, and a sustained dialogue about diaconal ministry.
Continuing education.	Sec. 5. The Bishop and Commission shall require and provide for the continuing education of Deacons and keep a record of such education.
License to serve in another Diocese.	Sec. 6 (a) A Deacon may not serve as Deacon for more than two months in any Diocese other than the Diocese in which the Deacon is canonically resident unless the Bishop of the other Diocese shall have granted a license to the Deacon to serve in that Diocese.
Letters Dimissory.	(b) (1) A Deacon desiring to become canonically resident within a Diocese shall request a testimonial from the Ecclesiastical Authority of the Diocese in which the Deacon is canonically resident to present to the receiving Diocese,

which testimonial, if granted, shall be given by the Ecclesiastical Authority to the applicant, and a duplicate thereof may be sent to the Ecclesiastical Authority of the Diocese to which transfer is proposed. The testimonial shall be in the following words:

I hereby certify that A.B., who has signified to me the desire to be transferred to the Ecclesiastical Authority of _____, is a Deacon of _____ in good standing, and has not, so far as I know or believe, been justly liable to evil report for error in religion or for viciousness of life, for the last three years.

(Date) _____ (Signed) _____

- (2) Such testimonial shall be called Letters Dimissory. If the Ecclesiastical Authority accepts the Letters Dimissory, the canonical residence of the Deacon so transferred shall date from the acceptance of the Letters Dimissory, of which prompt notice shall be given both to the applicant and to the Ecclesiastical Authority from which it came.
- (3) Letters Dimissory not presented within six months from the date of transmission to the applicant shall become void.
- (4) A statement of the record of payments to The Church Pension Fund by or on behalf of the Deacon concerned shall accompany Letters Dimissory.

Sec. 7. On reaching the age of seventy-two years, a Deacon shall resign from all positions of active service in this Church, and the resignation shall be accepted. The Bishop may, with the consent of the Deacon, assign a resigned Deacon to any congregation, other community of faith or ministry in another setting, for a term not to exceed twelve months, and this term may be renewed.

Resignation.

Sec. 8. If any Deacon of this Church not subject to the provisions of Canon IV.8 shall declare, in writing, to the Bishop of the Diocese in which such Deacon is canonically resident, a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Bishop to record the declaration and request so made. The Bishop, being satisfied that the person so declaring is not subject to the provision of Canon IV.8 but is acting voluntarily and for causes, assigned or known, which do not affect the Deacon's moral character, shall lay the matter before the clerical members of the Standing Committee, and with the advice and consent of a majority of such members the Bishop may pronounce that such renunciation is accepted, and that the Deacon is released from the obligations of the Ministerial office, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which

Notice of
renunciation of
the Diaconate.

do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed from the ordained Ministry.

Renunciation
in disciplinary
cases.

Sec. 9. If a Deacon making the aforesaid declaration of renunciation of the ordained Ministry be under Presentment for any Offense, or shall have been placed on Trial for the same, the Ecclesiastical Authority to whom such declaration is made shall not consider or act upon such declaration until after the said Presentment shall have been dismissed or the said Trial shall have been concluded and the Deacon judged not to have committed an Offense.

Declaration of
removal.

Sec. 10. In the case of the renunciation of the ordained Ministry by a Deacon as provided in this Canon, a declaration of removal shall be pronounced by the Bishop in the presence of two or more Members of the Clergy, and shall be entered in the official records of the Diocese in which the Deacon being removed is canonically resident. The Bishop who pronounces the declaration of removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Deacon was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, The Church Pension Fund, and the Board for Church Deployment.

CANON 8: Of the Ordination of Priests

Sec. 1. Selection

Selection and
nomination to
the Priesthood.

The Bishop, in consultation with the Commission, shall establish procedures to identify and select persons with evident gifts and fitness for ordination to the Priesthood.

Sec. 2. Nomination

A confirmed adult communicant in good standing may be nominated for ordination to the Priesthood by the person's congregation or other community of faith.

Application for
admission to
Postulancy.

(a) The Nomination shall be in writing and shall include a letter of support by the Nominee's congregation or other community of faith committing the community to:

- (1) pledge to contribute financially to that preparation, and
- (2) involve itself in the Nominee's preparation for ordination to the Priesthood.

If it be a congregation, the letter shall be signed by two-thirds of the Vestry or comparable body, and by the Member of the Clergy or leader exercising oversight.

(b) The Nominee, if agreeing, shall accept the nomination in writing, and shall provide the following to the Bishop:

- (1) Full name and date of birth.
- (2) The length of time resident in the Diocese.

- (3) Evidence of Baptism and Confirmation.
- (4) Whether an application has been made previously for Postulancy or the person has been nominated in any Diocese.
- (5) A description of the process of discernment by which the Nominee has been identified for ordination to the Priesthood.
- (6) The level of education attained and, if any, the degrees earned and areas of specialization, together with copies of official transcripts.

Sec. 3. Postulancy

Postulancy is the time between nomination and candidacy and may initiate the formal preparation for ordination. Postulancy involves continued exploration of and decision about the Postulant's call to the Priesthood.

Postulancy for the Priesthood.

(a) Before granting admission as a Postulant, the Bishop shall

- (1) determine that the person is a confirmed adult communicant in good standing.
- (2) confer in person with the Nominee.
- (3) shall consult with the Nominee regarding financial resources which will be available for the support of the Postulant throughout preparation for ordination. During Postulancy and later Candidacy, the Bishop or someone appointed by the Bishop shall review periodically the financial condition and plans of the Postulant.

(b) If the Bishop approves proceeding, the Commission, or a committee of the Commission, shall meet with the Nominee to review the application and prepare an evaluation of the Nominee's qualifications to pursue a program of preparation for ordination to the Priesthood. The Commission shall present its evaluation and recommendations to the Bishop.

Commission to review the application.

(c) No Bishop shall consider accepting as a Postulant any person who has been refused admission as a Candidate for ordination to the Priesthood in any other Diocese, or who, having been admitted, has afterwards ceased to be a Candidate, until receipt of a letter from the Bishop of the Diocese refusing admission, or in which the person has been a Candidate, declaring the cause of refusal or of cessation.

Previous removal or cessation.

(d) The Bishop may admit the Nominee as a Postulant for ordination to the Priesthood. The Bishop shall record the Postulant's name and date of admission in a Register kept for that purpose. The Bishop shall inform the Postulant, the Member of the Clergy or other leader exercising oversight of the Postulant's congregation or other community of faith, the Commission, the Standing Committee, and the Dean of the seminary the Postulant may be attending or proposes to attend, or the director of Postulant's program of preparation, of the fact and date of such admission.

Admission to Postulancy.

(e) Each Postulant for ordination to the Priesthood shall communicate with the Bishop in person or by letter, four times a year,

Ember Weeks.

	in the Ember Weeks, reflecting on the Postulant's academic experience and personal and spiritual development.
Removal.	(f) Any Postulant may be removed as a Postulant at the sole discretion of the Bishop. The Bishop shall give written notice of the removal to the Postulant and the Member of the Clergy or other leader exercising oversight of the Postulant's congregation or other community of faith, the Commission, the Standing Committee, and the director of the program of preparation.
Definition of Candidacy.	Sec. 4. Candidacy Candidacy is a time of education and formation in preparation for ordination to the Priesthood, established by a formal commitment by the Candidate, the Bishop, the Commission, the Standing Committee, and the congregation or other community of faith.
Application for Candidacy.	(a) A person desiring to be considered as a Candidate for ordination to the Priesthood shall apply to the Bishop. Such application shall include the following: (1) the Postulant's date of admission to Postulancy, and (2) a letter of support by the Postulant's congregation or other community of faith. If it be a congregation, the letter shall be signed and dated by at least two-thirds of the Vestry or comparable body and by the Member of the Clergy or other leader exercising oversight.
Admission to Candidacy.	(b) Upon compliance with these requirements, and receipt of a statement from the Commission attesting to the continuing formation of the Postulant, and having received approval in writing of the Standing Committee who shall have interviewed the Postulant and who shall have had an opportunity to review the documentation relating to the application of the Postulant, the Bishop may admit the Postulant as a Candidate for ordination to the Priesthood. The Bishop shall record the Candidate's name and date of admission in a Register kept for that purpose. The Bishop shall inform the Candidate, the Member of the Clergy or leader exercising oversight of the Candidate's congregation or other community of faith, the Commission, the Standing Committee, and the Dean of the seminary the Candidate may be attending or proposes to attend, or the director of the Candidate's program of preparation, of the fact and date of such admission.
Transfer to another Diocese.	(c) A Candidate must remain in canonical relationship with the Diocese in which admission has been granted until ordination to the Diaconate under this Canon, except, for reasons acceptable to the Bishop, the Candidate may be transferred to another Diocese upon request, provided that the Bishop of the receiving Diocese is willing to accept the Candidate.
Candidate may be removed.	(d) Any Candidate may be removed as a Candidate at the sole discretion of the Bishop. The Bishop shall give written notice of the removal to the Candidate and the Member of the Clergy or other leader exercising oversight of the Candidate's congregation or other community of faith, the Commission, the Standing Committee, and

the Dean of the seminary the Candidate may be attending or the director of the program of preparation.

(e) If a Bishop has removed the Candidate's name from the list of Candidates, except by transfer, or the Candidate's application for ordination has been rejected, no other Bishop may ordain the person without readmission to Candidacy for a period of at least twelve months.

Sec. 5. Preparation for Ordination

(a) The Bishop and the Commission shall work with the Postulant or Candidate to develop and monitor a program of preparation for ordination to the Priesthood and to ensure that pastoral guidance is provided throughout the period of preparation.

(b) If the Postulant or Candidate has not previously obtained a baccalaureate degree, the Commission, Bishop, and Postulant or Candidate shall design a program of such additional academic work as may be necessary to prepare the Postulant or Candidate to undertake a program of theological education. Pre-theological education.

(c) Formation shall take into account the local culture and each Postulant or Candidate's background, age, occupation, and ministry. Formation.

(d) Prior education and learning from life experience may be considered as part of the formation required for the Priesthood.

(e) Whenever possible, formation for the Priesthood shall take place in community, including other persons in preparation for the Priesthood, or others preparing for ministry.

(f) Formation shall include theological training, practical experience, emotional development, and spiritual formation.

(g) Subject areas for study during this program of preparation shall include: Theological education.

- (1) The Holy Scriptures.
- (2) Church History, including the Ecumenical Movement.
- (3) Christian Theology, including Missionary Theology and Missiology.
- (4) Christian Ethics and Moral Theology.
- (5) Studies in contemporary society, including the historical and contemporary experience of racial and minority groups, and cross-cultural ministry skills. Cross-cultural ministry skills may include the ability to communicate in a contemporary language other than one's first language.
- (6) Liturgics and Church Music; Christian Worship and Music according to the contents and use of the Book of Common Prayer and the Hymnal, and authorized supplemental texts.
- (7) Theory and practice of ministry, including leadership, and the ministries of evangelism and stewardship.

(h) Preparation for ordination shall include training regarding Training.

- (1) prevention of sexual misconduct.
- (2) civil requirements for reporting and pastoral opportunities for responding to evidence of abuse.

- (3) the Constitution and Canons of the Episcopal Church, particularly Title IV thereof.
 - (4) the Church's teaching on racism.
- Ember Weeks. (i) Each Postulant or Candidate for ordination to the Priesthood shall communicate with the Bishop in person or by letter, four times a year, in the Ember Weeks, reflecting on the Candidate's academic experience and personal and spiritual development.
- Evaluation of progress. (j) The seminary or other formation program shall provide for, monitor, and report on the academic performance and personal qualifications of the Postulant or Candidate for ordination. These reports will be made upon request of the Bishop and Commission, but at least once per year.
- Examinations and evaluations. (k) Within thirty-six months prior to ordination as a Deacon under this Canon, the following must be accomplished
 - (1) a background check, according to criteria established by the Bishop and Standing Committee.
 - (2) medical and psychological evaluation by professionals approved by the Bishop, using forms prepared for the purpose by The Church Pension Fund, and if desired or necessary, psychiatric referral.
 (l) Reports of all investigations and examinations shall be kept permanently on file by the Bishop and remain a part of the permanent diocesan record.
- Ordination of Deacons with a call to the Priesthood. Sec. 6. Ordination to the Diaconate for those called to the Priesthood
 - (a) A Candidate must first be ordained Deacon before being ordained Priest.
 - (b) To be ordained Deacon under this Canon, a person must be at least twenty-four years of age.
 - (c) The Bishop shall obtain in writing and provide to the Standing Committee:
 - (1) an application from the Candidate requesting ordination as a Deacon under this Canon.
 - (2) a letter of support from the Candidate's congregation or other community of faith, signed and dated by at least two-thirds of the Vestry and the Member of the Clergy or other leader exercising oversight.
 - (3) written evidence of admission of the Candidate to Postulancy and Candidacy, giving the date of admission.
 - (4) a certificate from the seminary or other program of preparation showing the Candidate's scholastic record in the subjects required by the Canons, and giving an evaluation with recommendation as to the Candidate's other personal qualifications for ordination together with a recommendation regarding ordination to the Diaconate under this Canon.
 - (5) a certificate from the Commission giving a recommendation regarding ordination to the Diaconate under this Canon.
- Ordination papers.

(d) On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Diaconate under this Canon have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee.

Standing Committee to consent and certify candidates for Diaconate.

To the Right Reverend _____, Bishop of _____ We, the Standing Committee of _____, having been duly convened at _____ at _____, do testify that A.B., desiring to be ordained to the Diaconate and Priesthood under Canon III.8 has presented to us the certificates as required by the Canons indicating A.B.'s preparedness for ordination to the Diaconate under Canon III.8; and we certify that all canonical requirements for ordination to the Diaconate under Canon III.8 have been met; and we find no sufficient objection to ordination. Therefore, we recommend A.B. for ordination. In witness whereof, we have hereunto set our hands this _____ day of _____, in the year of our Lord _____.
(Signed) _____

(e) The testimonial having been presented to the Bishop, and there being no sufficient objection on medical, psychological, moral, or spiritual grounds, the Bishop may ordain the Candidate to the Diaconate under this Canon; and at the time of ordination the Candidate shall subscribe publicly and make, in the presence of the Bishop, the declaration required in Article VIII of the Constitution.

Declaration of conformity.

Sec. 7. Ordination to the Priesthood

(a) A person may be ordained Priest:

- (1) after at least six months since ordination as a Deacon under this Canon and eighteen months from the time of acceptance of nomination by the Nominee as provided in III.8.2(b), and
- (2) upon attainment of at least twenty-four years of age, and
- (3) if the medical evaluation, psychological evaluation, and background check have taken place or been updated within thirty-six months prior to ordination as a Priest.

Ordination requisites.

(b) The Bishop shall obtain in writing and provide to the Standing Committee:

- (1) an application from the Deacon requesting ordination as a Priest, including the Deacon's dates of admission to Postulancy and Candidacy and ordination as a Deacon under this Canon,
- (2) a letter of support from the Deacon's congregation or other community of faith, signed by at least two-thirds of the Vestry and the Member of the Clergy or other leader exercising oversight,

Ordination papers.

- (3) evidence of admission to Postulancy and Candidacy, including dates of admission, and ordination to the Diaconate,
- (4) a certificate from the seminary or other program of preparation, written at the completion of the program of preparation, showing the Deacon's scholastic record in the subjects required by the Canons, and giving an evaluation with recommendation as to the Deacon's other personal qualifications for ordination together with a recommendation regarding ordination to the Priesthood, and
- (5) a statement from the Commission attesting to the successful completion of the program of formation designed during Postulancy under Canon III.8.5, and proficiency in the required areas of study, and recommending the Deacon for ordination to the Priesthood.

Standing
Committee to
consent and
certify for
ordination to
Priesthood.

(c) On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Priesthood have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee.

**To the Right Reverend _____, Bishop of _____ We, the Standing Committee of _____, having been duly convened at _____, do testify that A.B., desiring to be ordained to the Priesthood, has presented to us the certificates as required by the Canons indicating A.B.'s preparedness for ordination to the Priesthood have been met; and we certify that all canonical requirements for ordination to the Priesthood have been met, and we find no sufficient objection to ordination. Therefore, we recommend A.B. for ordination. In witness whereof, we have hereunto set our hands this ____ day of _____, in the year of our Lord _____.
(Signed) _____**

Declaration of
conformity.

(d) The testimonial having been presented to the Bishop, and there being no sufficient objection on medical, psychological, moral, or spiritual grounds, the Bishop may ordain the Deacon to the Priesthood; and at the time of ordination the Deacon shall subscribe publicly and make, in the presence of the Bishop, the declaration required in Article VIII of the Constitution.

Exercise of
office before
ordination.

(e) No Deacon shall be ordained to the Priesthood until having been appointed to serve in a Parochial Cure within the jurisdiction of this Church, or as a Missionary under the Ecclesiastical Authority of a Diocese, or as an officer of a Missionary Society recognized by the General Convention, or as a Chaplain of the Armed Services of the

United States, or as a Chaplain in a recognized hospital or other welfare institution, or as a Chaplain or instructor in a school, college, or other seminary, or with other opportunity for the exercise of the office of Priest within the Church judged appropriate by the Bishop.

(f) A person ordained to the Diaconate under Canon III.6 who is subsequently called to the Priesthood shall fulfill the Postulancy and Candidacy requirements set forth in this Canon. Upon completion of these requirements, the Deacon may be ordained to the Priesthood.

Deacons
called to the
Priesthood.

CANON 9: Of the Life and Work of Priests

Sec. 1. The Bishop and Commission shall require and provide for the continuing education of Priests and keep a record of such education.

Continuing
education.

Sec. 2. Mentoring for Newly Ordained Priests

Each newly ordained Priest, whether employed or not, shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and new Priest shall meet regularly for at least a year to provide guidance, information, and a sustained dialogue about priestly ministry.

Mentors.

Sec. 3. The Appointment of Priests

(a) Rectors.

- (1) When a Parish is without a Rector, the Wardens or other officers shall promptly notify the Ecclesiastical Authority in writing. If the Parish shall for thirty days fail to provide services of public worship, the Ecclesiastical Authority shall make provision for such worship.
- (2) No Parish may elect a Rector until the names of the proposed nominees have been forwarded to the Ecclesiastical Authority and a time, not exceeding sixty days, given to the Ecclesiastical Authority to communicate with the Vestry, nor until any such communication has been considered by the Vestry at a meeting duly called and held for that purpose.
- (3) Written notice of the election of a Rector, signed by the Wardens, shall be forwarded to the Ecclesiastical Authority. If the Ecclesiastical Authority is satisfied that the person so elected is a duly qualified Priest and that such Priest has accepted the office to which elected, the notice shall be sent to the Secretary of the Convention, who shall record it. Race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities or age, except as otherwise specified by these Canons, shall not be a factor in the determination of the Ecclesiastical Authority as to whether such person is a duly qualified Priest. The recorded notice shall be sufficient evidence of the relationship between the Priest and the Parish.

Parish without
a Rector.

Election of
a Rector.

Written notice
to Ecclesiastical
Authority.

- Agreement. (4) Rectors may have a letter of agreement with the Parish setting forth mutual responsibilities, subject to the Bishop's approval.
- Priests-in-Charge. (b) Priests-in-Charge.
After consultation with the Vestry, the Bishop may appoint a Priest to serve as Priest-in-Charge of any congregation in which there is no Rector. In such congregations, the Priest-in-Charge shall exercise the duties of Rector outlined in Canon III.9.5 subject to the authority of the Bishop.
- Rector to select assistants. (c) Assistants.
A Priest serving as an assistant in a Parish, by whatever title designated, shall be selected by the Rector, and when required by the Canons of the Diocese, subject to the approval of the Vestry, and shall serve under the authority and direction of the Rector. Before the selection of an assistant the name of the Priest proposed for selection shall be made known to the Bishop and a time, not exceeding sixty days, given for the Bishop to communicate with the Rector and Vestry on the proposed selection. Upon resignation by the Rector, death of the Rector, or in the event of the dissolution of a pastoral relationship between the Rector and the Vestry, an assistant may continue in the service of the Parish if requested to do so by the Vestry under such conditions as the Bishop and Vestry shall determine. An assistant may continue to serve at the request of a new Rector. Assistants may have a letter of agreement with the Rector and the Vestry setting forth mutual responsibilities and containing a clearly articulated dissolution clause, subject to the Bishop's approval.
- In case of new Rector.
- Endorsement of Chaplains. (d) Chaplains.
(1) A Priest may be given ecclesiastical endorsement for service as a Chaplain in the Armed Services of the United States of America or as a Chaplain for the Veterans' Administration, or in any Federal Correctional Institution, by the Office of the Bishop Suffragan for the Armed Forces subject to the approval of the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident.
- Active duty Chaplains. (2) Any Priest serving on active duty with the Armed Services shall retain the Priest's canonical residence and shall be subject to the ecclesiastical supervision of the Bishop of the Diocese of which the Priest is canonically resident, even though the Priest's work as a Chaplain shall be subject to the general supervision of the Office of the Bishop Suffragan for the Armed Forces, or such other Bishop as the Presiding Bishop may designate.
- Areas of service. (3) Any Priest serving on a military installation or at a Veterans' Administration facility or Federal Correctional Institution shall not be subject to Canons III.9.3.(c)(1) or III.9.4.(a). When serving other than on a military installation or at a

Veterans' Administration facility, or Federal Correctional Institution, a Chaplain shall be subject to these Sections.

(e) Employment of Priests in Other Settings.

- (1) Any Priest who has left a position in this Church without having received a call to a new ecclesiastical position and who desires to continue the exercise of the office of Priest shall notify the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident and shall advise the Bishop that reasonable opportunities for the exercise of the office of Priest exist and that use will be made of such opportunities. After having determined that the person will have and use opportunities for the exercise of the office of Priest, the Bishop, with the advice and consent of the Standing Committee, may approve the Priest's continued exercise of the office on condition that the Priest report annually in writing, in a manner prescribed by the Bishop, as provided in Canon I.6.2. Non-parochial Priests.
- (2)
 - (i) A Priest not in parochial employment moving to another jurisdiction shall report to the Bishop of that jurisdiction within sixty days of such move. Moving to another jurisdiction.
 - (ii) The Priest:
 - (a) May officiate or preach in that jurisdiction only under the terms of Canon III.9.5.(a).
 - (b) Shall provide notice of such move, in writing and within sixty days, to the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident.
 - (c) Shall forward a copy of the report required by Canon I.6.2 to the Ecclesiastical Authority to whose jurisdiction the Priest has moved.
 - (iii) Upon receipt of the notice required by Canon III.9.3.(c)(2)(b)(ii), the Ecclesiastical Authority shall provide written notice thereof to the Ecclesiastical Authority into whose jurisdiction the person has moved.
- (3) If the Priest fails to comply with the provisions of this Canon, the Bishop of the Diocese in which the Priest is canonically resident may proceed in accordance with Canon IV.11. Failure to comply.

Sec. 4. Letters Dimissory

- (a) A Priest desiring to become canonically resident within a Diocese shall present to the Ecclesiastical Authority a testimonial from the Ecclesiastical Authority of the Diocese of current canonical residence, which testimonial shall be given by the Ecclesiastical Authority to the applicant, and a duplicate thereof may be sent to the Ecclesiastical Authority of the Diocese to which transfer is proposed. The Testimonial for transfer.

testimonial shall be accompanied by a statement of the record of payments to The Church Pension Fund by or on behalf of the Priest concerned and may include a portfolio of training, continuing education and exercise of ministries. The testimonial shall be in the following form:

I hereby certify that A.B., who has signified to me the desire to be transferred to the Ecclesiastical Authority of _____, is a Priest of _____ in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for the last three years.
(Date) _____ (Signed) _____

Acceptance of
Letters
Dismissory.

(b) Such a testimonial shall be called Letters Dimissory. If the Ecclesiastical Authority accepts the Letters Dimissory, the canonical residence of the Priest transferred shall date from such acceptance, and prompt notice of acceptance shall be given to the applicant and to the Ecclesiastical Authority issuing the Letters Dimissory.

Voided letters
and grounds for
nonacceptance.

(c) Letters Dimissory not presented within six months of their date of receipt by the applicant shall become void.

(d) If a Priest has been called to a Cure in a congregation in another Diocese, the Priest shall present Letters Dimissory. The Ecclesiastical Authority of the Diocese shall accept Letters Dimissory within three months of their receipt unless the Bishop or Standing Committee has received credible information concerning the character or behavior of the Priest concerned which would form grounds for canonical inquiry and presentment. In such a case, the Ecclesiastical Authority shall notify the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident and need not accept the Letters Dimissory unless and until the Priest shall be exculpated. The Ecclesiastical Authority shall not refuse to accept Letters Dimissory based on the applicant's race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities, or age.

Certificate of
transfer.

(e) A Priest shall not be in charge of any congregation in the Diocese to which the person moves until obtaining from the Ecclesiastical Authority of that Diocese a certificate in the following form:

I hereby certify that A.B. has been canonically transferred to my jurisdiction and is a Priest in good standing.
(Date) _____ (Signed) _____

In case of
previous refusal.

(f) No person who has been refused ordination or reception as a Candidate in any Diocese, and is thereafter ordained in another Diocese, shall be transferred to the Diocese in which such refusal has occurred without the consent of its Ecclesiastical Authority.

Sec. 5. Rectors and Priests-in-Charge and Their Duties

Authority and
responsibility.

(a)

(1) The Rector or Priest-in-Charge shall have full authority and responsibility for the conduct of the worship and the spiritual jurisdiction of the Parish, subject to the Rubrics

of the Book of Common Prayer, the Constitution and Canons of this Church, and the pastoral direction of the Bishop.

(2)	For the purposes of the office and for the full and free discharge of all functions and duties pertaining thereto, the Rector or Priest-in-Charge shall at all times be entitled to the use and control of the Church and Parish buildings together with all appurtenances and furniture, and to access to all records and registers maintained by or on behalf of the congregation.	Control of buildings.
(b)		
(1)	It shall be the duty of the Rector or Priest-in-Charge to ensure all persons in their charge receive Instruction in the Holy Scriptures; in the subjects contained in An Outline of the Faith, commonly called the Catechism; in the doctrine, discipline, and worship of this Church; and in the exercise of their ministry as baptized persons.	Instruction in faith and ministry.
(2)	It shall be the duty of Rectors or Priests-in-Charge to ensure that all persons in their charge are instructed concerning Christian stewardship, including: (i) reverence for the creation and the right use of God's gifts; (ii) generous and consistent offering of time, talent, and treasure for the mission and ministry of the Church at home and abroad; (iii) the biblical standard of the tithe for financial stewardship; and (iv) the responsibility of all persons to make a will as prescribed in the Book of Common Prayer.	Christian stewardship.
(3)	It shall be the duty of Rectors or Priests-in-Charge to ensure that persons be prepared for Baptism. Before baptizing infants or children, Rectors or Priests-in-Charge shall ensure that sponsors be prepared by instructing both the parents and the Godparents concerning the significance of Holy Baptism, the responsibilities of parents and Godparents for the Christian training of the baptized child, and how these obligations may properly be discharged.	Preparing persons for Baptism.
(4)	It shall be the duty of Rectors or Priests-in-Charge to encourage and ensure the preparation of persons for Confirmation, Reception, and the Reaffirmation of Baptismal Vows, and to be ready to present them to the Bishop with a list of their names.	Confirmation, Reception, and Reaffirmation.
(5)	On notice being received of the Bishop's intention to visit any congregation, the Rector or Priest-in-Charge shall announce the fact to the congregation. At every visitation it shall be the duty of the Rector or Priest-in-Charge and	Duty to announce and inform the Bishop.

- the Wardens, Vestry or other officers, to exhibit to the Bishop the Parish Register and to give information as to the state of the congregation, spiritual and temporal, in such categories as the Bishop shall have previously requested in writing.
- Alms and offerings. (6) The Alms and Contributions, not otherwise specifically designated, at the Administration of the Holy Communion on one Sunday in each calendar month, and other offerings for the poor, shall be deposited with the Rector or Priest-in-Charge or with such Church officer as the Rector or Priest-in-Charge shall appoint to be applied to such pious and charitable uses as the Rector or Priest-in-Charge shall determine. When a Parish is without a Rector or Priest-in-Charge, the Vestry shall designate a member of the Parish to fulfill this function.
- Duty to read Pastoral Letters and Position Papers. (7) Whenever the House of Bishops shall publish a Pastoral Letter, it shall be the duty of the Rector or Priest-in-Charge to read it to the congregation on some occasion of public worship on a Lord's Day, or to cause copies of the same to be distributed to the members of the congregation, not later than thirty days after receipt.
- (8) Whenever the House of Bishops shall adopt a Position Paper, and require communication of the content of the Paper to the membership of the Church, the Rector or Priest-in-Charge shall so communicate the Paper in the manner set forth in the preceding section of this Canon.
- The Parish Register. (c) (1) It shall be the duty of the Rector or Priest-in-Charge to record in the Parish Register all Baptisms, Confirmations (including the canonical equivalents in Canon I.17.1(d)), Marriages and Burials.
- (2) The registry of each Baptism shall be signed by the officiating Member of the Clergy.
- Records to be entered in the Register. (3) The Rector or Priest-in-Charge shall record in the Parish Register all persons who have received Holy Baptism, all communicants, all persons who have received Confirmation (including the canonical equivalents in Canon I.17.1(d)), all persons who have died, and all persons who have been received or removed by letter of transfer. The Rector or Priest-in-Charge shall also designate in the Parish Register the names of (1) those persons whose domicile is unknown, (2) those persons whose domicile is known but are inactive, and (3) those families and persons who are active within the congregation. The Parish Register shall remain with the congregation at all times.

Sec. 6. Licenses

(a) No Priest shall preach, minister the Sacraments, or hold any public service, within the limits of any Diocese other than the Diocese in which the Priest is canonically resident for more than two months without a license from the Ecclesiastical Authority of the Diocese in which the Priest desires to so officiate. No Priest shall be denied such a license on account of the Priest's race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities, or age, except as otherwise provided in these Canons. Upon expiration or withdrawal of a license, a priest shall cease immediately to officiate.

License to
officiate in a
Diocese.

(b) No Priest shall preach, read prayers in public worship, or perform any similar function, in a congregation without the consent of the Rector or Priest-in-Charge of that congregation, except as follows:

Consent of
Rector.

- (1) In the absence or impairment of the Rector or Priest-in-Charge, and if provision has not been made for the stated services of the congregation or other community of faith, a Warden may give such consent.
- (2) If there be two or more congregations or Churches in one Cure, as provided by Canon I.13.3(b), consent may be given by the majority of the Priests-in-Charge of such congregations, or by the Bishop; *Provided*, that nothing in this Section shall prevent any Member of the Clergy of this Church from officiating, with the consent of the Rector or Priest-in-Charge, in the Church or place of public worship used by the congregation of the consenting Rector or Priest-in-Charge, or in private for members of the congregation; or in the absence of the Rector or Priest-in-Charge, with the consent of the Wardens or Trustees of the congregation; *Provided further*, that the license of the Ecclesiastical Authority provided in Canon III.9.5(a), if required, be obtained.
- (3) This Canon shall not apply to any Church, Chapel, or Oratory, which is part of the premises of an incorporated institution created by legislative authority, *Provided* that such place of worship is designated and set apart for the convenience and use of such institution, and not as a place for public or parochial worship.

Exceptions.

(c) No Rector or Priest-in-Charge of any congregation of this Church, or if there be none, no Wardens, Members of the Vestry, or Trustees of any congregation, shall permit any person to officiate in the congregation without sufficient evidence that such person is duly licensed and ordained and in good standing in this Church; *Provided*, nothing in these Canons shall prevent:

Evidence
required to
officiate.

Proviso.

- (1) The General Convention, by Canon or otherwise, from authorizing persons to officiate in congregations in accordance with such terms as it deems appropriate; or

Bishop may
authorize other
officiants.

- (2) The Bishop of any Diocese from giving permission
- (i) To a Member of the Clergy of this Church, to invite Clergy of another Church to assist in the Book of Common Prayer Offices of Holy Matrimony or of the Burial of the Dead, or to read Morning or Evening Prayer, in the manner specified in Canon III.9.5; or
 - (ii) To Clergy of any other Church to preach the Gospel, or in ecumenical settings to assist in the administration of the sacraments; or
 - (iii) To godly persons who are not Clergy of this Church to address the Church on special occasions.
 - (iv) To the Member of the Clergy or Priest-in-Charge of a congregation or if there be none, to the Wardens, to invite Clergy ordained in another Church in communion with this Church to officiate on an occasional basis, provided that such clergy are instructed to teach and act in a manner consistent with the Doctrine, Discipline, and Worship of this Church.

Neglect of
services or
refusal to
officiate.

(d) If any Member of the Clergy or Priest-in-Charge, as a result of impairment or any other cause, shall neglect to perform regular services in the congregation, and refuse, without good cause, to consent to any other duly qualified Member of the Clergy to perform such services, the Wardens, Vestry, or Trustees of the congregation shall, upon providing evidence to the Ecclesiastical Authority of the Diocese of such neglect or refusal and with the written consent of the Ecclesiastical Authority, have the authority to permit any duly qualified Member of the Clergy to officiate.

Officiating
outside the
Church's
jurisdiction.

(e) Any Priest desiring to officiate temporarily outside the jurisdiction of this Church but in a Church in communion with this Church, shall obtain from the Ecclesiastical Authority of the Diocese in which the person is canonically resident, a testimonial which shall set forth the person's official standing, and which may be in the following form:

I hereby certify that A.B., who has signified to me the desire to be permitted to officiate temporarily in churches not under the jurisdiction of The Episcopal Church, yet in communion with this Church, is a Priest of _____ in good standing, and as

such is entitled to the rights and privileges of that Order.

(Date) _____ (Signed) _____

Such testimonial shall be valid for one year and shall be returned to the Ecclesiastical Authority at the end of that period. The Ecclesiastical Authority giving such testimonial shall record its issuance, the name of the Priest to whom issued, its date and the date of its return.

Sec. 7. Resignation

On reaching the age of seventy-two years, a Priest shall resign from all positions of in this Church, and the resignation shall be accepted. Thereafter, the Priest may accept any position in this Church, including, with the permission of the Ecclesiastical Authority, the position or positions from which resignation pursuant to this Section has occurred; *Provided,*

Mandatory at age seventy-two.

Proviso.

(a) tenure in the position shall be for a term of not more than twelve months, which term may be renewed from time to time,

(b) service in the position shall have the express approval of the Bishop of the Diocese in which the service is to be performed, acting in consultation with the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident.

(c) Anything in this Canon to the contrary notwithstanding, a Priest who has served in a non-stipendiary capacity in a position before resignation may, at the Bishop's request, serve in the same position for a term not to exceed twelve months thereafter, and this term may be renewed.

Sec. 8. Renunciation of the Ordained Ministry

If any Priest of this Church not subject to the provisions of Canon IV.8 shall declare, in writing, to the Bishop of the Diocese in which such Priest is canonically resident, a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Bishop to record the declaration and request so made. The Bishop, being satisfied that the person so declaring is not subject to the provision of Canon IV.8 but is acting voluntarily and for causes, assigned or known, which do not affect the Priest's moral character, shall lay the matter before the clerical members of the Standing Committee, and with the advice and consent of a majority of such members the Bishop may pronounce that such renunciation is accepted, and that the Priest is released from the obligations of the Ministerial office, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed from the ordained Ministry.

Notice of Renunciation from the Priesthood.

Sec. 9. A Priest who would be permitted under this Canon to renounce the exercise of ordained office, who desires to enter into other than ecclesiastical employment, may declare in writing to the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident a desire to be released from the obligations of the office and a desire to be released from the exercise of the office of Priest. Upon receipt of such declaration, the Ecclesiastical Authority shall proceed in the same manner as if the declaration was one of renunciation of the ordained Priesthood under this Canon.

Request for release.

Sec. 10. If a Priest making the aforesaid declaration of renunciation of the ordained Ministry be under Presentment for any Offense, or shall

In cases of disciplinary proceedings.

have been placed on Trial for the same, the Ecclesiastical Authority to whom such declaration is made shall not consider or act upon such declaration until after the said Presentment shall have been dismissed or the said Trial shall have been concluded and the Priest judged not to have committed an Offense.

Declaration of removal.

Sec. 11. In the case of the renunciation of the ordained Ministry by a Priest as provided in this Canon, shall be pronounced by the Bishop in the presence of two or more Priests, and shall be entered in the official records of the Diocese in which the Priest being removed is canonically resident. The Bishop who pronounces the declaration of removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Priest was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, the Church Pension Fund, and the Board for Church Deployment.

Petitions to reconcile the Pastoral Relation.

Sec. 12. Reconciliation of Disagreements Affecting the Pastoral Relation

When the pastoral relationship in a parish between a Rector and the Vestry or Congregation is imperiled by disagreement or dissension, and the issues are deemed serious by a majority vote of the Vestry or the Rector, either party may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to resolve the disagreement. The Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under the circumstances for that purpose by the Ecclesiastical Authority, which may include the appointment of a consultant. The parties to the disagreement, following the recommendations of the Ecclesiastical Authority, shall labor in good faith that the parties may be reconciled. Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop of a neighboring Diocese to perform the duties of the Ecclesiastical Authority under this Canon.

Resignation or removal of a Rector.

Sec. 13. Dissolution of the Pastoral Relation

Except upon mandatory resignation by reason of age, a Rector may not resign as Rector of a parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of a Parish be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided.

Notice to Ecclesiastical Authority.

Sec. 14. If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the Diocese. Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

Sec. 15. Within sixty days of receipt of the written notice the Bishop, as chief pastor of the Diocese, shall mediate the differences between Rector and Vestry in every informal way which the Bishop deems proper and may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the Parish involved, to make a report to the Bishop.

Bishop to mediate.

Sec. 16. If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

Procedures for settling differences.

- (a) The Bishop shall give notice to the Rector and Vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.
- (b) If a timely request is made, the President of the Standing Committee shall set a date for the conference, which shall be held within thirty days.
- (c) At the conference each party shall be entitled to representation and to present its position fully.
- (d) Within thirty days after the conference or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter the Bishop, as final arbiter and judge, shall render a godly judgment.
- (e) Upon the request of either party the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.
- (f) If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the Rector and the Vestry.
- (g) If the relation is to be dissolved:
 - (1) The Bishop shall direct the Secretary of the Convention to record the dissolution.
 - (2) The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

Sec. 17. In either event the Bishop shall offer appropriate supportive services to the Priest and the Parish.

Sec. 18. In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

Failure or refusal to comply with judgment.

- (a) In the case of a Rector, suspend the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.

- (b) In the case of a Vestry, invoke any available sanctions including recommending to the Convention of the Diocese that the Parish be placed under the supervision of the Bishop as a Mission until it has complied with the judgment.

Sec. 19. For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

Sec. 20.

Statements not discoverable or admissible in disciplinary cases.

(a) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV provided that this does not require the exclusion of evidence in any proceeding under the Canons which is otherwise discoverable and admissible.

(b) In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under Canon IV.1, all proceedings under this Canon with respect to such charge shall be suspended until the charge has been resolved or withdrawn.

Diocesan Canons apply.

Sec. 21. Sections 13-20 of this Canon shall not apply in any Diocese which has made a provision on this subject in its Canons which is consistent with this Canon.

CANON 10: Of Reception of Clergy from other Churches

Sec. 1. Prior to reception or ordination, the following must be provided

Examinations and evaluations.

(a) a background check, according to criteria established by the Bishop and Standing Committee, and

(b) medical and psychological evaluation by professionals approved by the Bishop, using forms prepared for the purpose by The Church Pension Fund, and if desired or necessary, psychiatric referral. If the medical examination, psychological examination, or background check have taken place more than thirty-six months prior to reception or ordination they must be updated.

Evidence of training.

(c) evidence of training regarding

- (1) prevention of sexual misconduct.
- (2) civil requirements for reporting and pastoral opportunities for responding to evidence of abuse.
- (3) the Constitution and Canons of the Episcopal Church, particularly Title IV thereof.
- (4) training regarding the Church's teaching on racism.

Diocesan records.

(d) Reports of all investigations and examinations shall be kept permanently on file by the Bishop and remain a part of the permanent diocesan record.

Mentors.

(e) Prior to reception or ordination each clergy person shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and clergy person shall meet regularly to provide the clergy person an opportunity for guidance,

information, and a sustained dialogue about ministry in the Episcopal Church.

Sec. 2. Clergy Ordained by Bishops of Churches in Communion with This Church

(a)

- (1) A Member of the Clergy, ordained by a Bishop of another Church in communion with this Church, or by a Bishop consecrated for a foreign land by Bishops of this Church under Article III of the Constitution, shall, before being permitted to officiate in any Congregation of this Church, exhibit to the Member of the Clergy in charge, or, if there be no Member of the Clergy in charge, to the Vestry thereof, a certificate of recent date, signed by the Ecclesiastical Authority of the Diocese that the person's letters of Holy Orders and other credentials are valid and authentic, and given by a Bishop in communion with this Church, and whose authority is acknowledged by this Church; and also that the person has exhibited to the Ecclesiastical Authority satisfactory evidence of (i) moral and godly character and of (ii) theological qualifications.
- (2) Before being permitted to take charge of any Congregation, or being received into any Diocese of this Church as a Member of its Clergy, the Ecclesiastical Authority shall receive Letters Dimissory or equivalent credentials under the hand and seal of the Bishop with whose Diocese the person has been last connected, which letters or credentials shall be delivered within six months from the date thereof. Before receiving the Member of the Clergy the Bishop shall require a promise in writing to submit in all things to the Discipline of this Church, without recourse to any foreign jurisdiction, civil or ecclesiastical; and shall further require the person to subscribe and make in the Bishop's presence, and in the presence of two or more Presbyters, the declaration required in Article VIII of the Constitution. The Bishop and at least one Presbyter shall examine the person as to knowledge of the history of this Church, its worship and government. The Bishop also being satisfied of the person's theological qualifications, may then receive the person into the Diocese as a Member of the Clergy of this Church.
- (3) The provisions of this Section 1 shall be fully applicable to all Members of the Clergy ordained in any Church in the process of entering the historic episcopal succession with which The Episcopal Church is in full communion as specified in Canon I.20, subject to the covenant of the two Churches as adopted by the General Convention.

Certificate required to officiate.

Letters Dimissory or equivalent credentials.

Churches in full communion.

- (i) those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury,
 - (ii) the Old Catholic Churches of the Union of Utrecht,
 - (iii) the Philippine Independent Church, and
 - (iv) the Mar Thoma Syrian Church of Malabar
 - (v) the Evangelical Lutheran Church in America.
- Deacons. (b) A Member of the Clergy who is a Deacon shall not be ordered Priest until having resided within the jurisdiction of this Church at least one year and all the requirements for ordination to the Priesthood as required by Canon III.8 have been satisfied.
- Mentors. (c) Following reception each clergy person shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and clergy person shall meet regularly to provide the clergy person an opportunity for guidance, information, and a sustained dialogue about ministry in the Episcopal Church.
- Procedures for making application. **Sec. 3. Clergy Ordained by Bishops in Churches in the Historic Succession but Not in Communion with This Church**
 - (a) When a Priest or Deacon ordained in a Church by a Bishop in the Historic Succession but not in communion with this Church, the regularity of whose ordination is approved by the Presiding Bishop as permitted by I.16.3, desires to be received as a Member of the Clergy in this Church, the person shall apply in writing to a Bishop, attaching the following:
 - (1) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church.
 - (2) Evidence of previous Ministry and that all other credentials are valid and authentic.
 - (3) Evidence of moral and godly character; and that the person is free from any vows or other engagements inconsistent with the exercise of Holy Orders in this Church.
 - (4) Transcripts of all academic and theological studies.
 - (5) A certificate from at least two Presbyters of this Church stating that, from personal examination or from satisfactory evidence presented to them, they believe that the departure of the person from the Communion to which the person has belonged has not arisen from any circumstance unfavorable to moral or religious character, or on account of which it may not be expedient to admit the person to Holy Orders in this Church.
 - (6) Certificates in the forms provided in Canon III.8.6 and III.8.7 from the Rector or Member of the Clergy in charge and Vestry of a Parish of this Church.
 - (7) A statement of the reasons for seeking to enter Holy Orders in this Church.

(b) The provisions of Canon III.8.5(a) shall be applicable.

(c) If the person has exercised a ministry in the previous Church with good repute and success and if the person furnishes evidence of satisfactory theological training in the previous Church, then the applicant shall be examined by the Commission and show proficiency in the following subjects:

Evidence of proficiency.

- (1) Church History: the history of the Anglican Communion and the Episcopal Church.
- (2) Doctrine: the Church's teaching as set forth in the Creeds and in An Outline of the Faith, commonly called the Catechism.
- (3) Liturgics: the principles and history of Anglican worship; the contents of the Book of Common Prayer.
- (4) Practical Theology:
 - (i) The office and work of a Deacon and Priest in this Church.
 - (ii) The conduct of public worship.
 - (iii) The Constitution and Canons of the Episcopal Church and of the Diocese in which the applicant is resident.
 - (iv) The use of voice in reading and speaking.
- (5) The points of Doctrine, Discipline, Polity, and Worship in which the Church from which the applicant has come differ from this Church. This portion of the examinations shall be conducted, in part at least, by written questions and answers, and the replies kept on file for at least three years.

(d) The Commission may, with the consent of the Bishop, and with notice to the applicant, examine the latter in any other subject required by Canon III.6.5(f) and (g) or III.8.5(g) and (h).

(e) Prior to being examined pursuant to Sec. 3(c) of this Canon, the applicant shall have received certificates from the Bishop and from the Standing Committee that the applicant is acceptable as a Member of the Clergy of this Church, subject to the successful completion of the examination.

Candidate to receive endorsements.

(f) Before the person may be ordained or received into Holy Orders in this Church, the Bishop shall require a promise in writing to submit in all things, to the Discipline of this Church without recourse to any other ecclesiastical jurisdiction or foreign civil jurisdiction, and shall further require the person to subscribe and make in the presence of the Bishop and two or more Presbyters the declaration required in Article VIII of the Constitution.

Declaration of conformity.

(g) Thereafter the Bishop, being satisfied of the person's theological qualifications and successful completion of the examination specified in Sec.3(c) of this Canon and soundness in the faith, shall:

Reception, confirmation, or ordination.

- (1) Receive, with the advice and consent of the Standing Committee, the person into this Church in the Orders to which already ordained by a Bishop in the historic succession; or

- (2) Confirm and make the person a Deacon and, no sooner than four months thereafter, ordain as Priest, if the person has not received such ordination; or
- (3) Ordain as a Deacon and no sooner than six months thereafter, ordain the person a Priest conditionally (having baptized and confirmed the person conditionally if necessary) if ordained by a Bishop whose authority to convey such orders has not been recognized by this Church.

Special prefaces
authorized.

(h) In the case of an ordination under this Canon, the Bishop shall, at the time of such ordination, read this preface to the Service:

The Ecclesiastical Authority of this Diocese is satisfied that A.B. accepts the Doctrine, Discipline, and Worship of this Church and now desires to be ordained a Deacon (or ordained a Priest) in this Church. We are about to confer upon A.B. the grace and authority of Holy Orders as this Church has received them and requires them for the exercise of the ministry of a Deacon (or a Priest).

The certificates of ordination in such cases shall contain the words:

Acknowledging the ministry which A.B. has already received and hereby adding to that commission the grace and authority of Holy Orders as understood and required by this Church for the exercise of the ministry of a Deacon (or a Priest).

Conditional
ordination.

(i) In the case of a conditional ordination pursuant to this Canon, the Bishop shall at the time of such ordination, read this preface to the service:

The Ecclesiastical Authority of this Diocese has been satisfied that A.B., who has been ordained by a Bishop whose authority has not been recognized by this Church, accepts the Doctrine, Discipline, and Worship of this Church, and now desires conditional ordination. By this service of ordination, we propose to establish that A.B. is qualified to exercise the ministry of a Deacon (or a Priest).

Limitations.

(j) No one shall be ordained or received as a Deacon or Priest until age twenty-four.

(k) A Deacon received under this Canon, desiring to be ordained to the Priesthood must satisfy all the requirements for ordination as set forth in Canon III.8.

(l) No one shall be received or ordained under this Canon less than twelve months from the date of having become a confirmed communicant of this Church.

Mentors.

(m) Following reception or ordination each clergy person shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and clergy person shall meet regularly to provide guidance, information, and a sustained dialogue about ministry in the Episcopal Church.

Sec. 4. Clergy Ordained in Churches Not in the Historic Succession

(a) If a person ordained or licensed by other than a Bishop in the Historic Succession to minister in a Church not in communion with this Church desires to be ordained,

- (1) The person must first be a confirmed adult communicant in good standing in a Congregation of this Church;
- (2) The Commission shall examine the applicant and report to the Bishop with respect to:
 - (i) Whether the applicant has served in the previous Church with diligence and good reputation and has stated the causes which have impelled the applicant to leave the body and seek ordination in this Church,
 - (ii) The nature and extent of the applicant's education and theological training,
 - (iii) The preparations necessary for ordination to the Order(s) to which the applicant feels called;
- (3) The provisions of Canon III.5,6, and 8 shall be followed except that the minimum period of Candidacy need not apply, if the Bishop and the Standing Committee at the recommendation of the Commission judge the Candidate to be ready for ordination to the Diaconate earlier than twelve months; the applicant shall be examined by the Commission and show proficiency in the following subjects:
 - (i) Church History: the history of the Anglican Church and the Episcopal Church in the United States of America,
 - (ii) Doctrine: the Church's teaching as set forth in the Creeds and in An Outline of the Faith, commonly called the Catechism;
 - (iii) Liturgics: the principles and history of Anglican worship; the contents of the Book of Common Prayer;
 - (iv) Practical Theology:
 - (a) The office and work of a Deacon and Priest in this Church,
 - (b) The conduct of public worship,
 - (c) The Constitution and Canons of the General Convention, and of the Diocese in which the applicant is resident,
 - (d) The use of voice in reading and speaking;
 - (v) The points of Doctrine, Discipline, Polity, and Worship in which the Church from which the applicant has come differs from this Church. This portion of the examinations shall be conducted,

Procedures for making application.

Exceptions to canonical requirements.

Proficiencies.

- Special prefaces authorized.
- (4) If all the requirements of this Canon have been fulfilled, the Bishop may ordain the Candidate a Deacon, but may do so no sooner than twelve months after the Candidate became a confirmed communicant of this Church. No sooner than six months thereafter, the Candidate may be ordained a Priest at the Bishop's discretion. At the time of such ordination the Bishop shall read this preface following the signing of the declaration of conformity:

The Ecclesiastical Authority of this Diocese is satisfied that A.B. accepts the Doctrine, Discipline, and Worship of this Church and now desires to be ordained a Deacon (or ordained a Priest) in this Church. We are about to confer upon A.B. the grace and authority of Holy Orders as this Church has received them and requires them for the exercise of the ministry of a Deacon (or a Priest).

In such cases, the ordination certificate shall contain the words:

Acknowledging the ministry which A.B. has already received and hereby adding to that commission the grace and authority of Holy Orders as understood and required by this Church for the exercise of the ministry of a Deacon (or a Priest).

- Mentors.
- (5) Following reception or ordination each clergy person shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and clergy person shall meet regularly to provide the clergy person an opportunity for guidance, information, and a sustained dialogue about ministry in the Episcopal Church.

CANON 11: Of the Ordination of Bishops

Sec. 1.

Discernment and election rules.

(a) Discernment of vocation to be a Bishop occurs through a process of election in accordance with the rules prescribed by the Convention of the Diocese and pursuant to the provisions of the Constitution and Canons of this Church. With respect to the election of a Bishop Suffragan, the Diocese shall establish a nominating process either by Canon or by the adoption of rules and procedure for the election of the Bishop Suffragan at a regular or special Diocesan Convention with sufficient time preceding the election of the Bishop Suffragan.

Other provisions for election.

(b) In lieu of electing a Bishop, the Convention of a Diocese may request that an election be made on its behalf by the House of Bishops of the Province of which the Diocese is a part, subject to confirmation

by the Provincial Synod, or it may request that an election be made on its behalf by the House of Bishops of the Episcopal Church.

- (1) If either option in Sec. 1(b) is chosen, a special Joint Nominating Committee shall be appointed unless the Diocesan Convention has otherwise provided for the nominating process. The Committee shall be composed of three persons from the Diocese, appointed by its Standing Committee, and three members of the electoral body, appointed by the President of that body. The Joint Nominating Committee shall elect its own officers and shall nominate three persons whose names it shall communicate to the Presiding Officer of the electoral body. The Presiding Officer shall communicate the names of the nominees to the electoral body at least three weeks before the election when the names shall be formally placed in nomination. Opportunity shall be given for nominations from the floor or by petition, in either case with provision for adequate background checks.

Nomination process.

- (2) If either option in Sec. 1(b) is chosen, the evidence of the election shall be a certificate signed by the Presiding Officer of the electoral body and by its Secretary, with a testimonial signed by a constitutional majority of the body, in the form required in Canon III.11.3, which shall be sent to the Standing Committee of the Diocese on whose behalf the election was held. The Standing Committee shall thereupon proceed as set forth in Canon III.11.3 or 4.

Certificate and testimonial.

(c) The Secretary of the body electing a Bishop Diocesan, Bishop Coadjutor, or Bishop Suffragan, shall inform the Presiding Bishop promptly of the name of the person elected. It shall be the duty of the Bishop-elect to notify the Presiding Bishop of acceptance or declination of the election, at the same time as the Bishop-elect notifies the electing Diocese.

Notification of election.

(d) No Diocese shall elect a Bishop within thirty days before a meeting of the General Convention.

Sec. 2. It shall be lawful, within six months prior to the effective date of the resignation of a Diocesan Bishop, for the Bishop, with the advice and consent of the Standing Committee, to call a special meeting of the Convention of the Diocese to elect a successor; *Provided*, that if the Convention is to meet in regular session meanwhile, it may hold the election during the regular session. The proceedings incident to reparation for the ordination of the successor shall be as provided in this Canon; but the Presiding Bishop shall not take order for the ordination to be on any date prior to that upon which the resignation is to become effective.

Special meeting of Diocesan Convention.

Sec. 3.

(a) When a Diocese desires the ordination of a Bishop-elect, if the date of the election occurs within one hundred twenty days before a

If election is within 120 days of Convention.

meeting of the General Convention, the Standing Committee of the Diocese shall, by its President, or by some person or persons specially appointed, forward to the Secretary of the House of Deputies evidence of the election of the Bishop-elect by the Convention of the Diocese, together with evidence that the Bishop-elect has been duly ordered Deacon and Priest, evidence of acceptance of election, and a testimonial signed by a constitutional majority of the Convention, and a summary of biographical information relating to the Bishop-elect; in the following words:

Testimonial of election.

We, whose names are hereunder written, fully sensible of how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Office. We do, moreover, jointly and severally declare that we believe the Reverend A.B. to have been duly and lawfully elected and to be of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to be able to exercise the Office of a Bishop to the honor of God and the edifying of the Church, and to be a wholesome example to the flock of Christ.
(Date) _____ (Signed) _____

Documents to be transmitted.

The Secretary of the Convention shall certify upon this testimonial that it has been signed by a constitutional majority of the Convention.

(b) The Standing Committee shall also forward to the Secretary of the General Convention, with the testimonial and other documents, certificates from a licensed medical doctor and licensed psychiatrist, appointed by the Ecclesiastical Authority with the approval of the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to that person's medical, psychological and psychiatric condition and have not discovered any reason why the person would not be fit to undertake the work for which the person has been chosen. Forms and procedures agreed to by the Presiding Bishop and The Church Pension Fund shall be used for this purpose.

Consents required of both Houses.

(c) The Secretary of the House of Deputies shall present the testimonials to the House, and if the House consents to the ordination of the Bishop-elect, notice of its consent, certified by the President and the Secretary of the House, together with the testimonials, shall be sent to the House of Bishops.

(d) If a majority of the Bishops of this Church exercising jurisdiction consent to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing and the Bishop-elect of the consent.

Sec. 4.

If election is more than 120 days before Convention.

(a) If the date of the election of a Bishop occurs more than one hundred and twenty days before the meeting of the General Convention, The Standing Committee of the Diocese for which the

Bishop has been elected shall by its President, or by some person or persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committees of the several Dioceses a certificate of the election by the Secretary of Convention of the Diocese, bearing a statement that evidence of the Bishop-elect's having been duly ordered Deacon and Priest as to the Bishop-elect's medical, psychological and psychiatric examination required in Sec. 3(b) of this Canon have been received and that a testimonial signed by a constitutional majority of the Convention must also be delivered in the following form:

We, whose names are hereunder written, fully sensible of how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Office. We do, moreover, jointly and severally declare that we believe the Reverend A.B. to have been duly and lawfully elected and to be of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to be able to exercise the Office of a Bishop to the honor of God and the edifying of the Church, and to be a wholesome example to the flock of Christ.

Testimonial
of election.

(Date) _____ (Signed) _____

The Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction of the Presiding Bishop's receipt of the certificates mentioned in this Section and request a statement of consent or withholding of consent. Each Standing Committee, in not more than one hundred and twenty days after the sending by the electing body of the certificate of the election, shall respond by sending the Standing Committee of the Diocese for which the Bishop is elected either the testimonial of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent. If a majority of the Standing Committees of all the Dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the Diocese for which the Bishop is elected shall then forward the evidence of the consent, with the other necessary documents described in Sec. 3(a) of this Canon, to the Presiding Bishop. If the Presiding Bishop receives sufficient statements to indicate a majority of those Bishops consents to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese for which the Bishop is elected and the Bishop-elect of the consent.

Consent
process.

(b) Evidence of the consent of each Standing Committee shall be a testimonial in the following words, signed by a majority of all the members of the Committee:

Testimonials
of Standing
Committees.

We, being a majority of all the members of the Standing Committee of _____, and having been duly convened at _____, fully sensible how important it is that the

Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Order. In witness whereof, we have hereunto set our hands this ____ day of _____ in the year of our Lord _____.

(Signed) _____

In cases of
nonconsent.

Sec. 5. In case a majority of all the Standing Committees of the Dioceses do not consent to the ordination of the Bishop-elect within one hundred and twenty days from the date of the notification of the election by the Standing Committee of the Diocese for which the Bishop was elected, or in case a majority of all the Bishops exercising jurisdiction do not consent within one hundred and twenty days from the date of notification to them by the Presiding Bishop of the election, the Presiding Bishop shall declare the election null and void and shall give notice to the Standing Committee of the Diocese for which the Bishop was elected and to the Bishop-elect. The Convention of the Diocese may then proceed to a new election.

Presiding
Bishop to
take order
for ordination.

Sec. 6. Upon receipt of the consents and assurance of the acceptance of the election by the Bishop-elect, the Presiding Bishop shall take order for the ordination of the Bishop-elect either by the Presiding Bishop or the President of the House of Bishops of the Province of which the Diocese for which the Bishop was elected is part, and two other Bishops of this Church, or by any three Bishops to whom the Presiding Bishop may communicate the testimonials.

Ordination
service.

Sec. 7. In all particulars the service at the ordination of a Bishop shall be under the direction of the Bishop presiding at the ordination.

Declaration of
conformity.

Sec. 8. No person shall be ordained Bishop unless the person shall at the time, and in the presence of the ordaining Bishops and congregation, subscribe to and make the declaration required in Article VIII of the Constitution.

Objections to
election
process.

Sec. 9.

(a) Within ten days after the election of a Bishop Diocesan, a Bishop Coadjutor, or a Bishop Suffragan by a Diocesan Convention, delegates constituting no less than ten percent of the number of delegates casting votes on the final ballot may file with the Secretary of the Convention written objections to the election process, setting forth in detail all alleged irregularities. Within ten days after receipt thereof, the Secretary of the Convention shall forward copies of the same to the Bishop Diocesan, the Chancellor and Standing Committee of the Diocese, and to the Presiding Bishop, who shall request the Court of Review of the Province in which the Diocese is located to investigate the complaint. The Court of Review may invite response by the Bishop Diocesan, the Chancellor, the Standing Committee and any other persons within the Diocese for which the Bishop was elected. Within thirty days after

Report of the
Court of
Review.

receipt of the request, the Court of Review shall send a written report of its findings to the Presiding Bishop, a copy of which report the Presiding Bishop, within fifteen days, shall cause to be sent to the Bishop Diocesan, the Chancellor, the Standing Committee and the Secretary of the Convention of the electing Diocese. The Secretary shall send a copy of the report to each of the delegates who filed objection to the election process.

(b) If the election has taken place within one hundred and twenty days before a meeting of the General Convention, the report shall be sent with the evidence of election and testimonials as provided in Section 3(a) of this Canon.

(c) If the election has taken place more than one hundred and twenty days before the meeting of the General Convention, the report of the Court of Review shall be sent to the Standing Committees of the several Dioceses, with the Certificate of the Secretary of the electing Convention relating to consent to ordain. Likewise, the Presiding Bishop shall include the report in the communication to the Bishops exercising jurisdiction.

Sec. 10. Other Bishops

(a) Bishops Coadjutor

(1) If a Diocese discerns a need for another Bishop in order to provide for orderly transition, the Diocese may elect a Bishop Coadjutor who shall have the right of succession. The consent of a majority of the Bishops exercising jurisdiction and of the several Standing Committees must be obtained. The election will be in accordance with this Canon.	Occasion for election.
(2) Before an election of a Bishop Coadjutor, the Bishop Diocesan shall read, or cause to be read, to the Convention the Bishop's written consent to the election. The consent shall state the duties to be assigned to the Bishop Coadjutor when ordained. The consent shall form part of the proceedings of the Convention. The duties assigned by the Diocesan Bishop to the Bishop Coadjutor may be enlarged by mutual consent.	Consents and duties.
(3) In the case of the inability of the Bishop Diocesan to issue the required consent, the Standing Committee of the Diocese may request the Convention to act without the consent. The request shall be accompanied by a certificate by at least two licensed medical doctors, psychologists or psychiatrists as to the inability of the Diocesan Bishop to issue the written consent.	In cases of incapacity.
(4) When a Diocese desires the ordination of a Bishop Coadjutor, the Standing Committee shall forward to the Presiding Bishop, in addition to the evidence and testimonials required by Canon III.10, a certificate of the Presiding Officer and Secretary of the Convention that every requirement of this Section has been complied with.	Required notices.

- (5) There shall be only one Bishop Coadjutor in any Diocese.
- (b) Bishops Suffragan**
- (1) If a Diocese discerns a need for another Bishop due to the extent of diocesan work, the Diocese may elect a Bishop Suffragan in accordance with this Canon.
- (2) Before the election of a Bishop Suffragan in a Diocese, the consent of a majority of the Bishops exercising jurisdiction and of the several Standing Committees must be obtained.
- (3) (i) A Bishop Suffragan shall act as an assistant to and under the direction of the Bishop Diocesan.
(ii) Before the election of a Bishop Suffragan in a Diocese, the Bishop Diocesan shall submit a consent with a description of the role and the duties of the Bishop Suffragan to the Convention of the Diocese.
- (4) The tenure of office of a Bishop Suffragan shall not be determined by the tenure of office of the Bishop Diocesan.
- (5) No Bishop Suffragan, while acting as such, shall be Rector or Member of the Clergy in charge of a Parish or Congregation.
- (c) Missionary Bishops**
- (1) The election of a person to be a Bishop in a Missionary Diocese shall be held in accordance with the procedures set forth in the Constitution and Canons of this Church.
- (2) The Convention of a Missionary Diocese may, in lieu of electing a Bishop, request that such election be made on its behalf by the Synod of the Province, or the House of Bishops of the Province subject to confirmation of the Provincial Council, or the Regional Council of Churches in communion with this Church of which the Diocese is a member. A Certificate of the Election, signed by the presiding officer and the Secretary of the Synod or Provincial House of Bishops, or Regional Council, and a testimonial in the form required in Canon III.11 signed by a constitutional majority of the Synod, Provincial House of Bishops or Regional Council, shall be transmitted by its presiding officer to the Standing Committee of the Missionary Diocese on whose behalf such election was made. The Standing Committee shall thereupon proceed as set forth in Canon III.11, the above Certification of Election and Testimonial serving in lieu of evidence of election and testimonial therein required.
- (3) The Convention of a Missionary Diocese may, in lieu of electing a Bishop, request that such election may be made on its behalf by the House of Bishops. Such choice shall be subject to confirmation by a majority of the Standing Committees of the several Dioceses. The medical

Consents and
duties.

Tenure of
office.

General
Convention
Constitution
and Canons.

Provincial
election.

Election by
House of
Bishops.

certificate as required in Canon III.11 shall also be required of Missionary Bishops-elect.

- (i) When the House of Bishops is to elect a Bishop for a Missionary Diocese within a given Province, the President of the Province may convene the Synod of the Province prior to the meeting of the House of Bishops at which a Bishop for such Missionary Diocese is to be elected. The Synod of the Province may thereupon nominate not exceeding three persons to the House of Bishops for that office. It shall be the duty of the President of the Province to transmit such nominations, if any be made, to the Presiding Officer of the House of Bishops, communicate the same to the Bishops, along with other nominations that have been made, in accordance with the Rules of Order of the House. Each Province containing a Missionary Diocese shall, by Ordinance, provide the manner of convening the Synod and making such nomination. Nominations.
- (ii) The evidence of such choice shall be a certificate signed by the Bishop presiding in the House of Bishops and by its Secretary, with a testimonial, or certified copy thereof, signed by a majority of the Bishops of the House, in the form required in Canon III.11, which shall be sent to the Presiding Officer of the House of Deputies, or the Standing Committees of the several Dioceses.
- (iii) When the Presiding Bishop shall have received a certificate signed by the Presidents and Secretaries of a majority of the Standing Committees, that the election has been approved, and shall have received notice of the acceptance by the Bishop-elect of the election, the Presiding Bishop shall take order for the consecration of the said Bishop-elect either by the Presiding Bishop and two other Bishops of this Church, or by three Bishops of this Church to whom the Presiding Bishop may communicate the certificates and testimonial. Presiding Bishop to take order for ordination.
- (4) When a Diocese, entitled to the choice of a Bishop, shall elect as its Bishop Diocesan, or as its Bishop Coadjutor, or as a Bishop Suffragan; a Missionary Bishop of this Church, if such election shall have taken place within one hundred and twenty days before a meeting of the General Convention, evidence thereof shall be laid before each House of the General Convention, and the concurrence of each House, and its express consent, shall be necessary to Election of a Missionary Bishop by another Diocese.

Evidence of election and testimonials.	the validity of said election, and shall complete the same, so that the Bishop thus elected shall be thereafter the Bishop of the Diocese which has elected such Bishop. (5) If the election of the Missionary Bishop has taken place more than one hundred and twenty days before a meeting of the General Convention, the report shall be sent with the evidence of election and testimonials as provided in Section 3(a) of this Canon.
Consents required.	(6) If the election of the Missionary Bishop has taken place more than one hundred twenty days before a meeting of the General Convention, the Standing Committee of the Diocese electing shall give duly certified evidence of the election to every Bishop of this Church having jurisdiction, and to the Standing Committee of every Diocese. On receiving notice of the concurrence of a majority of such Bishops and of the Standing Committees in the election, and their express consent thereto, the Standing Committee of the Diocese electing shall transmit notice thereof to the Ecclesiastical Authority of every Diocese within the United States. This notice shall state what Bishops and which Standing Committees have consented to the election. On receiving this notice the Presiding Bishop shall certify to the Secretary of the House of Bishops the altered status and style of the Bishop so elected.
Notices of election.	The Standing Committee of such Diocese shall transmit to every Congregation thereof, to be publicly read therein, a notice of the election thus completed, and also cause public notice thereof to be given in such other way as they may think proper. (7) In the event of a vacancy in the episcopate of a Missionary Diocese, on account of death, resignation, or other cause, the Standing Committee shall become the Ecclesiastical Authority thereof until the vacancy is filled.

CANON 12: Of the Life and Work of a Bishop

Formation and mentors.	Sec. 1. Formation Following election and continuing for three years following ordination, new Bishops shall pursue the process of formation authorized by the House of Bishops. This process of formation shall provide a mentor for each newly ordained Bishop.
Continuing education.	Sec. 2. Continuing Education The House of Bishops shall require and provide for the continuing education of Bishops and shall keep a record of such education.
Bishop to visit congregations every three years.	Sec. 3. Duties (a) Each Bishop Diocesan shall visit the Congregations within the Diocese at least once in three years. Interim visits may be delegated to another Bishop of this Church.

- (1) At every such visitation the visiting Bishop shall preside at the Holy Eucharist and at the Initiatory Rites, as required, preach the Word, examine the records of the Congregation required by Canon III.9.5(c), and examine the life and ministry of the Clergy and Congregation according to Canon III.9.5.
 - (2) If no visitation has occurred in a congregation for three years, the Bishop Diocesan or the Member of the Clergy in charge and Vestry or comparable body may apply to the Presiding Bishop to appoint five Bishops Diocesan who live nearest to the Diocese in which such Congregation is situated as a Council of Conciliation. The Council shall determine all matters of difference between the parties, and each party shall conform to the decision of the Council. *Provided*, that, in case of any subsequent trial of either party for failure to conform to the decision, any right of the Accused under the Constitutions and Canons of this Church or the Diocese holding the trial may be pleaded and established as a sufficient defense, notwithstanding the former decision; and *Provided, further*, that, in any case, the Bishop may at any time apply for such Council of Conciliation.

Council of Conciliation.
 - (b) The Bishop Diocesan may deliver, from time to time, a Charge to the Clergy of the Diocese and a Pastoral Letter to the people of the Diocese on points of doctrine, discipline, or worship. The Bishop may require the Clergy to read the Pastoral Letter to their Congregations.

Charges and Pastoral Letters.
 - (c) Each Bishop shall keep a record of all official acts, which record shall be the property of the Diocese and shall be transmitted to the Bishop's successor.

Record of official acts to be kept.
 - (d) At each Annual Meeting of the Diocesan Convention the Bishop Diocesan shall make a report of the State of the Diocese since the last Annual Meeting of the Convention; including the names of the Congregations visited; the number of persons confirmed and received; the names of those who have been admitted as Postulants and Candidates for Holy Orders, of those ordained, and of those suspended or deposed from Holy Orders; the changes by death, removal, or otherwise, which have taken place among the Clergy; and other matters the Bishop desires to present to the Convention; which statement shall be inserted in the Journal.

Bishop to make annual report.
 - (e) No Bishop shall perform episcopal acts or officiate by preaching, ministering the Sacraments, or holding any public service in a Diocese other than that in which the Bishop is canonically resident, without permission or a license to perform occasional public services from the Ecclesiastical Authority of the Diocese in which the Bishop desires to officiate or perform episcopal acts.

License to officiate required of visiting Bishop.
- Sec. 4. Residency**
- (a) Each Bishop serving in a Diocese shall reside in that Diocese.

Bishop to reside in jurisdiction.

- (b) The Bishop Diocesan shall not be absent from the Diocese for a period of more than three consecutive months without the consent of the Convention or the Standing Committee of the Diocese.
- (c) A Bishop Diocesan, whenever leaving the Diocese for six consecutive months, shall authorize in writing, under hand and seal, the Bishop Coadjutor, the Bishop Suffragan if the Constitution and Canons of the Diocese so provide, or, should there be none, the Standing Committee of the Diocese, to act as the Ecclesiastical Authority thereof during the absence. The Bishop Coadjutor, or the Bishop Suffragan if the Constitution and Canons of the Diocese so provide, or, should there be none, the Standing Committee may at any time become the Ecclesiastical Authority upon the written request of the Bishop and continue to act as such until the request is revoked by the Bishop Diocesan in writing.

Sec. 5. Assistant Bishops

Diocesan
Convention
to approve
position.

(a) When a Diocese, in the opinion of its Bishop, requires additional episcopal services, the Bishop may, with the consent of the Standing Committee of the Diocese, ask the Convention of the Diocese to approve the creation of the position of Assistant Bishop and to authorize the Bishop to appoint a Bishop for the position, with the consent of the Standing Committee of the Diocese, and under such conditions as the Bishop may determine.

Eligibility.

(b) An Assistant Bishop may be appointed from among the following:

- (1) Bishops Diocesan, Bishops Coadjutor, or Bishops Suffragan, who under the Constitution and Canons of this Church would be eligible for election in that Diocese; *Provided*, that at the time of accepting any such appointment a Bishop Diocesan, Bishop Coadjutor or Bishop Suffragan shall resign that office;
- (2) Bishops of this Church who, having resigned their previous responsibilities, are qualified to perform episcopal acts in this Church; and
- (3) Bishops of a Church in communion with this Church, in good standing therein, if they:
 - (i) have previously resigned their former responsibilities;
 - (ii) have received approval, by a competent authority within the Church of their ordination of their appointment to the position of Assistant Bishop;
 - (iii) have exhibited satisfactory evidence of moral and godly character and having met theological requirements;
 - (iv) have promised in a writing submitted to the Bishop making the appointment to submit in all

things to the Doctrine, Discipline and Worship of this Church; and thorough examination covering their medical,

- (v) have submitted to and satisfactorily passed a psychological and psychiatric condition by recognized and licensed professionals appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop. The forms for medical, psychological and psychiatric reports prepared by The Church Pension Fund shall be used for these purposes.

- (4) Before the appointment of a Bishop who is not otherwise a member of the House of Bishops as an Assistant Bishop under the provisions of Secs. 5(b)(2) or 5(b)(3) of this Canon, the consent of the House of Bishops or, if the appointment is to be made more than three months prior to a meeting of the House of Bishops, the consent of a majority of Bishops exercising jurisdiction must be obtained. Consents.

(c) Before an Assistant Bishop so appointed begins service in this position, the Bishop of the Diocese shall give certified evidence of the appointment to the Secretary of the House of Bishops and shall transmit notice of the appointment to the Presiding Bishop and to the Ecclesiastical Authority of every Diocese. Evidence of appointment.

(d) An Assistant Bishop shall serve at the discretion, and under the control and direction of, the Bishop Diocesan.

(e) No person may serve as an Assistant Bishop beyond the termination of the jurisdiction of the appointing Bishop or after attaining the age of seventy-two years. Age limit.

Sec. 6. Missionary Bishops

(a) Any Bishop or Bishops elected and consecrated as a Missionary Bishop shall be entitled to a seat, voice and vote in the House of Bishops, and shall be eligible for election to the office of Bishop or Bishop Coadjutor or Bishop Suffragan in any organized Diocese within the United States; *Provided*, that such Bishop shall not be so eligible within five years from the date of consecration, except to the office of Bishop of Diocese formed in whole or in part out of such Missionary Diocese. As member of House of Bishops. Eligibility for other episcopal office.

(b) In the case of the permanent impairment of the Bishop of a Missionary Diocese, where the said Bishop shall not have submitted a resignation of jurisdiction, the Presiding Bishop shall, upon certification of the said permanent impairment by at least three reputable physicians, declare the jurisdiction vacant. In cases of incapacity.

(c) When the Bishop of a Missionary Diocese is unable, by reason of age or other permanent cause of impairment, fully to discharge the duties of office, a Bishop Coadjutor may be elected by the said Diocese, subject to the provisions of Canon III.11.10.

Renunciation of ordained ministry by a Bishop.	Sec. 7. Renunciation of the Ordained Ministry (a) If any Bishop of this Church not subject to the provisions of Canon IV.8 shall declare, in writing, to the Presiding Bishop a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Presiding Bishop to record the declaration and request so made. The Presiding Bishop, being satisfied that the person so declaring is not subject to the provisions of Canon IV.8 but is acting voluntarily and for causes, assigned or known, which do not affect the person's moral character, shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council the Presiding Bishop may pronounce that such renunciation is accepted, and that the Bishop is released from the obligations of all Ministerial offices, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed.
In cases of disciplinary proceedings.	(b) If a Bishop making the aforesaid declaration of the renunciation of the ordained Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for the same, the Presiding Bishop shall not consider or act upon such declaration until after the Presentment shall have been dismissed or the said Trial shall have been concluded and the Bishop judged not to have committed an Offense.
Declaration of removal.	(c) In the case of such renunciation by a Bishop as provided in this Canon, a declaration of removal shall be pronounced by the Presiding Bishop in the presence of two or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, The Church Pension Fund, and the Church Deployment Board.
Resignation at age seventy-two.	Sec. 8. The Resignation or Incapacity of Bishops (a) Each Bishop, upon attaining the age of seventy-two years, shall resign as required by Article II, Sec. 9 of the Constitution. The resignation shall be sent to the Presiding Bishop, who shall immediately communicate it to every Bishop of this Church exercising jurisdiction and shall declare the resignation accepted, effective at a designated date not later than three months from the date the resignation was tendered.
Certification.	(b) The Presiding Bishop shall communicate to the resigning Bishop the acceptance of the resignation effective as of the date fixed. In the case of a Bishop Diocesan or Bishop Coadjutor, the Presiding Bishop shall certify the resignation to the Standing Committee of the Diocese

concerned, and in the case of other Bishops, to the Ecclesiastical Authority of the Diocese concerned. The Presiding Bishop shall also order the Secretary of the House of Bishops to record the resignation, effective as of the date fixed, to be incorporated in the Journal of the House.

(c) If any Bishop, for any reason, fails to resign upon attaining the age of seventy-two years, as provided in Sec. 8 of this Canon, the Presiding Bishop shall certify that fact to the House of Bishops. The House of Bishops shall then declare the Bishop's position terminated, effective at a date not later than three months from the date of declaration; and shall order the Presiding Bishop's certificate and its own declaration and action to be recorded in its Journal. The Presiding Bishop shall then pronounce the position terminated, effective as of the date fixed, and shall communicate the fact to the Bishop Diocesan and Standing Committee of each Diocese.

Failure to resign.

(d) Any Bishop who desires to resign shall send the resignation with the reasons therefore in writing to the Presiding Bishop at least thirty days before the date set for a meeting of the House of Bishops. The Presiding Bishop shall notify without delay every Bishop of this Church, and the Standing Committee of the Diocese of the Bishop desiring to resign, in order that the Standing Committee may be heard on behalf of the Diocese, either in person or by correspondence, upon the subject. The House during its session shall accept or refuse the resignation by a majority of those present.

Resignation procedure.

(e) If a resignation has been tendered more than three months before a meeting of the House of Bishops, the Presiding Bishop shall communicate it, together with any statement from the Standing Committee of the Diocese concerned, to every Bishop of this Church. If a majority of the Bishops consents to the resignation, the Presiding Bishop, without delay, shall notify the resigning Bishop and the Standing Committee of the Diocese concerned of the acceptance of the resignation, effective as of the date fixed. The Presiding Bishop shall also order the Secretary of the House of Bishops to record the resignation, effective as of the date fixed, to be incorporated in the Journal of the House.

(f) At each meeting of the General Convention, the Presiding Bishop shall communicate to the House of Deputies, when in session, a list of the resignations which have been accepted since the preceding meeting of the General Convention.

(g) A resigned Bishop shall be subject in all matters to the Constitution and Canons of this Church and to the authority of the General Convention.

Resigned Bishops subject to Canons.

(h) A resigned Bishop may only perform any episcopal act at the request of or with the permission of the Bishop Diocesan within that Bishop's Diocese. A resigned Bishop may, by vote of the Convention of any Diocese and with the consent of the Bishop of that Diocese, be given an honorary seat in the Convention, with voice but without vote, or be given an honorary seat in the Cathedral of any Diocese, by and subject to the authority competent to grant such seat. The resigned

Official acts of resigned Bishops.

May be enrolled in Diocesan Clergy.	Bishop shall report all official acts to the Bishop Diocesan and to the Diocese in which the acts are performed. These provisions shall also be applicable to a resigned Bishop of another Church in communion with this Church, subject to the approval of competent authority within the other Church, where such approval may be required.
Letters Dimissory.	(i) A resigned Bishop may, at the discretion of the Bishop of the Diocese in which the resigned Bishop resides, and upon presentation of Letters Dimissory from the Ecclesiastical Authority of the Diocese in which the resigned Bishop has had canonical residence most recently, be enrolled among the Clergy of the new Diocese, and become subject to its Constitution and Canons including being given a seat and vote in the Diocesan Convention, in accordance with its canonical provisions for qualification of clergy members.
May accept pastoral charge or other assignments.	(j) When a resigned Bishop accepts a pastoral charge or other ministerial post within a Diocese, the Bishop Diocesan shall process the Letters Dimissory, and the resigned Bishop shall be enrolled among the Clergy of the Diocese and be given seat and vote in the Diocesan Convention in accordance with the canonical provisions of the Diocese for qualification of clergy members, and subject to the provisions of paragraph (o) of this section. (k) A resigned Bishop may, with the approval of the Bishop of the Diocese in which the resigned Bishop resides, accept a pastoral charge in that Diocese, and, subject to the Diocese's canonical provisions for the filling of vacancies, may accept election as the Rector of a Parish therein.
Retains rights in House of Bishops.	(l) A resigned Bishop may, with the approval of the Bishop of the Diocese in which the resigned Bishop resides, accept any position created under the authority of the Diocesan Convention, including that of Assistant Bishop and may, at the same time, occupy a pastoral charge. (m) A resigned Bishop over the age of seventy-two may accept an appointment by a Bishop Diocesan for a term not to exceed twelve months, and this term may be renewed. (n) Enrollment among the Clergy of, or acceptance of any position within, a Diocese shall not deprive a resigned Bishop of the seat and vote in the House of Bishops to which the Bishop may be entitled under Article I, Sec. 2 of the Constitution.
Incapacity of the Bishop Diocesan.	(o) The provisions of this section shall be applicable to a resigned Bishop who continues to reside within the limits of the resigned Bishop's former Diocese, except that the resigned Bishop shall not have the right to vote in the Diocesan Convention, unless the Canons of the Diocese specifically so provide. (p) When it is certified to the Presiding Bishop, by at least two licensed medical doctors, psychologists or psychiatrists, who have examined the case, that a Bishop Diocesan is incapable of authorizing the Bishop Coadjutor, if there is one, or a Bishop Suffragan, if there is one, or the Standing Committee to act as the Ecclesiastical Authority, then, upon the advice of five Bishops of neighboring Dioceses selected by the Presiding Bishop, the Presiding Bishop shall declare the Bishop

Coadjutor, or a Bishop Suffragan, if the Constitution and Canons of the Diocese so provide, or the Standing Committee to be the Ecclesiastical Authority for all purposes set forth in these Canons and to retain such canonical authority until the Presiding Bishop, acting upon a like certificate, declares the Bishop Diocesan competent to resume official duties.

(q) If it is certified to the Ecclesiastical Authority of a Diocese by two licensed medical doctors, psychologists or psychiatrists, selected by the Ecclesiastical Authority, that the Bishop Coadjutor in the Diocese is permanently unable, by reason of medical, psychological or psychiatric condition, to carry out the duties of Bishop Coadjutor, the Ecclesiastical Authority, upon the advice of three Bishops of three neighboring Dioceses, may declare that the right of succession of the Bishop Coadjutor is terminated and a new Bishop Coadjutor may then be elected as provided in Canon III.11.10.

Incapacity of
the Bishop
Coadjutor.

CANON 13: Of Dioceses without Bishops

Sec. 1. A Diocese without a Bishop may, by an act of its Convention, and in consultation with the Presiding Bishop, be placed under the provisional charge and authority of a Bishop of another Diocese or of a resigned Bishop, who shall by that act be authorized to exercise all the duties and offices of the Bishop of the Diocese until a Bishop is elected and ordained for that Diocese or until the act of the Convention is revoked.

Dioceses under
the provisional
charge of
another Bishop
Diocesan.

Sec. 2. Any Bishop may, on the invitation of the Convention or of the Standing Committee of any Diocese where there is no Bishop, visit and exercise episcopal offices in that Diocese or any part of it. This invitation may include a letter of agreement, shall be for a stated period and may be revoked at any time.

Sec. 3. A Diocese, while under the provisional charge of a Bishop, shall not invite any other Bishop to visit and exercise episcopal acts or authority without the consent of the Bishop in charge.

CANON 14: Of Religious Orders and Other Christian Communities

Sec. 1 (a) A Religious Order of this Church is a society of Christians (in communion with the See of Canterbury) who voluntarily commit themselves for life, or a term of years: to holding their possessions in common or in trust; to a celibate life in community; and obedience to their Rule and Constitution.

Religious Order
defined.

(b) To be officially recognized, a Religious Order must have at least six professed members, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee.

Official
recognition.

(c) Each Order shall have a Bishop Visitor or Protector, who need not be the Bishop of the Diocese in which the Order is established. If, however, the Bishop Visitor or Protector is not the Bishop of the Diocese in which the Mother House of the Order is situated, the

Bishop Visitor
or Protector.

	Bishop Visitor or Protector shall not accept election without the consent of the Bishop of that Diocese. The Bishop Visitor or Protector shall be the guardian of the Constitution of the Order, and shall serve as an arbiter in matters which the Order or its members cannot resolve through its normal processes.
Dispensation from vows.	(d) Any person under vows in a Religious Order, having exhausted the normal processes of the Order, may petition the Bishop Visitor or Protector for dispensation from those vows. In the event the petitioner is not satisfied with the ruling of the Bishop Visitor or Protector on such petition, the person may file a petition with the Presiding Bishop, who shall appoint a Board of three Bishops to review the petition and the decision thereon, and to make recommendation to the Presiding Bishop, who shall have the highest dispensing power for Religious Orders, and whose ruling on the petition shall be final.
Permission to establish a house.	(e) A Religious Order may establish a house in a Diocese only with the permission of the Bishop of the Diocese. This permission once granted shall not be withdrawn by the Bishop or any succeeding Bishop.
Provision for legal ownership of property.	(f) The Constitution of every Religious Order shall make provision for the legal ownership and administration of the temporal possessions of the Order, and in the event of dissolution of the Order, or should it otherwise cease to exist, shall provide for the disposition of its assets according to the laws governing non-profit (religious) organizations in the State wherein the Order is incorporated.
Not regarded as a Parish or Institution.	(g) It is recognized that a Religious Order is not a Parish, Mission, Congregation or Institution of the Diocese within the meaning of Canon I.7.3, and its provisions shall not apply to Religious Orders.
Christian Community defined.	Sec. 2 (a) A Christian Community of this Church under this Canon is a society of Christians (in communion with the See of Canterbury) who voluntarily commit themselves for life, or a term of years, in obedience to their Rule and Constitution.
Official recognition.	(b) To be officially recognized such a Christian Community must have at least six full members in accordance with their Rule and Constitution, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee.
Bishop Visitor or Protector.	(c) Each such Christian Community of this Church shall have a Bishop Visitor or Protector, who need not be the Bishop of the Diocese in which the community is established. If, however, the Bishop Visitor or Protector is not the Bishop of the Diocese in which the Mother House of the Community is situated, the Bishop Visitor or Protector shall not accept election without the consent of the Bishop of that Diocese. The Bishop Visitor or Protector shall be the guardian of the Constitution of the Community, and shall serve as an arbiter in matters which the Community or its members cannot resolve through its normal processes.
Dispensation from commitment.	(d) Any person under full commitment in such a Christian Community, having exhausted the normal processes of the Community, may petition the Bishop Visitor or Protector for

dispensation from that full commitment. In the event the petitioner is not satisfied with the ruling of the Bishop Visitor or Protector on such petition, the person may file a petition with the Presiding Bishop of the Church, who shall appoint a Board of three Bishops to review the petition and the decision thereon, and to make recommendation to the Presiding Bishop, who shall have the highest dispensing power for Christian Communities, and whose ruling on the petition shall be final.

(e) Each such Christian Community may establish a house in a Diocese only with the permission of the Bishop of the Diocese. This permission once granted shall not be withdrawn by the Bishop or any succeeding Bishop.

Permission to establish a house.

(f) The Constitution of each Christian Community shall make provision for the legal ownership and administration of the temporal possessions of the Community, and in the event of dissolution of the Community, or should it otherwise cease to exist, shall provide for the disposition of its assets according to the laws governing non-profit (religious) organizations in the State wherein the Community is incorporated.

Provision for legal ownership of property.

(g) It is recognized that a Christian Community is not a Parish, Mission, Congregation or Institution of the Diocese within the meaning of Canon I.7.3, and its provisions shall not apply to such Christian Communities.

Not regarded as a Parish or Institution.

Sec. 3. Any Bishop receiving vows of an individual not a member of a Religious Order or other Christian Community, using the form for "Setting Apart for a Special Vocation" in the *Book of Occasional Services*, or a similar rite, shall record the following information with the Standing Committee on Religious Communities of the House of Bishops: the name of the person making vows; the date of the service; the nature and contents of the vows made, whether temporary or permanent; and any other pastoral considerations as shall be deemed necessary.

Record to be kept of special vocational vows.

CANON 15: Of the General Board of Examining Chaplains

Sec. 1. There shall be a General Board of Examining Chaplains, consisting of four Bishops, six Priests with pastoral cures or in specialized ministries, six members of accredited Seminary faculties or of other educational institutions, and six Lay Persons. The members of the Board shall be elected by the House of Bishops and confirmed by the House of Deputies, one-half of the members in each of the foregoing categories being elected and confirmed at each regular meeting of the General Convention for a term of two Convention periods. They shall take office at the adjournment of the meeting of the General Convention at which their elections are confirmed, and shall serve until the adjournment of the second regular meeting thereafter. No member shall serve more than 12 years consecutively. Additionally, the Presiding Bishop, in consultation with the Chair of the Board, may appoint up to four other members for a term. The House of Bishops, at any special meeting that may be held prior to the

Membership.

To elect officers.	next meeting of the General Convention, shall fill for the unexpired portion of the term any vacancy that may have arisen in the interim. The Board shall elect its own Chair and Secretary, and shall have the power to constitute committees necessary for the carrying on of its work.
General Ordination Examination.	Sec. 2 (a) The General Board of Examining Chaplains, with professional assistance, shall prepare at least annually a General Ordination Examination covering the subject matter set forth in Canon III.8.5(g) and (h), and shall conduct, administer, and evaluate it in respect to those Candidates for Holy Orders who have been identified to the Board by their several Bishops. (b) Whenever a Candidate has not demonstrated proficiency in any one or more of the canonical areas covered by the General Ordination Examination, the General Board of Examining Chaplains shall recommend to the Commission on Ministry, and through the Commission to the Board of Examining Chaplains, if one exists, of the Diocese to which the Candidate belongs, how the proficiencies might be attained.
May prepare guidelines.	Sec. 3. The General Board of Examining Chaplains may prepare, in each Convention period, guidelines based upon the subjects contained in Canon III.8.4(c), which guidelines shall be available to all persons concerned.
Board to make report on examinations.	Sec. 4. The General Board of Examining Chaplains shall promptly report, in writing, to the Candidate, to the Candidate's Bishop and to the Dean of the Seminary the Candidate is attending, the results of all examinations held by them, together with the examinations themselves, whether satisfactory or unsatisfactory, making separate reports upon each person examined. The Bishop shall transmit these reports to the Standing Committee and to the Commission. Notwithstanding the results of the examinations, in no case shall the Standing Committee recommend a Candidate for Ordination under Canon III.8 until the Standing Committee has received from the Commission on Ministry a certificate to the effect that the Candidate has demonstrated a proficiency in all subjects required by Canon III.8.5(g) and (h). The report of the Board shall be made in the following form:
Form of Report.	To _____ (Candidate), the Right Reverend _____, Bishop of _____ (or in the absence of the Bishop the Standing Committee of) _____: (Place) _____ (Date) _____ To the Dean of (Place) _____ (Date) _____ We, having been assigned as examiners of A.B., hereby testify that we have examined A.B. upon the subject matter prescribed in Canon III.7. Sensible of our responsibility, we give our judgment as follows: (Here specify the proficiency of A.B. in the subject matter appointed, or any deficiency therein, as made apparent by the examination. (Signed) _____

Sec. 5. The General Board of Examining Chaplains shall make a report concerning its work to each regular meeting of the General Convention, and in years between meetings of the General Convention shall make a report to the House of Bishops. Shall report also to Convention.

CANON 16: Of the Board for Church Deployment

Sec. 1 (a) There shall be a Board for Church Deployment of the General Convention consisting of twelve members, four of whom shall be Bishops, four of whom shall be Presbyters or Deacons, and four of whom shall be Lay Persons. Membership.

(b) The Bishops shall be appointed by the Presiding Bishop. The Priests or Deacons and Lay Members shall be appointed by the President of the House of Deputies. All appointments to the Board shall be subject to the confirmation of the General Convention. Apportionment.

(c) The Members shall serve terms beginning with the adjournment of the meeting of the General Convention at which their appointments are confirmed, and ending with the adjournment of the second regular meeting thereafter. The members shall not serve successive terms. Terms.

(d) At each regular meeting of the General Convention one-half of the membership shall be appointed to serve full terms.

(e) Vacancies shall be filled by appointment by the Presiding Bishop or by the President of the House of Deputies, as appropriate. Such appointments shall be for the remaining unexpired portion of the members' terms, and, if a regular meeting of the General Convention intervenes, appointments for terms extending beyond such meetings shall be subject to confirmation of the General Convention. Members appointed to fill the vacancies shall not thereby be disqualified from appointment to full terms thereafter. Vacancies.

Sec. 2. The duties of the Board shall be: Duties.

- (a) To oversee the Church Deployment Office.
- (b) To study the deployment needs and trends in the Episcopal Church and in other Christian bodies.
- (c) To issue and distribute such reports and information concerning deployment as it deems helpful to the Church.
- (d) To cooperate with the other Boards, Commissions, and Agencies which are concerned with ministry, and particularly with the Executive Council.
- (e) To report on its work and the work of the Church Deployment Office at each regular meeting of the General Convention.
- (f) To report to the Executive Council at regular intervals as a part of its accountability to the Council for the funding which the Church Deployment Office receives.
- (g) To work in cooperation with the Church Center Staff.
- (h) To fulfill other responsibilities assigned to it by the General Convention.

**TITLE IV
ECCLESIASTICAL DISCIPLINE**

CANON 1: Of Offenses for Which Bishops, Priests, or Deacons May Be Presented and Tried, and Of Inhibitions

Sec. 1. A Bishop, Priest, or Deacon of this Church shall be liable to Offenses. Presentment and Trial for the following offenses, viz.:

- (a) Crime.
- (b) Immorality.
- (c) Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church.
- (d) Violation of the Rubrics of the Book of Common Prayer.
- (e) Violation of the Constitution or Canons of the General Convention.
- (f) Violation of the Constitution or Canons of the Diocese in which the person is canonically resident.
- (g) Violation of the Constitution or Canons of a Diocese of this Church wherein the person may have been located temporarily.
- (h) Any act which involves a violation of Ordination vows.

- (1) If a Charge against a Priest or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Priest or Deacon has disobeyed or disregarded a Pastoral Direction of the Bishop having authority over such person, the Charge must be made by the Bishop giving the Pastoral Direction or by the Ecclesiastical Authority of that Diocese or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, died or is unable to act and shall set out the Pastoral Direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the Charge by the Bishop and the Presentment by the Diocesan Review Committee comply with the foregoing provisions, no finding of a violation based on an act of disregarding a Pastoral Direction of or failing to obey the Bishop having authority over the person charged may be made.

Presentment for violation of ordination vows.

- (2) In order for the disregard or disobedience of a Pastoral Direction to constitute a violation of ordination vows the Pastoral Direction must have been a solemn warning to the Priest or Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral Direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine,

Presentment for disregarding a Pastoral Direction.

Discipline or Worship of this Church or the manner of life and behavior of the Priest or Deacon concerned. Upon Trial under any such Presentment, the question of whether the disregard or disobedience of the Pastoral Direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered.

- (i) Habitual neglect of the exercise of the Ministerial Office, without cause; or habitual neglect of Public Worship, and of the Holy Communion, according to the order and use of this Church.
- (j) Conduct Unbecoming a Member of the Clergy.

Temporary
Inhibition.

Sec. 2 (a) If a Priest or Deacon is charged with an Offense or Offenses or serious acts are complained of to the Bishop that would constitute the grounds for a Charge of an Offense, and, in the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Bishop may issue a Temporary Inhibition.

Terms of a
Temporary
Inhibition.

(b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

Diocesan
Review
Committee
hearing.

(c) A Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon.

(d) Any Priest or Deacon against whom a Temporary Inhibition has been issued, modified, or extended may request a hearing concerning the Temporary Inhibition before the Diocesan Review Committee, which shall hear the same at the earliest possible time, but not later than fourteen days after the date of receipt of the request. The Diocesan Review Committee by a two-thirds vote may dissolve or modify the Temporary Inhibition. The Bishop and the Church Attorney shall be given notice of such hearing and shall be permitted to attend and be heard or to designate a representative to attend and be heard.

Conditions to
end Temporary
Inhibition.

(e) At any time, a Bishop may dissolve or modify the terms of a Temporary Inhibition.

(f) A Temporary Inhibition shall continue in force and effect until the earlier of (i) the issuance of an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the allegations, (iii) the refusal of the Diocesan Review Committee to make a Presentment on the Charges alleged, (iv) dissolution of the Temporary Inhibition, (v) imposition of Sentence following a voluntary submission to discipline under Canon IV.2., or (vi) a period of ninety days measured from the date of service of the Temporary Inhibition; *Provided, however,* the ninety-day period may be extended by the Bishop for additional ninety-day periods upon good cause.

(g) In the event that the Temporary Inhibition is dissolved, reduced, or otherwise expires, the Ecclesiastical Authority shall so notify all persons to whom notice of the Temporary Inhibition was given.

Sec. 3. If a Presentment has been made by the Diocesan Review Committee against a Priest or Deacon, or if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving immorality, or if a judgment has been entered against a Priest or Deacon in a civil Court of Record in a cause involving immorality, the Bishop in whose jurisdiction the Priest or Deacon is canonically resident or of the jurisdiction wherein the conviction or judgment has been entered may issue an Inhibition to the Priest or Deacon until after the Judgment of the Ecclesiastical Trial Court becomes final.

Inhibition to be issued in appropriate jurisdiction.

Sec. 4. No Bishop shall issue an Inhibition or Temporary Inhibition except as expressly permitted by this Title.

Sec. 5 (a) If a Bishop is charged with an Offense or Offenses or serious acts are complained of to the Presiding Bishop that would constitute the grounds for a Charge of an Offense and, in the opinion of the Presiding Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Presiding Bishop may issue a Temporary Inhibition. The consent of a majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.

Temporary Inhibition if issued by Presiding Bishop.

(b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reason for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Bishop to be inhibited, and (vii) become effective upon being served upon the Bishop to be inhibited.

Terms of Temporary Inhibition of Bishop.

(c) A Temporary Inhibition may be issued without prior written or oral notice to the Bishop.

(d) Any Bishop against whom a Temporary Inhibition has been issued, modified, or extended may request a hearing concerning the Temporary Inhibition before the Review Committee, which shall hear the same at the earliest possible time, but not later than thirty days after the date of receipt of the request. The Review Committee by a two-thirds vote may dissolve or modify the Temporary Inhibition. The Church Attorney and Presiding Bishop shall be given notice of such hearing and each shall be permitted to attend and be heard or to designate a representative to attend and be heard.

Review Committee hearing.

(e) At any time, the Presiding Bishop may dissolve or modify the terms of a Temporary Inhibition. If the Bishop is a Bishop with jurisdiction, the consent of a majority of All the Members of the Standing Committee shall be required for such a dissolution or modification.

May dissolve or modify terms.

(f) A Temporary Inhibition shall continue in force and effect until the earlier of (i) the issuance of an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the allegations, (iii) the refusal of the Review Committee to make a Presentment on the Charges alleged, (iv) a dissolution of the Temporary Inhibition, (v)

Conditions to end Temporary Inhibition.

imposition of Sentence following a voluntary submission to discipline under Canon IV.2.9, or (vi) a period of one year measured from the date of service of the Temporary Inhibition.

Presiding Bishop may issue inhibition until judgment becomes final.

Sec. 6. If a Presentment has been made by the Review Committee against a Bishop, or if a Bishop has been convicted in a criminal Court of Record in a cause involving immorality, or if a judgment has been entered against a Bishop in a civil Court of Record in a case involving Immorality, the Presiding Bishop may issue an Inhibition to the Bishop until after the Judgment of The Court for the Trial of a Bishop becomes final. The consent of a majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.

Sec. 7. The Temporary Inhibition shall be an extraordinary remedy, to be used sparingly and limited to preventing immediate and irreparable harm to individuals or to the good order of the Church.

CANON 2: Of Voluntary Submission to Discipline

(A) Of a Priest or Deacon

Voluntary Submission.

Sec. 1. If an alleged commission of an Offense has been made known to the Ecclesiastical Authority, or if Charges of an Offense have been filed, or if a Presentment has been issued against a Priest or Deacon, the Priest or Deacon may, with the Consent of the Ecclesiastical Authority, voluntarily submit to the discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Bishop.

Waiver and Voluntary Submission evidenced in writing.

Sec. 2. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which shall contain: (i) the name of the Priest or Deacon, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that the Priest or Deacon is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Priest or Deacon, after opportunity to consult with and obtain advice from independent legal counsel of the Priest or Deacon's choosing. If the Priest or Deacon has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be a Chancellor, a Vice Chancellor, the Church Attorney or a Lay Assessor in that Diocese. The Waiver and Voluntary Submission may be withdrawn by the Priest or Deacon within three days of execution by the Priest or Deacon and thereafter shall be effective and irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard on the Sentence by the Bishop who is to impose and pronounce Sentence prior to the execution of the Waiver and Voluntary Submission.

Other conditions.

Sec. 3. If there be no Bishop of the Diocese and if the Ecclesiastical Authority be not a Bishop, the Ecclesiastical Authority shall designate

a Bishop of a Diocese of the Province to accept the Waiver and Voluntary Submission to discipline and to impose and pronounce the Sentence.

Sec. 4. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and as if all time provided for all required notices and the right of the Priest or Deacon to offer matters of excuse and mitigation had been given and expired. Sentence.

Sec. 5. No Priest or Deacon shall have the right to appeal the Sentence imposed and pronounced under this Canon to a Court of Review for the Trial of a Priest or Deacon, and the Sentence shall be final for all purposes. No right to appeal.

Sec. 6. Where a Sentence is to be imposed and pronounced, as a condition of the acceptance of the Waiver and Voluntary Submission to discipline, the Ecclesiastical Authority may require the resignation of the Priest or Deacon from ecclesiastical and related secular offices, and in the case of a Sentence of Deposition, from a Rectorship held by a Priest, upon such terms and conditions as the Ecclesiastical Authority may deem to be just and proper. Resignation of offices may be required.

Sec. 7. Prior to Presentment, a Priest or Deacon may voluntarily submit to discipline to the Bishop of the Diocese in which that person is canonically resident or the Bishop of the Diocese wherein the commission of the Offense was alleged to have occurred. Subsequent to Presentment, the Priest or Deacon shall voluntarily submit to discipline in the Diocese wherein the Presentment has issued. May voluntarily submit to discipline.

Sec. 8. In the event that a Sentence is imposed and pronounced by a Bishop other than the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, the Bishop pronouncing Sentence shall immediately so advise the Ecclesiastical Authority of the Diocese of canonical residence. Advise Ecclesiastical Authority.

(B) Of a Bishop

Sec. 9. If an alleged commission of an Offense has been made known to the Presiding Bishop, or if Charges of an Offense have been filed, or if a Presentment has been issued against a Bishop, the Bishop may, with the consent of the Presiding Bishop, voluntarily submit to the discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Presiding Bishop. May voluntarily submit to discipline.

Sec. 10. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which shall contain: (i) the name of the Bishop, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that Written instrument required.

the Bishop is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Bishop, after opportunity to consult with and obtain advice from independent legal counsel of the Bishop's choosing. If the Bishop has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be the Presiding Bishop's Chancellor. The Waiver and Voluntary Submission may be withdrawn by the Bishop within three days of execution by the Bishop and thereafter shall be effective and irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard on the Sentence by the Presiding Bishop who is to impose and pronounce Sentence prior to the execution of the Waiver and Voluntary Submission.

Presiding
Bishop to
pronounce
Sentence.

Sec. 11. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and as if all time provided for all required notices and the right of the Bishop to offer matters of excuse and mitigation had been given and expired.

No Right to
Appeal under
this Canon.

Resignation may
be required.

Sec. 12. No Bishop shall have the right to appeal the Sentence imposed and pronounced under this Canon to a Court of Review of the Trial of a Bishop, and the Sentence shall be final for all purposes.

Sec. 13. Where a Sentence is to be imposed and pronounced, as a condition of the acceptance of the Waiver and Voluntary Submission to discipline, the Presiding Bishop may require the resignation of the Bishop from ecclesiastical and related secular offices, upon such terms and conditions as the Presiding Bishop may deem to be just and proper.

Sec. 14. In order to become effective, prior to the imposition and pronouncement of the Sentence, the Review Committee must approve the Sentence without conducting further proceedings.

CANON 3: Of Presentments

(A) Of a Priest or Deacon

Diocesan
Review
Committee.

Sec. 1. In each Diocese there shall be a Diocesan Review Committee. Each Diocese shall provide by Canon for the establishment of the Diocesan Review Committee. The Canon of a Diocese may designate the Standing Committee as the Diocesan Review Committee. If the Standing Committee is not so designated, the Canon of a Diocese establishing the Diocesan Review Committee shall provide that the Diocesan Review Committee shall (i) include lay persons and Priests or Deacons, the majority of the Diocesan Review Committee to be Priests or Deacons (but by no more than one), and (ii) annually elect from its members a President. In the absence of a Canon of the Diocese establishing a Diocesan Review Committee, the Standing Committee shall serve as the Diocesan Review Committee. A Presentment to the Ecclesiastical Trial Court may be issued only by the Diocesan Review Committee as provided in this Canon.

Sec. 2. A Charge against a Priest or Deacon shall be in writing, verified and addressed to the Diocesan Review Committee of the Diocese wherein the Priest or Deacon is canonically resident, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense.

Filing a Charge.

Sec. 3. A Charge may be made:

Who may
Charge.

- (a) by a majority of the lay Members of the Vestry of the Parish of the Respondent; or
- (b) by any three Priests canonically resident in the Diocese wherein the Respondent is canonically resident or canonically resident in the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (c) by any seven adult communicants in good standing as defined in Canon I.17 in the Diocese wherein the Respondent is canonically resident or in the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of that Diocese, or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act; or
- (e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim; or
- (f) in a case where the Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church, only by a majority of the members of the Standing Committee of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (g) by a majority of the Standing Committee of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense whenever the Standing Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense; or
- (h) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the Offense, if different from the Diocese of canonical residence.

Sec. 4. If a complaint or accusation is brought to the Bishop by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of

Bishop may
appoint
Advocate for
alleged Victim.

Entitled to counsel.	Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian or adult child, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian or adult child so choose. Any alleged Victim or Complainant shall also be entitled to the counsel of an attorney and/or Advocate of their choice.
Bishop to inform Diocesan Review Committee.	Sec. 5. Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically resident in that Diocese has committed an Offense and the interests and good order and discipline of the Church require investigation by the Diocesan Review Committee, the Bishop shall concisely and clearly inform the Diocesan Review Committee in writing as to the nature of and facts surrounding each alleged Offense but without judgment or comment upon the allegations, and the Diocesan Review Committee shall proceed as if a Charge had been filed.
Priest or Deacon may request inquiry.	Sec. 6. Any Priest or Deacon canonically resident in the Diocese who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may on his or her own behalf complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a Priest or Deacon, it shall be the duty of the Bishop to cause the matter to be investigated and to report the result to the Priest or Deacon. Sec. 7. Except as expressly provided in this Canon, no Bishop of the Diocese shall prefer a Charge against a Priest or Deacon canonically resident in that Diocese. Sec. 8. Any Charge against a Priest or Deacon shall be promptly filed with the President of the Diocesan Review Committee. Sec. 9. Upon the filing of a Charge with the Diocesan Review Committee, the Diocesan Review Committee shall promptly communicate the same to the Bishop and the Respondent.
In cause involving immorality.	Sec. 10. In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause involving immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, the Priest or Deacon shall notify the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any time for appeal has expired. It shall be the duty of the Ecclesiastical Authority to give notice of the conviction or entry of judgment to the Diocesan Review Committee of the Diocese in which the Priest or Deacon is canonically resident in which case, or if the Diocesan Review Committee shall otherwise

have knowledge of such conviction or judgment, it shall be the duty of the Diocesan Review Committee to institute an inquiry into the matter. If the conviction or judgment be established, the Diocesan Review Committee shall issue a Presentment against the Priest or Deacon for Trial. The time periods specified in Canon IV.14.4 shall be tolled until the Priest or Deacon provides the required notification to the Ecclesiastical Authority. Nothing in this section shall prevent Charges from being filed against the Priest or Deacon based on the conviction, judgment, or underlying acts pursuant to Sections 3 or 4.

Sec. 11. Within thirty days after the filing of a Charge, other than a Charge alleging a conviction in a criminal Court of Record in a cause involving immorality or alleging the entry of a judgment in a civil Court of Record in a cause involving immorality, the Diocesan Review Committee shall convene to consider the Charge. If after such consideration the Diocesan Review Committee determines that an Offense may have occurred if the facts alleged be true, the Diocesan Review Committee shall prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney.

Diocesan Review Committee to consider the charge.

Sec. 12. The Church Attorney shall promptly make an investigation of the matter.

Sec. 13. Within sixty days after receipt of the statement from the Diocesan Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential Report to the Diocesan Review Committee of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Diocesan Review Committee. *Provided, however,* the Diocesan Review Committee shall share the report of the Church Attorney with the Bishop of the Diocese.

Church Attorney to render confidential report.

Sec. 14 (a) Within thirty days after the receipt of the report of the Church Attorney, the Diocesan Review Committee shall convene to consider the report and whether or not a Presentment shall issue.

Diocesan Review Committee to deliberate.

(b) In its deliberations, the Diocesan Review Committee may consider the Church Attorney's report, responsible writings or sworn statements pertaining to the matter, including experts' statements, whether or not submitted by the Church Attorney. To assist in its deliberations, the Diocesan Review Committee may itself, or through a subcommittee of its members or others appointed by the Diocesan Review Committee, provide an opportunity to be heard to the Respondent, the alleged Victim, the Complainant or other persons and receive additional evidence which it in its sole discretion deems appropriate.

	(c) The Diocesan Review Committee may issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and (ii) the Respondent committed the Offense. (d) If at any time after a Charge has been made under Canon IV.3.2 a criminal or civil action is brought against the Respondent, the Ecclesiastical Court may, with the consent of the Respondent, suspend proceedings until the conclusion of the criminal or civil action.
Voting provisions to issue Presentment.	Sec. 15 (a) The vote of a majority of All the Members of the Diocesan Review Committee shall be required to issue a Presentment. If the provisions of Canon IV.7.1 apply, the consent of a majority of All the Members of the Diocesan Review Committee of the Diocese in which the Offense is alleged to have occurred must be obtained. No member shall disclose his or her vote or the vote of any member to any person not a member of the Diocesan Review Committee. (b) In the event that, due to members who have been excused or vacancies in office, the Diocesan Review Committee does not have sufficient voting members to meet the requirements of Sec. 15(a), the action of the Diocesan Review Committee shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.
Contents of Presentment.	Sec. 16. If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of the Diocesan Review Committee on behalf of the Diocesan Review Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or Secretary, or they be absent, a member of the Diocesan Review Committee appointed for that purpose shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement of each separate accusation sufficient to clearly apprise the Respondent of the conduct which is the subject of the Presentment.
Presentment filed and served.	Sec. 17. Promptly after the issuance of a Presentment, the Diocesan Review Committee shall cause the original to be filed with the President of the Ecclesiastical Trial Court with a true copy thereof served upon the Bishop, the Respondent, the Church Attorney and each Complainant, and, unless waived in writing, the alleged Victim, and the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, in which the Respondent is licensed, and in which the Respondent resides. The proceeding commences with the filing of the Presentment with the President of the Ecclesiastical Trial Court.
Decision not to issue Presentment.	Sec. 18. If the Diocesan Review Committee votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Bishop who shall file it with the Secretary of the Convention of the Diocese, the Respondent,

the Church Attorney, each Complainant, and, unless waived in writing, the alleged Victim.

Sec. 19. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except (i) as may be determined to be appropriate by the Ecclesiastical Authority or (ii) as necessary to seek or secure diocesan authority for resolution of the matter or any part thereof.

Confidentiality.

Sec. 20. Non-compliance with time limits set forth in this Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

Noncompliance with time limits.

(B) Of a Bishop Charged with the Offense of Holding and Teaching Publicly or Privately, and Advisedly, Any Doctrine Contrary to that Held by This Church

Sec. 21 (a) For alleged violations of Canon IV.1.1(c) for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, the procedures set out in this section must be followed.

(b) No Presentment for violation(s) of Canon IV.1.1(c) shall be filed unless a Statement of Disassociation from the doctrine alleged to be contrary to that held by this Church has been issued by the House of Bishops. A Request for a Statement of Disassociation shall include a statement of the doctrine alleged to be contrary to that held by this Church, the Bishop or Bishops alleged to have held and taught publicly or privately, and advisedly, that doctrine, and a concise statement of the facts upon which the Request for the Statement of Disassociation is based. The written Request for a Statement of Disassociation from the doctrine alleged, signed by any ten Bishops exercising jurisdiction in this Church, must be filed with the Presiding Bishop together with the proposed Statement of Disassociation and a brief in support thereof. The Presiding Bishop shall thereupon serve a copy of the Request for a Statement of Disassociation upon the Bishop charged, together with the proposed Statement of Disassociation and a copy of the supporting brief. The Presiding Bishop shall fix a date for the filing of a response, and brief in support thereof, within three months from the date of service, and may extend the time for responding for not more than two additional months. Upon the filing of a response and supporting brief, if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and briefs to each member of the House of Bishops.

Request for Statement of Disassociation.

The Request for a Statement of Disassociation shall be considered no later than the next regularly scheduled House of Bishops' meeting held at least one month after copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and

Consideration of Request.

briefs are transmitted to each member of the House of Bishops. The House of Bishops may amend the proposed Statement of Disassociation. If a Statement of Disassociation is not issued by the conclusion of the meeting, there shall be no further proceedings under Title IV for holding and teaching the doctrine alleged in the Request for a Statement of Disassociation.

Ten Bishops
may file a
Presentment.

(c) A Bishop may be Presented for an Offense under Canon IV.1.1 (c) and any other Offenses arising out of acts alleged to be contrary to the doctrine of the Church which was the subject of the Statement of Disassociation only upon a written Presentment signed by any ten Bishops exercising jurisdiction in this Church. The Presentment shall be filed with the Presiding Bishop, together with a brief in support thereof, and a statement why the issuance of a Statement of Disassociation was not a sufficient response to the acts alleged, within six months of the issuance of a Statement of Disassociation based upon the same doctrine as was alleged in the Request for a Statement of Disassociation. The Presiding Bishop shall thereupon serve a copy of the Presentment upon the Bishop presented, together with a copy of the supporting brief and statement. The Presiding Bishop shall fix a date for the filing of an answer, brief in support thereof, and statement why the issuance of a Statement of Disassociation was a sufficient response to the acts alleged, within three months from the date of service, and may extend the time for answering for not more than two additional months. Upon the filing of an answer, supporting brief, and statement, if any, or upon the expiration of the time fixed for an answer, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Presentment, answer, briefs, and statements to each member of the House of Bishops. The written consent of one-third of the Bishops qualified to vote in the House of Bishops shall be required before the proceeding may continue. In case the Presiding Bishop does not receive the written consent of one-third of all the Bishops eligible to vote within sixty days of the date the notification by the Presiding Bishop was sent to them, the Presiding Bishop shall declare the Presentment dismissed and no further proceedings may be had thereon.

Presiding
Bishop shall
serve the
Presentment.

Consent
required.

If the Presiding Bishop receives the necessary written consents within sixty days as specified above, the Presiding Bishop shall forthwith forward the Presentment, answer, briefs, and statements to the Presiding Judge of The Court for the Trial of a Bishop for an Offense of Doctrine.

(d) Any Offenses other than those specified in this Section 21 will be governed by Canon IV.3, Sections 22-50.

(C) Of a Bishop Charged with Other Offenses

Presiding
Bishop shall
institute an
inquiry.

Sec. 22. In the case of a Bishop convicted in a criminal Court of Record in a cause involving immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, it shall be the duty of the Presiding Bishop to institute an inquiry into the matter. If the conviction or judgment be established, the Presiding

Bishop shall cause the Chancellor to the Presiding Bishop to prepare a Presentment, which the Presiding Bishop shall sign and issue against the Bishop for Trial. The Bishop shall notify the Presiding Bishop, in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any time for appeal has expired. The time periods specified in Canon IV.14.4 shall be tolled until the Bishop provides the required notification to the Presiding Bishop. Nothing in this section shall prevent Charges from being filed against the Bishop based on the conviction, judgment, or underlying acts pursuant to Section 23(a).

Sec. 23 (a) A Bishop may be charged with any one or more of the Offenses other than Offenses specified in Canon IV.3.21(c) by

Who may
charge Bishop
with Offenses.

- (1) three Bishops; or
- (2) ten or more Priests, Deacons, or adult communicants of this Church in good standing, of whom at least two shall be Priests. One Priest and not less than six Lay Persons shall be of the Diocese of which the Respondent is canonically resident; or
- (3) in a case when the Offense alleged is the Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, as specified in (1) or (2) or by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim.

(b) Whenever the Presiding Bishop has sufficient reason to believe that any Bishop has committed an Offense and the interests and good order and discipline of the Church require investigation by the Review Committee, the Presiding Bishop shall concisely and clearly inform the Review Committee in writing as to the nature and facts surrounding each alleged Offense but without judgment or comment upon the allegations, and the Review Committee shall proceed as if a Charge had been filed.

(c) A Bishop who shall have reason to believe that there are in circulation rumors, reports, or allegations affecting such Bishop's personal or official character, may, acting in conformity with the written advice and consent of any two Bishops of this Church, demand in writing of the Presiding Bishop that investigation of said rumors, reports, and allegations be made. It shall be the duty of the Presiding Bishop to cause the matter to be investigated and report the results to the requesting Bishop.

A Bishop may
demand investi-
gation with
consent of any
two Bishops.

Sec. 24. A Charge against a Bishop shall be in writing, verified and addressed to the Presiding Bishop, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense.

Charge to be in
writing.

Sec. 25. If a complaint or accusation is brought to the Presiding Bishop by any adult who is (i) the alleged Victim, or (ii) a parent or guardian

Advocate for
alleged Victim.

Entitled to counsel.	of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Presiding Bishop, after consulting with the alleged Victim, the alleged Victim's spouse or adult child, or the alleged Victim's parent or guardian, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, adult child, parent or guardian so choose. Any alleged Victim or Complainant shall also be entitled to the counsel of an attorney and/or Advocate of their choice.
Review Committee.	Sec. 26. Any Charge against a Bishop shall be filed with the Presiding Bishop who shall promptly communicate the same to the Respondent. The Presiding Bishop shall forward the Charge to the Review Committee at such time as the Presiding Bishop shall determine or when requested in writing by the Complainant or Respondent after 90 days of receipt of the charge by the Presiding Bishop. Sec. 27. There shall be a Review Committee consisting of five Bishops of this Church, two Priests, and two confirmed adult lay communicants of this Church in good standing. Five Bishops shall be appointed by the Presiding Bishop at each regular meeting of General Convention, to serve until the adjournment of the succeeding regular meeting of General Convention. Two Priests and two adult lay communicants shall be appointed by the President of the House of Deputies at each regular meeting of General Convention to serve until the adjournment of the succeeding regular meeting of General Convention. All Committee members shall serve until their successors are appointed and qualify; <i>Provided, however</i>, there shall be no change in composition of a Review Committee as to a proceeding pending before it, while that proceeding is unresolved.
Review Committee vacancy.	Sec. 28. The Review Committee shall, from time to time, elect from its own membership a President and a Secretary. Sec. 29. The death, disability rendering the person unable to act, resignation or declination to serve as a member of the Review Committee shall constitute a vacancy on the Committee. The recusal or disqualification of a member of the Review Committee from consideration of a particular Charge or matter shall constitute a temporary vacancy on the Committee. Sec. 30. Notice of resignations, declinations to serve or recusal shall be given by the members of the Committee in writing to the President. Sec. 31. If any Priest appointed to the Review Committee is elected a Bishop, or if any lay person appointed to the Review Committee is ordained, that person shall immediately cease to be a member of the Committee. If either event occurs following the filing of a Charge or referral of a matter for investigation or other action, the person may

continue to serve until the completion of the investigation or of the consideration of that Charge or matter.

Sec. 32. A vacancy occurring in the Review Committee shall be filled as follows: Filling a vacancy.

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Committee member, the Presiding Bishop in the case of Bishops and the President of the House of Deputies in the case of Priests or lay persons shall appoint a person to fill the temporary vacancy, the replacement being of the same order as the order in which the vacancy exists.

(b) In the case of a vacancy in the Review Committee, the Presiding Bishop in the case of Bishops and the President of the House of Deputies in the case of Priests or lay persons shall have power to fill such vacancy until the next General Convention, the replacement being of the same order as the order in which the vacancy exists. The persons so chosen shall serve during the remainder of the term.

Sec. 33. The Church Attorney for the proceedings before the Review Committee shall be the Church Attorney appointed by the Court for the Trial of a Bishop pursuant to Canon IV.5.11 to serve at the discretion of the Review Committee.

Sec. 34. The Review Committee may appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult lay communicants of this Church in good standing, to serve during the pleasure of the Committee. Clerks.

Sec. 35. The Review Committee shall appoint at least one but not more than three Lay Assessors. Lay Assessors shall have no vote. Lay Assessors.

Sec. 36. The members of the Review Committee may be challenged by the Respondent or the Church Attorney.

Sec. 37. The Review Committee may adopt and publish rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time. May adopt rules of procedure.

Sec. 38. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Presiding Bishop. Confidentiality.

Sec. 39. Not less than five of the Review Committee members of whom at least two shall be Bishops shall constitute a quorum, but any lesser number may adjourn the Review Committee from time to time. Quorum.

Sec. 40. Within sixty days after receiving a Charge, the Review Committee shall convene to consider the Charge. If after such consideration the Review Committee determines that an Offense may have occurred if the facts alleged be true, the Review Committee shall Consideration and preparation of a Charge.

prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney.

Sec. 41. The Church Attorney shall promptly make an investigation of the matter.

Confidential
Report.

Sec. 42. Within one hundred twenty days after receipt of the statement from the Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential report to the Review Committee of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Review Committee. *Provided, however,* the Review Committee shall share the Report of the Church Attorney with the Presiding Bishop.

Sec. 43 (a) Within forty-five days after the receipt of the report of the Church Attorney, the Review Committee shall convene to consider the report and whether or not a Presentment shall issue.

(b) In its deliberations, the Review Committee may consider the Church Attorney's report, responsible writings or sworn statements pertaining to the matter, including experts' statements, whether or not submitted by the Church Attorney. To assist in its deliberations, the Review Committee may provide an opportunity to be heard to the Respondent, the alleged Victim, the Complainant or other persons and receive additional evidence which it in its sole discretion deems appropriate.

May issue
presentment.

(c) The Review Committee may issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and (ii) the Respondent committed the Offense.

Majority
required.

Sec. 44 (a) A majority of All the Members of the Review Committee shall be required to issue a Presentment. No member shall disclose his or her vote or the vote of any member to any person not a member of the Review Committee.

(b) In the event that, due to vacancies or temporary vacancies in office, the Review Committee does not have sufficient voting members to meet the requirements of this Section, the action of the Review Committee shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.

Church Attor-
ney to prepare
Presentment.

(c) When the Review Committee votes to issue a Presentment it shall cause the Church Attorney to prepare the Presentment.

Decision shall
be in writing.

Sec. 45. If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of the Review Committee on behalf of the Review Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or

Secretary, or if they be absent, a member of the Review Committee appointed for that purpose by the Review Committee shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement of each separate accusation sufficient to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

Sec. 46. If the Review Committee votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Respondent, the Church Attorney, each Complainant, the alleged Victim, unless waived in writing, and the Presiding Bishop who shall file it with the Secretary of the House of Bishops.

Explanation
required if
Presentment
not issued.

Sec. 47. Promptly after the issuance of a Presentment, the Review Committee shall cause the original to be filed with the Presiding Judge of the Court for the Trial of a Bishop with a true copy thereof served upon the Presiding Bishop, the Respondent, each Complainant, and, unless waived in writing, the alleged Victim. The proceeding commences with the filing of the Presentment with the Presiding Judge of the Court for the Trial of a Bishop.

Presentment
filed and served.

Sec. 48. [reserved]

Sec. 49. If the Presiding Bishop is a Complainant, except in a case of a Bishop convicted in a criminal Court of Record in a cause involving immorality or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, or if the Presiding Bishop is the Respondent, is disabled, or otherwise unable to act, the duties of the Presiding Bishop under this Canon shall be performed by the presiding officer of the House of Bishops. If the presiding officer is similarly unable to act, such duties shall be performed by the Secretary of the House of Bishops.

If Presiding
Bishop is
Complainant or
Respondent.

Sec. 50. Non-compliance with the time limits or any procedural requirements set forth in this Canon shall not be grounds for the dismissal of a Presentment unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

Noncompli-
ance.

Sec 51. The reasonable and necessary expenses of the Review Committee, including but not limited to, the fees, costs, disbursements and expenses of the Members, Clerks, Church Attorney, Lay Assessors and Reports shall be charged upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the President of the Review Committee. The Review Committee shall have the authority to contract for and bind the General Convention to payment of these expenses.

Expenses.

	CANON 4: Of Diocesan Courts, and Courts of Review for the Trial of a Priest or Deacon, Their Membership and Procedure <i>(A) Diocesan Courts for the Trial of a Priest or Deacon</i>
Ecclesiastical Court established.	Sec. 1. In each Diocese there shall be an Ecclesiastical Court for the Trial of any Priest or Deacon subject to its jurisdiction, and it shall be the duty of each Diocese to provide by Canon for the establishment of the Court and the mode of conducting Trials of the same; <i>Provided, however,</i> that the provisions of this Canon shall be included therein.
Organization of Court.	Sec. 2. The Canon of a Diocese establishing an Ecclesiastical Trial Court shall make provision for a Church Attorney and shall provide that the Court shall: (i) be elected by the Convention of the Diocese, (ii) include lay persons and Priests or Deacons, the majority of the Court to be Priests or Deacons (but by no more than one), and (iii) annually elect from its members a Presiding Judge within two months following the Diocesan Convention. Sec. 3. The provisions of Canon IV.14 shall apply to each Diocesan Ecclesiastical Trial Court.
Court vacancy.	Sec. 4. The death, disability rendering a person unable to act, resignation or declination to serve as a member of an Ecclesiastical Trial Court shall constitute a vacancy on the Court. Sec. 5. Notice of resignations or declinations to serve shall be given by members of the Court in writing to the Presiding Judge of the Court.
Disqualification of Court member.	Sec. 6. If any Priest elected to an Ecclesiastical Trial Court is elected a Bishop, or if any lay person elected to an Ecclesiastical Trial Court is ordained prior to the commencement of a Trial, that person shall immediately cease to be a member of the Ecclesiastical Trial Court. If either event occurs following the commencement of a Trial, the person shall continue to serve until the completion of the Trial and the rendering of a Judgment thereon.
Filling vacancies.	Sec. 7. Vacancies, other than for cause under Section 8 of this Canon, occurring in any Ecclesiastical Trial Court shall be filled as provided by Diocesan Canon.
System of challenge.	Sec. 8. The canons of each Diocese may provide a system of challenge as to the members of the Ecclesiastical Trial Court and the filling of vacancies arising therefrom. If the canons of a Diocese make no provisions for Challenge, the members of the Ecclesiastical Trial Court may be challenged by either the Respondent or the Church Attorney for cause stated to the Court. The Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by challenges determined by the Court shall be filled by majority vote of the Court from persons otherwise qualified for election under the diocesan canons. Vacancies filled by the Court shall be from the same order as the person challenged was when first elected to the Court.
Rules to govern procedure.	Sec. 9. An Ecclesiastical Trial Court shall be governed by the Rules of Procedure set forth in Appendix A to this Title and such other

procedural rules or determinations as the Ecclesiastical Trial Court deems appropriate and not inconsistent with this Title.

Sec. 10. The Ecclesiastical Trial Court shall be governed by the Federal Rules of Evidence in the conduct of the Trial.

Sec. 11. Each Ecclesiastical Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Priests or Deacons or adult lay communicants in good standing of this Church and who shall serve at the pleasure of the Court. Clerks.

Sec. 12. Each Ecclesiastical Trial Court shall appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court. Reporter.

Sec. 13. Each Ecclesiastical Trial Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Ecclesiastical Trial Court an opinion on any question of law, procedure or evidence. Lay Assessors.

Sec. 14 (a) The Ecclesiastical Trial Court shall keep a complete and accurate record of its proceedings. When all proceedings on a Presentment have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record. Record of Proceedings.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church. Delivery to Archives.

Sec. 15. The Ecclesiastical Trial Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection. In every Trial the Court may regulate the number of counsel who may address the Court or examine witnesses. Respondent to be heard.

Sec. 16 (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment.

(b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with the Rules of Procedure. Court to issue summons within three months.

(c) The Respondent's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; *Provided*, that for sufficient cause the Court may adjourn from time to time; and *Provided, also*, that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense. Respondent's answer to be recorded.

(d) If the Respondent fails or refuses to answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for Summary Judgment of Offense in accordance with Nonappearance of Respondent.

the Rules of Procedure. If the motion is granted, the Bishop shall be notified, and the Respondent shall be given notice that Sentence of Admonition, Suspension or Deposition will be adjudged by the Court and pronounced by the Bishop at the expiration of thirty days after the date of the Notice of Sentence, or at such convenient time thereafter as the Bishop shall determine. Sentence of Admonition, Suspension or of Deposition from the Ordained Ministry may, thereafter, be adjudged by the Court and pronounced by the Bishop.

Church
Attorney
shall appear.

Sec. 17. In all Ecclesiastical Trials, the Church Attorney shall appear on behalf of the Diocese, which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant and alleged Victim shall be entitled to be present throughout and observe the Trial and each may be accompanied by counsel and another person of his or her own choosing.

Proposed
instructions.

Sec. 18. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and shall instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed not to have committed the Offense alleged until established by clear and convincing evidence, and unless such standard of proof be met the Presentment must be dismissed, and (ii) that the burden of proof to establish the Respondent's commission of the Offense is upon the Church Attorney in the name of the Diocese.

Sec. 19. A separate vote shall be taken first upon the findings as to the commission of an Offense by the Respondent.

Two-thirds
vote needed
for judgment.

Sec. 20. For a Judgment that the Respondent has committed an Offense, the affirmative vote of two-thirds of the Members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.

Sec. 21. The Presiding Judge shall cause the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim to be advised of and provided with a copy of the findings of the Court.

Voting on the
Sentence.

Sec. 22. No vote shall be taken on the Sentence to be imposed until at least 30 days after the Respondent, Church Attorney, each Complainant and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence.

Sec. 23. All matters in excuse or mitigation or comments on the Sentence shall be served on the Respondent, Church Attorney, Complainants and, unless waived in writing, the Victim. The Court shall provide a reasonable time for responses to the Court which shall

also be served as provided above. The Court may schedule hearings on the submissions.

Sec. 24. The concurrence of two-thirds of the Members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary to adjudge and impose a Sentence upon a Respondent found to have committed an Offense.

Two-thirds
vote needed
to impose
Sentence.

Sec. 25. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent and the decision so signed shall be recorded as the Judgment of the Court.

Sec. 26. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 27. The Judgment and any Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, the Respondent, each Complainant, and, unless waived in writing, the Victim.

Communication
of Judgment.

(B) Appeals to Courts of Review for the Trial of a Priest or Deacon

Sec. 28. The Ecclesiastical Authority of the jurisdiction within which a Trial was held shall cause written notice to be served on the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim of (i) the Judgment, (ii) the Sentence adjudged, and (iii) the Sentence to be pronounced by the Bishop. Within thirty days after the service of that notice the Respondent may appeal to the Court of Review by serving a written notice of appeal on the Ecclesiastical Authority of that jurisdiction and a copy on the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review. The notice shall be signed by the Respondent or the Respondent's counsel and shall briefly set forth the decision from which the appeal is taken and the grounds of the appeal, and a copy of the decision of the Trial Court shall be attached.

Respondent
may appeal.

Sec. 29. After Judgment by an Ecclesiastical Trial Court, the Bishop shall not pronounce Sentence on the Respondent before the expiration of thirty days after the Respondent shall have been served as set forth in Section 28 with the notice of the decision of the Court and the Sentence adjudged, nor, in case an appeal is taken, shall Sentence be pronounced pending the hearing and final determination thereof.

Pronouncement
of Sentence.

Sec. 30. In each of the Provinces there shall be a Court of Review of the Trial of a Priest or Deacon, which shall be composed of a Bishop of the Province, three Priests canonically resident in Dioceses within the Province, and three Lay Persons who are adult communicants of this Church in good standing, having domicile in the Province; at least two of the Lay Persons shall be learned in the law.

Court of
Review.

Mode of electing Judges.	Sec. 31. During the period between General Conventions, each Provincial Synod shall elect the Judges of the Court of Review in the Province. The Synod shall prescribe the time and the manner in which such Judges shall be elected. The persons so elected, except in case of death, resignation, or declination to serve, shall continue to be members of the Court for such terms as the Synod may set and until their successors shall be elected. The Bishop elected by the Synod shall be the Presiding Judge of the Court.
Conditions for disqualification.	Sec. 32 (a) No person shall sit as a member of any Court of Review who is excused pursuant to Canon IV.14.13; nor shall any Bishop, Priest, or Lay Member who for any reason upon objection made by either appellant or appellee is deemed by the other members of the Court to be disqualified. (b) The death, disability rendering the person unable to act, resignation, or declination to serve as a member of a Court of Review shall constitute a vacancy in the Court of Review.
Resignations.	(c) Notices of resignations or declinations to serve shall be given as follows: (1) By the Presiding Judge of the Court of Review of the Trial of a Priest or Deacon; by written notice sent to the President of the Provincial Synod. (2) By a Priest or Lay Member of the Court, by written notice sent to the Presiding Judge of the Court.
Change of Order.	(d) If any Priest appointed to the Court of Review is elected a Bishop, or if any Lay Member appointed to the Court of Review is ordained to the ministry prior to the hearing of the appeal, the person shall immediately cease to be a member of the Court of Review. If either event occurs following the hearing of the appeal, the person shall continue to serve until the completion of the appeal and the rendering of a decision by the Court of Review.
Filling vacancies.	Sec. 33. Vacancies occurring in the Court of Review shall be filled as follows: (a) In the case of a vacancy in the office of the Bishop elected as a member of the Court of Review, the President of the Provincial Synod shall give written notice thereof to the Bishop with jurisdiction senior by consecration in the Province. Thereupon the Bishop so notified shall become a member of the Court until a new election is made. If the Bishop so appointed is unable or unwilling to serve as a member of the Court, notification shall be given by the Bishop to the President of the Provincial Synod of this fact, who shall thereupon appoint the Bishop with jurisdiction next senior by consecration in that Province who is willing and able to serve. (b) In case any vacancy shall exist in the membership of the Court of Review's Priests or Deacons or Lay Members, the remaining Judges of the Court shall appoint another person similarly

domiciled or canonically resident in the Province from the same order to fill such vacancy.

Sec. 34. The several Courts of Review are vested with jurisdiction to hear and determine appeals from decisions of Ecclesiastical Trial Courts in Dioceses within that Province in Ecclesiastical Trials of Priests or Deacons. Jurisdiction of Court.

Sec. 35. The Respondent may take an appeal to the Court of Review of the Province within which an Ecclesiastical Trial was held from a Judgment. The right of appeal is solely that of the Respondent, except as provided in Section 36 of this Canon. Right of appeal.

Sec. 36 (a) Upon the written request of at least two Bishops of other jurisdictions within the Province, the Ecclesiastical Authority of the Diocese within which a Trial was held shall appeal from a decision of the Ecclesiastical Trial Court that the Respondent had not committed an Offense involving a question of Doctrine, Faith, or Worship; *Provided, however,* that such appeal shall be on the question of the Church's Doctrine, Faith, or Worship only, and that the decision of the Court of Review shall not be held to reverse the finding of the non-commission of an Offense by the Respondent on other Charges. An appeal by the Standing Committee can be taken only when there is a vacancy in the office of Bishop or in case the Bishop is unable to act. Appeal.

(b) An appeal under this Section may be taken by the service by the appellant of a written notice of appeal upon the Respondent, and also upon the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review, within thirty days after the decision from which the appeal is taken.

Sec. 37. If the Ecclesiastical Trial was held in a Diocese not specified in Canon I.9.1, the appeal shall lie to the Court of Review of the Province which is geographically closest to that Diocese or is otherwise most appropriate as determined by the Presiding Bishop. Appeal if Diocese is nonprovincial.

Sec. 38. An appeal shall be heard upon the Record on Appeal of the Ecclesiastical Trial Court. Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review.

Sec. 39. The Presiding Judge of the Court of Review of the Province having jurisdiction, within ninety days but not less than sixty days after having received the Record on Appeal, shall appoint a time and place within such Province for the hearing of the appeal. At least thirty days prior to the day appointed, the Presiding Judge shall give written notice of such time and place to the other members of the Court, and also to the Respondent, and to the Bishop and Diocesan Review Committee of the Diocese in which the Ecclesiastical Trial was held. Appointment of time and place to hear appeal.

Sec. 40. It shall be the duty of the Ecclesiastical Trial Court to prepare a copy of the Record on Appeal of the Ecclesiastical Trial as transcribed, to be printed or otherwise reproduced as shall be Record on Appeal.

permitted by the Presiding Judge of the Court of Review. Within thirty days after receiving the copy of the Record on Appeal, the appellant shall serve two copies of the Record on Appeal, the notice of appeal and the appellant's brief, if any, upon the opposite party, and shall deliver seven copies of each to the Presiding Judge of the Court for the use of the Judges.

The appellee shall serve the appellee's brief, if any, on the appellant with seven copies to the Presiding Judge of the Court of Review not later than thirty days following the service upon the appellee of the record, notice of appeal and appellant's brief. Any reply brief shall be served likewise within ten days following service of the prior brief upon the party.

Sec. 41. The Diocesan Review Committee of the Diocese which issued the Presentment shall be deemed to be the opposite party for the purpose of this appeal.

Court to
organize with at
least six Judges.

Sec. 42. At the time and place appointed, the Court shall organize, and proceed to hear the appeal; *Provided, however,* that at least six Judges, of whom the Presiding Judge of the Court shall be one, shall participate in the hearing. But the members present, if less than that number, may adjourn the Court from time to time, until the requisite number of Judges are present.

Clerks.

Sec. 43. The Court of Review shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Priests canonically resident in a Diocese of that Province or adult lay communicants in good standing of this Church residing in the Province, to serve at the pleasure of the Court.

Lay Assessors.

Sec. 44. The Court of Review shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.

Reporter.

Sec. 45. The Court of Review shall appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court.

Rules of
procedure.

Sec. 46. The Court of Review shall be guided by the Rules of Appellate Procedure in Appendix B to this Title and may adopt rules of procedure not inconsistent with the Constitution and Canons of the Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Respondent to
be heard.

Sec. 47. The Court of Review shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection but may regulate the number of counsel who may address the Court and shall permit the Church Attorney to be heard.

Record to be
kept.

Sec. 48 (a) The Court of Review shall keep a complete and accurate record of all its proceedings. When all proceedings on an appeal have been concluded, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason,

by majority vote the Court shall designate another member to certify the record.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.

Sec. 49. No determination or Judgment of any Ecclesiastical Trial Court shall be disturbed for technical errors not going to the merits of the case.

Sec. 50. The Court may reverse or affirm in whole or in part the determination or Judgment of the Ecclesiastical Trial Court, or, if in its opinion justice shall so require, may grant a new Trial. If after having been duly notified, the appellant fails to appear, and no sufficient excuse be shown, the Court, in its discretion, may dismiss the appeal for want of prosecution, or may proceed to hear and determine the appeal in the appellant's absence.

Power of Court to dispose of case.

Sec. 51. The concurrence of five members of a Court of Review shall be necessary to pronounce a judgment. The judgment or decision of the Court shall be in writing, signed by the members of the Court concurring therein, and shall distinctly specify the grounds of the decision and shall be attached to the record. If the concurrence of five of the members cannot be obtained, that fact shall be stated in the record, and the determination or Judgment of the Trial Court shall stand as affirmed except as to any reversal in part in which there has been concurrence. Immediately after the determination of the appeal, the Presiding Judge of the Court shall give notice thereof in writing to the appellant and appellee and to the Bishop and the Diocesan Review Committee of the Diocese in which the Trial was had.

Concurrence necessary to pronounce a judgment.

Sec. 52. The Court of Review shall not pronounce Sentence on the affirmation of a Judgment. When the appeal is so finally determined, if the decision of the Ecclesiastical Trial Court be affirmed in whole or in part, upon receipt of the record and the Judgment or decision of the Court of Review by the Ecclesiastical Authority of the jurisdiction of the Trial Court, the Respondent shall be sentenced in accordance with Canon IV.12.

Sentence.

Sec. 53. The necessary charges and expenses of the Court of Review, including the necessary expenses of the members of the Court, Lay Assessors, Reporters and Clerks and the reasonable and necessary out-of-pocket disbursements and expenses, except the cost of printing any records or briefs, shall be a charge upon the Province and shall be paid by the Treasurer of the Synod of that Province upon the order of the President of the Synod. Any legal fees and other disbursements of the Church Attorney shall be the responsibility of the Diocese in which the Trial was held, unless the Trial was held as a service or convenience to a Diocese from which the Presentment issued, in which case the responsibility therefor shall be that of the Diocese from which the Presentment was issued.

Expenses.

CANON 5: Of the Court for the Trial of a Bishop

- Jurisdiction.** **Sec. 1.** The Court for the Trial of a Bishop is vested with jurisdiction to try a Bishop who is duly Presented for one or more Offenses not including the Offense in Canon IV.1.1(c). The Court for the Trial of a Bishop for an Offense of Doctrine is vested with jurisdiction to try a Bishop who is duly Presented for one or more Offenses pursuant to Canon IV.3.21(c).
- Composition.** **Sec. 2.** The Court for the Trial of a Bishop shall consist of five Bishops of this Church, two Priests, and two confirmed adult lay communicants of this Church in good standing. Five Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the next regular meeting of General Convention. Two Priests and two confirmed adult lay communicants of this Church in good standing shall be elected by the House of Deputies at each regular meeting of General Convention, to serve until the adjournment of the next regular meeting of General Convention.
- Mode of electing Judges.** **Sec. 3.** The Court for the Trial of a Bishop for an Offense of Doctrine shall consist of nine Bishops of this Church. Three Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention.
- Term of service.** **Sec. 4.** All Judges shall serve until their successors are elected and qualify; *Provided, however,* there shall be no change in the composition of a Court as to a proceeding pending before it, while that proceeding is unresolved except as specified in Canon IV.5.5.
- Conditions for disqualification.** **Sec. 5 (a)** No Judge shall sit as a member of a Court who is a Complainant, or is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV. 14.13; nor shall any Judge sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.
- (b)** The death, permanent disability rendering the person unable to act, resignation or declination to serve as a member of a Court shall constitute a vacancy in that Court. The recusal or disqualification of a member of a Court from consideration of a particular Presentment shall constitute a temporary vacancy in that Court.
- (c)** Notices of resignations or declinations to serve shall be given by any Bishop chosen to serve as a member of the Court for the Trial of a Bishop or Court for the Trial of a Bishop for an Offense of Doctrine by written notice sent to the Presiding Bishop.
- (d)** Notices of resignation or declinations to serve shall be given by any Priest or Lay Person chosen to serve as a member of the Court for the Trial of a Bishop by written notice sent to the President of the House of Deputies.
- (e)** Notices of recusal shall be given by a Judge to the Presiding Judge.

Sec. 6. Each Court shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding before a Court the Presiding Judge is disqualified or is for any cause unable to act, that Court shall elect from its members a Presiding Judge pro tempore.

Presiding Judge.

Sec. 7. When a Court is not in session, if there is a vacancy in the office of the Presiding Judge, the Bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.

Filling vacancies.

Sec. 8. Vacancies occurring in a Court shall be filled as follows:

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining Judges may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused or disqualified Judge participated in any proceedings other than consideration of whether any Judge should be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder of that case.

(b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill such vacancy until the next General Convention, when the House of Bishops shall choose a Bishop to fill a vacancy of a Bishop and the House of Deputies shall choose a Priest or Lay Person, respectively, to fill a vacancy of a Priest or Lay Person. The person so chosen shall serve during the remainder of the term.

Sec. 9. Not less than five of the Judges shall constitute a quorum, but any lesser number may adjourn the Court from time to time.

Quorum.

Sec. 10 (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment. If the Presentment is issued pursuant to Canon IV.3.2.1 (c) the Presiding Judge shall also send a copy of the supporting briefs, answer, and statements.

Presiding Judge to send Presentment.

(b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with the Rules of Procedure.

(c) Court proceedings at which the Respondent and Church Attorney are to appear shall be held within the Diocese of the accused Bishop, or within the Diocese where the accused Bishop lives or serves, at the discretion of the Court. The Court may, for good cause, appoint another place for any such proceedings or conduct such proceedings by telephone conference provided that all participants can hear and be heard by all other participants in the telephone conference.

Location of Court proceedings.

Sec. 11. Within three months following each regular meeting of General Convention, the Court shall appoint a Church Attorney to serve until the next regular meeting of General Convention and until

Church Attorney.

	a successor is duly appointed and qualified, and from time to time for good cause and upon the request of the Church Attorney, appoint one or more assistant Church Attorneys to act for and in the place of the Church Attorney.
Clerks.	Sec. 12 . The Court shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult lay communicants in good standing of this Church, to serve at the pleasure of the Court.
Reporter.	Sec. 13. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve at the pleasure of the Court.
Lay Assessors.	Sec. 14. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.
Bishops may select Church Attorney.	Sec. 15. If the Presentment is issued pursuant to Canon IV.3.21(c), the ten Bishops of this Church exercising jurisdiction who signed the Presentment may select a Church Attorney, subject to confirmation of their selection by the Court, which confirmation shall not be unreasonably withheld. Sec. 16. In all cases, the Church Attorney, or the assistants to the Church Attorney shall appear in behalf of the Church. The Church shall then be considered the party on one side, and the Respondent the party on the other.
Rules of procedure.	Sec. 17. The Court shall be governed by the Rules of Procedure set forth in Appendix A to this Title, and such other procedural rules or determinations as the Court deems appropriate and not inconsistent with this Title. Sec. 18. The Court shall be governed by the Federal Rules of Evidence.
Respondent to be heard.	Sec. 19. The Court shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court or examine witnesses.
Response to be recorded.	Sec. 20 (a) The Respondent's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; <i>Provided</i> , that for sufficient cause the Court may adjourn from time to time; and <i>Provided, also</i> , that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense.
Nonappearance.	(b) If the Respondent fails or refuses to answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for Summary Judgment of Offense. If the motion is granted, the Respondent shall be given notice that Sentence will be adjudged and pronounced by the Court at the expiration of thirty days after the date of the Notice of Sentence, or at such convenient time

thereafter as the Court shall determine. Sentence may thereafter be adjudged and pronounced by the Court.

Sec. 21. The Complainant and the alleged Victim shall each have the right to be present throughout and observe the Trial and to be accompanied by counsel and one other person of his or her choosing.

Complainant's rights.

Sec. 22. The Respondent being present, the Trial shall proceed in accordance with this Canon. The Respondent shall in all cases have the right to be a defense witness, subject to cross-examination in the same manner as any other witness. No testimony shall be received at the Trial except from witnesses who have signed a declaration in the following words or the Oath provided by the Federal Rules of Evidence, to be read aloud before the witness testifies and to be filed with the records of the Court.

Respondent's rights.

"I, A.B., a witness on the Trial of a Presentment against the Right Reverend _____, a Bishop of the Episcopal Church, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth, so help me God."

Declaration of witnesses.

Sec. 23. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Court, after consultation with the Lay Assessors, shall instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed not to have committed the Offense alleged until established by clear and convincing proof, and unless the standard of proof be met the Presentment must be dismissed, and (ii) that the burden of proof to establish the Respondent's commission of the Offense is upon the Church.

Presiding Judge to instruct Court.

Sec. 24. Separate and distinct votes shall be taken first upon the findings as to the commission of an Offense by the Respondent, and, if the Respondent be found to have committed an Offense, then upon the Sentence to be imposed.

Voting on findings and sentences.

Sec. 25. For a Judgment that the Respondent has committed an Offense, the affirmative vote of two-thirds of the members of the Court shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.

Two-thirds vote needed for Judgment.

Sec. 26. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 27. No vote shall be taken on the Sentence to be imposed until at least thirty days after the Respondent, Church Attorney, each Complainant, and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence.

Parties to be informed of Judgment.

	Sec. 28. All matters in excuse or mitigation or comments on the sentence shall be served on the Respondent, Church Attorney, Complainants and, unless waived in writing, the Victim. The Court shall provide a reasonable time for responses to the Court which shall also be served as provided above. The Court may schedule hearings on the submissions.
Sentence.	Sec. 29. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent and the decision so signed shall be recorded as the Judgment of the Court.
Communication of Judgment and Sentence.	Sec. 30 (a) The Judgment and Sentence adjudged shall be communicated promptly to the Respondent, each Complainant, and, unless waived in writing, the Victim, the Presiding Bishop and the Standing Committee of the Diocese in which the Respondent is canonically resident.
Motion to modify Sentence.	(b) Any Respondent who shall be found to have committed an Offense may file a motion for a modification of Sentence. Any such motion shall be filed within 30 days from the date of the filing of the decision, and the motion shall set forth all the reasons therefor, and no other shall be relied on at the hearing of the motion without the consent of the Court. The Presiding Judge of the Court shall set a place and time for hearing the motion and shall reconvene the Court to hear and determine the same.
Court may modify Sentence.	(c) The Court may in the interest of justice modify the Sentence. Upon determination of the motion to modify, the Clerk of the Court shall enter Judgment. If no motion for modification of Sentence shall be filed within the time limited for filing such motions, the Clerk of the Court shall on the next business day enter, as final, the Judgment rendered by the Court. An appeal from a final Judgment of a Court for the Trial of a Bishop to the Court of Review of the Trial of a Bishop, as provided in Canon IV.6, may be taken within thirty days from the entry of the Judgment.
Sentence to be pronounced.	(d) The final Judgment shall be in writing signed by a majority of the Court and direct what Sentence is to be incorporated in the final Judgment to be entered by the Clerk. (e) After the entry of final Judgment, the Presiding Judge of the Court shall appoint a time and place not less than sixty days thereafter for pronouncing the Sentence adjudged. At the time and place appointed, if the Respondent shall not have an appeal pending in the Court of Review of the Trial of a Bishop, or the action of the Court of Review has not made it unnecessary for the Trial Court to proceed to pronounce Sentence, the Presiding Judge of the Court, or a member thereof designated in writing by a majority of the members thereof to do so, shall in the presence of the Respondent, if the Respondent shall see fit to attend, pronounce the Sentence which has been adjudged by the Court, and direct the same to be entered by the Clerk; and <i>Provided, further</i>, that Sentence shall not be imposed upon a Bishop found to have committed an Offense of holding and teaching doctrine contrary to that held by this Church unless and until the said finding

shall have been approved by a vote of two-thirds of the Bishops present at a meeting of the House of Bishops.

Sec. 31 (a) The Court for the Trial of a Bishop shall keep a complete and accurate record of its proceedings. When all proceedings on a Presentment have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record.

Record of proceedings to be kept and transmitted.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.

Sec. 32. The reasonable and necessary expenses of the Court including but not limited to the fees, costs, disbursements and expenses of the Judges, Church Attorneys, Clerks, Reporters and Lay Assessors, shall be a charge upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the Court. The Court shall have the authority to contract for and bind the General Convention to payment of these expenses.

Expenses.

CANON 6: Of Appeals to the Court of Review of the Trial of a Bishop

Sec. 1. A Bishop found to have committed an Offense shall have the right to appeal from the Judgment of the Trial Court to the Court of Review of the Trial of a Bishop.

Right to appeal.

Sec. 2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine appeals from the determination of the Court for the Trial of a Bishop.

Sec. 3. There shall be a Court of Review of the Trial of a Bishop, consisting of nine Bishops. Three Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention. All Judges shall serve until their successors are elected and qualify; *Provided, however*, there shall be no change in composition of a Court following the hearing and while a proceeding is pending, unresolved, before the Court.

Court of Review.

Sec. 4 (a) No Bishop shall sit as a member of this Court who is a Complainant, is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV.14.13; nor shall any Bishop sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.

Conditions for disqualification.

(b) The death, permanent disability rendering the person unable to act, resignation, or declination to serve as a member of this Court shall constitute a vacancy in the Court. The recusal or disqualification of a member of the Court from consideration of a particular appeal shall constitute a temporary vacancy on the Court.

Court vacancy.

	(c) Notices of resignations or declinations to serve shall be given by any Bishop chosen to serve as a member of the Court by written notice sent to the Presiding Bishop.
	(d) Notices of recusal shall be given by a Judge to the Presiding Judge.
Presiding Judge.	Sec. 5. The Court shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding before the Court the Presiding Judge is disqualified or is for any cause unable to act, the Court shall elect from its members a Presiding Judge <i>pro tempore</i> .
	Sec. 6. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge, the Bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.
Filling vacancies.	Sec. 7. Vacancies occurring in this Court shall be filled as follows: (a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining Judges may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused or disqualified Judge participated in any proceedings other than consideration of whether any Judge should be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder of the case. (b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill the vacancy until the next General Convention, when the House of Bishops shall choose a Bishop to fill the vacancy. The Bishop so chosen shall serve during the remainder of the term.
Quorum.	Sec. 8. Not less than five Judges shall constitute a quorum.
	Sec. 9. The concurrence of six Judges shall be necessary to pronounce a Judgment, but any lesser number may adjourn the Court from time to time.
Clerks.	Sec. 10. The Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Members of the Clergy or adult lay communicants in good standing of this Church, to serve during the pleasure of the Court.
Reporter.	Sec. 11. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve during the pleasure of the Court.
Lay Assessors.	Sec. 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.
Rules of procedure.	Sec. 13. The Court shall be guided by the Rules of Appellate Procedure and may adopt rules of procedure not inconsistent with the Constitution and Canons of the Church, with the power to alter or

rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Sec. 14. The Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court. Respondents to be heard.

Sec. 15 (a) Unless within thirty days from the date of entry of Judgment in the Trial Court the appellant has given notice of the appeal in writing to the Trial Court, to the party against whom the appeal is taken, and to the Presiding Judge of the Court of Review of the Trial of a Bishop, assigning in the notice the reasons of appeal, the appellant shall be held to have waived the right of appeal although in its discretion the Court of Review of the Trial of a Bishop may entertain and hear an appeal not taken within the prescribed period. Right of appeal.

(b) The Presiding Judge of the Court of Review upon receiving the notice of appeal shall appoint a time within 60 days thereafter, unless for good cause extended, for hearing the appeal and fix the place of the hearing. At least 30 days prior to the day appointed, the Presiding Judge shall give written notice of the time and place to the other members of the Court and also the appellant and appellee. Appoint time for hearing.

Sec. 16. Upon notice of appeal being given, the Clerk of the Trial Court shall send to the Clerk of the Court of Review of the Trial of a Bishop a transcript of the record, including all the evidence, certified by the Presiding Judge and Clerk of the Trial Court, and the Clerk shall lay the same before the Court of Review at its next session. Transcript of the record.

Sec. 17. An appeal shall be heard upon the Record on Appeal of the Court for the Trial of a Bishop. Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review.

Sec. 18. The Court of Review of the Trial of a Bishop may affirm or reverse any Judgment brought before it on appeal, and may enter final Judgment in the case or may remand the same to the Trial Court for a new Trial or for such further proceedings as the interests of justice may require. Court may affirm or reverse Judgment.

Sec. 19 (a) If the Court of Review of the Trial of a Bishop enters final Judgment in the case, and if by that Judgment the Respondent is found to have committed any of the Charges upon which tried, the Court of Review of the Trial of a Bishop may review the Sentence adjudged by the Trial Court and may adjudge a lesser Sentence than that adjudged by the Trial Court. Before final Sentence is adjudged by the Court of Review the Respondent shall have the opportunity to make a statement to the Court in excuse or mitigation. The Church Attorney, each Complainant, and, unless waived in writing, the Victim shall have the opportunity to make a statement to the Court regarding the Sentence to be adjudged and imposed. Sentences.

	(b) The final Sentence adjudged shall be pronounced pursuant to Canon IV.5.30 and the notices thereof required by Canon IV.12 shall be given.
Stay of proceedings in Trial Court.	Sec. 20. In case of appeal, all proceedings in the Trial Court and the pronouncement of Sentence shall be stayed until the appeal is dismissed by the Court of Review of the Trial of a Bishop, or the case be remanded by the Court to the Trial Court for further proceedings, or until final Judgment has been adjudged by the Court of Review.
May discontinue an appeal.	Sec. 21. The appellant may discontinue the appeal at any time before a hearing thereof has begun before the Court of Review of the Trial of a Bishop. After the hearing has begun, the appellant may discontinue the appeal only with the consent of the Court. If the appeal is discontinued, the Trial Court shall proceed as if no appeal had been taken.
Record of proceedings.	Sec. 22 (a) The Court of Review of a Trial of a Bishop shall keep a complete and accurate record of its proceedings. When all proceedings on an appeal have been concluded, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record. (b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.
Expenses.	Sec. 23. The reasonable and necessary expenses of the Court of Review of the Trial of a Bishop, including but not limited to the fees, costs, disbursements and expenses of the Judges, Church Attorneys, Clerks, Reporters and Lay Assessors, shall be charged upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the Court. The Court shall have the authority to contract for and bind the General Convention to payment of these expenses.
	CANON 7: Of a Priest or Deacon in Any Diocese Chargeable with Offense in Another
Ecclesiastical Authority to give notice of liability.	Sec. 1. If a Priest or Deacon canonically resident in a Diocese shall have acted in any other Diocese in such a way as to be liable to Presentment, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority where the Priest or Deacon is canonically resident, exhibiting, with the information given, reasonable ground for presuming its truth. If the Ecclesiastical Authority, after due notice given, shall omit, for the space of three months, to proceed against the offending Priest or Deacon, or shall request the Ecclesiastical Authority of the Diocese in which the Offense or Offenses are alleged to have been committed to proceed against that Priest or Deacon, it shall be within the power of the Ecclesiastical Authority of the Diocese within which the Offense or Offenses are alleged to have been committed to institute proceedings pursuant to this Title.

Sec. 2. If a Priest or Deacon shall come temporarily into any Diocese, under the imputation of having elsewhere committed any Offense or if any Priest or Deacon, while temporarily in any Diocese, shall so offend, the Bishop of that Diocese, upon probable cause, may Admonish or Inhibit the Priest or Deacon from officiating in that Diocese. And if, after Inhibition, the Priest or Deacon so officiate, the Bishop shall give notice to all the Clergy and Congregations in that Diocese that the officiating of the Priest or Deacon is inhibited; and like notice shall be given to the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, and to the Recorder. The Inhibition shall continue in force until the soonest of (i) the Bishop dissolves the Inhibition, (ii) the Standing Committee assuming jurisdiction thereof votes not to issue a Presentment, or (iii) if presented, the Presentment is dismissed.

Inhibition of
Clergy from
another
Diocese.

Sec. 3. The provisions of Section 2 shall apply to Clergy ordained in foreign lands by Bishops in communion with this Church; but in such case notice of the Inhibition shall be given to the Bishop from whose jurisdiction the Priest or Deacon shall appear to have come, and also to all the Bishops exercising jurisdiction in this Church, and to the Recorder.

CANON 8: Of Renunciation of the Ministry by Members of the Clergy Amenable for Presentment for an Offense

Sec. 1. Subject to the provisions of Section 3 of this Canon, if any Priest or Deacon (i) Amenable for but not under Presentment for an Offense of Crime, of Immorality or of Conduct Unbecoming a Member of the Clergy, or (ii) Amenable for or under a Presentment for any other Offense, shall declare in writing to the Ecclesiastical Authority of the Diocese in which that person is canonically resident a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Ecclesiastical Authority if it be a Bishop, or if the Ecclesiastical Authority not be a Bishop a Bishop acting for the Ecclesiastical Authority, may accept the renunciation and pronounce Sentence of Deposition with the consent of a majority of All the Members of the Standing Committee of the Diocese. Upon receiving the consent of the Standing Committee, the Bishop or the Bishop acting for the Ecclesiastical Authority may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.4.

Priest or
Deacon.

Sec. 2. If any Bishop Amenable for but not under Presentment for an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy or Amenable for or under a Presentment for any other Offense shall declare in writing to the Presiding Bishop, or if there then be none to the presiding officer of the House of Bishops, a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Presiding Bishop or the presiding officer may accept the renunciation and pronounce Sentence of Deposition with the consent of a majority of All the Members of the Review Committee. Upon receiving the consent of the Review Committee, the Presiding

Bishop.

	Bishop or the presiding officer of the House of Bishops may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.
Renunciation while under Presentment.	Sec. 3. If a Member of the Clergy making a declaration of renunciation of the Ministry be under a Presentment for an Offense involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, or shall have been placed on Trial for the same, the declaration shall not be considered or acted upon until after the Presentment has been dismissed or the Trial has been concluded and Sentence, if any, adjudged. Thereafter, unless the renunciation be revoked by the Member of the Clergy, the Bishop, or Presiding Bishop as the case may be, may accept the renunciation and impose and pronounce a Sentence of Deposition. Sec. 4. No declaration of renunciation of the ministry of this Church under this Canon shall become effective until it has been accepted and Sentence has been pronounced.
	CANON 9: Of Abandonment of the Communion of This Church by a Bishop Sec. 1. If a Bishop abandons the communion of this Church (i) by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or (ii) by formal admission into any religious body not in communion with the same, or (iii) by exercising episcopal acts in and for a religious body other than this Church or another Church in communion with this Church, so as to extend to such body Holy Orders as this Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in this Church; it shall be the duty of the Review Committee, by a majority vote of All the Members, to certify the fact to the Presiding Bishop and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop, with the consent of the three senior Bishops having jurisdiction in this Church, shall then inhibit the said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of Inhibition, the Bishop shall not perform any episcopal, ministerial or canonical acts, except as relate to the administration of the temporal affairs of the Diocese of which the Bishop holds jurisdiction or in which the Bishop is then serving.
Inhibition of Bishop.	
Written statement from the Bishop to be considered.	Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the certification and Inhibition. Unless the inhibited Bishop, within two months, makes declaration by a Verified written statement to the Presiding Bishop, that the facts alleged in the certificate are false or utilizes the provisions of Canon IV.8 or Canon III.12.7, as applicable, the Bishop will be liable to Deposition. If the Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the declarations or

acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding Bishop, with the advice and consent of a majority of the three senior Bishops consenting to Inhibition, terminate the Inhibition. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House. If the House, by a majority of the whole number of Bishops entitled to vote, shall give its consent, the Presiding Bishop shall depose the Bishop from the Ministry, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed.

Deposition.

CANON 10: Of Abandonment of the Communion of This Church by a Priest or Deacon

Sec. 1. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of Canon IV.8 or III.7.8-10 and III.9.8-11, has abandoned the Communion of this Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of All the Members that the Priest or Deacon has abandoned the Communion of this Church by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or by a formal admission into any religious body not in communion with this Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop of such Diocese, or if there be no such Bishop, to the Bishop of an adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or declarations relied upon in making its determination. If the Bishop affirms the determination, the Bishop shall then inhibit the Priest or Deacon from officiating in the Diocese for six months and shall send to the Priest or Deacon a copy of the determination and statement, together with a notice that the Priest or Deacon has the rights specified in Section 2 and at the end of the six-months period the Bishop will consider deposing the Priest or Deacon in accordance with the provisions of Section 2.

Role of the Standing Committee.

Inhibition.

Sec. 2. Prior to the expiration of the six-month period of Inhibition, the Bishop may permit the Priest or Deacon to utilize the provisions of Canon IV.8 or Canon III.7.8-10 and III.9.8-11, as applicable. If within such six-month period the Priest or Deacon shall transmit to the Bishop a statement in writing signed by the Priest or Deacon which the Bishop is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop shall withdraw the notice and the Inhibition shall expire. If, however, within the six-month period, the Bishop does not pronounce acceptance of the renunciation of the Priest or Deacon in accordance with Canon IV.8 or Canon III.7.8-10 and III.9.8-11, as applicable, or the Priest or

Expiration of period of Inhibition.

Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop either (i) to depose the Priest or Deacon as provided in Canon IV.12, or (ii) if the Bishop is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not affect the person's moral character) is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination.

CANON 11: Of a Priest or Deacon Engaging in Secular Employment without Consent, Being Absent from the Diocese, or Abandoning the Work of the Ministry

Diocesan
Review
Committee to
institute inquiry.

Sec. 1. If a Priest or Deacon has engaged in any secular calling or business without the consent of the Bishop of the Diocese in which the Priest or Deacon is canonically resident as provided in Canon III.9.3(e), it shall be the duty of the Diocesan Review Committee of the Diocese, upon the case being brought to its attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, it shall be the duty of the Diocesan Review Committee to Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

Priest or
Deacon to be
presented for
trial.

Sec. 2. If a Priest or Deacon has substantially and materially abandoned the work of the ministry of this Church and the exercise of the office to which ordained without having given reasons satisfactory to the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, or without renouncing the ministry as provided in Canon III.7.8-10 and III.9.8-11 or without seeking to be released from the obligations of the office pursuant to Canon III.9.3(e), it shall be the duty of the Diocesan Review Committee of the Diocese, upon the case being brought to its attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, it shall be the duty of the Diocesan Review Committee to Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

Absent from
Diocese for
more than two
years.

Sec. 3 (a) Whenever a Priest or Deacon of this Church shall have been absent from the Diocese for a period of more than two years and has failed to make the annual report required by Canon I.6.1 and 2, the Bishop shall bring the case to the attention of the Diocesan Review Committee by written statement, whereupon the Diocesan Review Committee may institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, the Diocesan Review Committee shall Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

(b) On application either by the Bishop or Priest or Deacon, or at the discretion of the Presiding Bishop, with the approval of the Bishop of that jurisdiction, a Priest or Deacon now on the Special List of Clergy maintained by the Secretary of the House of Bishops may be placed again on a Diocesan Clergy Roll.

Special List of Clergy.

(c) A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall not be considered as canonically resident in a Diocese.

(d) Any Priest or Deacon whose name is on the List, as aforesaid, and who has not made an annual report on the Priest or Deacon's exercise of office to the Presiding Bishop for a period of five years, may be considered to have abandoned the Ordained Ministry of this Church. The Presiding Bishop may, in the exercise of discretion, upon notice in accordance with Canon IV.14, in the presence of two Presbyters, pronounce Sentence of Deposition upon the Priest or Deacon, and authorize the Secretary of the House of Bishops to strike the name from the List and to give notice of the fact to the Priest or Deacon as provided in Canon IV.12.

Failure to make annual report.

(e) A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall be Amenable for an Offense in either the Diocese wherein the Offense has occurred or the Diocese in which the Priest or Deacon was canonically resident immediately prior to being added to the List.

CANON 12: Of Sentences

Sec. 1 (a) The three Sentences which may be adjudged by a Trial Court and imposed are Admonition, Suspension, or Deposition.

(b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

Admonition.

(c)

- (1) Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.
- (2) Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the Clergy, the Sentence shall specify on what terms and on what conditions and at what time the Suspension shall cease.
- (3) The Suspension of a Priest from the exercise of the ordained ministry shall terminate the Pastoral Relationship unless (i) the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue, and (ii) the Ecclesiastical Authority approves such request. If the Pastoral Relationship has not been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of Canon III.9.13-21.

Suspension.

- (d)**
- Deposition.
- (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) after final Judgment by a Trial Court, (iii) when there has been a renunciation under Canon IV.8, (iv) upon the abandonment of the communion of the Church as set forth in Canons IV.9 and IV.10, or (v) by the Presiding Bishop pursuant to Canon IV.11.3(d).
 - (2) Upon the pronouncement of a Sentence of Deposition, all ecclesiastical offices held by the Member of the Clergy deposed, including a Rectorship and all ecclesiastical and related secular offices, shall thereupon be automatically terminated and vacated.
 - (3) A Member of the Clergy deposed from any order of ordained ministry is deposed entirely from the ordained ministry.

Sec. 2. A Sentence after final Judgment by a Trial Court shall be adjudged by the Trial Court.

Conditions for
adjudging and
pronouncing
Sentence.

Sec. 3. The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) when there has been a renunciation under Canon IV.8, or, (iii) upon the abandonment of the communion of the Church as set forth in Canon IV.10.

Who shall
impose
Sentence.

Sec. 4 (a) If a Priest or Deacon is liable to Sentence upon Judgment by a Trial Court or upon affirmance of the Judgment by a Court of Review, Sentence shall be imposed by the Bishop of the Diocese in which the original Trial of the Respondent was had, or in case that Bishop is disqualified or there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of that Diocese.

(b) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon IV.2, Sentence shall be imposed by the Bishop to whom the submission was made.

(c) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon IV.8, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of the Diocese.

(d) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV.10, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of the Diocese.

- Sec. 5.** No Sentence shall be pronounced by a Bishop upon a Priest or Deacon after final Judgment by a Trial Court until an opportunity has been given to the Respondent, the Church Attorney, the Complainant and, unless waived in writing, the Victim to show cause why Sentence should not be pronounced and to offer any matter for the consideration of the Bishop. Opportunity for response.
- Sec. 6.** It shall be lawful for the Bishop to pronounce a lesser Sentence upon a Priest or Deacon than that adjudged by the Trial Court, if the Bishop so choose.
- Sec. 7.** The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by a Trial Court shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim in the manner provided in Canon IV.14.20. Time and place.
- Sec. 8.** Sentence of Deposition imposed on a Priest or Deacon shall be pronounced in the presence of two or more Priests. In the presence of Priests.
- Sec. 9.** When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the Convention and the Standing Committee of the Diocese in which the person so sentenced was canonically resident and in which the Sentence is pronounced, which shall be added to the official records of each Diocese; to the Presiding Bishop, to all other bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; to the Church Deployment Office; and to the Secretary of the House of Bishops, who shall deposit and preserve such notice among the archives of the House. The notice shall specify under what Canon the Priest or Deacon has been suspended or deposed. Notice to be given.
- Sec. 10.** When a Bishop is liable to Sentence under a Judgment of a Trial Court or under a Judgment of a Court of Review of the Trial of a Bishop on an appeal to the Court of Review, the Sentence to be imposed shall be one of the Sentences specified in Canon IV.12.1, the Presiding Bishop to pronounce it, and the procedure to be followed in imposing Sentence shall be as provided in the several Canons governing the procedure of those Courts. Pronouncing Sentence on a Bishop.
- Sec. 11.** In the case of the Suspension or Deposition of a Bishop, it shall be the duty of the Presiding Bishop to give notice of the Sentence to the Ecclesiastical Authority of every Diocese of this Church, to the Recorder, to the Church Deployment Office, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church. Notice to be given.
- Sec. 12.** The Court for the Trial of a Bishop shall have the discretion to order that a Bishop: (i) convicted in a criminal Court of Record of a Crime involving immorality, (ii) against whom a judgment has been Court may suspend acts of Bishop.

Administration of temporal affairs.	entered in a civil Court of Record in a cause involving immorality, or (iii) found to have committed an Offense upon a Presentment for a Crime, for Immorality, for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, or for Conduct Unbecoming a Member of the Clergy shall not, on the conviction, the rendering of the judgment or the finding of commission of an Offense, and while the conviction, the judgment or the finding continues unreversed, perform any episcopal, or ministerial or canonical acts, except those that relate to the administration of the temporal affairs of the Diocese in which the Bishop holds jurisdiction or in which the Bishop is then serving.
Suspension of a Bishop.	Sec. 13. The Suspension of a Bishop from the exercise of the episcopal office and ordained ministry shall not terminate any episcopal office held by that Bishop but may by its terms suspend episcopal, ministerial or canonical acts, except as relate to the administration of the temporal affairs of the Diocese of which the Bishop holds jurisdiction or in which the Bishop is then serving. The application of this Canon shall not affect the right to terminate the term of an assistant Bishop.
In case of a Bishop.	CANON 13: Of the Remission or Modification of Sentences Sec. 1. The House of Bishops may remit and terminate any judicial Sentence which may have been imposed upon a Bishop, or modify the same so far as to designate a precise period of time, or other specific contingency, on the occurrence of which the Sentence shall utterly cease, and be of no further force or effect; <i>Provided</i>, that no such Remission or modification shall be made except at a meeting of the House of Bishops, during the session of some General Convention, or at a special meeting of the House of Bishops, which shall be convened by the Presiding Bishop on the application of any five Bishops, after three months' notice in writing of the time, place, and object of the meeting being given to each Bishop; <i>Provided, also</i>, that the Remission or modification be assented to by not less than a majority of the Bishops; And <i>provided</i>, that nothing herein shall be construed to repeal or alter the provisions of Canon IV.12.
Proviso.	
In case of a Priest or Deacon.	Sec. 2 (a) A Bishop who deems the reasons sufficient may, with the advice and consent of two-thirds of All the Members of the Standing Committee, remit and terminate a Sentence of Suspension pronounced in that Bishop's jurisdiction upon a Priest or Deacon.
Conditions for granting remission.	(b) A Bishop who deems the reasons sufficient may also remit and terminate any Sentence of Deposition pronounced in the Bishop's jurisdiction upon a Priest or Deacon, but shall exercise this power only upon the following conditions: (1) That the Remission shall be done with the advice and consent of two-thirds of All the Members of the Standing Committee; (2) That the proposed Remission, with the reasons therefor, shall be submitted to the judgment of five of the Bishops of this Church whose Dioceses are nearest to the Bishop's

own, and the Bishop shall receive in writing from at least four of the Bishops, their approval of the Remission, and their consent thereto.

- (3) That before such Remission, the Bishop shall require the person so Deposed, who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article VIII of the Constitution.

Sec. 3. In case the person was deposed for abandoning the communion of this Church, or was deposed by reason of renunciation of or release from the exercise of the Office of Priest or Deacon, or for other causes, the person also having abandoned its communion, the Bishop before granting the Remission, shall be satisfied that the person has lived in lay communion with this Church for not less than one year next preceding application for the Remission.

Applicant to be in lay communion.

Sec. 4. In case the person applying for Remission shall be residing other than in the Diocese in which deposed, the Bishop to whom application has been made, before granting the Remission, shall be furnished with written evidence of the approval of the application with the reasons therefor from the Bishop of the Diocese in which the person is then residing.

Residence of applicant.

Sec. 5. A Bishop who shall grant Remission for any Sentence of Removal or Deposition shall, without delay, give due notice thereof under the Bishop's own hand sending the notice in a sealed envelope to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese, which shall be added to the official records of the Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; to the Church Deployment Office; and to the Secretary of the House of Bishops and Secretary of the House of Deputies, who shall deposit and preserve the notice among the archives of those Houses giving, with the full name of the person restored, the date of the Removal or Deposition, and the Order of the Ministry to which that person is restored.

Bishop to give notice.

CANON 14: Of General Provisions Applicable to This Title

Sec. 1. Ecclesiastical Nature. Disciplinary proceedings under this Title are neither civil nor criminal, but ecclesiastical in nature and represent determinations by this Church of who shall serve as Members of the Clergy of this Church and further represent the polity and order of this hierarchical Church. Clergy who have voluntarily sought and accepted ordination in this Church have given their express consent and subjected themselves to the discipline of this Church and may not claim in proceedings under this Title constitutional guarantees afforded to citizens in other contexts.

Proceedings to be ecclesiastical.

Sec. 2. Resort to secular courts. No Member of the Clergy of this Church may resort to the secular courts for the purpose of interpreting the Constitution and Canons, or for the purpose of resolving any dispute arising thereunder, or for the purpose of delaying, hindering or reviewing or affecting in any way any proceeding under this Title.

Sec. 3. Review of proceedings by secular courts. No secular court shall have authority to review, annul, reverse, restrain or otherwise delay any proceeding under this Title.

Sec. 4. Limitations of Actions.

Time limita-
tions.

(a)

- (1) No Presentment shall be made for any Offense that constitutes Crime, Immorality, or Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to, ten years immediately preceding the time of receipt of a Charge by the Diocesan Review Committee or the Presiding Bishop except:
 - (i) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final;
 - (ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years; or
 - (iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or
 - (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Diocesan Review Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense; *Provided, however,* in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Diocesan Review Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.
- (2) The time limits of this Section shall not apply to Offenses the specifications of which include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Victim was a Minor.

- (3) For Offenses, the specifications of which include physical violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on Limitations (Canon IV.1.4). Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998.
- (4) Except as provided in clauses (2) and (3) of this Section, these Limitations of Actions shall not be effective retroactively but shall be effective only from the effective dates of this Canon forward.

(b) No Presentment shall issue for any Offense specified in Canon IV.1.1(c), (d), (e), (f), (g), (h) and (i) unless the Offense was committed within, or continued up to, two years immediately preceding the time the Charge is filed with the Diocesan Review Committee. Time Limit.

(c) Periods in which the Respondent is in the custody of secular authorities shall be excluded in computing the period of limitation prescribed in this Canon, if that custody would prevent the Respondent from participating in an Ecclesiastical Trial.

(d) The filing of a Request for a Statement of Disassociation under Canon IV.3.21 shall be the equivalent of filing a Charge for purposes of this Section for alleged violations of Canon IV.1.1(c) for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church and all other Offenses for which Presentment may be made pursuant to Canon IV.3.21(c). Request for
Statement of
Disassociation.

Sec. 5. Materiality. In order for the Offenses specified in Canon IV.1.1. (d), (e), (f) and (g) to be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Diocesan Review Committee or Review Committee. Materiality.

Sec. 6. Time.

(a) Computation. In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday in that jurisdiction, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday in that jurisdiction. Computation
of time.

(b) Additional Time after Service by Mail. Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper, if service is served by mail, five days shall be added to the prescribed period.

Sec. 7. Quorum. In all cases in this Title where a Canon directs a duty to be performed or a power to be exercised, by a Diocesan Review Committee, by the Review Committee, by a Trial Court or by any other body consisting of several members, a majority of the members, the whole having been duly cited to meet, shall be a quorum; and a majority of the members present when a quorum exists shall be competent to act, unless otherwise expressly required by Canon. Quorum.

Consultants.	Sec. 8 (a) Each Diocese shall appoint one or more Consultants and shall make a Consultant available to any Member of the Clergy canonically resident or residing in that Diocese charged with or suspected of an Offense. The Consultant shall be available to consult with and advise the Member of the Clergy and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The Consultant shall explain the rights of the Member of the Clergy and the alternatives available under this Title. (b) A Member of the Clergy shall be notified of the availability and identity of the Consultant at the earliest of (i) the communication to the Member of the Clergy of a Charge, (ii) any interrogation or request for a statement described in Canon IV.14.11(a), (iii) the service of a Temporary Inhibition, (iv) submission to the Ecclesiastical Authority or the Presiding Bishop of a Renunciation under Canon IV.8, or (v) prior to the Execution of a Waiver and Voluntary Submission to Discipline. (c) Any communications between the Consultant and the Member of the Clergy, or his or her legal advisors shall be Privileged Communications. (d) No Consultant shall be required to respond to any questions regarding the Member of the Clergy for whom the Consultant has acted as Consultant.
Expenses.	(e) All of the costs and expenses of providing a Consultant shall be the obligation of the Diocese exercising disciplinary jurisdiction over the Member of the Clergy.
Influencing proceedings.	Sec. 9. Influencing proceedings. No person subject to the authority of this Church may attempt to coerce or by any other means improperly influence, directly or indirectly, the actions of a Diocesan Review Committee, the Review Committee, an Ecclesiastical Trial Court, any other Court provided for in these Canons, or any member thereof or any person involved in such proceedings in reaching the issuance of any Presentment or the findings, Judgment or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply with respect to (i) statements and instructions given by the Church Attorney, the Respondent, or counsel for a Respondent to the Diocesan Review Committee prior to Presentment or to the Ecclesiastical Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by Complainants, alleged Victims or their Advocates as provided for in this Title.
Right to representation.	Sec. 10. In all proceedings under this Title, whenever a Respondent or Member of the Clergy suspected of an Offense is required or permitted to appear, the Respondent or Member of the Clergy shall have the right to be represented by counsel of her or his choice.
Involuntary Statements.	Sec. 11. Involuntary Statements. (a) No person proceeding under the authority of this Title may interrogate, or request a statement from, a Respondent or a person

suspected of an Offense without first informing that person of the nature of the accusation and advising that person that no statement need be made regarding the Offense of which the Respondent is accused or suspected and that any statement so made may be used in evidence against that person in any Ecclesiastical Trial.

(b) No Respondent or person suspected of an Offense may be compelled to make any statement or admission or to testify against himself or herself in any proceedings under this Title.

(c) No statement obtained from any person in violation of this Canon, or through the use of coercion, undue influence or improper inducement may be received in evidence against that person in a Trial under this Title.

(d) No Advocate shall be required to respond to any question regarding any Complainant or alleged Victim.

(e) No Consultant shall be required to respond to any question regarding any Respondent or any Member of the Clergy for whom the Consultant has acted as a Consultant.

Sec. 12. Effect of Prior Proceedings. A Member of the Clergy shall be liable for Presentment and Trial for an Offense set out in Canon IV. 1.1. unless the specific accusation or Charge has previously been included in a Presentment against that Member of the Clergy or has been expressly set forth in the Member of the Clergy's Waiver and Voluntary Submission to Discipline upon which a Sentence has been imposed and pronounced or in the report of a Conciliator under Canon IV.16.4.

Effect of Prior Proceedings.

Sec. 13. Disqualification of Bishop, Judge, or Member of a Review Committee.

Conditions for disqualification.

(a) Any Bishop exercising authority as provided in this Title shall disqualify himself or herself in any proceeding in which the Bishop's impartiality may reasonably be questioned. The Bishop shall also disqualify himself or herself when the Bishop, the Bishop's spouse, or a person within the third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent, alleged Victim, or Complainant, or (2) is likely to be a witness in the proceeding.

(b) Any member of any Diocesan Review Committee, Review Committee, or any Ecclesiastical Court provided for in this Title, shall disqualify himself or herself in any proceeding in which the member's impartiality may reasonably be questioned. The member shall also disqualify himself or herself when the member, the member's spouse, any person within the third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent, alleged Victim, or Complainant, (2) is likely to be a witness in the proceeding, (3) has a personal bias or prejudice concerning the Respondent, alleged Victim, or Complainant, (4) has personal knowledge of disputed evidentiary facts concerning the proceeding, (5) has a personal financial interest in the outcome of the proceeding or in the Respondent, alleged Victim, Complainant, or any other interest that could be substantially affected by the outcome, or (6) is a member of

the same congregation or otherwise has a close personal or professional relationship with the Respondent, any alleged Victim, Complainant, or any witness in the matter.

(c) No Bishop, Ecclesiastical Court, Diocesan Review Committee, or Review Committee shall accept from the parties to the proceeding any waiver of any ground for disqualification enumerated in this Section unless preceded by full disclosure of the basis for the disqualification, on the record, to all parties.

Sec. 14. Presumption of Non-Commission of an Offense. There is a presumption that the Respondent did not commit the Offense alleged until the presumption is overcome by Clear and Convincing evidence.

Proof.

Sec. 15. Standard of Proof. The standard of proof required to establish an Offense by the Respondent by an Ecclesiastical Trial Court shall be that of Clear and Convincing evidence.

Sec. 16. Burden of Proof. The burden of proof to establish an Offense by a Respondent is upon the Church in the Case of Bishops and the Diocesan Review Committee in the Case of Priests or Deacons.

Duty to appear.

Sec. 17. Duty to Appear, Respond and Give Testimony. Except as otherwise provided in this Title, it shall be the duty of all Members of this Church to appear and testify or respond when duly served with a Notice or Citation by a Diocesan Review Committee, Review Committee, or Ecclesiastical Trial Court in any matter arising under this Title.

Roles of
Chancellors.

Sec. 18. Roles of Chancellors, Vice Chancellors, etc. Neither the Chancellor nor a Vice Chancellor of the Diocese shall serve as Church Attorney or Lay Assessor in that Diocese. Neither the Chancellor nor a Vice Chancellor of any Province shall serve as Church Attorney or Lay Assessor in any Diocese including in such Province. The Presiding Bishop's Chancellor shall not serve as Church Attorney or Lay Assessor in any proceeding against a Bishop of this Church. The Church Attorney shall not be from the same law firm as the Chancellor or Vice Chancellor or as the Chancellor to the Presiding Bishop or as a Lay Assessor.

Jurisdiction.

Sec. 19. Jurisdiction. Bishops, Priests, and Deacons are Amenable for Offenses committed by them; a Bishop to a Court of Bishops, and a Priest or Deacon to the Ecclesiastical Authority of the jurisdiction in which the Priest or Deacon is canonically resident at the time the Charge is made or in which the Offense occurred, except as provided in Canon IV.11.3(e).

Notices and
Citations.

Sec. 20. Service of Notices and Citations.

(a) A Notice or Citation permitted by any law of this Church to any Member to appear, at a certain time and place for the investigation of a Charge before a Diocesan Review Committee or Review Committee, for deposition in an Ecclesiastical Trial Court, or for a Trial of an Offense, shall be deemed to be duly served if a copy thereof be delivered to the person to be served, be left at the person's usual place

of abode within the United States as to Members of the Clergy canonically resident in the United States and non-Clergy Members resident in the United States, or as to Members of the Clergy canonically resident or non-Clergy Members resident in countries or territories other than the United States at the place of abode within the country or territory of Canonical residence or residence, as the case may be, with a person of suitable age and discretion, or be mailed by certified mail return receipt requested to the person's usual place of abode within the United States or by similar mail service if mailed in a country other than the United States, at least sixty days before the day of appearance named therein, and in case the Member of the Clergy or non-Clergy Member has departed from the United States or other country or territory of Canonical residence or residence, as the case may be, and has not been duly served, if a copy of the Citation be published once a week for four successive weeks in such newspaper printed in the jurisdiction in which the Member of the Clergy or non-Clergy Member is cited to appear as the Diocesan Review Committee, Review Committee or Ecclesiastical Court shall designate, the last publication to be three months before the day of appearance. Acceptance of service will render unnecessary any further process of Citation.

(b) A notice or Citation, other than those above mentioned, required by any law of this Church, when no other mode of service is provided, may be served personally, or by certified mail return receipt requested, addressed to the person to be served, at the person's last known place of residence, or by leaving a copy at the person's last usual place of abode within the United States as to Members of the Clergy who are canonically resident and non-Clergy Members who are resident in the United States, or at the person's last known usual place of abode in a country or territory other than the United States where the Member of the Clergy is canonically resident or the non-Clergy Member resides, with a person of suitable age and discretion.

(c) A notice or Citation to appear may be issued by Diocesan Review Committee, Review Committee or Ecclesiastical Court.

Sec. 21. Bishops. A reference in this Title to a Bishop intending to mean the Bishop holding jurisdiction pursuant to Article II of the Constitution of this Church shall include a Bishop Coadjutor, if specific jurisdiction for matters contemplated by this Title has been assigned to the Bishop Coadjutor pursuant to Canon III.11.10(a)(2).

Sec. 22. Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Diocesan Review Committee for good cause shown that change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another Diocese of that Province reasonably convenient for the parties. The reasonable expenses of the alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the

Alternate
Ecclesiastical
Trial Court.

Presentment has issued. If the person against whom the Charge or Complaint is made is a Member of the Diocesan Review Committee or if the Diocesan Review Committee is not able to consider a Charge or a Complaint, the Ecclesiastical Authority shall arrange to have the Charge or Complaint reviewed by the Diocesan Review Committee of another Diocese of that Province reasonably convenient to both parties.

- Expenses.** **Sec. 23.** Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or applicable Diocesan Canon, all costs, expenses and fees of the several parties shall be the obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense of the Diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the expense of the Province. The record of proceedings of a Review Committee, the Court for the Trial of a Bishop and the Court of Review of a Trial of a Bishop shall be the expense of the General Convention. Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.
- Absence of Presiding Bishop.** **Sec. 24.** Absence, etc. of Presiding Bishop. If the Presiding Bishop should be absent, under a disability rendering the Presiding Bishop unable to act, or otherwise disqualified, except as expressly otherwise provided in this Title duties assigned to the Presiding Bishop under this Title shall be performed by that Bishop who would be the next qualified Presiding Officer of the House of Bishops.
- Suspension.** **Sec. 25.** Effect of the Suspension of a Bishop. If the Bishop of a Diocese shall be subject to a Sentence of Suspension, the body or person who would be the Ecclesiastical Authority of that Diocese if there were no Bishop shall have authority to request episcopal assistance and Episcopal Acts from another Bishop of this Church.
- Privileged Communications.** **Sec. 26.** Privileged Communications. No Privileged Communication shall be required to be disclosed. Further, the secrecy of a confession is morally absolute for the confessor, and must under no circumstances be broken.
- Noncompliance.** **Sec. 27.** Non-compliance with any procedural requirements set forth in this Title shall not be grounds for the dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Court on motion and hearing.
- Sec. 28.** Former Sentence of Removal. Solely for the purposes of the application of these Canons to persons who have received the pronouncement of the former Sentence of removal, the former Sentence of removal shall be deemed to have been a Sentence of Deposition.
- Sec. 29.** Record of Certain Title IV Proceedings and Actions.
(a) Each Ecclesiastical Court shall keep a complete and accurate

record of its proceedings. When all proceedings on a Presentment or other matter have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, the Court, by majority vote, shall designate another member to certify the record.

Records to be kept and delivered to Archives.

(b) A Court may make provision for the preservation and storage of a copy of the record of each proceeding in the Diocese in which the Presentment or other proceeding originated.

(c) A Court shall promptly deliver the original certified record of its proceedings to The Archives of the Episcopal Church.

(d) A Bishop, including the Presiding Bishop, who pronounces a Sentence shall deliver a copy of the notice of the Sentence to The Archives of the Episcopal Church.

(e) In the case of a Waiver and Voluntary Submission to discipline of a Deacon, Priest or Bishop, the Ecclesiastical Authority with jurisdiction shall promptly deliver a copy of the required written instrument to The Archives of the Episcopal Church.

(f) Bishops, including the Presiding Bishop, shall promptly deliver a record of any action of remission or modification of a Sentence to The Archives of the Episcopal Church.

CANON 15: Of Terminology Used in This Title

Except as otherwise expressly provided or unless the context otherwise requires, as used in this Title the following terms and phrases shall have the following meanings:

Acknowledged shall mean the execution of an instrument in form sufficient to record a deed in the jurisdiction wherein the instrument has been executed.

Admonish shall mean to caution, advise or counsel against wrong practices or to warn against the danger of an Offense.

Admonition shall mean a censure or reprimand which is a public and formal reproof of the conduct of a Member of the Clergy.

Advocate shall mean a person, lay or clergy, designated to support and assist a Complainant or an alleged Victim in any proceeding contemplated by this Title. The Advocate need not reside in or be a member of the Diocese proceeding under this Title or of the Diocese of the person or body designating the person as Advocate.

All the Members shall mean the total number of members of the body provided for by Constitution or Canon without regard to absences, excused members, abstentions or vacancies.

Amenable shall mean subject, accountable, and responsible to the discipline of this Church.

Amenable for Presentment for an Offense shall mean that a reasonable suspicion exists that the individual has been or may be accused of the commission of an Offense.

Canonically resident shall mean the canonical residence of a Member of the Clergy of this Church established by ordination or letters dimissory.

Chancellor shall mean a person appointed or elected to that office in a Diocese, under its Canons or otherwise by the Ecclesiastical Authority, and shall include Vice Chancellors or similar legal officers of the Diocese. Chancellor shall also include the Presiding Bishop's Chancellor.

Charge shall mean a formal and Verified accusation against a Member of the Clergy that the Member of the Clergy has committed an Offense.

Church Attorney shall mean (i) as to proceedings concerning Priests and Deacons, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Diocesan Review Committee, to represent the Church in the prosecution of Presentments against Priests and Deacons and to represent the Church in an appeal to the Court of Review of a Trial of a Priest or Deacon; (ii) as to proceedings concerning Bishops, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Review Committee, to represent the Church in the prosecution of Presentments against Bishops and to represent the Church in an appeal to the Court of Review of a Trial of a Bishop pursuant to Canon IV.5.11, and appointed by the Presenters pursuant to Canon IV.5.15. The Church attorney's client shall be the Diocesan Review Committee or the Review Committee, as the case may be. The Church Attorney need not reside in or be a member of the Diocese proceeding under this Title.

Citation shall mean a written direction from a Diocesan Review Committee, Review Committee or Ecclesiastical Court to a member of this Church or person subject to the jurisdiction of this Church to appear and respond to a Diocesan Review Committee or Review Committee or give testimony before an Ecclesiastical Court.

Clear and Convincing shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

Clerk of the Court shall mean that person appointed by an Ecclesiastical Court to keep the account of proceedings of the Court. The Clerk of the Court need not reside in or be a member of the Diocese or Province of the Ecclesiastical Court appointing the Clerk of the Court.

Complainant shall mean the person or body by whom a Charge is made.

Conciliator shall mean an adult person appointed to seek the conciliation under Canon IV.16. The Conciliator need not reside in or be a member of the Diocese proceeding under Canon IV.16.

Conduct Unbecoming a Member of the Clergy shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

Consultant shall mean a priest, pastoral counselor, chaplain, an attorney-at-law or other person familiar with the procedures, alternatives, requirements and consequences of this Title and who is made available to a Member of the Clergy pursuant to Canon IV.14.8. The Consultant need not reside in or be a member of the Diocese proceeding under Canon IV.14.8.

Convention shall mean the governing body or assembly of a Diocese by whatever name it is styled in that Diocese.

Court of Record shall mean a secular civil or criminal court of the national government, a state, territory or other jurisdiction wherein the Diocese is located which keeps a separate record of a trial or issues its judgment in writing sufficient on its face to state an Offense under this Title and as to be able to be certified or duly authenticated by the judge, justice, clerk or other appropriate officer of that court.

Crime shall mean a positive or negative act in violation of a penal law which embraces acts immoral or wrong in and of themselves. As used in this Title, Crime does not embrace acts or conduct prohibited by statute to which no moral turpitude attaches and constituting Crimes only because they are so prohibited.

Deposition shall mean a Sentence by which a Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination.

Discipline The Discipline of the Church shall be found in the Constitution, the Canons, and the Rubrics and the Ordinal of the Book of Common Prayer.

Doctrine As used in this Title, the term Doctrine shall mean the basic and essential teachings of the church. The Doctrine of the Church is to be found in the Canon of Holy Scripture as understood in the Apostles' and Nicene Creeds and in the sacramental rites, the Ordinal and Catechism of the Book of Common Prayer.

Ecclesiastical Authority shall mean the Bishop of the Diocese or, if there be none, the Standing Committee or such other ecclesiastical authority established by the Constitution and Canons of the Diocese.

Ecclesiastical Court shall mean a court established under this Title.

Ecclesiastical Trial Court shall mean a Diocesan Court for the Trial of a Priest or Deacon established pursuant to Canon IV.4(A) and The Court for the Trial of a Bishop pursuant to Canon IV.5.1.

Federal Rules of Evidence shall mean the Federal Rules of Evidence for United States District Courts and Magistrates, Title 28 United States Code, as amended from time to time.

Godly Admonition: see **Pastoral Direction**.

Inhibition shall mean a written command from a Bishop that a Priest or Deacon shall cease from exercising the gifts of ordination in the ordained ministry as specified in the Inhibition. When an Inhibition is issued to a Bishop it may also command the Bishop to cease all episcopal, ministerial or canonical acts.

Judgment shall mean the determination by an Ecclesiastical Trial Court that a Respondent has or has not committed the Offense for which presented.

Lay Assessor shall mean a duly licensed attorney to advise in matters of law, procedure and evidence affecting a Court or Review Committee in its proceedings. The Lay Assessor need not reside in or be a member of the Diocese or Province of the Court the Lay Assessor advises.

Limitations of Actions shall mean the time within which a Charge must be filed with a Diocesan Review Committee in a matter concerning a Priest or Deacon or filed with the Presiding Bishop in a matter concerning a Bishop as provided for in Canon IV.14.4.

Member of the Clergy shall mean Bishops, Priests and Deacons of this Church unless the context shall exclude a Bishop.

Minor shall mean a person under the age of twenty-one years of age.

Offense shall mean any conduct or acts proscribed in Canon IV.1.1.

Pastoral Direction shall mean a written solemn warning from a Bishop to a Priest or Deacon setting forth clearly the reasons for the Pastoral Direction given in the capacity of pastor, teacher and canonical overseer, which is neither capricious or arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, national or diocesan, and directed to some matter which concerns the Doctrine, Discipline or worship of this Church or manner of life and behavior of the Priest or Deacon addressed, and shall be deemed to include without limitation admonition and Godly admonition.

Presentment shall mean the writing under Canon IV.3.21(c) or of a Diocesan Review Committee or Review Committee to an Ecclesiastical Trial Court that there are reasonable grounds to believe (i) an Offense has been committed which is triable, and (ii) the person named therein has committed it.

Presiding Bishop shall mean the Presiding Bishop of this Church or, if there be none or the then Presiding Bishop be absent or disabled, the presiding officer of the House of Bishops.

Privileged Communications shall mean (i) disclosures in confidence made by a person to a Member of the Clergy with the purpose of seeking religious counsel, advice, solace, absolution or ministration wherein the Member of the Clergy is acting in the capacity of spiritual advisor to the person, and where the person making the disclosures has a reasonable expectation that the communication will be kept in confidence, (ii) communications privileged under the law of the state or applicable federal law, (iii) such other privileged communications as are defined under the Federal Rules of Evidence, (iv) communications between an Advocate and a Complainant, alleged Victim, or Victim, (v) communications between a Consultant and a Respondent, and (vi) communications during the Conciliation process between and among a Conciliator and the participants in a Conciliation; but not necessarily so in federal and state civil or criminal proceedings.

Reasonable Cause shall mean grounds sufficiently strong to warrant reasonable persons to believe that the Charge is true.

Record on Appeal shall mean such part of the Presentment, original papers and exhibits filed in the Trial Court, the transcript of proceedings, the Decision of the Trial Court and the Sentence adjudged and to be imposed, as may be designated by the parties pursuant to Rule 10 of the Federal Rules of Appellate Procedure.

Remission shall mean the forgiveness and termination of a Sentence imposed.

Reporter shall mean that person charged with the responsibility of taking the recording of the proceedings. The Reporter need not reside in or be a member of the Diocese or Province in which proceedings are held under this Title.

Respondent shall mean a Member of the Clergy charged with an Offense.

Restored or Restoration shall mean the act of a Bishop or the Presiding Bishop remitting and terminating a Sentence imposed and returning a Member of the Clergy to good standing in the order to which the Member of the Clergy was ordained.

Rules of Appellate Procedure shall mean the procedural rules for conducting an Appeal of an Ecclesiastical Trial Court Judgment as set forth in Appendix B.

Rules of Procedure shall mean the procedural rules for conducting an Ecclesiastical Trial as set forth in Appendix A, except as modified by express provision of this Title.

Sentence shall mean the sentence adjudged by an Ecclesiastical Court after a finding of a commission of an Offense or the lesser Sentence to be pronounced by a Bishop or the Presiding Bishop, as the case may be. The Sentence, whether Admonition, Suspension or Deposition, shall specify the Canon or Canons under which the action is being taken.

Standard of Proof shall mean that nature of proof required for a Judgment by an Ecclesiastical Court.

Summary Judgment of Offense shall mean the determination by an Ecclesiastical Trial Court that the Respondent has committed the Offense or Offenses described in the Presentment.

Suspension shall mean a Sentence by which the Member of the Clergy is directed to refrain temporarily from the exercise of the gifts of ministry conferred by ordination.

Temporary Inhibition shall mean that Inhibition authorized by Canon IV.1.

Trial shall mean an evidentiary proceeding before an Ecclesiastical Court pursuant to this Title.

Verification shall mean a signature before a notary public or similar person authorized to take acknowledgments of signatures on a document that states that the signer has personal knowledge or has investigated the matters set forth in the document and that they are true to the best of the signer's knowledge and belief.

Verified shall mean that an instrument contains a Verification.

Victim shall mean a person who has been, or is, or is alleged to be the object of acts of the Respondent.

Waiver and Voluntary Submission shall mean a written instrument containing the information required by this Title and Acknowledged by the person executing the same in accordance with Canon IV.2.2.

CANON 16: Of Conciliation of Disciplinary Matters

Conditions for
conciliation.

Sec. 1. If the Ecclesiastical Authority or the Standing Committee, as the case may be, shall receive a complaint or Charge against a Priest or Deacon, or if the Presiding Bishop shall receive a complaint or Charge against a Bishop, which complaint or Charge on its face, if true, would constitute an Offense and the Ecclesiastical Authority or Standing Committee or Presiding Bishop, as the case may be, considers the complaint or Charge not to be a serious Offense against the Church and its good order and Discipline, but an interpersonal conflict not involving immorality or serious personal misconduct, or one that may be a technical commission of another Offense, the Ecclesiastical Authority or Standing Committee or Presiding Bishop may offer the persons involved the opportunity for conciliation in lieu of canonical proceedings seeking a Presentment.

Appointment of
Conciliator.

Sec. 2. If all persons involved in the matter agree that conciliation is desirable and are willing for the matter to be conciliated, the Ecclesiastical Authority or the Standing Committee or the Presiding Bishop receiving the complaint or Charge shall appoint a Conciliator, who shall labor with those involved in the conflict that they may be reconciled.

Time periods.

Sec. 3. If the Conciliator is unable to achieve conciliation within a period of thirty (30) days, which may be extended by consent of all the participants to the conciliation for additional periods not to exceed a total of ninety (90) days from the date of the appointment of the Conciliator, the Conciliator shall refer the matter back to the appointing authority without recommendation for further proceedings under this Title.

Conciliator to
report results.

Sec. 4. If conciliation is achieved, the Conciliator shall report back to the appointing authority with the results of the conciliation. The Conciliator's report shall be in writing, concisely state the allegations of the original complaint or Charge, state the terms, if any, and the results of the conciliation, which shall be agreed to, signed and Acknowledged by and between the participants in the conciliation.

RULES OF PROCEDURE OF THE ECCLESIASTICAL TRIAL COURTS AND THE COURT FOR THE TRIAL OF A BISHOP**Rule 1**

These Rules of Procedure to the extent they are not inconsistent with provisions of Title IV, shall govern proceedings held in the Ecclesiastical Trial Courts. Such Courts may adopt further rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Rule 2: Summons.

(a) **Form.** The summons shall be signed by the Presiding Judge of the Court, identify the Court and the parties, be directed to the Respondent and state the name and address of the Church Attorney. It shall state the time within which the Respondent must file an Answer to the Presentment with the Court, and notify the Respondent that failure to do so will result in a Judgment that an Offense was committed by the Respondent and place the Respondent at risk for a Sentence to be pronounced at a later date. The Court may allow the Summons to be amended.

(b) **Service.** The service of the Summons and a copy of the Presentment shall be made in accordance with Canon IV.14.20. The Respondent may waive personal service in writing.

(c) **Proof of Service.** The person effecting service shall make proof of service by affidavit or sworn statement to the Court. If service is waived, the written waiver of service shall be filed with the Court.

Rule 3: Service and Filing of Pleadings and Other Papers.

Except as otherwise provided in these Rules, every pleading, paper, motion and notice required to be served on a party shall be served upon the attorney for the party unless otherwise ordered by the Court. Service upon the attorney or upon a party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party at the attorney's or party's last known address. Service by mail is complete upon mailing. The filing of papers with the Court shall be made by filing them with the clerk of the Court unless otherwise directed by the Court.

Rule 4: General Rules of Pleading.

(a) **Presentment.** The content of the Presentment shall conform to the applicable provisions of Canon 3 of this Title. It shall contain a short plain statement of the allegation of each Offense with reference to applicable provisions of Canon I of this Title, and a plain and concise statement of the facts upon which each allegation is made.

(b) **Answer.** The Answer shall state in short and plain terms the Respondent's defenses to each allegation of the Presentment, and shall admit or deny the factual allegations of the Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

(c) **Style.** Pleadings are to be direct and concise. No technical forms of pleadings or motions are required.

(d) **Construction.** All pleadings shall be so construed as to do substantial justice.

(e) **Forms of Pleadings.** Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations of fact or defense shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

(f) **Signature.** All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

Rule 5: Defenses and Objections.

(a) **When Presented.** Unless a different time period is prescribed, a Respondent shall serve an Answer to the Presentment upon the Church Attorney and the Court within 30 days after being served a Summons and Presentment.

(b) **How Presented.** The following defenses may be asserted by motion: (1) Insufficiency of service or process, (2) lack of jurisdiction (3) failure to state the factual basis of an Offense; and (4) expiration of the applicable period of limitations as stated in Canon IV.14.4. The Respondent may also move for a more definite statement before filing an Answer if the Presentment is so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

Rule 6: Amended and Supplemental Pleadings.

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

Rule 7: Voluntary Disclosures, Discovery.

(a) **Voluntary Disclosures.** The Parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

(b) The Parties may conduct discovery through written or oral depositions or written interrogatories. The Ecclesiastical Trial Court may limit the number, length and scope of depositions or

interrogatories. The Respondent shall not be required to make any statement or admission against himself or herself in any discovery procedure.

Rule 8: Taking of Testimony.

In all trials, the testimony of witnesses shall be taken orally in open Court, unless otherwise provided by the Federal Rules of Evidence or other rules adopted by the Court. Such testimony shall be given under oath or solemn affirmation.

Rule 9: Summary Judgment of Offense.

(a) **How Made.** If the Respondent fails or refuses to Answer the Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the Answer is due, move with or without supporting affidavits for Summary Judgment of Offense. The Church Attorney shall file the motion with any supporting affidavits with the Court, serve a copy of the same on the Respondent, and provide copies to each Complainant and, unless waived in writing, the alleged Victim. The motion shall be served upon the Respondent at least twenty days before the time fixed by the Court for a hearing on the Motion.

(b) **Opposing Affidavits.** Respondent prior to the day of hearing may serve opposing affidavits upon the Court and Church Attorney, and shall provide copies of such affidavits to each Complainant and, unless waived in writing, the alleged Victim.

(c) **Proceedings Thereon.** The court shall convene a hearing to consider the Motion and may, in the Court's discretion, receive oral testimony. If the Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed an Offense, the Court shall render Judgment on the matter of the Offense or Offenses described in the Presentment.

(d) **Form of Affidavits.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated in the affidavit. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

(e) **Defense Required.** When a motion is made and supported as provided in this rule, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for Trial.

FEDERAL RULES OF CIVIL APPELLATE PROCEDURE

(as modified and adopted for use in the administration of Title IV, The Canons of the Protestant Episcopal Church in the United States)

Rule 1. Scope of Rules. These rules govern procedure in appeals to Courts of Review as provided in Canon IV.4.46 and Canon IV.6.13. Courts of Review shall, in addition to these rules, be guided by the Federal Rules of Appellate Procedure.

Rule 2. Suspension of Rules. [FRAP 2 as written.]

Rule 10. The Record on Appeal.

(d) Agreed Statement as the Record on Appeal. In lieu of the Record on Appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided by the Trial Court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the Court may consider necessary fully to present the issues raised by the appeal, shall be approved by the Trial Court and shall be transmitted to the Court of Review as the Record on Appeal.

(e) Correction or Modification of the Record on Appeal. Any dispute as to whether the Record on Appeal truly discloses what occurred in the Trial Court shall be addressed to and resolved by the Trial Court.

Rule 25. Filing and Service.

(a) Filing. A paper required or permitted to be filed in the Court of Review must be filed with the Clerk of the Court of Review. Filing may be accomplished by mail addressed to the Clerk. Filing is not timely unless the Clerk receives the papers within the time fixed for filing, except that briefs and appendices are treated as filed when mailed. A Court of Review may permit filing by facsimile or other electronic means.

(b) Service of All Papers Required. [FRAP 25(b) as written.]

(c) Manner of Service. [FRAP 25(c) as written.]

(d) Proof of Service. [FRAP 25(c) as written, substituting "Rule 25 (a)" for "Rule 25(a)(2)(B)"]

Rule 26. Computation and Extension of Time. [FRAP 26 as written, substituting "Court of Review" for "Court of Appeals" and deleting the second sentence of subdivision (b)]

Rule 28. Briefs.

(a) Appellant's Brief. The brief of the appellant must contain, under appropriate headings and in the order here indicated:

- (1) A table of contents with page references, and a table of cases, canons or authorities with page references.

- (2) A statement of the issues presented for review.
- (3) A statement of the case, including a description of the course of proceedings and a statement of the facts relevant to the issues presented for review, with appropriate references to the record.
- (4) A brief summary of the argument.
- (5) An argument. The argument must contain the contentions of the appellant on the issues presented and the reasons therefor, with citations to the authorities and parts of the record relied on.
- (6) A short conclusion stating the precise relief sought.

(b) Appellee's Brief. The brief of appellee must conform to the requirements of paragraphs (a)(1), (4), (5), and (6).

(c) Reply Brief. Appellant may file a brief in reply to the brief of appellee, and if the appellee has cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues presented in the cross-appeal. All reply briefs shall contain a table of contents and a table of authorities cited with page references.

(g) Length of Briefs. Except by permission of the Court of Review, principal briefs shall not exceed fifty (50) pages and reply briefs must not exceed twenty-five (25) pages exclusive of pages containing the table of contents, table of authorities, proof of service and any addendum.

Rule 29. Brief of an Amicus Curiae. A brief of an amicus curiae may be filed only by leave of the Court of Review granted on motion or at the request of the Court. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

Rule 30. Appendix to the Briefs. The appellant must prepare and file an appendix to the briefs containing (1) any relevant portions of the pleadings or presentment; (2) the decision or opinion in question; and (3) any other parts of the record to which the parties wish to direct the particular attention of the Court of Review. The appendix must be filed with the brief, unless an extension is granted by the Court of Review.

Rule 32. Forms of Briefs, the Appendix and Other Papers. Briefs, appendices and other papers filed with the Court of Review may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. All printed matter must appear in at least 11 point type on unglazed, white paper, and shall be bound in volumes having pages not exceeding 8 ½ by 11 inches, typed matter must be double spaced, with numbered pages. The front cover shall contain (1) the name of the court; (2) caption of the case; (3) nature of the proceedings in the court; (4) title of the document; and (5) the names and addresses of counsel representing the party on whose behalf the document is filed.

Rule 34. Oral Argument.

(a) **In General.** Oral argument, if requested, shall be allowed in all appeals.

(b) **Notice of Argument.** The Presiding Judge of the Court of Review shall provide at least thirty (30) day's written notice of the time and place of oral argument to all parties to the appeal.

(c) **Order and Content of Argument.** The hearing of oral argument shall proceed with the argument of appellant, argument of appellee, and rebuttal by appellant. Additional opportunities to present argument may be afforded by the Court so long as the appellant receives the final opportunity to speak. During the oral argument, the Court may address questions to any participant in the oral argument, but shall not receive any evidence not contained in the Record of Appeal.

TITLE V GENERAL PROVISIONS

CANON 1: Of Enactment, Amendment, and Repeal

Sec. 1. No new Canon shall be enacted, or existing Canon be amended or repealed, except by concurrent Resolution of the two Houses of the General Convention. Such Resolution may be introduced first in either House, and shall be referred in each House to the Committee on Canons thereof, for consideration, report, and recommendation, before adoption by the House; *Provided*, that in either House the foregoing requirement of reference may be dispensed with by a three-fourths vote of the members present.

Procedure
required.

Sec. 2. Whenever a Canon is amended, enacted, or repealed in different respects by two or more independent enactments at the same General Convention, including the enactment of an entire Title, the separate enactments shall be considered as one enactment containing all of the amendments or enactments, whether or not repealed, to the extent that the change made in separate amendments or enactments, are not in conflict with each other. The two members of the Committee on Canons from each House of General Convention appointed pursuant to Canon V.1.5(a) shall make the determination whether or not there is a conflict and certify the text of the single enactment to the Secretary.

Separate
enactments
effecting the
same Canon,
how treated.

Sec. 3. Whenever a Canon which repealed another Canon, or part thereof, shall itself be repealed, such previous Canon or part thereof shall not thereby be revived or reenacted, without express words to that effect.

Sec. 4. If a Canon or Section of a Canon or Clause of a Section of a Canon is to be amended or added, the enactment shall be in substantially one of the following forms: "Canon . . . (Canon, Section or Clause designated as provided in Canon V.2.3) . . . is hereby amended to read as follows: (here insert the new reading)"; or "Canon . . . (Canon or Section designated as provided in Canon V.2.3) . . . is hereby amended by adding a Section (or Clause) reading as follows: (here insert the text of the new Section or Clause)." If amendments are to be made at one meeting of the General Convention to more than one-half of the Canons in a single Title of the Canons, the enactment may be in the following form: "Title . . . of the Canons is hereby amended to read as follows: (here insert the new reading of all Canons in the Title whether or not the individual Canon is amended)." In the event of insertion of a new Canon, or a new Section or Clause in a Canon, or of the repeal of an existing Canon, or of a Section or Clause, the numbering of the Canons, or of a division of a Canon, which follow shall be changed accordingly without the necessity of enacting an amendment or amendments to that effect.

Form of
amendment.

Sec. 5 (a) The Committee on Canons of each House of the General Convention shall, at the close of each regular meeting of the General

Certification
of changes.

Convention, appoint two of its members to certify the changes, if any, made in the Canons, including a correction of the references made in any Canon to another, and to report the same, with the proper arrangement thereof, to the Secretary, who shall publish them in the Journal.

(b) The Committee on Constitution of each House of the General Convention shall, at the close of each regular meeting of the General Convention, appoint a similar committee of two of its members to certify in like manner the changes, if any, made in the Constitution, or proposed to be made therein under the provisions of Article XII of the Constitution, and to report the same to the Secretary, who shall publish them in the Journal. The committee shall also have and exercise the power of renumbering of, and correction of references to, Articles, Sections and Clauses of the Constitution required by the adoption of amendments to the Constitution at a meeting of the General Convention in the same manner as provided with respect to the Canons in the foregoing Sections 4 and 5(a) of this Canon.

When Canons
take effect.

Sec. 6. All Canons enacted during the General Convention of 1943, and thereafter, and all amendments and repeals of Canons then or thereafter made, unless otherwise expressly ordered, shall take effect on the first day of January following the adjournment of the General Convention at which they were enacted or made.

CANON 2: Of Terminology Used in These Canons

Use of the
term Diocese.

Sec. 1. Whenever the term "Diocese" is used without qualification in these Canons, it shall be understood to refer both to "Dioceses" and to "Missionary Dioceses," as these terms are used in the Constitution, and also, whenever applicable, to the "Convocation of the American Churches in Europe."

Use of the
term Canon.

Sec. 2. Whenever in these Canons a reference is made to a Canon or a Section of a Canon or a Clause of a Section of a Canon, the word "Canon" shall be set out, followed in order by the numerical or alphabetical designation of the Title, the Canon, the Section and the Clause, in each case separated by a period.

CANON 3: Of a Quorum

Sec. 1. Except where the Constitution or Canons of the General Convention provide to the contrary, a quorum of any body of the General Convention consisting of several members, the whole having been duly cited to meet, shall be a majority of said members; and a majority of the quorum so convened shall be competent to act.

CANON 4: Of Vacancies on Canonical Bodies

Causes for
removal.

Sec. 1 (a) Except where the Constitution or Canons of the General Convention provide to the contrary, the term of a member in any body of the General Convention consisting of several members shall become vacant as follows:

- (1) upon absence from two regularly scheduled meetings of the body between successive regular meetings of the General Convention unless excused by the body;
- (2) upon Inhibition, Admonition, Suspension, or Deposition of a Member of the Clergy then serving on the body;
- (3) upon the renunciation of the ministry of this Church by a Member of the Clergy;
- (4) upon the certification to the Presiding Bishop by the Advisory Committee as to the abandonment of the communion of this Church by a Bishop pursuant to Canon IV.9;
- (5) upon the certification by the Standing Committee as to the abandonment of the communion of this Church by a Priest or Deacon pursuant to Canon IV.10; or
- (6) for cause deemed sufficient by a two-thirds vote of all the members of the body.

(b) The term of any member specified to be filled by a Priest or Deacon shall become vacant upon that member's ordination to the episcopacy.

Vacancies due to change in status.

(c) The term of any Member of the Clergy specified to be filled by virtue of a provincial or diocesan canonical residence shall become vacant upon the change of canonical residence to another diocese or to a diocese in a different province, as the case may be.

(d) The term of any Lay Person specified to be filled by virtue of a provincial or diocesan residence shall become vacant upon the change of residence to another diocese or to a diocese in a different province, as the case may be.

Sec. 2 (a) The position of a lay member becomes vacant upon loss of status as a communicant in good standing.

(b) The position of any member specified to be filled by a lay person shall become vacant upon that member's ordination.

**RULES OF ORDER
HOUSE OF BISHOPS**

Services and Devotions

I As an indication of our humble dependence upon the Word and Spirit of God, and following the example of primitive Councils, a copy of the Holy Scriptures shall always be reverently placed in view at all meetings of this House.	Placement of Holy Scriptures.
II On each day of the Session of the House, the meeting shall be opened with prayer and the reading of the Holy Scriptures.	Opening devotions.
III At the hour of noon on each day of the Session, there shall be a devotional service, including prayers for the Church in its mission, as provided for in the Book of Common Prayer.	Noonday prayers.
IV The last session of the House shall be closed with the Benediction pronounced by the Bishop presiding.	Close of daily session.
V At every session of the House of Bishops there shall be a daily celebration of the Holy Eucharist at such time and place as the Presiding Bishop or Vice-Chair of the House shall appoint.	Holy Eucharist.
VI Preceding the balloting for the election of a Presiding Bishop, of a Missionary Bishop, or on the proposed transfer of a Missionary Bishop from one Diocese to another, there shall be a celebration of the Holy Eucharist, with a special prayer for the guidance of the Holy Spirit.	
VII The opening service of the General Convention and selection of the Preacher shall be in charge of the Presiding Bishop, the Vice-Chair of the House of Bishops, and the Bishop of the Diocese wherein the Convention is to be held. The sermon shall be delivered by the Presiding Bishop, unless the Presiding Bishop shall elect to appoint some other Bishop as Preacher.	Opening Service of General Convention.

First Day of Session

I The House of Bishops shall meet for business at such time and place as shall have been duly notified by the Presiding Bishop, or the Vice-Chair of the House, to the members of this House, and shall be called to order by the Presiding Bishop or the Vice-Chair, or, in their absence, by the Senior Bishop present.	Call to order.
II The House shall then proceed to elect a Secretary if the office is vacant; and the person elected shall serve until the end of that meeting of the Convention. At the end of each meeting of the Convention, the House shall proceed to elect a Secretary who shall continue in office until the conclusion of the triennial meeting of the Convention following that election. With the approval of the Presiding Officer, the Secretary may then, or later, appoint Assistant Secretaries.	Secretary and Assistant Secretaries.

RULES OF ORDER

Roll.	III The roll of members shall be called by the Secretary. On the second and third days the Secretary shall make a note of the late arrivals who shall inform the Secretary of their presence.
Minutes.	The minutes of the last meeting shall then be read by the Secretary and acted on by the House. Such reading may be dispensed with by a majority vote of the House.
Presentation of new Bishops.	IV Bishops appearing in the House for the first time after their Consecration shall then, or at such other time at that meeting appointed by the Presiding Bishop, be presented to the President in a manner prescribed by the Presiding Bishop.
Memorials.	V At a time deemed suitable, the Presiding Bishop shall then announce, without word or comment, the fact and the date of the death of any members who have died since the last preceding meeting; after which the House shall be led in prayer.
Vice-Chair.	VI The House shall then proceed to elect a Vice-Chair, if the office is then vacant, after hearing the report of the nominating committee of the House and after receiving any other nominations from the floor; and the person elected shall serve until the conclusion of that meeting. At the conclusion of each meeting of the Convention, the House, using the same procedure, shall proceed to elect a Vice-Chair who shall continue in office until the conclusion of the triennial meeting of the Convention following that election. The Vice-Chair, in the absence of the Presiding Bishop, or at the request of the Presiding Bishop, shall be the Presiding Officer of the House. In the absence of the Vice-Chair, the Presiding Bishop may ask another member of the House to preside.

Daily Orders

Regular order of business.	I The regular order of business of the House shall be as follows: (1) Devotions. (2) Roll call or late registrations. (3) Minutes of the previous meeting. (4) Presentation of new members. (5) Communications from the Presiding Bishop. (6) Report of the Committee on Dispatch of Business. (7) Petitions and Memorials. (8) Messages from the House of Deputies not yet disposed of. (9) Motions of Reference. (10) Reports of Legislative Committees in the order in which the Committees are named in General Rule I. (11) Reports of Commissions. (12) Reports of Special Committees. (13) Miscellaneous business.
Special order of business.	II At any Special Meeting of the House, the Secretary shall present the Official Call for such meeting and incorporate such Call in the Minutes. The order of business at any Special Session shall be as follows:

HOUSE OF BISHOPS

- (1) Call to order.
- (2) Devotions.
- (3) Roll call.
- (4) Presentation of new members.
- (5) Communications from the Presiding Bishop.
- (6) The special Business of the Meeting.
- (7) Reports of Special Committees.
- (8) Reading of the Minutes.
- (9) Adjournment.

III On the second day of the Session, after Devotions, the Presiding Bishop shall lay before the House a statement of official acts during the recess of the General Convention.

Official acts
of Presiding
Bishop.

IV On the days when the House of Bishops is expected to meet with the House of Deputies and others in Joint Session, the first order of business shall be the consideration of such matters as the Committee on Dispatch of Business shall report as urgently demanding attention. Then shall follow consideration of Messages from the House of Deputies not disposed of, Reports from Standing Committees, and other business for which time shall remain. If the Joint Session shall adjourn before the customary hour for adjournment of the House of Bishops, the House shall resume its sitting. Any part of this rule may be suspended by a majority vote.

Order of
business on
days when
Joint Session
is to be held.

V The Secretary shall keep a Calendar of Business, on which shall be placed, in the order in which they are presented, Reports of Committees, Resolutions which lie over, and other matters undisposed of, indicating the subject of each item.

Calendar of
Business.

VI The Secretary shall also keep a Consent Calendar, which shall be published daily and distributed to the members before the convening of the House on each legislative day, and designate it as a separate calendar. Matters shall be listed on the Consent Calendar in separate groupings according to the date that they have been placed thereon. All matters to which amendments have been proposed by a Committee shall be so designated. No debate is in order regarding any matter appearing on the Consent Calendar. However, the President shall allow a reasonable time for questions from the floor and answers to those questions. No amendment other than an amendment contained in a Committee report is in order regarding any matter on the Consent Calendar. Any amendments contained in Committee reports on such matters shall be deemed adopted unless the matter is objected to and removed from the Consent Calendar. Immediately prior to a vote on the first matter on the Consent Calendar the President shall call to the attention of the members the fact that the next vote will be on the first matter pending on the Consent Calendar. Matters appearing on the Consent Calendar shall be taken up immediately following the noon recess of the next legislative day following their placement on the Consent Calendar, or otherwise by unanimous consent or by adoption of a special order of business. A matter may be placed on the Consent

Consent
Calendar.

RULES OF ORDER

Calendar by report of a legislative Committee, if the Committee vote to report the matter with a recommendation for adoption, with or without amendments, or for discharge, or for rejection was by three-quarters (3/4) of the members present and if the Committee recommends placement of the matter on the Consent Calendar. Prior to a vote on final passage of any matter appearing on the Consent Calendar, it shall be removed from the Consent Calendar if (1) any three Bishops, or (2) the sponsor of the matter, or (3) the Committee on Dispatch of Business files with the Secretary written objections to the presence of the matter on the Consent Calendar. Any matter so removed may not be placed thereafter on the Consent Calendar but shall be restored to the Daily Calendar. Any matter removed from the Consent Calendar, to which amendments have been proposed by a Committee, shall stand on the Daily Calendar in its original, unamended form, and amendments shall be treated as if the matter had never been on the Consent Calendar.

Order of Day: **VII** The Order of the Day shall be taken up at the hour appointed, unless postponed by a two-thirds vote of those present and voting.

Visiting Bishops: **VIII** Bishops invited to honorary seats may be introduced by the Presiding Officer whenever no other business occupies the House.

General Rules for Meetings of This House

Legislative Committees.

I Committees shall be appointed by the Presiding Officer of the House unless otherwise ordered. The Presiding Bishop shall name the members of all the Committees of this House annually, and shall designate the Chair of each Committee. The Chair shall appoint a Vice-Chair and a Secretary; and if the Chair should leave the Convention or the House of Bishops early, the Secretary of the House shall be notified. The Presiding Bishop may refer to Committees of this House, for their consideration, matters which arise and which should receive consideration at the next meeting of the House. The Standing Committees, to be announced not later than the third day of the session, may be as follows:

- (1) Dispatch of Business.
- (2) Certification of Minutes.
- (3) Rules of Order, of which the Presiding Bishop shall be a member, *ex officio*.
- (4) Constitution.
- (5) Canons.
- (6) Structure.
- (7) Consecration of Bishops.
- (8) World Mission.
- (9) National and International Concerns.
- (10) Social and Urban Affairs.
- (11) Church in Small Communities.
- (12) Evangelism.
- (13) Prayer Book, Liturgy and Church Music.

HOUSE OF BISHOPS

- (14) Ministry.
- (15) Education.
- (16) Church Pension Fund.
- (17) Stewardship and Development.
- (18) Ecumenical Relations.
- (19) Communications.
- (20) Miscellaneous Resolutions.
- (21) Privilege and Courtesy.
- (22) Committees and Commissions.
- (A) Pastoral Letter.
- (B) Resignation of Bishops.
- (C) Religious Communities.
- (D) On Nominations and Elections.

In addition, the Presiding Bishop shall appoint a Legislative Committee on Admission of New Dioceses if such legislation will be presented to the Convention.

II No Memorial, Petition, or Address shall come before this House unless presented by the Presiding Officer of the House, or some other Bishop present.

III Nothing other than Reports and other documents printed for the use and by the order of the House, except the private correspondence of its members, shall be distributed in the House without having first been entrusted to the Secretary, and submitted to the approval of the Presiding Officer.

Distribution of
printed matter.

IV All Resolutions shall be reduced to writing, and no motion shall be considered as before the House until seconded. In all cases where a Resolution seeks to amend a Canon or an entire Title of Canons, the form of Resolution submitted shall set out the enactment in the form prescribed by Canon V.1, shall include with a dash overstrike on each letter any words which are deleted by the amendment and shall underline any words which are added by the amendment; *Provided*, that if the amendment of an entire Title is to be covered by one enactment under Canon V.1.4, the deleted text and the underlining of the next text need not be included but the proponent shall make adequate written explanation of the changes.

Resolutions and
motions.

All resolutions of Bishops shall be proposed by one Bishop and be endorsed by not less than two additional Bishops, all three being from different dioceses. Individual Bishops shall be limited to proposing not more than three resolutions.

Limitations.

V Members in discussion shall address the Chair, and shall confine themselves to the Question in debate. No member shall speak more than twice in the same debate without leave of the House. At the conclusion of any speech, the Presiding Officer alone, or any member of the House, may call for a vote, without debate, on a proposal for a recess of conference to define and clarify the issues of the debate and the way in which the House is working. If the proposal of a member

Rules of debate.

RULES OF ORDER

is supported by at least four other members, it is to be put to a vote. If passed by a two-thirds vote of those present and voting, members of the House will form small groups for a ten-minute conference, at the end of which debate will resume with any speakers who had already been recognized at the time of the motion for conference.

VI Officers of the House of Bishops, when addressing the House in debate, shall in all cases do so from the floor of the House.

Division. **VII** When a division is called for, every voting member present shall be counted. When, in such procedure, the vote of the Presiding Officer produces a tie, the motion shall be considered as lost.

On any question before the House the ayes and nays may be required by any six voting members, and shall in such cases be entered on the Journal.

Ballot. **VIII** When it is proposed to give consent to the consecration or confirmation of a Bishop-elect, or of a Bishop Coadjutor-elect, or of a Bishop-elect Suffragan, it shall be competent for any six voting members of the House to call for a vote by ballot.

IX The Secretary shall prepare a ballot for each election listing alphabetically the names of all persons nominated. On each ballot, each voting member shall vote for the number of nominees to be or remaining to be elected, and any ballot with votes less than or in excess thereof shall be void. The nominees receiving the largest number of votes shall be deemed elected, provided that votes equal to or in excess of a majority of the ballots cast on any ballot shall be required for election.

Precedence of motions. **X** When a Question is under consideration, the following motions shall have precedence in the order listed: to lay upon the table, to postpone to a time certain, to commit or to refer, to substitute another motion dealing with the same Question, to amend, or to postpone indefinitely; *Provided*, that, in consideration of a message from the House of Deputies, the provisions of Rules XXI and XXII shall apply, and a motion made thereunder for a Committee of Conference shall have precedence; and *Provided, further*, that a proposal for a Recess of Conference shall always be in order, under the conditions set forth in Rule V.

Committee of the Whole. **XI** On motion duly put and carried, the House may resolve itself into a Committee of the Whole, at which no records shall be made of its action. On separate motion duly put and carried, those present at such sessions may be limited to members of the House.

Executive Session. **XII** On motion duly put and carried, the House may go into Executive Session, at which only members of the House shall be present. The Chair of the Committee on Dispatch of Business shall act as clerk and make a record of all motions adopted.

Reports of Committees. **XIII (a)** Reports of Committees shall be in writing, and shall be received in due course. Reports recommending or requiring any action

or expression of opinion by the House shall be accompanied by specific Resolutions.

(b) At the conclusion of each meeting of a Committee, its Chair shall prepare, or cause to be prepared, in triplicate, on forms provided for the purpose, a separate report with regard to each matter upon which the Committee took final action during the meeting. Each such report shall be in the following alternative form:

Committee
recommendations.

- (1) Recommends adoption, with or without amendments, in which case the question shall be on the adoption of the Resolution, or the Resolution as amended.
- (2) Recommends rejection, with or without reasons, in which case the question shall be on the adoption of the Resolution, notwithstanding the recommendation of the Committee for rejection.
- (3) Recommends that it be discharged from further consideration of the Resolution because
 - (i) the matter is not within the scope of the Committee's function, in which case it may recommend referral to an appropriate Committee;
 - (ii) the matter has already been dealt with by action of the House at this meeting of the General Convention; or
 - (iii) the matter is covered by a Resolution of a prior General Convention; or
 - (iv) for other reasons.
- (4) Recommends referral to a Standing Committee to study the theological, ethical and pastoral questions inherent in the subject or to develop recommendations and strategies on the subject which will be of concrete assistance to this Church or to study or make recommendations concerning the subject.
- (5) Recommends concurrence, with or without amendment, with House of Deputies Message.
- (6) Recommends non-concurrence with House of Deputies Message.

(c) Each report shall be dated, signed by the Chair or Secretary of the Committee, and transmitted to the office of the Secretary of the House, who shall endorse thereon the date of receipt thereof. If there is a minority position in the Committee and a minority spokesperson requests a minority report, the Chair shall include the same in the report.

Report to
be signed.

Any resolution which involves an amendment to the Constitution or Canons shall be referred to the appropriate Legislative or Special Committee for action and simultaneously to the Committee on Constitution or the Committee on Canons, as the case may be, and such Committee shall make certain that the Resolution is in proper constitutional or canonical form, achieves consistency and clarity in the Constitution or Canons, and includes all amendments necessary to

Amendments to
Constitution or
Canons to be in
proper form.

RULES OF ORDER

Review by Program, Budget and Finance.	effect the proposed change, and shall promptly communicate its recommendations to the Legislative or Special Committee. In such case the Committee shall neither concern itself with, nor report on, the substance of the matter referred to it, but whenever requested to do so by the Presiding Officer of the House, the Committee shall in its report to the House make recommendations as to substance. (d) Before final consideration, by the House, the Joint Standing Committee on Program, Budget and Finance (PB&F) shall have been informed by the Committee considering any proposed action which, if adopted by General Convention, would require an appropriation of funds and PB&F shall have acknowledged receipt of such information by endorsement on the committee report or by other appropriate means. Implementation of any such resolution is subject to funding in the budget.
Reports of Interim Committees.	XIV Reports of Committees appointed to sit during the recess, if not acted upon at once, shall, when presented, be made the Order of the Day for a time fixed. Printed Committee Reports which have been delivered to, and circulated among, the members of the House of Bishops, in advance of the making of such Reports upon the floor of the House, shall be presented by title and the Chair or Committee member presenting said Report shall be allowed five minutes for summarizing the same, which time may be extended only by a two-thirds vote of those present and voting.
Questions of order.	XV All questions of order shall be decided by the Chair without debate, but appeal may be taken from such decision. The decision of the Chair shall stand unless overruled by a two-thirds vote of those present and voting. On such appeal, no member shall speak more than once without express leave of the House.
Amendments.	XVI Amendments shall be considered in the order in which they are moved. When a proposed amendment is under consideration, a motion to amend the same may be made. No after-amendment to such second amendment shall be in order, but a substitute for the whole matter may be received. No proposition on a subject differing from the one under consideration shall be received under color of a substitute.
Reconsideration.	XVII A Question being once determined shall stand as the judgment of the House, and shall not be again drawn into debate during the same session of the House, except with the consent of a two-thirds vote of those present and voting. A motion to reconsider can be made only on the day the vote was taken, or on the next succeeding legislative day, and must be made and seconded by those who voted with the majority.
Time limit on new business.	XVIII (a) Except by a two-thirds vote of those present and voting, no new business shall be introduced for the consideration of the House after the second day of the Session. All matters originating in this House requiring concurrent action by both houses shall be considered

HOUSE OF BISHOPS

before the last legislative day except for Resolutions of Privilege and Courtesy.

(b) No resolution proposing amendments to the Constitution or Canons of this Church may be presented in the House of Bishops for an initial vote on the last legislative day of General Convention; *Provided, however*, that any such resolution previously considered and voted upon by this House may be considered on the last legislative day in order to consider changes to the resolution approved by the House of Deputies.

XIX Except by a two-thirds vote of those present and voting, no member of the House may introduce a Resolution at a special meeting unless the Resolution has been circulated thirty days in advance to the members. This rule shall not be construed in any way to prevent a Committee of the House from introducing Resolutions at special meetings.

Circulate
Resolutions
in advance.

XX All Resolutions which are to be communicated to the House of Deputies, unless they contain information of action incomplete in this House, or be temporarily withheld by order of this House at the time of their passage, shall be transmitted to the House of Deputies as soon as conveniently may be, under the direction of the Presiding Officer of the House.

Messages to
the House
of Deputies.

XXI Committees from the House of Deputies shall be admitted immediately. Messages from the House of Deputies shall be handed by the Secretary of this House to the Presiding Officer, to be laid before the House as early as may be convenient. However, consideration of such Message shall be subject to a motion for the appointment of a Committee of Conference as hereinafter provided in these Rules. All such Messages communicating any legislative action on the part of the House of Deputies shall, without debate, be referred to the proper Committee, unless, without debate, the House shall decide to consider such Messages without such reference. When the consideration of such Message shall have been begun, it shall continue to be the Order of the Day until final action thereon.

Messages from
the House of
Deputies.

The final action of this House upon any Message from the House of Deputies shall be by vote upon the question "Shall this House concur in the action of the House of Deputies as communicated in their Message No. ____?" Messages requiring no action by the House may be received by Title.

XXII If, during the consideration by this House of any action taken by the House of Deputies, a motion is made stating the position of this House and requesting a Committee of Conference, such motion shall have precedence and be put to a vote without debate, and if passed by a majority of the members of this House then present, a Committee of Conference shall be appointed. A Committee of Conference shall also be in order, with or without motion, (1) in cases where the House of Deputies has concurred, with amendments, in action taken by this House, or (2) in cases where this House has concurred, with

Committee of
Conference.

RULES OF ORDER

amendments, in action taken by the House of Deputies. When a Committee of Conference has been appointed, final action upon the matter under consideration shall be deferred until the Committee of Conference shall have reported to this House; *Provided*, such report shall be made no later than the next business day or within one hour after the convening of the last meeting of this House in Convention assembled, whichever event shall first occur. Further, the Chair of any Standing or other Committee shall have full authority, either alone or with members of the Committee, to confer with the Chair of the cognate Committee of the House of Deputies.

Daily reports.

XXIII Two Bishops may be appointed by the Presiding Officer to act with the Secretary in preparing daily reports of the action of this House, and furnishing them, at their discretion, to the public press.

Collegial members.

XXIV Any Bishop of a Church in the Anglican Communion who is in exile from a Diocese, or is without membership in a House of Bishops because the Diocese is temporarily in an extra-provincial status, and who is resident in any jurisdiction in this Church, or any other Bishop of a Church in the Anglican Communion who has resigned his or her position in that Church, who has made his or her primary residence in any jurisdiction in this Church may be admitted to this House as a collegial member. Such membership may be extended to such a Bishop by a two-thirds vote of those present and voting on each Bishop, taken by secret ballot if requested by at least six members of the House, considered by the members of the House present at any regularly called meeting, and shall continue until such time as the collegial member removes from the jurisdiction of this Church, or until such time as it is withdrawn by a like vote. Such collegial member shall be assigned a seat, and have a voice, in this House. No vote shall be accorded such collegial member, in keeping with the Constitution of this Church.

Nominations for collegial membership.

The Committee on Privilege and Courtesy must receive, one month in advance of any meeting of this House, nominations for collegial membership in this House, said nomination to be made only by the Bishop in whose jurisdiction the proposed collegial member resides. The nominations for collegial membership shall be circulated in writing to the members of the House before the nominations shall be presented to the House.

Honorary members.

Any Bishop of an extra-provincial Diocese which originated in the Church or any Bishop of this Church who removed from the jurisdiction of this Church to the jurisdiction of a Church in the Anglican Communion may be continued in relationship to this House as an honorary member. Thirty days prior to each stated or called meeting of the House such honorary members shall give written notice of their intention to be present to the Presiding Officer of this House. Seat and voice shall then be accorded such honorary members, upon the nomination to the House by the Presiding Officer. No vote shall be accorded the honorary member.

HOUSE OF BISHOPS

Bishops admitted to honorary and collegial seats in the House shall at all times be entitled to be present except when the House is in Executive Session. At such a call, the Secretary shall ask the guests to leave the House.

XXV Any Bishop of this Church who resigns a position for reasons other than those specified in Article I.2 of the Constitution, but whose resignation is not for reasons related to the Bishop's moral character, may, on motion and by a majority vote, be accorded non-voting membership in the House. Until further contrary action by the House, any such non-voting member shall have the right to seat and voice at all meetings, the right to serve on committees, and all other rights of membership except that of voting on any matter.

Nonvoting
membership.

XXVI The Committee on Privilege and Courtesy may recommend the courtesy of seat and voice to (1) any Bishop of a Church in the Anglican Communion who has been nominated by a Bishop of this House whose jurisdiction has entered into a formal companion diocese relationship approved by the Executive Council of this Church or (2) any Bishop who is a guest of the Presiding Bishop upon the nomination of the Presiding Bishop. The Committee on Privilege and Courtesy must receive nominations for the courtesy of seat and voice thirty days prior to the stated or called meeting of the House at which such courtesy is to be granted. The nominations for the courtesy of seat and voice shall be circulated in writing to the members of the House before the nominations shall be presented to the House. Bishops granted the courtesy of seat and voice shall be assigned a seat and shall have such seat and voice only for meeting of the House at which such courtesy was granted. Bishops granted courtesy of seat and voice shall at all times be entitled to be present except when the House is in Executive Session. At such a call, the Secretary shall ask the guests to leave the House.

Guests with seat
and voice.

XXVII There shall be an Advisory Committee, composed of Bishops who are the Presidents or Vice-Presidents of each Province, which will act as advisory council to the Presiding Bishop between meetings of the House of Bishops. The Committee shall elect its own officers.

Advisory
Committee.

XXVIII The Committee on the Bishop's Pastoral shall be a Standing Committee of the House, composed of persons eminently qualified for the task, and empowered to enlist additional assistance, with the consent of the Presiding Bishop, as may seem wise. The Committee shall make a Report at each Session of the House.

Committee
on Pastoral.

XXIX Additions and amendments to, or suspension or repeal of these rules shall require a two-thirds vote of those present and voting.

Amendment
of rules.

XXX These rules shall be in force in subsequent Sessions of this House unless otherwise ordered.

XXXI Except when in conflict with the Constitution or Canons, or any Rule herein contained, the latest edition of Robert's Rules of Order

Robert's Rules
apply.

RULES OF ORDER

shall govern the interpretation of these rules, and the parliamentary procedures to be followed in this House.

The Presiding Bishop

Election.

I On the day following the Joint Session to which the Joint Nominating Committee has reported pursuant to Canon 1.2, the House of Bishops shall meet in executive session in a church to discuss the nominees presented at the Joint Session, and to elect a Presiding Bishop from among those nominees.

Awaiting confirmation from Deputies.

II The House of Bishops should remain within the confines of the church where the election has been held, until word has been received of the action of the House of Deputies.

Missionary Bishops

Vacant episcopate.

I When a vacancy occurs or is about to occur in the Missionary Episcopate, it shall be the duty of the Presiding Bishop to investigate the situation existing in the Diocese, to consult with those persons in the field and at home best fitted to advise as to the conditions in the Diocese, and to submit to the members of the House such information as the Presiding Bishop may secure.

Notice of election in call for Meeting.

II Before any vacancy in the Missionary Episcopate is to be considered or filled at any Meeting of the House, notice to this effect shall be given in the call of such Meeting. The ballot for the election to any such vacancy shall not, without unanimous consent, be taken at a Special Meeting until at least the first day, nor at a Meeting of the General Convention until at least the second day, after nominations have been made to the House. In the event of the occurrence of a vacancy in a Missionary Diocese, or the resignation of a Missionary Bishop, between the issuance of the call for a Special Meeting of the House of Bishops and the meeting thereof, the House, by a two-thirds vote of those present and voting, shall be competent to fill such vacancy, or to act upon such resignation.

III Further proceedings for the election of a Missionary Bishop shall be as follows:

Joint Nominating Committee.

(1) In the case of each vacancy to be filled, a special Joint Nominating Committee shall be appointed. The Committee shall be composed of three persons from the jurisdiction concerned, chosen by its Council of Advice or in some other manner as ordered by the Presiding Bishop, and three members of this House appointed by the Presiding Bishop. The Joint Nominating Committee shall elect its own officers and shall nominate three persons for the vacancy. Three weeks before the Meeting of the House these names shall be sent in confidence to each Bishop.

Presiding Bishop may nominate.

(2) The Presiding Bishop may, in the exercise of discretion, make nominations for such vacancies.

HOUSE OF BISHOPS

(3) At the Meeting of the House, the names of the persons proposed by the Joint Nominating Committee shall be formally placed in nomination, and opportunity shall also be given for nominations from the floor.	Nominations from floor.
(4) The Joint Nominating Committees and the Bishops making nominations, and other having knowledge of the persons nominated, shall give to the Committee on Domestic Missions or the Committee on Overseas Missions, as the case may be, full information regarding the nominees, and such Committee, having secured further information as may be possible, shall report to the House in Executive Session such further information concerning the intellectual, moral, and physical qualifications of the persons nominated, with dates of birth, graduation, and specific statements as to theological attainment, proficiency in languages, and any specialty in sacred duties to which such persons may have devoted themselves. Questions may be asked and other information given by the Bishops.	Information about nominees.
(5) All nominations for vacant Missionary Dioceses shall be made in Executive Session. The names of the nominees shall be made known to the public only after the election.	Executive Session.
(6) In the case of a declination, another election can be held from the same names without further formality than renomination; but if new names are introduced, the order prescribed above shall be repeated.	Declination.
(7) In the case of the proposed transfer of a Bishop in charge of a Missionary Diocese to another Diocese, action shall be as in the case of the election of Missionary Bishops.	Translation to another Diocese.
(8) All proceedings in Executive Session shall be held strictly confidential. In the case of elections held in Executive Session and to be confirmed by the House of Deputies or by the Standing Committees of the Church, the names of those elected shall not be made known until they are published by the House of Deputies, or until they are ordered to be sent to the Standing Committees.	Confidentiality.

Standing Orders

I Whereas, by provisions of Canon III.11.6, and Canon III.11.10(c)(3) (iii), the Presiding Bishop is empowered to take order for the ordination and consecration of Diocesan and Missionary Bishops, either in the Presiding Bishop's own person or by commission issued to three Bishops; *It is hereby ordered*, that, in all cases of Episcopal consecrations, the place for the same shall be designated only with the consent of the Ecclesiastical Authority in whose Diocese or Jurisdiction such proposed place is; that the Bishop-elect shall have the right to designate the Preacher and the two Bishops by whom the

RULES OF ORDER

	Bishop-elect is to be presented; and that, in the absence of the Presiding Bishop, the Senior Bishop by consecration who is present shall preside, unless some other Bishop shall have been designated by the Presiding Bishop.
	II Seniority among the Bishops is according to the date of the consecration of each Bishop.
Daily sessions at General Convention.	III The House of Bishops shall assemble on every morning during the period of the General Convention, except the Lord's Day, for business, unless adjournment beyond that morning has been ordered by the vote of the House.
Committee on Journal.	IV Two or more of the Bishops shall be appointed at each General Convention to take charge, together with the Secretary of the House of Bishops, of the Journal of its proceedings, and to see that the whole, or such parts of it as the House may direct, be entered in its proper place in the Journal of the General Convention.
Official Register.	V The Secretary of the House of Bishops shall keep a permanent record of the members and officers of the House from the beginning, and shall record therein the names of the Bishops who are or have been members of this House, the date and place of their consecration, the names of their consecrators, together with the date of the termination, by death, resignation, or otherwise, of the membership of such Bishops as have ceased to have seats in this House, all of which facts shall be recorded only upon official notification, for which it shall be the duty of the Secretary to call upon such persons as may be competent to furnish the same. The said record shall be the official Register of this House, and the roll of the House communicate the same to the House, as its official roll, as soon as the Presiding Officer shall have taken the chair. Such roll shall be subject to change only by vote of the House.
Resigned Bishop.	VI In making up the list of the Bishops who have retained their constituted rights to seats in this House, the Secretary is instructed to leave the name of any Bishop resigned in the place which the Bishop occupies in the order of consecration, with the addition of the word "Bishop," which shall be considered as the sufficient title of such resigned Bishop.
Restored Bishop.	VII In the event of the loss by any Bishop of a seat in the House of Bishops, with the consequent omission of the Bishop's name from the roll, and a subsequent return to the House, the Bishop's name shall be entered on the roll at the place corresponding with the time of such return.
Chair of Dispatch.	VIII At every meeting of the House of Bishops a seat for the Chair of the Committee on Dispatch of Business shall be assigned near the front of the House.
Former Presiding Bishops.	IX At every meeting of the House of Bishops seats on the platform shall be assigned to such Bishops present as have formerly held the

office of Presiding Bishop, and at every service of the General Convention such Bishops as have formerly held the office of Presiding Bishop shall be assigned places immediately in front of the Chaplain of the Presiding Bishop.

X Whenever the House shall make a determination under Article 1.2 of the Constitution that a resigned Bishop shall or shall not retain a seat and vote in the House, the following understanding of the intent of the pertinent terms of that provision of the Constitution shall apply:

(a) "advanced age" shall mean at least 62 years of age;

(b) "bodily infirmity" shall mean either a condition for which one is eligible for disability retirement benefits from the Church Pension Fund or Social Security Administration, or a physical or mental impairment that a physician or psychiatrist (approved by the Presiding Bishop) certifies would likely result in eligibility for such disability retirement benefits should the Bishop continue in active episcopal ministry;

(c) "office created by the General Convention" shall mean a ministry funded by the General Convention Budget and approved by the Presiding Bishop; and

(d) "mission strategy" shall mean a strategy that would allow the election of an indigenous member of the clergy of a non-domestic diocese as Bishop, or that would allow a diocese to implement a new mission strategy as determined by the Presiding Bishop, or that would allow a transition in episcopal leadership after a Diocesan Bishop or Bishop Suffragan has served 10 or more years in either or both of those offices.

Definitions.

Standing Resolutions

I *Resolved*, That the Standing Committee on the Resignation of Bishops be requested to prepare a Resolution taking note of the service of each Bishop whose resignation is being accepted, such Resolution to be presented to the House of Bishops along with the recommendation on the resignation. Where a resignation is accepted between Meetings of the House, such Resolution shall be presented at the next Meeting.

Resolutions
for resigning
Bishops.

II *Resolved*, That the Presiding Bishop be requested to appoint, on each occasion, a Committee of three or more Bishops to prepare, on behalf of the House of Bishops, and send to the family of each Bishop who dies, a Memorial Message, such Committee to represent the House of Bishops at the funeral, where it is practical for them to attend.

Memorial
messages.

III *Resolved*, That, within six months after the adjournment of each General Convention, the Secretary of the House of Bishops shall communicate with the Bishop named as Convenor of each Commission appointed during the preceding General Convention, and inquire whether the Commission has convened and organized, keeping a record of the replies received.

Convenors of
Commissions.

RULES OF ORDER
HOUSE OF DEPUTIES

I The Holy Scriptures

1. As an indication of our humble dependence upon the Word and Spirit of God, and following the example of primitive Councils, a copy of the Holy Scriptures shall always be reverently placed in view at the meetings of this House. This rule is to be carried into effect under the supervision of the President and Secretary of the House.
- Placement of Holy Scriptures.

II Opening of the Daily Session

2. The daily sessions of the House shall be opened with prayer, and prayer for Missions shall be had daily at noon.
- Daily Devotions.
3. The President having taken the Chair, the roll of members shall be called whenever so ordered, without debate, by a majority of those present.
- Roll call.
4. Unless otherwise ordered by majority vote, the Minutes of the preceding day's session shall not be read; but, in lieu thereof, the same shall be certified by a Committee on Certification of the Minutes consisting of three Presbyters and three Lay Persons appointed by the President. This Committee shall meet daily, for the purpose of reviewing the Minutes, with the Secretary of the House, by arrangement, prior to the hour of assembly, and said meeting shall be open to any member of this House who may desire to attend.
- Certification of Minutes.

III Order of Business

- 5 (a) The Daily Order of Business shall be as follows:
- Daily order of business.
- (i) Opening Prayer.
 - (ii) Report on the Certification of the Minutes, or Reading of the Journal.
 - (iii) Communications from the President.
 - (iv) 1. Report of Committee on Elections.
2. Report of Committee on Dispatch of Business (The President may also recognize the Committee on Dispatch of Business for further reports, as required, at any time.)
 - (v) Reports of other Legislative Committees, in numerical order, as given in Rule 7.
 - (vi) Reports of Special Committees.
 - (vii) Reports of Joint Committees and Joint Commissions in the following order:
 - (1) Joint Committee on Program, Budget and Finance.
 - (2) Other Joint Committees.
 - (3) Joint Commissions.
 - (viii) Introduction of Resolutions.
 - (ix) Business on the Calendar.

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Interruption of
Daily Order.

(b) The President may interrupt the Daily Order of Business for Messages from the House of Bishops, Noonday Prayers, or Special Orders. If the Daily Order is not completed during the day, the President may, on the following day, after Items I to IV inclusive, resume the order where it was interrupted the previous day.

Calendar of
Business.

6. The Secretary shall keep a Calendar of Business, on which shall be placed, in the order of their presentation, the subjects being briefly indicated, Orders of the Day, reports of Committees, Resolutions which lie over, and other matters undisposed of.

Consent
Calendar.

The Secretary shall also keep a Consent Calendar, which shall be published daily and distributed to the members before the convening of the House on each legislative day, and designate it as a separate calendar. Matters shall be listed on the Consent Calendar in separate groupings according to the date that they have been placed thereon. All matters to which amendments have been proposed by a Committee shall be so designated. No debate is in order regarding any matter appearing on the Consent Calendar. However, the President shall allow a reasonable time for questions from the floor and answers to those questions. No amendment other than an amendment contained in a Committee report is in order regarding any matter on the Consent Calendar. Any amendments contained in Committee reports on such matters shall be deemed adopted unless the matter is objected to and removed from the Consent Calendar. Immediately prior to a vote on the first matter on the Consent Calendar the President shall call to the attention of the members the fact that the next vote will be on the first matter pending on the Consent Calendar. Matters appearing on the Consent Calendar shall be taken up immediately following the noon recess of the next legislative day following their placement on the Consent Calendar, or otherwise by unanimous consent or by adoption of a special order of business. A matter may be placed on the Consent Calendar by report of a Legislative Committee, if the Committee vote to report the matter with a recommendation for adoption, with or without amendments, or for discharge, or referral to a Joint or Standing Commission, or for rejection was by three fourths of the members present and if the Committee recommends placement of the matter on the Consent Calendar. Prior to a vote on final passage of any matter appearing on the Consent Calendar, it shall be removed from the Consent Calendar if (1) any three Lay or Clerical deputations, or (2) the sponsor of the matter, or (3) the Committee on Dispatch of Business files with the Secretary written objections to the presence of the matter on the Consent Calendar. Any matter so removed may not be placed thereafter on the Consent Calendar but shall be restored to the Daily Calendar. Any matter removed from the Consent Calendar, to which amendments have been proposed by a Committee, shall stand on the Daily Calendar in its original, unamended form, and amendments shall be treated as if the matter had never been on the Consent Calendar.

IV Legislative Committees

7. Not later than 90 days in advance of the opening date of the Convention, the President may appoint the following Legislative Committees, and such other committees as may be deemed necessary, and shall designate the Chair, Vice-Chair, and Secretary thereof, President may appoint Legislative Committees.

- (1) Dispatch of Business.
- (2) Certification of Minutes.
- (3) Rules of Order, of which the President shall be Chair, *ex officio*.
- (4) Constitution.
- (5) Canons.
- (6) Structure.
- (7) Consecration of Bishops.
- (8) World Mission.
- (9) National and International Concerns.
- (10) Social and Urban Affairs.
- (11) Church in Small Communities.
- (12) Evangelism.
- (13) Prayer Book, Liturgy and Church Music.
- (14) Ministry.
- (15) Education.
- (16) Church Pension Fund.
- (17) Stewardship and Development.
- (18) Ecumenical Relations.
- (19) Communications.
- (20) Miscellaneous Resolutions.
- (21) Privilege and Courtesy.
- (22) Committees and Commissions.
- (23) Credentials.
- (24) Sergeant-at-Arms.

In addition, the President shall appoint Legislative Committees on Admission of New Dioceses if such legislation will be presented to the Convention.

8. The President may appoint Study Committees related to work of the Executive Council, and such Special Committees as the President deems desirable or as may be ordered by the House. Other Committees.

9. The size of all Committees, unless otherwise noted, shall be at the discretion of the President; *Provided*, that, when the number of members equals or exceeds the number of Provinces, there shall normally be at least one member from each Province. The President shall be a member, *ex officio*, of all Committees. Size of Committees.

10. A list of the members of the Legislative, Study, and Special Committees shall be prepared and distributed to the House as soon as may be after appointment. Committee lists to be distributed.

RULES OF ORDER

Committees meeting in advance.	11. Such Committees as are so instructed by the President shall convene in advance of the opening of Convention to consider matters referred to them.
Assigned room and meeting time.	12 (a) The Secretary shall arrange a permanent Committee room and a regular time for meeting of each Legislative or Special Committee and shall publish and post a chart indicating the arrangements.
Quorum.	(b) A majority of any Committee shall constitute a quorum, but the question of the presence of a quorum in Committee shall not be raised on the consideration of a Committee report or recommendation in the House unless the same question was raised in Committee.
When Chair fails to act.	(c) In case of the failure of the Chair of any Committee to call a meeting of the Committee, or to call up for consideration a matter referred to it, then a majority of the members of the Committee shall have the right to call a meeting of the Committee or to require such consideration, as the case may be.
Prior notice of hearings.	(d) No hearing by a Committee shall be held upon any matter before it unless notice of the time and place of hearing and the matter to be heard is posted no later than at least four hours before the matter is scheduled to be heard. Each day the Chair or the Secretary of each Committee shall deliver to the Secretary of the House (at the office of the Secretary of the House) a written notice signed by the Chair or by the Secretary. Such notice shall state the time (both date and hour) and the place of the proposed hearing and shall identify by number (and <i>Blue Book</i> page reference, if available) the proposition or propositions to be considered at the next session of the Committee. The Secretary shall post a copy of each notice received on a bulletin board at or near the chamber and easily accessible to the members of the House and to the public. If the notice contains a request that the notice be read to the House prior to adjournment, the Secretary shall do so.
Testimony before Committee.	(e) No person not a member of a Committee shall be permitted to testify before that Committee until they register by signing a witness slip upon which they state their names, their identifications (e.g. Bishop, Deputy and Diocese, and, if Visitor, their addresses and organizations, if any, represented) and the particular proposal to which their testimony is to be addressed. The person testifying shall be subject to such time limitations as may be imposed by the Chair.
Record to be kept.	(f) The Chair of each Committee shall keep, or cause to be kept, a record in which there shall be collected or entered: (1) The time and place of each hearing, and of each meeting of the Committee, and the matters considered at the meeting. (2) The attendance of Committee members at each meeting. (3) The name and identification of each person appearing before the Committee and the proposition upon which each person spoke.
Meetings in conference.	(g) Except as provided herein, every Committee meeting shall be open to the public. However, the Chair may convene the Committee in conference, during which time the public may remain but may not

HOUSE OF DEPUTIES

participate in the Committee deliberations. Upon a two-thirds majority vote of Committee members present, a Committee may go into executive session if the matter to be considered in executive session has first been scheduled for hearing and heard in open session, and interested persons have been given an opportunity to be heard.

Meetings in executive session.

(h) At the conclusion of each meeting of a Committee, its Chair shall prepare, or cause to be prepared on forms provided for the purpose, a separate report with regard to each matter upon which the Committee took final action during the meeting. Each such report shall be in the following alternative form:

Committee Chair to prepare a report from the alternatives.

- (1) Recommends adoption, with or without amendments, in which case the question shall be on the adoption of the Resolution, or the Resolution as amended.
- (2) Recommends rejection, with or without reasons, in which case the question shall be on the adoption of the Resolution, notwithstanding the recommendation of the Committee for rejection.
- (3) Recommends that it be discharged from further consideration of the Resolution because
 - (i) the matter is not within the scope of the Committee's function, in which case it may recommend referral to an appropriate Committee;
 - (ii) the matter has already been dealt with by action of the House at this meeting of the General Convention; or
 - (iii) the matter is covered by a Resolution of a prior General Convention; or
 - (iv) for other reasons.
- (4) Recommends referral to a Standing Commission of the General Convention to study the theological, ethical and pastoral questions inherent in the subject or to develop recommendations and strategies on the subject which will be of concrete assistance to this Church or to study or make recommendations concerning the subject.
- (5) Recommends concurrence with or without amendment with House of Bishops Message.
- (6) Recommends non-concurrence with House of Bishops Message.

Adoption.

Rejection.

Discharge from consideration.

Referral.

Concurrence.

Nonconcurrency.

Each report shall be dated, signed by the Chair or Secretary of the Committee, and transmitted to the office of the Secretary of the House, who shall endorse thereon the date of receipt thereof. If there is a minority position in the Committee and a minority spokesperson requests a minority report, the Chair shall include the same in the report.

Reports to be signed.

13. Reports of all Committees shall be submitted to the House by the Secretary of the House. At the time of the announcement of the report of a Committee, its Chair, or a member thereof designated by the Chair,

Reports to be submitted to the Secretary.

RULES OF ORDER

- shall be available and prepared to explain the report or the recommendation of the Committee. Printed reports of Committees dealing with matters other than pending proposals, and requiring no action by the House, and which have been delivered to members of the House in advance, shall be presented by title, except that the spokesperson for the report, upon request, shall be allowed five minutes for summarizing the same.
- Resolutions to amend Constitution or Canons. **14.** Any Resolution which involves an amendment to the Constitution or Canons, shall be referred by the President to the appropriate Legislative or Special Committee for action and simultaneously to the Committee on the Constitution or the Committee on Canons, as the case may be, and such Committee shall make certain that the Resolution is in proper constitutional or canonical form, achieves consistency and clarity in the Constitution or Canons, and includes all amendments necessary to effect the proposed change, and shall promptly communicate its recommendations to the Legislative or Special Committee. In such case the Committee shall neither concern itself with, nor report on, the substance of the matter referred to it, but whenever requested to do so by the Presiding Officer of the House, the Committee shall in its reports to the House make recommendations as to substance. The Committee on the Constitution and the Committee on Canons, when acting on a matter first heard in another Committee, shall not be required to give the notice required by Rule 12(d). No such resolution shall be placed on the Calendar until such Committee shall have approved it in proper constitutional or canonical form.
- Requests for appropriations to Committee on Program, Budget and Finance. **15.** Before final consideration by the House, the Joint Standing Committee on Program, Budget and Finance (PB&F) shall have been informed by the Committee considering any proposed action which, if adopted by General Convention, would require an appropriation of funds and PB&F shall have acknowledged receipt of such information by endorsement on the committee report or by other appropriate means. Implementation of any such resolution is subject to funding in the budget.
- Dispatch of Business to set order when Committees are ready. **16.** The Committee on Dispatch of Business, when in its opinion it is advisable, may provide that no Report of a Commission or Joint Committee, or of any Committee of this House to which any part of such Report has been referred, be made the order of business, until the reports of all Committees to which any part of such Report has been referred be ready to report thereon.
- Exceptions to Rules 12 and 13. **17.** The provisions of Rules 12 and 13 shall not apply to Committees having procedural matters only, including, but not limited to, the Committee on Elections, Committee on Certification of Minutes, Committee on Dispatch of Business; *Provided, however* the meetings of such Committees shall be open to Bishops, Deputies, and Visitors, except that, on a two-thirds majority vote of Committee members present, the Committee may go into executive session.
- Proviso.

HOUSE OF DEPUTIES

18. The Secretary shall prepare a Memorial Roll listing the names, Dioceses or Missionary Dioceses, dates of birth and death, and time of service in the General Convention, of all deceased members of the current or any preceding General Convention of whom memorials shall not theretofore have been made; and, after suitable devotions arranged by the Chaplain, such Memorial Roll shall be received by the House standing.

Memorial Roll.

V Commissions and Joint Committees

19 (a) No Report of a Commission or a Joint Committee containing Resolutions, that has been printed and distributed to the members of this House at least three weeks before the meeting of the Convention, shall be read at length to the House, but the Chair or a member of that Committee or Commission may make an oral summary.

Oral summary.

(b) If there be a minority report of such Commission or Joint Committee, a member of such minority shall be afforded an opportunity to make an oral summary on the floor of the House.

20 (a) Every Report of a Commission or Joint Committee shall be referred to the appropriate Legislative Committee of this House, if there be one; but, if not, to a Special Committee of this House. The House may at any time refer any Report or Resolution to the Committee on the Constitution to draft a constitutional amendment or to the Committee on Canons to draft a canon or amendment to the Canons which will carry into effect, if enacted, the Report or Resolution so referred.

Referrals to appropriate Committees.

VI Resolutions and Memorials

21 (a) All Resolutions requiring concurrent legislative action shall contain the phrase, "*Resolved*, the House of _____ concurring," and shall be in such form that, when adopted by concurrent action of the House of Bishops or the House of Deputies pursuant to the Constitution and Canons, it shall constitute action of the General Convention.

In proper form.

(b) Resolutions may be introduced only by:

Submitting resolutions.

- (1) Deputies.
- (2) Dioceses.
- (3) Provinces.
- (4) Standing Commissions.
- (5) Standing, Joint, and Legislative Committees.
- (6) The Executive Council.
- (7) Other Boards and Agencies created by and required to report to the General Convention.
- (8) The House of Bishops by Messages.

(c) All resolutions of Deputies shall be proposed by one Deputy and be endorsed by not less than two additional Deputies. Individual Deputies shall be limited to proposing not more than three resolutions.

Endorsement.

(d) Except for Resolutions contained in Messages from the House of Bishops, Resolutions to be introduced must be in writing, filed with

Resolutions to be in writing.

RULES OF ORDER

In case of Canonical amendment.	the Secretary of the House of Deputies, bearing a brief descriptive title and the name and Diocese of the Deputy or the name of the Commission, Committee or other organization presenting the same. In all cases where a Resolution seeks to amend a Canon or a Title of the Canons the form of Resolution submitted shall set out the enactment in the form prescribed by Canon V.1, shall include with a dash overstrike on each letter any words that are deleted by the amendment and shall underline any words which are added by the amendment; <i>Provided</i> that if the amendment of an entire Title is to be covered by one enactment under Canon V.1.4, the deleted text and the underlining of the new text need not be included but the proponent shall make adequate written explanation of the changes. The Secretary shall prepare a concise digest of each Resolution (including identification of the sponsor). The Secretary shall also provide each Deputy and Bishop with a copy of such digest and of each Resolution; shall provide each Legislative Committee to which the Resolution is referred a sufficient number of copies; and shall retain on file in the office of the Secretary additional copies for review by any Deputy or Bishop.
Prefiled Resolutions.	(e) Any such Resolutions received by the Secretary of the House of Deputies at least ninety (90) days prior to the opening date of the Convention shall be referred to the proper Legislative Committee or Special Committee Chair at least sixty (60) days prior to the opening date of Convention. The Secretary shall acknowledge receipt of all such Resolutions to the proposer.
Referral to be made to one Committee.	(f) Each Resolution shall be referred by the President to one appropriate Legislative Committee for action, or if, in the opinion of the President, there be no appropriate Committee, then to a Special Committee; or, in the discretion of the President, it shall be placed on the Calendar. Upon a vote of two-thirds of the members present, the House may consider immediately any Resolution. Each Resolution which involves an amendment to the Constitution or to the Canons shall be referred to the appropriate Legislative Committee on Constitution or on Canons pursuant to Rule 14; <i>Provided, however</i>, that the substance of any such Resolution may be considered by the House, sitting as a Committee of the Whole, prior to referral to, or report of, such appropriate Committee.
Proviso.	(g) The President may refer any Resolution, for information only, to an appropriate Legislative Committee other than it has been referred to for action or as to form. Consideration by such Committee shall not be required prior to action thereon by the House. The Resolution shall not be the subject of a report to the floor from such Committee.
Procedural Resolutions.	(h) Procedural Resolutions offered for the immediate action of the House shall be considered at once, unless objection be made or reference be requested, in which event the provisions of Rule 21(e) shall apply.
Memorials.	22 (a) All Memorials shall contain the substance of the phrase, "The (organization) memorializes the General Convention to . . .," and shall be in such form as to urge action by the General Convention on a

Resolution already introduced or on any other matter on which the General Convention is requested to take action. The inclusion in a Memorial of a suggested form of Resolution shall not have the effect of requiring that the Memorial be given the status of a Resolution as defined in Rule 21.

(b) Memorials must be in writing, filed in duplicate with the Secretary of the House of Deputies, bearing a brief descriptive title and the identification of the person or organization filing the same. The Secretary shall prepare a concise digest of each Memorial (including identification of the sponsor) which digest shall be distributed to all Deputies and Bishops. The Secretary shall also provide each Legislative Committee to which the Memorial is referred a sufficient number of copies, and shall retain on file in the office of the Secretary additional copies for review by any Deputy or Bishop.

(c) Each Memorial shall be referred by the President to one or more appropriate Legislative Committees for information. Such Committee may consider such Memorial and submit to the floor a Resolution embodying the substance of such Memorial, but the Memorial itself shall not be the subject of a report from the Committee to which it is referred.

Memorials referred for information only.

23. The President, or the House, by a majority vote, may at any time refer any Resolution to a Special Committee on Drafting, appointed or to be appointed by the President, for the purpose of putting in proper language the substance of the matter so referred. Any Deputy desiring to introduce a Resolution, and any Legislative or Special Committee to which a Resolution has been referred, may request assistance in the proper drafting or redrafting of the substance of any matter.

Committee on Drafting.

24. Except by a vote of two-thirds of the members present, no new business requiring concurrent action shall be introduced in this House after the second legislative day of its session, and no matter which originated in this House and which requires concurrent action by both Houses shall be considered by the House during the last two legislative days.

Time limit on concurrent Resolutions.

25. Any Resolution not reported to the House by the third legislative day after its being referred to a Committee may be recalled by a two-thirds vote of the members present, and thereupon shall be placed upon the Calendar, unless the motion to recall include a provision that the question be taken up for consideration immediately upon the recall.

VII Motions in Order of Precedence

26. The following motions shall have priority in the order listed. The mover

Motions with priority.

- (1) cannot interrupt a member who has the floor;
- (2) must be recognized; and
- (3) the motion must be seconded.

Motions are subject to the following further rules:

RULES OF ORDER

(a) To Adjourn or Recess

- (1) Not debatable, if unqualified.
- (2) Not amendable.
- (3) Cannot be laid on table.
- (4) May be renewed after progress.
- (5) Majority vote.
- (6) The motion to adjourn shall always be in order, except that it shall not be offered when another member has the floor.

(b) To Adjourn to Time Certain

- (1) Debatable, as to the time, for two minutes to each speaker.
- (2) Amendable as to the time.
- (3) Cannot be laid on table.
- (4) May be renewed after progress.
- (5) Majority vote.

(c) To Lay on Table or to Table

- (1) Not debatable.
- (2) Not amendable.
- (3) Cannot be laid on table.
- (4) May be renewed after progress.
- (5) Majority vote.

(d) To Vote Immediately or at Time Certain, or to Extend Debate

- (1) Not debatable.
- (2) Amendable, as to time, if a time specified.
- (3) Cannot be laid on table.
- (4) May be renewed after progress.
- (5) Two-thirds majority to vote.
- (6) When applied to a Substitute, covers main Question also, unless otherwise specified.
- (7) At time fixed for vote to be taken, no motion shall be in order except to adjourn.

(e) To Postpone to a Time Certain

- (1) Debatable for two minutes to each speaker.
- (2) Amendable as to time.
- (3) May be laid on table.
- (4) May be renewed after progress.
- (5) Majority vote.
- (6) When applied to a Substitute, covers main Question also, unless otherwise specified.

(f) To Commit or Recommit to any Committee

- (1) Debatable, except as to a Legislative Committee.
- (2) Amendable as to the Committee to which to be sent.
- (3) May be laid on table.
- (4) May be renewed after progress.
- (5) Majority vote.

(g) To Amend or to Substitute

- (1) Amendments and Substitutions are debatable only when main Question is debatable.

- (2) One Amendment may be made to each independent or separable portion of a Resolution; and the right to amend extends only to one Amendment of that Amendment and to a Substitute and one Amendment thereto.
 - (3) A Substitute and its Amendment may be laid on table, but cannot be otherwise voted on until original matter is perfected.
 - (4) May not be renewed.
 - (5) Majority vote.
 - (6) Amendments and Substitutes must be germane.
 - (7) Amendments and Substitutes may be withdrawn by maker, with consent of the seconder, before decision is had thereon.
 - (8) If Amendment or Substitute is laid on table the effect is the same as if it had not been offered.
 - (9) Neither the Substitute nor its Amendment shall be voted on (except to lay on table) until the original matter is perfected, and when the Original Question and Substitute are both perfected, the vote comes first on the adoption of the Substitute or the Substitute as amended.
 - (10) When a Substitute is pending, the motion to postpone indefinitely shall not be in order; but, unless otherwise therein provided, the motions (i) to postpone to a certain time, (ii) to commit or to recommit, (iii) to take a vote immediately or at a certain time, or (iv) to extend limits of debate, shall cover both the Substitute and the main Question.
 - (11) No action on an Amendment or Substitute changes the status of the original Question. The original Resolution, as so amended, then remains the Question before the House.
- (h) To Postpone Indefinitely**
- (1) Debatable, including main Question.
 - (2) Not amendable.
 - (3) May be laid on table.
 - (4) May not be renewed.
 - (5) Majority vote.

VIII Motions Without Order of Precedence

27. The following motions have no order of priority, but are subject to the following rules:

Motions
without order
or priority.

(a) Appeal from Decision of Chair

- (1) Must be made immediately after decision. Mover need not be recognized, but requires a second.
- (2) Debatable for two minutes by each speaker, each speaking once.
- (3) Not amendable.
- (4) May be laid on table.

RULES OF ORDER

- (5) Majority vote. A tie vote sustains Chair.
- (6) Cannot be renewed.
- (b) To Take from Table**
 - (1) Mover must be recognized and requires a second.
 - (2) Not debatable.
 - (3) Not amendable.
 - (4) Cannot be laid on table.
 - (5) Majority vote.
 - (6) May be renewed after progress.
- (c) To Recall from Committee**
 - (1) Mover may be recognized.
 - (2) Debatable.
 - (3) Amendable as to whether to be considered or placed on Calendar.
 - (4) May be laid on table.
 - (5) Two-thirds majority vote.
 - (6) May be renewed after progress.
- (d) To Create Special Order of Day for a Particular Time**
 - (1) Mover must be recognized and requires a second.
 - (2) Debatable.
 - (3) Amendable as to time.
 - (4) Cannot be laid on table.
 - (5) Two-thirds majority vote.
 - (6) May be renewed after progress.
- (e) Call for Order of the Day**
 - (1) Mover may interrupt a member who has the floor and is not required to be recognized or to have a second.
 - (2) Not debatable.
 - (3) Not amendable.
 - (4) Cannot be laid on table.
 - (5) No vote required, but two-thirds majority vote is necessary to suspend general or special order.
 - (6) May be renewed after progress.
- (f) To Suspend the Rules or Take Up Business Out of Order**
 - (1) Mover must be recognized and requires a second.
 - (2) Debatable; two minutes to each speaker.
 - (3) Not amendable.
 - (4) Cannot be laid on table.
 - (5) Two-thirds majority vote.
 - (6) Cannot be reconsidered or renewed.
- (g) To Divide the Question**
 - (1) May be made without being recognized and even though another member has the floor. When the voting is by Dioceses and Orders, the request for division must be made by the entire Clerical or Lay representation from any Diocese.
 - (2) Not debatable.
 - (3) Cannot be amended.

- (4) Cannot be laid on table.
- (5) Majority vote, if vote required.
- (6) Can be reconsidered.
- (7) If the Question under debate contains several distinct propositions, which are independent of each other, at the request of any member the same shall be divided and a separate vote shall be taken, but the motion to strike out and to insert shall be indivisible.
- (8) If the propositions relate to the same subject, and yet each part can stand alone, they may be divided only on a regular motion and vote.

(h) Objection to Consideration

- (1) If objection made before debate is begun, the mover may interrupt a member who has the floor and is not required to be recognized or to have a second.
- (2) Not debatable.
- (3) Not amendable.
- (4) Cannot be laid on table, but yields to all privileged motions.
- (5) Two-thirds majority vote.
- (6) Negative, but not affirmative, vote may be reconsidered.

IX Reconsideration

28. Neither a Question once determined, nor any Question of like import, shall be drawn again into debate or presented for action again during the same Convention, except upon the adoption of a motion to reconsider the action previously taken on such Question. Motion to reconsider.

29. All motions to reconsider shall be made and seconded on the day the vote is taken on the matter sought to be reconsidered, or on the next succeeding day on which the House shall be in session. To be made on same or next day.

30. The effect of a motion to reconsider, if carried, is to restore the matter reconsidered to its status immediately prior to the original vote upon it. Effect of motion.

31 (a) In all Questions decided numerically, the motion to reconsider must be made by one Deputy, and seconded by another, who voted in the majority; or, in case of equal division, by those who voted in the negative. In case of a vote by orders, where there is a concurrence of both Orders, the motion shall be made by a majority of a Deputation from any Diocese of either Order voting in the majority; and, in case of a nonconcurrence of Orders, the motion shall come from a majority of a Deputation of that Order from a Diocese which gave the majority in the negative. In either case, a motion to reconsider may be seconded by a majority of any Deputation of either side, without regard to its previous vote. Who may move and second.

- (b) Motions to reconsider are subject to the following further rules: Rules governing motion to reconsider.
- (1) Mover must be recognized and requires a second.
 - (2) Debatable when motion to be reconsidered is debatable.

RULES OF ORDER

- (3) Not amendable.
- (4) May be tabled.
- (5) Two-thirds majority vote.
- (6) Cannot be reconsidered.
- (7) No Question can be twice reconsidered unless it was materially amended after its first reconsideration.

X Decorum and Debate

Recognition by Chair.	32. When the President shall be in the Chair, no member shall address the House or make any motion until after recognition by the President, except to make a parliamentary inquiry, a point of order, or a motion not requiring recognition.
Rights of member who has floor.	33. No member shall address the President while any other member has the floor; except to present a parliamentary inquiry, a point of order, or a question of privilege touching the character of the House or of one or more of its members.
Speaking to the House.	34. When any member is about to speak or to deliver any matter to the House, he shall, with due respect, address himself to the President, state his name and his Diocese, and confine himself strictly to the point of debate.
On private discourse.	35. While the President is putting any Question, the members shall continue in their seats, and shall not hold any private discourse.
President to leave Chair before members are excused.	36. When the House is about to rise, every member shall keep his seat until the President leaves the Chair. Before putting to a vote a motion to adjourn, the President may make any communication to the House, or may cause any notice to be read by the Secretary.
Limits on debate.	37. Except by leave of the House, no member shall speak more than twice in the same debate, nor longer than three minutes at one time. The total time of debate on any Resolution or Message shall be a maximum of thirty minutes. 38. No applause shall be permitted during any session of the House or of the Committee of the Whole.
Question of order.	39. All questions of order shall be decided by the President, without debate, but any member may appeal from such decision, as provided in Rule 27(a). On such appeal the vote shall be upon the Question, "Shall the decision of the Chair be sustained?"

XI Voting

Members must vote.	40 (a) Unless excused by the House, every member who shall be in the House when any Question is put must vote on a division.
When late vote may be recorded.	(b) Any member absent from the House when a vote is taken, but coming in before the final announcement of the vote on any Question, may vote thereon, if then permitted by the President, but not otherwise.

HOUSE OF DEPUTIES

41. The vote upon any Question shall be taken by Dioceses and Orders whenever required by the Constitution or by Canon, or whenever required by the Clerical or Lay representation from three or more Dioceses, before the voting begins. Whenever a vote shall be taken by Dioceses and Orders (except in the case of elections), the vote of each Order in each Diocese shall be stated by one member in each Order as "Aye" or "No" or "Divided". If desired by the entire Deputation from any Diocese that the Deputation be polled, the vote of the individual Deputies representing that Diocese shall be stated and recorded, or if by ballot or electronic means shall be recorded. Such record shall be made, also, in respect of the individual members of every Deputation, if so ordered, without debate, by a majority of the House. In lieu of a roll call, a vote by Dioceses and Orders may be taken by such electronic or mechanical means as may be provided, or by written ballots of each Order, each such ballot to be signed by the Chairman, or, in the Chairman's absence, by another member of the Deputation in the Order for which the ballot is cast; and, if the vote of a Deputation be divided, it may indicate the individual names of the Deputies and their votes on the Question. The results of all votes by Orders, whether by voice vote, by ballot, or by electronic means, shall be posted.
42. Whenever a vote shall be taken by Orders (except in the case of elections), the Secretary of the House of Deputies shall audibly announce in cases where the prevailing side is less than a two-thirds majority of either order, the nay and divided votes in each Order in each Diocese before announcing the result to the House, and the vote in each Order in each Diocese so announced shall be corrected before, but not after, the final announcement of the vote of the House.
43. Unless otherwise expressly provided, any Rule requiring a two-thirds majority shall be construed to mean the affirmative vote of two-thirds of the members of the House present and voting. Whenever a Vote by Orders is called for on a proposition requiring a two-thirds vote under these Rules of Order, if not expressly prohibited by constitutional requirements, the proposition shall prevail if it received a majority of votes cast in each Order.
44. The election of President, Vice-President, or Secretary of the House, or of Treasurer of the General Convention, shall be by individual secret ballot; though, by unanimous consent and direction of the House, a single ballot may be cast by an officer of the House in its behalf.
- XII Messages from the House of Bishops**
45. Messages from the House of Bishops shall be handed by the Secretary of this House to the President, to be laid before the House as early as may be convenient. All such Messages communicating any legislative action on the part of the House of Bishops shall be referred, without debate, to the proper committee, unless, without debate, the
- Vote by
Dioceses and
Orders.
- Poll of
Deputation.
- Verification of
votes before
announcement
of results.
- Definition of
two-thirds
majority.
- Election of
Officers by
individual secret
ballot.
- Procedure.

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	House shall decide to consider such Message without such reference. The report of the Committee upon any Message so referred shall be entitled to consideration as of the date and priority of the original receipt of such Message. The question of its immediate consideration, to be decided by two-thirds vote as soon as the report is presented.
Messages not subject to motion to postpone or lay on table. Exception.	46. When, either without reference or after reference and report, the consideration of such Message shall have begun, it shall continue to be the Order of the Day until final action thereon, and shall not be subject to any motion to postpone or to lay on the table. However, consideration of such Message shall be subject to a motion for the appointment of a Committee of Conference, as hereinafter provided in this Rule 48.
Form of final action.	47. The final action of the House upon such Message shall be by vote upon the Question, "Shall this House concur in the action of the House of Bishops as communicated by their Message No. ____?" If amendments have been adopted, then shall be added the further words, "as amended." Upon the submission of such Question, all votes in the affirmative shall be counted in favor of such concurrence.
Committee of Conference.	48. If, during the consideration by this House of any action taken by the House of Bishops, a motion is made stating the position of this House and requesting a Committee of Conference, such motion shall have precedence and be put to vote without debate, and, if passed by a majority of the members of this House then present, a Committee of Conference shall be appointed. A Committee of Conference also shall be in order, with or without motion, (1) in cases where the House of Bishops has concurred, with amendments, in action by this House, or (2) in cases where this House has concurred, with amendments, in action taken by the House of Bishops. When a Committee of Conference has been ordered, final action upon the matter under consideration shall be deferred until the Committee on Conference shall have reported to this House; <i>Provided</i> , that such report shall be made not later than the next business day, or within one hour after the convening of the last session of this House in Convention assembled, whichever event shall first occur.
Report of.	
Report of Committee debatable.	49. The report of the Committee of Conference shall be subject to debate and to amendment in the House. Action of the House shall be by vote upon the Question, "Shall the House adopt as its action the report of the Committee of Conference?" or, if amended, "... the report of the Committee of Conference, as amended?"
Procedures if House of Bishops has taken prior action.	50. In the event that the House of Bishops shall have taken final action on the report of the Committee of Conference prior to its consideration by this House, the Message from the House of Bishops conveying the result of its action shall be considered by this House in all respects as an original Message from the House of Bishops.
Authority of Chair to confer.	51. The Chair of any Legislative or Special Committee shall have full authority, either alone or with members of the Committee, to confer

with the Chair of any Committee of the House of Bishops having duties and responsibilities the same as, or similar to, those of the Committee of the House of Deputies of which the person is Chair.

XIII Committee of the Whole

52. Whenever so ordered by a vote of a majority of the members present, the House may go into the Committee of the Whole for the consideration of any matter.

53. The President shall designate some member of the House to act as Chair of the Committee of the Whole, which, when in session, shall be governed by these Rules, as adapted by the Chair, subject to appeal to the Committee, and also to the following provisions: rise and report to the House shall take precedence.

President to name Chair.

(a) A motion to rise and to report to the House, with or without request for leave to sit again, may be made at any time, shall take precedence over all other motions, and shall be decided without debate by majority vote. No such motion shall be renewed until after further proceedings shall have been had in the Committee of the Whole.

Motion to rise and report.

(b) A motion that a vote upon any pending proposition be taken immediately or at some designated time may be made and be disposed of by majority vote, without debate, at any time; but, as before provided, a motion to rise and report to the House shall take precedence.

Other rules.

(c) No motion to lay on the table shall be entertained.

(d) The Committee of the Whole cannot alter the text of a Resolution referred to it, but may adopt and report amendments for action by the House.

54. No debate shall be allowed in the House on any motion to permit the Committee of the Whole to sit again regarding the same subject matter. Requests for such permission shall take precedence over all other business, and the motion thereof shall be put to vote immediately, without reference.

Motion to sit on the same subject not debatable.

XIV Election of a Bishop

55. When considering the election of a Bishop, the approval of the Candidate's testimonials, or assent to the Candidate's consecration, and when acting upon the election of the Presiding Bishop, the House shall sit as soon as practicable after the receipt of official notification from the House of Bishops of such elections.

To sit as soon as practicable.

56. The confirmation of the Presiding Bishop shall be by individual secret ballot, unless otherwise ordered by vote of the House, or unless a vote by Orders be required by the entire Clerical or Lay representation from any Diocese before the balloting begins.

Individual secret ballot.

57. Confidential notifications from the House of Bishops of the election by them of a Presiding Bishop or of any other Bishop shall be referred immediately, without reading, to the Committee on the

Immediate referral.

RULES OF ORDER

Consecration of Bishops, which shall make report thereon to such session of the House.

XV General Regulations

Absence.	58. Unless a member have leave from the President or be unable to attend, no member shall be absent himself from the service of the House.
Platform seating.	59. Seats upon the platform shall be occupied by officers of the House of Deputies, designated members of the Committee on Dispatch of Business, and such other persons as may be invited by the President or authorized by vote of the House.
Admission to floor.	60 (a) No one shall be admitted to the floor except members and officers of this House, and except that two Ordained Persons, and two Lay Persons who are duly authorized representatives of the Episcopal Church in Liberia, and like representatives of the Episcopal Church in Navajoland, shall have seat and voice in a designated section on the floor of the House. In addition, up to 18 youth (not more than two youth from each Province) who are duly authorized representatives known as the Official Youth Presence, shall have seat and voice in a designated section on the floor of the House.
Seating for special guests.	(b) Alternate Deputies and former members of the House; the Presidents of Church colleges and Deans of Church seminaries; the President, Vice- Presidents, Secretary, Treasurer, and elected Members of the Executive Council; and the Directors and Associate Directors of the Departments and General Divisions of the Executive Council may be seated in a section reserved for Special Guests, except during Executive Sessions.
Alternate Deputies.	(c) Alternate Deputies may not sit or vote with their Deputations, unless and until certified by the Committee on Credentials as a substitute for a Deputy.
Privilege of speaking.	(d) The President of this House may further grant to any designated representative of any of the Departments and General Divisions of the Executive Council the privilege of speaking, on the same footing as a member of the House, on any matter pertaining to the work of the representative's Department or General Division which is under discussion by the House.
Voting by President and Vice-President. Proviso.	61. When not occupying the Chair as presiding officer, the President and Vice-President, if duly elected Deputies, may sit with their Deputations and vote, both individually and in votes by Orders; <i>Provided, however,</i> that in an individual vote the presiding officer, whether or not an elected Deputy, may vote only in case the presiding officer's vote is necessary to break a tie.
Relinquishing Chair.	62 (a) The President may relinquish the Chair to the Vice-President, the Secretary, or any member, for any session or portion thereof, and may resume the Chair at any time, except during progress of debate. Likewise, the Vice-President, while presiding, shall have the same right to relinquish and resume the Chair.

HOUSE OF DEPUTIES

- (b) In the event of the absence of the President at the opening of any session, the Vice-President shall assume the Chair; and if both be absent, the Secretary shall assume the Chair and conduct the election of a Chair *pro tem*, who shall relinquish the Chair upon the return of the President or the Vice-President. Absence of officers.
63. The President may appoint a Chaplain from among the Deputies. The President may delegate to the Chaplain Opening Prayers or other devotions or may call upon the Chaplain for special prayers at any time the President deems appropriate. Appointment of Chaplain.
64. The President may invite a distinguished visitor to speak for not more than ten minutes, or may extend the privileges of the floor to a representative of a Church agency, although not a Deputy, to speak for not more than five minutes to a report of that agency. Distinguished visitors and others.
65. Except with the assent of three-fourths of the members present, the House shall not accept any invitation, or participate in any exercises, which shall involve suspension, interruption, or abridgment of its regularly appointed sessions. Priority of appointed sessions.
66. Except when otherwise ordered by majority vote of the House, no books, pamphlets, or other printed matter shall be distributed in the House, or be placed on the seats or desks of the Deputies, without the express permission of the President; but this prohibition shall not apply to reports of Committees, or to any papers or other documents present to and accepted by the House or printed by its authority. Distribution of printed matter.
67. No smoking shall be permitted in the House chamber. When the House is in session, no one shall use communications devices, including, but not limited to, wireless telephones and pagers, while in the House chamber, except as approved by the President. Decorum in the House chamber.
- XVI Unanimous Consent**
68. By unanimous consent, any action may be taken that is not in contravention of any provision of the Constitution or the Canons. Rule of unanimity.
- XVII Rules in Force**
69. At the meetings of the House of Deputies, the Rules and the Orders of the previous meeting shall be in force until they are amended or repealed by the House. Rules and Orders of previous meeting.
- XVIII Amendments**
70. These Rules may be amended at any time by a two-thirds majority vote of the members present, but only after the proposed amendment has been introduced in the House, has been referred to the Committee on Rules, and the report of such Committee has been made to the House. The proposed amendment shall be subject to debate and amendment before a vote is taken. Amendment of Rules by two-thirds majority vote.
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RULES OF ORDER

XIX Robert's Rules of Order

71. Except when in conflict with the Constitution or Canons, or any Rule herein contained, the latest edition of Robert's Rules of Order shall govern the interpretation of these Rules and the procedure to be followed.

Standing Orders

Seating of Deputations.	I. Prior to the meeting of each General Convention, the Secretary of the House of Deputies shall determine, by lot, the seats to be occupied by the Deputation from each Diocese.
Recording of attendance in Journal.	II. The names of Deputies who have not registered in the manner designated by the Secretary, shall be noted as absent in the List of Members, as printed in the Journal.
Notice boards.	III. Proper notice boards shall be provided in a prominent place in the chamber of the House of Deputies or in the lobby, upon which the Secretary shall cause to be posted notices of all the meetings of Committees and Commissions of the House.
Flags.	IV. At all times when the House is in session, the National and Church flags shall be flown on the platform.
Sergeant-at-Arms.	V. There shall be a Sergeant-at-Arms, a member of the House of Deputies appointed by the President, and such assistants as are required. Their duties, under the direction of the President or presiding officer, shall be: (a) To maintain order and decorum in the House. (b) To exclude from the floor of the House those not entitled to seats thereon. (c) To exclude non-members and visitors when the House is in Executive Session. (d) To escort distinguished visitors, and to perform such other ceremonial duties as may be assigned by the President or presiding officer.

JOINT RULES OF ORDER OF THE HOUSE OF BISHOPS AND THE HOUSE OF DEPUTIES

I Joint Standing Committees and Joint Legislative Committees

Composition

1. By Joint Rule or Joint Resolution the House of Bishops and the House of Deputies may authorize or direct the appointment of Joint Legislative Committees and Joint Committees. May authorize by Joint Rule.

2 (a) The Joint Rule may specify the size and composition and shall specify the duties of each Committee. The membership of such Committees shall be limited to Bishops having vote in the House of Bishops, members of the House of Deputies, and such *ex officio* members as may be provided in the Joint Rule creating such a Committee. Membership.

(b) The terms of all members of Joint Standing Committees shall be equal to the interval between the regular meeting of the General Convention preceding their appointment and the adjournment of the succeeding regular meeting of the General Convention and until their successors are appointed; *Except*, that any Clerical or Lay member who has not been elected as a Deputy to the succeeding General Convention by the 31st day of January in the year of the said Convention shall be replaced on the Joint Standing Committee by the President of the House of Deputies, such appointment to be for the unexpired term of the former member. Any other vacancy, by death, change of status, resignation, or any other cause, shall be filled by appointment by the Presiding Officer of the appropriate House, and such appointments, likewise, shall be for the unexpired terms. The terms of all members of Joint Legislative Committees shall be only from the time of appointment until the adjournment of the first regular meeting of the General Convention following their appointment. Terms.

(c) The Presiding Bishop shall appoint the Episcopal members and the President of the House of Deputies the Lay and Clerical members of Joint Standing Committees as soon as practicable after the adjournment of the General Convention, and of Joint Legislative Committees not later than sixty (60) days in advance of each General Convention. Vacancies shall be filled in similar manner. Replacing any member not reelected a Deputy.

(d) The Presiding Bishop, in respect of Bishops, and the President of the House of Deputies, in respect of Clergy and Lay Persons, may appoint members and staff of the Executive Council, or other experts, as consultants to any such Committee, to assist in the performance of its function. Notice of such appointment shall be given to the Secretaries of both Houses. Each such Committee shall have power to constitute subcommittees and engage the services of consultants and coordinators necessary to the carrying on of its work. Appointments.

(e) The Presiding Bishop and the President of the House of Deputies shall be members *ex officio* of every such Committee, with Consultants and sub-committees.

Ex officio members.

RULES OF ORDER

	the right, but no obligation, to attend meetings, and with seat and vote in the deliberations thereof, and shall receive their minutes and an annual report of their activities; <i>Provided</i> , that the said presiding officers may appoint personal representatives to attend meetings in their stead, but without vote.
Notification of appointments.	(f) The Executive Officer of the General Convention, shall, not later than the month of January following the meeting of the General Convention, notify the members of the respective Houses of their appointments upon Joint Committees and their duty to present Reports to the next Convention. One year prior to opening day of the Convention, the Executive Officer of the General Convention shall remind the Chairs and the Secretaries of all Joint Committees of this duty.
Officers appointed.	(g) Except as otherwise provided, the Presiding Bishop and the President of the House of Deputies shall designate a Chair and Vice-Chair, or Co-Chairs, of such Committees. Each such Committee shall elect its own Secretary.
Referrals.	(h) It shall be the privilege of either House to refer to such a Committee any matter relating to the subject for which it was appointed; but neither House shall have the power, without the consent of the other, to instruct such Committees as to any particular line of action.
Duties.	(i) All such Committees shall perform all of the duties with respect to their work that are imposed on Standing Commissions by Canon I. 1.2(i) through (m).
	II Joint Standing Committee on Program, Budget, and Finance
Membership.	10 (a) There shall be a Joint Standing Committee on Program, Budget, and Finance, consisting of 27 persons being members of the General Convention (one Bishop, and two members of the House of Deputies, either Lay or Clerical, from each Province), who shall be appointed not later than the fifteenth day of December following each regular Meeting of the General Convention, the Bishops to be appointed by the Presiding Bishop, the Deputies by the President of the House of Deputies.
<i>Ex officio</i> members.	The Secretary and the Treasurer of the General Convention and the Treasurer of the Executive Council shall be members <i>ex officio</i> , without vote.
Advisers.	The Joint Standing Committee may appoint advisers, from time to time, as its funds warrant, to assist the Joint Standing Committee with its work.
Officers elected.	(b) Organization. The Joint Standing Committee shall elect its Chair from its membership, and such other officers as needed.
Organized in Sections.	The Joint Standing Committee shall be organized in Sections, which shall conform to the major subdivisions of the Budget, as well as Sections on Funding and Presentation, the size and composition of the several Sections to be determined by the Joint Standing Committee.

JOINT RULES

The Chairs of each Section shall be elected by the Joint Standing Committee; the several Sections shall elect their own Secretaries from among their own membership.

The Joint Standing Committee may refer to a Section any of the duties imposed upon it by this rule; *Provided, however*, that final action on Budget shall be taken only by the full Committee, either in meeting assembled or by a vote by mail.

(c) During the interim between regular Meetings of the General Convention, the Joint Standing Committee shall act in an advisory capacity to the officers of the General Convention and to the Executive Council, holding such meetings as may be deemed necessary for the purpose.

Committee to advise officers of Convention.

Meetings of the Joint Standing Committee shall be called by the Chair, or upon the request of any five members thereof.

Call to meeting.

In respect of the Budget for the Episcopal Church, the Joint Standing Committee shall have the power to consider, and either by a vote by mail, or in meeting assembled, to make such adjustments therein, or additions thereto, as it shall deem to be necessary or expedient, and which, in its judgment, available funds and anticipated income will warrant; and it shall likewise have the power to adjust the annual askings of Dioceses within the limit established by the General Convention.

Adjustments to Budget and annual askings.

With regard to the General Church Program, the Joint Standing Committee shall:

Preparing and reporting on General Church Program.

- (i) Meet and consult with the Executive Council, or its Administration and Finance Committee, on adjustments to the program priorities, and on alternate income generating resources;
- (ii) Receive from the Executive Council, not less than four months prior to the meeting of General Convention, the proposed General Church Program for the upcoming triennium, including a proposed detailed Budget for the year next following that of such Convention;
- (iii) Meet in such places as it shall determine, sufficiently in advance of the next General Convention to expedite its work.
- (iv) Conduct hearings upon such proposed Program and Budget; and
- (v) Consider such proposed Program and Budget and report thereon to the next succeeding General Convention.

(d) Not later than the third day prior to the adjournment of each regular meeting of the General Convention, the Joint Standing Committee shall report to a Joint Session, pursuant to Canon, a proposed Budget for the Episcopal Church for the ensuing Convention period, subject to the approval of the said Budgets subject also to increase, reduction, or elimination of items, based on open hearings held during the General Convention and by subsequent concurrent action by the House of Deputies and the House of Bishops.

Committee to propose a Budget at Joint Session.

RULES OF ORDER

Audit
Committee.

11. Two members of the Joint Standing Committee shall be appointed by the Chair of the Joint Standing Committee on Program, Budget and Finance to the Audit Committee of the Executive Council. The Audit Committee is required to report to the General Convention or the Executive Council when the General Convention is not in session, through the Joint Standing Committee on Program, Budget and Finance (PB&F) at each PB&F Executive Committee meeting and each PB&F committee meeting of the whole.

PB&F shall present the reports of its actions on audit to the General Convention at each regular meeting thereof.

III Proposals for Legislative Consideration

Resolutions to
be referred.

12. Each proposal for legislative consideration, however addressed to the General Convention or to either House thereof, received prior to a date in advance of the Convention agreed upon by the Presiding Bishop and the President of the House of Deputies, shall be referred by mail to the proper Standing Committee or Special Committee of the appropriate House, the Presiding Bishop making the referrals to the Committees of the House of Bishops and the President of the House of Deputies making the referrals to the Committees of that House.

Resolutions to
be in proper
form.

13. Each proposal for legislative consideration which includes the language of a proposed addition to or amendment of an existing Constitutional or Canonical provision shall be drawn, insofar as may reasonably be possible, (1) so as to indicate in Roman type the portion, if any, of the existing Constitutional or Canonical provision proposed to be retained, (2) so as to indicate in italic or underlined type the new language proposed to be inserted or added, and (3) so as to indicate, by Roman type which has been stricken through, manually or otherwise, the language of the existing Constitutional or Canonical provision proposed to be eliminated. Each such proposal calling for action shall designate the individual or body for communication and implementation, but if no such designation is included in the resolution as adopted, it shall be referred to the Office of the Secretary of General Convention for communication and implementation.

Implementation
of actions.

Report or study
materials must
be readily
available.

No proposal for legislative consideration which approves, endorses, adopts, or rejects a report, study, or other document that is not generally known by the members of the House or readily available may be considered by the General Convention unless such material is first distributed to both Houses. It is the responsibility of the proposer to provide the necessary copies to the Secretary of each House.

House of initial
action.

14 (a) By joint action, the Presiding Bishop and the President of the House of Deputies may determine that one House shall be assigned responsibility for initiating legislation in respect of any such proposals (and any other proposals germane thereto introduced in either House prior to the close of the third legislative day), in which event, reference in that House shall be *for action* and reference in the other House shall be *for information*. No legislative action with regard to any proposal

JOINT RULES

referred for information shall be initiated on the floor of the House to which it has been so referred until the close of the third legislative day.

All restrictions hereby imposed with regard to any proposal referred for information shall expire at the close of the third legislative day. Exception.

Nothing herein shall affect the right of any Committee of either House to deliberate with regard to any proposal referred for information.

(b) Resolutions not reported by a legislative committee or not acted upon by both Houses shall have no further force or effect following the adjournment of the General Convention at which they are introduced.

IV Supplemental Money Bills

15. After the adoption of the Budget for The Episcopal Church, any resolution calling for the expenditure of any moneys (or containing implied funding) shall be unfunded. Unfunded resolutions.

V Summary of General Convention Action

16. The Secretary of the House of Deputies, being the Secretary of the General Convention, shall, with the cooperation of the Secretary of the House of Bishops, and of such Bishops as may be appointed by the Presiding Officer of the House of Bishops, prepare a summary of the actions of the General Convention of particular interest to the Congregations of the Church, and make the same available to the Congregations, through the Ministers-in-charge thereof, and to the Lay Deputies; such summary to be sent to the Clergy along with the Pastoral Letter put forth by the House of Bishops, and to be made available to all Deputies on the last day of the Convention, along with such Pastoral Letter, if feasible to do so, or within thirty days thereafter. Secretary to prepare a summary within 30 days of Convention. Pastoral Letter.

VI Joint Standing Committee on Planning and Arrangements

17 (a) There shall be a Joint Standing Committee on Planning and Arrangements for the General Convention, which shall have responsibility between Conventions for the matters indicated by its title. The Committee shall be composed, *ex officio*, of the Executive Officer of the General Convention, the Vice-Presidents, Secretaries, and Chairs of the Committee on the Dispatch of Business of the two Houses, the Treasurer of the General Convention, the President and First Vice-President of the Episcopal Church Women, the General Convention Manager and one Presbyter or Deacon and one Lay Person appointed by the President of the House of Deputies. In the case of a General Convention for which a meeting site has been selected, the Committee shall also include the Bishop and the General Chairman of Arrangements of the local Committee of the Dioceses in which that General Convention shall be held. Membership.

(b) It shall be the duty of the Committee to consult with the Presidents of the two Houses, the Chairs of the Joint and Standing Committees and Commissions, Boards and Agencies of the General Prepare agenda for Convention.

RULES OF ORDER

Convention, the Executive Council, and such other representative bodies as it may deem necessary, in the study and determination, prior to any meeting of the General Convention, of the arrangements for, and the nature of, the Agenda thereof, to be recommended by it to the General Convention for such meeting.

Select sites. (c) It shall be the further duty of the Committee to take such action as may be provided by Canon for the selection of sites for meetings of the General Convention.

Executive Committee. (d) The Committee shall have an Executive Committee composed of the Presidents of the two Houses, the Chair of the Committee, the Executive Officer of the General Convention, the Treasurer of the General Convention, and the General Convention Manager.

VII Joint Standing Committee on Nominations

Charge. 18. There shall be a Joint Standing Committee on Nominations, which shall submit nominations for the election of:

(a) Trustees of The Church Pension Fund, serving as the Joint Committee referred to in Canon I.8.2.

(b) Members of the Executive Council under Canon I.4.1(c).

(c) The Secretary of the House of Deputies and the Treasurer of the General Convention under Canon I.1.1(j).

(d) Trustees of the General Theological Seminary.

(e) General Board of Examining Chaplains.

Membership. 19. The Joint Standing Committee on Nominations shall be composed of three Bishops, three Presbyters, and six Lay Persons.

Solicit recommendations. 20. The said Committee is instructed to solicit recommendations from interested organizations and individuals, to be considered by them for inclusion among their nominees.

Nomination procedures. 21. Except for the Secretary and the Treasurer of the General Convention, the said Committee is instructed to nominate a number, equal to at least twice the number of vacancies, which shall be broadly representative of the constituency of this Church; to prepare biographical sketches of all nominees; and to include such nominations and sketches in the *Blue Book*, or otherwise to circulate them among Bishops and Deputies well in advance of the meeting of the next succeeding General Convention; this procedure, however, not to preclude further nominations from the floor in the appropriate House of the General Convention.

VIII Joint Legislative Committee on Committees and Commissions

22. There shall be a Legislative Committee to be designated the Joint Committee on Committees and Commissions to which shall be referred all Resolutions relating to the creation, continuation, merger or other changes in Standing Committees and Commissions, Boards and other Agencies of the Church.

IX Task Forces of the General Convention

23. By concurrent action, the General Convention may from time to time establish Task Forces of the General Convention to consider and make recommendations to the General Convention on specific subjects of major importance to the Church and its ministry and mission requiring special attention and competence not otherwise provided for in the Canons and/or Joint Rules, or as shall be otherwise determined by the General Convention to require the appointment of such a Task Force. The Resolution shall specify the size and composition, the clear and express duties assigned, the time for completion of the work assigned and the amount and source of the funding of each such Task Force. No Task Force shall be continued beyond the time for completion of the work assigned except by a concurrent vote of two-thirds of the members present and voting in each of the Houses. Unless otherwise specifically provided in the establishing Resolution, the Presiding Bishop shall appoint the Episcopal members and the President of the House of Deputies shall appoint the Priests and Deacons and the Lay Persons. Such Resolution may, but need not, provide for the service of Executive Council staff and other experts as consultants and coordinators for the Task Force.

May be established by Convention.

Convention to specify membership, duties, and funding.

Appointments.

Consultants.

X Rules in Force

24. At the meetings of the House of Bishops and the House of Deputies, the Joint Rules of the previous Convention shall be in force, until they be amended or repealed by concurrent action of the two Houses and after their reports thereon.

**The General Convention
Columbus, June 13-June 21, 2006
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B017	Add HB Rule XXVI	Courtesy of Seat and Voice
D010	Amend Canon: I.2.2	Resignation Age of Presiding Bishop
D015	Amend Joint Rules of Order IV.15	Expenditure of Moneys after Adoption of Budget
D045	Add Canon III.1.3	Restore "Equally Applicable" Language to Canon III.1.2

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References to the Constitution are made to the article (Art.) number. The Canons are referenced by title, canon, section, and subsection number. Rules of Order are identified as Rules of the House of Bishops (RHB, with page number), House of Deputies (RHD), and Joint Rules (JR). Send corrections to: research@episcopalarchives.org.

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D 159 - Constitution and
Canons of The Episcopal
Church (1878)
(excerpts)

Digest of the Canons

FOR THE GOVERNMENT OF THE

PROTESTANT EPISCOPAL CHURCH

IN THE

United States of America,

PASSED AND ADOPTED IN GENERAL CONVENTIONS OF 1859, 1862,
1865, 1868, 1871, 1874, AND 1877,

TOGETHER WITH

The Constitution.

PRINTED FOR THE CONVENTION.
1878.



On Jan 8, 2019, at 3:44 PM, Dickson, Edgar W. Law Clerk (Nicholas McKinney)
<edicksonlc@sccourts.org> wrote:

Counsels,

Good afternoon. There was a chart prepared in the PowerPoint presentation that was shown in Court on November 19, 2018. That chart purported to indicate the issues of agreement among the various justices. The Court would appreciate a compilation, with appropriate page citations, quoting from the five opinions, the areas where two or more justices are in agreement and their agreement either supports or does not support your side.

Please notify us as to how long this may take as the Court is actively considering all the evidence and arguments presented.

Sincerely,
Nicholas McKinney
Law Clerk to Judge Edgar W. Dickson
P.O. Box 1949
Orangeburg, SC 29116
P: (803) 535-2187
E: edicksonlc@sccourts.org

☆ **Dickson, Edgar W. Law Clerk (Nicholas McKinney)** January 14, 2019 at 2:54 PM 
RE: Episcopal Church Case No 2013-CP-18-0013 and 2017 CP-18-1909 [Details](#)
To: Alan Runyan, Cc: abailey@mcnair.net, Andrew Platte & 48 more

Counsels,

Good afternoon. The Court would like documents supporting that there was a vote on the Dennis Cannon on or before September 1979. Also, please provide any accompanying documents which indicate what churches voted and what churches did not vote (i.e. messages [specifically numbers 75 and 76], voting sheets, if presented anywhere previously, please provide this information to the Court (transcript and/or otherwise).

Sincerely,
Nicholas McKinney
Law Clerk to Judge Edgar W. Dickson
P.O. Box 1949
Orangeburg, SC 29116
P: (803) 535-2187
E: edicksonlc@sccourts.org

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
The Protestant Episcopal Church In The)
Diocese Of South Carolina; The Trustees of)
The Protestant Episcopal Church in South)
Carolina, a South Carolina Corporate Body;)
All Saints Protestant Episcopal Church, Inc.;)
Christ St. Paul's Episcopal Church;)
Church Of The Cross, Inc. and Church)
Of The Cross Declaration Of)
Trust; Church Of The Holy Comforter;)
Church of the Redeemer;)
Holy Trinity Episcopal Church; St. Luke's)
Church, Hilton Head Island;)
St. Bartholomews Episcopal Church;)
St. Davids Church; St. James' Church,)
James Island, S.C.; St. Paul's Episcopal)
Church of Bennettsville, Inc.;)
The Church Of St. Luke and St.)
Paul, Radcliffeboro; The Church Of Our)
Saviour Of The Diocese of South Carolina;)
The Church Of The Epiphany (Episcopal);)
The Church Of The Good Shepherd,)
Charleston, SC; The Church Of The Holy)
Cross; The Church Of The Resurrection,)
Surfside; The Protestant Episcopal Church,)
Of The Parish Of Saint Philip, In Charleston,)
In The State Of South Carolina; The)
Protestant Episcopal Church, The Parish Of)
Saint Michael, In Charleston, In The State)
Of South Carolina and St. Michael's Church)
Declaration Of Trust; The Vestry and)
Church Wardens Of St. Jude's Church Of)
Walterboro; The Vestry And Church)
Wardens Of The Episcopal Church Of)
The Parish Of St. Helena and The Parish)
Church of St. Helena Trust; The Vestry and)
Church Wardens Of The Episcopal Church)
Of The Parish Of St. Matthew; The Vestry)
and Wardens Of St. Paul's Church,)
Summerville; Trinity Church)
of Myrtle Beach; Trinity Episcopal Church;)
Trinity Episcopal Church, Pinopolis; Vestry)
and Church-Wardens Of The Episcopal)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2013-CP-18-00013

**PLAINTIFFS' ANALYSIS OF
COLLECTIVE OPINIONS**

Church Of The Parish Of Christ Church;	)
Vestry and Church Wardens Of The	)
Episcopal Church Of The Parish Of St.	)
John's, Charleston County; The Vestries and	)
Churchwardens of the Parish of St.	)
Andrew	)
	)
PLAINTIFFS,	)
	)
v.	)
	)
The Episcopal Church (a/k/a, The	)
Protestant Episcopal Church in the	)
United States of America); The Episcopal	)
Church in South Carolina	)
DEFENDANTS.	)
_____	)

The Plaintiffs submit the following analysis requested by the Court of the five separate opinions issued by the South Carolina Supreme Court in *The Protestant Episcopal Church in the Diocese of South Carolina, et. al. v. The Episcopal Church, et. al.*, 421 S.C. 211, 806 S.E. 2d 82 (2017) (“Collective Opinions”) showing where two or more Justices agree on an issue and whether their agreement supports or does not support each side with page citations and quotations.

Issue:

Standard of Review for Facts

Supports the Plaintiffs’ Side

Toal, A. J.

Defer to trial court’s factual findings unless wholly-unsupported by the evidence.

“It is abundantly clear from the pleadings that the main purpose of this declaratory judgment action is the determination of title to real property. Thus, under South Carolina’s jurisprudence, this is an action at law, and we must defer to the trial court’s factual findings unless wholly unsupported by the evidence.” 421 S.C. at 268-270, 806 S.E. 2d at 112-113.

Kittredge, J. Joins in A.J. Toal’s opinion, 421 S.C. at 251, n. 31, 806 S.E. 2d at 103, n. 31.

Beatty, C. J. No specific statement on appropriate standard of review but intent from opinion is consistent with deference to trial court’s factual findings.

Rejects entire “analysis” of Pleicones, A.J. and Hearn, J.

“I disagree with the analysis and most of the result of [Pleicones & Hearn Opinions]” 421 S.C. at 248-249, 806 S.E. 2d at 102.

Affirms correct analysis is *All Saints*.

“In resolving this issue, I am guided by the neutral principles of law approach enunciated in *All Saints* and *Jones* and aptly discussed by former Chief Justice Toal.” Id. at 249, 806 S.E. 2d at 102.

All Saints used the same standard as A.J. Toal above in declaratory judgment actions concerning title to real property. *All Saints*, 385 S.C. at 442, 685 S.E. 2d at 170.

Supports the Defendants’ Side

Pleicones, A. J. *de novo* review of facts

“Since the main purposes of this suit were for declaratory judgments and injunctive relief, I find that it sounds in equity... The Court is therefore free to take its own view of the facts.” 421 S.C. at 215, 806 S.E. 2d at 84.

Hearn, J. Joins A.J. Pleicones’ opinion 421 S.C. at 232, 806 S. E. 2d at 93

Result: Trial court’s findings of fact are the law of the case (2-2) or (3-2).

Issue: **Legal Rationale (for resolving disputes over property and corporate control between religious organizations).**

Supports the Plaintiffs' Side

Toal, A.J. Neutral principles of state law as enunciated in *All Saints*. 421 S.C. at 270-377; 806 S.E. 2d at 113-117.

“Because this is a dispute over title to property, we should apply neutral principles of South Carolina property and trust law.” *Id.* at 276-77, 806 S.E. 2d at 117.

Kittredge, J. Joins in A.J. Toal’s opinion, 421 S.C. 251, n. 31, 806 S.E. 2d at 103, n. 31.

“...I believe the proper application of “neutral principles of law” as enunciated in *Jones v. Wolf*, demands that all thirty six local parishes retain ownership and control of their property...” 421 S.C. at 251, 806 S.E. 2d at 103

Beatty, C.J. Neutral Principles of law

“...applying neutral principles of law...” 421 S.C. at 249, 806 S.E. 2d at 102.

““In resolving this issue, I am guided by the neutral principles of law approach enunciated in *All Saints* and *Jones* and aptly discussed by former Chief Justice Toal.” *Id.* at 249, 806 S.E. 2d at 102.

“based on the neutral principles of law approach...” *Id.*

“strictly applying neutral principles of law, which I believe this property dispute mandates...” *Id.* at 251, 806 S.E. at 103

Supports the Defendants' Side

Pleicones, A.J.

Deference to highest ecclesiastical body which considers the issue

“...where a civil court is presented an issue which is a question of religious law or doctrine masquerading as a dispute over church property or corporate control, it must defer to the decision of the proper church judicatories...”
421 S.C. at 220, 806 S.E. 2d at 86.

“defer to the decision of the appropriate ecclesiastical authority.” *Id.*, 806, S.E. 2d at 87.

“the finding that TEC is hierarchical requires that I defer to its highest ecclesiastical body.”
Id. at 279, 806 S.E. 2d at 91.

Hearn, J.

Deference to highest ecclesiastical body which considers the issue

Joins in A.J. Pleicones’s opinion, 421 S.C. at 232, 806 S. E. 2d at 93.

“I. Ecclesiastical Deference”
421 S.C. at 233-236, 800 S.E. 2d at 94-95.

“Based on our doctrine of deference to ecclesiastical authority...” 421 S.C. at 248, 806 S.E. 2d at 101.

Result:

Neutral principles of state law as enunciated in *All Saints* are binding legally and factually. (3-2)

Issue:**Service Marks****Judge Goodstein's rulings:****Findings of Facts**

Findings 30, 31, Final Or. at 12: October 2010, Diocese applied to Secretary of State to register five service marks pursuant to §§ 39-15-1105, *et. seq.* and in November 2010, the Secretary of State registers the following to the Diocese as owner: "The Diocese of South Carolina"; "The Episcopal Diocese of South Carolina"; "The Protestant Episcopal Church in the Diocese of South Carolina"; and the Diocese seals in color and black and white.

Findings 42, 43 & 44, Final Or. at 15-16: The Defendants used the names, marks and emblems of the Diocese intentionally and without permission between November 2012 and the fall of 2013.

Conclusions of Law

"The Defendants admit the Diocese is the owner and registrant of the marks..." Fin. Or. at 40.

"There is no doubt that the Diocese has used the marks at various times throughout its history." *Id.*

Defendants intentionally and knowingly used the Diocese's marks "which was not contradicted by any witness for the Defendants." *Id.* at 40-43.

The Defendants did so as "strategic support of their claim that TECSC was the 'true diocese'." *Id.* at 45.

"Plaintiffs action seeks declaratory and injunctive relief with respect to their names, marks and service marks, styles, seals and emblems under two statutes: S.C. Code §§39-15-1105 *et. seq.* (Service mark Infringement) and S.C. Code §§16-17-310 & 320 (Improper use of names, marks, styles and emblems)." *Id.* at 38.

"Under both statutes, the Plaintiffs have established their entitlement to permanent injunctive relief." *Id.* at 45.

Supports the Plaintiffs' Side

Toal, A.J.

Issue before the court is the validity

of Plaintiffs’ registered service marks and the Collective Opinions affirm trial court by an equally divided court.

Toal, A.J.

“ III. Intellectual Property”

“...the Plaintiffs assert their service marks are validly registered marks under state law and that they own the right to use the seals and symbols registered with the state.”

“I would narrowly affirm the trial court’s finding that the plaintiffs’ service marks are validly registered under state law.” 421 S.C. at 288, 806 S.E. 2d at 123.

“As to the second issue on appeal, involving the plaintiffs’ claims for service mark infringement, Chief Justice Beatty, Justice Kittredge and I would find the marks validly registered under state laws, ...” 421 S.C. at 291, n. 72, 806 S.E. 2d at 125, n. 72.

Kittredge, J.

Joins in A.J. Toal’s opinion 421 S.C. at 251, n. 31, 806 S.E. 2d at 103, n. 31.

Beatty, C. J.

Expresses no opinion

“I express no opinion concerning the rights to the service marks...” 421 S.C. at 249, n. 28, 806 S.E.2d at 102, n.28.

Supports the Defendants’ Side

Pleicones, A.J.

Reverses trial court’s findings on the service mark claim.

“I agree with the Appellants that in light of the evidence of confusion created by Respondents’ use of the term “episcopal” with TEC’s federally- registered trademarks ...state law dictates that the Appellants right to these marks is superior, and that therefore the Respondents’ state marks must be cancelled. *See* S.C. Code Ann. §39-15-1145 (3)(f) (Suppl. 2016).” 421 S.C. at 231, 806 S.E. 2d at 92. [Note: an action to cancel the marks was neither pled, tried nor ruled on by Judge Goodstein.]

“I would reverse the injunction granted to respondents on their service mark claims.”*Id.*, 806 S.E. 2d at 92-93.

Hearn, J.

Joins in A.J. Pleicones’ opinion, 421 S.C. at 232, 806 S. E. 2d at 93

Result:

Names and marks of Diocese are owned by the disassociated Diocese and are protected from TEC and TECSC use by a permanent injunction:

- (1) On the service mark ruling (§39-15-1105 et. seq.) because affirmed by equally divided court;**
- (2) On the improper use of names, marks, styles and emblems ruling (§16-17-310 & 320) because this ground was not appealed.**

Issue:

Corporate control of the Diocese: The Diocese severed its relationship with TEC by disassociating from TEC and corporate control is with its current leadership.

Judge Goodstein’s ruling

Findings of Fact:

Findings: 25, 26, 27, 28, 29, 32, 34, 35, 37, 38, 39, 54, 55, 56, 57, 58, 65, 66, 69, 72, 73, 74, 75, 76, 78, 80:
The Diocese and the Parishes took all the steps necessary under neutral principles of corporate and associational law properly to amend their governance documents to sever their relationship with TEC.

Conclusions of Law:

“If the Diocese legally withdrew from TEC, then those currently in union with it and its leadership control it.” Final Or. at 26.

“The Defendants’ evidence was primarily directed at establishing that the plaintiffs lacked the authority to disassociate whether or not they complied with the procedural requirements of the Act [non-profit Act] or their governance documents.” *Id.* at 25.

“There is no basis to claim that the Diocese did not validly exercise its legal and constitutionally-protected right to disassociate from TEC in October 2012.” *Id.* at 33.

Supports the Plaintiffs’ Side

The Diocese disassociated from TEC.

Pleicones, A.J.

(1) “The Respondents are the Protestant Episcopal Church in the Diocese of South Carolina (“Disassociated Diocese”). 421 S.C. at 215, 806 S.E. 2d at 84.

Plus 8 references to the “Disassociated Diocese”:
421 S.C. at 215, 806 S.E. 2d at 84.
421 S.C. at 217, 806, S.E. 2d at 85
Id.
421 S.C. at 226, 806 S.E. 2d at 90

	421 S.C. at 228, n. 10, 806 S.E. 2d at 91, n. 10. 421 at 229, 806 S.E. 2d at 91 <i>Id.</i> at 230, 806 S.E. 2d at 92 <i>Id.</i> at 231, 806 S.E. 2d at 92
Hearn, J.	Joins in A. J. Pleicones’ opinion.
Beatty, C.J.	421 S.C. at 251, n. 29, 806 S.E. 2d at 103, n. 29 (“disassociated diocese”)
Toal, A.J.	“The Protestant Episcopal Church in the Diocese of South Carolina, a South Carolina Corporation (the disassociated diocese)” Plus 53 references to the “disassociated diocese”: 421 S.C. at 262, 806 S.E. 2d at 109 (4) <i>Id.</i> at 203, 806 S.E. 2d at 110 (3) 421 S.C. at 264, 806 S.E. 2d at 110 (9) <i>Id.</i> at 265, 806 S.E. 2d at 111(6) <i>Id.</i> at 266, 806 S.E. 2d at 111(7) <i>Id.</i>, n. 50 <i>Id.</i> at 267, 806 S.E. 2d at 111 (5) <i>Id.</i>, 806, S.E. 2d at 112 (4) <i>Id.</i> at 268, 806 S.E. 2d at 112 (3) <i>Id.</i> at 269, 806 S.E. 2d at 112 <i>Id.</i> at 281, 806 S.E. 2d at 119 <i>Id.</i> at 283, 806 S.E. 2d at 120 (2) <i>Id.</i> at 284, 806 S.E. 2d at 121 (2) <i>Id.</i> at 286, 806 S.E. 2d at 122 <i>Id.</i> at 287, 806 S.E. 2d at 122 (2) <i>Id.</i> at 291, 806 S.E. 2d at 124 (2) <i>Id.</i> at 291, 806 S.E. 2d at 127, n. 72. “It is undisputed that the disassociated diocese is the title holder of its service marks, seals and emblems...” 421 S.C. at 263, 806 S.E. 2d at 109.
Kittredge, J.	Joins in A.J. Toal’s opinion.

Supports The Defendants’ Side

Pleicones, A. J.	<i>Deference to TEC requires accepting TEC’s determination of which diocese is the “true diocese.”</i>

“Because TEC recognized the Associated Diocese to be the true lower Diocese of South Carolina ... a civil court may not inject itself into this church governance dispute...”
421 S.C. at 229, 806 S.E. 2d at 91.

Hearn, J.

Joins in A.J. Pleicones’ opinion

“In essence, resolving this dispute would require us to decide which faction is the ‘true’ episcopal church. Because the National Church has recognized the remaining diocese to be the true lower Diocese of South Carolina...we cannot overrule that determination.”
421 S.C. at 235, 806 S.E. 2d at 95.

Beatty, C.J.

Disputed interpretation

“Additionally, I would find “The Trustees of the Protestant Episcopal Church” in the Diocese of South Carolina retain title to Camp St. Christopher as my decision in no way alters the clear language of the 1951 deed conveying ownership of this property. The conveyance of Camp St. Christopher was for the explicit purpose of furthering “the welfare of the Protestant Episcopal Diocese of South Carolina.” In my view the disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.”

421 S.C. at 251, n.29, 806 2d at 103, n. 29.

Supports the Plaintiffs’ Side

Footnote 29 is, at best, limited to Camp St. Christopher (CSC) because (1) CSC is the only trustees’ property at issue, (2) A.J. Toal states C.J. Beatty’s footnote relates just to CSC and (3) any broader interpretation would not be strict neutral principles of law as C.J. Beatty states is required.

Toal, A.J. joined in by Kittredge, J. agree this is C. J. Beatty’s intent.

“...with regard to Camp St. Christopher, Chief Justice Beatty, Justice Hearn and Acting Justice Pleicones would hold title is in the trustee corporation for the benefit of the

associated diocese, whereas Justice Kittredge and I would hold that the trustees corporation hold title for the benefit of the disassociated diocese.” 421 S.C. at 291, n. 72, 806 S.E. 2d at 125, n. 72.

Supports the Defendants’ Side

The last sentence of footnote 29 expresses C. J. Beatty’s intent and that relates not just to Trustees’ property, but to all that the Diocese owns including its real, personal and intellectual property.

Disputed Result:

Plaintiff’s Interpretation

The Diocese severed its relationship with TEC by disassociating and those in control of the Diocese are its rightful leaders and in control of its real, personal and intellectual property (The Dennis Canon does not apply to Diocese or Trustees property.). Chief Justice Beatty’s footnote, at best, relates only to one property owned by the Trustees, CSC.

Issue:

Trustees' Beneficiary

Judge Goodstein's rulings

Findings of fact

Finding 48, the Trustees hold property pursuant to the terms of the wills or gifts by individuals or other organizations, **some of which** is held for uses of the Diocese.

Findings 49, 50 & 51: TEC has no voice in or right of approval of Trustees' governance; Trustees are not a member of the Diocese or TEC and nothing in the legislative charter statutes references TEC; all references are to the Diocese.

Conclusions of Law:

"There is no legal basis for TEC or TECSC to have any claim of control over the Trustees or its assets." Final Or. at 34.

Legislative acts refer to one entity called the "Protestant Episcopal Church for the Diocese of South Carolina" and that is the Diocese. The Acts do not reference TEC. *Id.* n. 14.

Supports the Plaintiffs' Side

Toal, A. J.

The only trustees property at issue is Camp St. Christopher and it is held for the benefit of the Diocese.

"The Dennis Canon, by its own terms, does not apply." 421 S.C. at 287, 806 S.E. 2d at 122.

"It is undisputed the trustees corporation holds title in fee simple to Camp St. Christopher and that it does so for the benefit of the disassociated diocese..." *Id.*

Because the trustees did not accede to the Dennis Canon, "there is no basis in South Carolina trust law for the national church to claim an ownership interest in Camp St. Christopher." *Id.* 806 S.E. 2d at 123.

"I would declare title to Camp St. Christopher in the trustee corporation, held for the benefit of the disassociated Diocese just as the original deed conveyed the property." *Id.*

Kittredge, J.

Joins in A. J. Toal's opinion.

Beatty, C.J.

Disputed Interpretation

Supports the Plaintiffs side

Same as on corporate control issue.

Supports the Defendants' Side

Same as on corporate control issue.

Issue:

Parish Property

Supports the Plaintiffs' Side

Under neutral principles of law, the Dennis Canon did not create a trust (express or constructive) on parish property in favor of TEC because:

Toal, A.J.

(1) *It is not a "legally cognizable" trust under South Carolina trust law.*

"I would find that it does not satisfy the requirements for creating an express trust under South Carolina law" 421 S.C. at 280, 806 S. E. 2d at 119.

"...the only conclusion this Court could reach is that the Dennis Canon is not a basis for asserting legal title to the plaintiffs' properties nor does it create an express trust over those properties". *Id.*

"...the parishes' accession to the National Church's rules does not constitute clear and convincing evidence that they intended to place their property in trust (either revocable or irrevocable) for the National Church." *Id.* at 281, 806 S.E. 2d at 119.

Beatty, C.J.

"...like Justice Toal, I would find that, standing alone, it's not sufficient to transfer title of property or create an express or construction trust under South Carolina law." 421 S.C. at 250, 806 S.E. 2d at 103.

"...the Dennis Canon, by itself, does not have the force and effect to transfer ownership of property as it is not the "legally cognizable form" required by Jones." *Id.*

(2) *Unless the Dennis Canon (not the TEC Constitution & Canon's or rules) is specifically agreed to in a signed writing by each individual parish church.*

"In my view, the Dennis Canon had no effect until acceded to in writing by the individual parishes." *Id.* at 251, 806 S.E. 2d at 103.

"I would find that the parishes that did not expressly accede to the Dennis Canon cannot be divested of their property." *Id.*

(3) But parish agreement must be to the Dennis Canon itself. General agreement to the TEC constitution and canons, (its “rules”) does not create a trust.

The neutral principles of law to be “strictly applied” are those “enunciated in *All Saints* and *Jones* and aptly discussed by former Chief Justice Toal. See *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of South Carolina*, 385 S.C. 428, 444, 685 S.E. 2d 163, 172 (2009)...” 421 S.C. at 249, 806 S.E. 2d at 102.

All Saints corporate articles did not create a trust even though agreed “to conduct religious services, and prosecute religious works under the forms and according to the canons and rules of the Protestant Episcopal Church ...” 385 S.C. at 439, 685 S.E. 2d at 169, n. 5.

Pleicones, A.J. joined in by Hearn, J. agree this is C.J. Beatty’s intent.

“...Chief Justice Beatty, Justice Kittredge and Acting Justice Toal...impose a requirement that each local church **must specifically accede to the Dennis Canon** before it can be bound.” 421 S.C. at 230, n. 11, 806 S.E. 2d at 92, n. 11. (emphasis added).

Toal, A.J. joined in by Kittredge, J. agree this is C.J. Beatty’s intent.

“The Defendants contend that [2 parish churches that Beatty, Kittredge and Toal held did not agree to the Dennis Canon] in effect acceded to the Dennis Canon” because of deed language that was “tantamount to accession. However, neither of these churches ever **directly** acceded to the local or the national version of the Dennis Canon...”. 421 S.C. at 265, n. 49, 806 S.E. 2d at 111, n. 49. (emphasis added).

Supports the Defendants’ Side

Pleicones, A.J.

Overrule *All Saints* if holds Dennis Canon does not create trust on parish property.

“I would now overrule *All Saints* to the extent it held the Dennis Canon and the 1987 amendment to the Lower Diocese’s Constitution were ineffective in creating trusts

over property held by or for the benefit of any parish, Minister or congregation in the Lower Diocese.”

Hearn, J.

Joins in A. J. Pleicones’ opinion.

“...the Dennis Canon controls and imposes a trust on the property in favor of the National Church.” 421 S.C. at 232, 806 S.E. 2d at 93.

“...the writings, conduct and relationship between the parties all evidence the necessary intent to create a legally cognizable express trust, enforceable in favor of the National Church.”. *Id.* at 237, 806 S.E. 2d at 95.

Result:

Toal, A.J. and Kittredge J., hold that the Dennis Canon does not create an express or constructive trust because it never did (Toal) or because it was revoked (Kittredge).

Pleicones, A.J. and Hearn, J., hold that the Dennis Canon creates an express and constructive trust.

Beatty, C.J. Disputed

Supports the Defendants Side:

Interpret the following sentence to be C.J. Beatty’s intent, on the record before him, that parishes he did not name agreed to the Dennis Canon by agreeing to the Constitution and Canons of TEC (its rules) despite his view that *All Saints* controls and the statements of his intent by all the other Justices (in footnotes 11 and 49) disagree.

“I agree with the majority as to the disposition of the remaining parishes because their express accession to the Dennis Canon was sufficient to create an irrevocable trust.” 421 S.C. at 251, 806 S.E. 2d at 103.

Supports the Plaintiffs’ Side:

Chief Justice Beatty’s intent is that where an individual parish expressly agrees in a signed writing specifically to the Dennis Canon, an express trust would be created applying strict neutral principles of South Carolina law. His opinion cannot be restricted to the one sentence because (1) that would be inconsistent with *All Saints* and the rest of his

opinion and (2) the other Justices believed his intent required direct agreement to the Dennis Canon not general agreement to the TEC rules and (3) there was no record before the Court on individual parish accession to the Dennis Canon.

Conclusion

- (1) The legal standard for resolving these disputes is neutral principles of state law as enunciated in *All Saints* and that standard is the law of this case to be applied to resolve both legal and factual issues.
- (2) The Diocese is the owner of all its property including its names and marks because (a) it disassociated and since neutral principles controls (3-2), there is no basis to say it does not own its property just because it disassociated from TEC, (b) its ownership of its names and marks is a necessary element of the permanent injunction in place (i) because a divided court affirmed the trial court on the service marks ground and (ii) because the other ground was not appealed, and (c) C. J. Beatty's intent in footnote 29 relates solely to Trustees' property and the only Trustees' property at issue was Camp St. Christopher.
- (3) The issue of whether each individual parish agreed in writing directly to the Dennis Canon has not been decided because (a) the record relating to that issue was not before the Supreme Court, (b) Chief Justice Beatty's intent, which must be consistent with *All Saints*, was that each parish church must individually agree in a signed writing specifically to the Dennis Canon (not just to the Constitution and Canons or rules of TEC) or no trust is created.
- (4) The trial court's findings of fact are the law of this case because (a) the Supreme Court was evenly decided on the standard of review which affirmed those findings or (b) Chief Justice

Beatty's intent was to follow *All Saints* and the standard of review found by Acting Justice Toal (joined in by Justice Kittredge) was the same as in *All Saints*.

January 16, 2019

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COUNTY OF DORCHESTER)
)
The Protestant Episcopal Church In The)
Diocese Of South Carolina; The Trustees of)
The Protestant Episcopal Church in South)
Carolina, a South Carolina Corporate Body;)
All Saints Protestant Episcopal Church, Inc.;)
Christ St. Paul's Episcopal Church;)
Church Of The Cross, Inc. and Church)
Of The Cross Declaration Of)
Trust; Church Of The Holy Comforter;)
Church of the Redeemer;)
Holy Trinity Episcopal Church; St. Luke's)
Church, Hilton Head Island;)
St. Bartholomews Episcopal Church;)
St. Davids Church; St. James' Church,)
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Church of Bennettsville, Inc.;)
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Saviour Of The Diocese of South Carolina;)
The Church Of The Epiphany (Episcopal);)
The Church Of The Good Shepherd,)
Charleston, SC; The Church Of The Holy)
Cross; The Church Of The Resurrection,)
Surfside; The Protestant Episcopal Church,)
Of The Parish Of Saint Philip, In Charleston,)
In The State Of South Carolina; The)
Protestant Episcopal Church, The Parish Of)
Saint Michael, In Charleston, In The State)
Of South Carolina and St. Michael's Church)
Declaration Of Trust; The Vestry and)
Church Wardens Of St. Jude's Church Of)
Walterboro; The Vestry And Church)
Wardens Of The Episcopal Church Of)
The Parish Of St. Helena and The Parish)
Church of St. Helena Trust; The Vestry and)
Church Wardens Of The Episcopal Church)
Of The Parish Of St. Matthew; The Vestry)
and Wardens Of St. Paul's Church,)
Summerville; Trinity Church)
of Myrtle Beach; Trinity Episcopal Church;)
Trinity Episcopal Church, Pinopolis; Vestry)
and Church-Wardens Of The Episcopal)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2013-CP-18-00013

**PLAINTIFFS' RESPONSE TO
COURT'S INQUIRY CONCERNING
THE DENNIS CANON**

Church Of The Parish Of Christ Church;	)
Vestry and Church Wardens Of The	)
Episcopal Church Of The Parish Of St.	)
John's, Charleston County; The Vestries and	)
Churchwardens of the Parish of St.	)
Andrew	)
	)
PLAINTIFFS,	)
	)
v.	)
	)
The Episcopal Church (a/k/a, The	)
Protestant Episcopal Church in the	)
United States of America); The Episcopal	)
Church in South Carolina	)
DEFENDANTS.	)
_____	)

The Court requested documents showing (1) that there was a vote on the Dennis Canon on or before September 1979 and (2) any accompanying documents showing what churches voted and what churches did not vote (regarding messages 75 and 76), as well as any voting sheets.

The following facts are from the record in this case:

1. Parish churches have never been members of TEC and none of the parish churches have ever participated in General Conventions of TEC. Final Or. at 17, ¶53; *Id.* at 33; Tr. at 1106; *TEC Response to First Request for Admission No 2 by Church of Our Saviour of the Diocese of SC; Church of the Cross, Inc. and Church of the Cross Declaration of Trust; The Church of the Epiphany; St. Davids Church, The Vestry and Church Wardens of the Episcopal Church of the Parish of St. Helena and the Parish Church of St. Helena Trust; Vestry and Church Wardens of The Episcopal Church of St. John's, Charleston County; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In the State of South Carolina and St. Michael's Church Declaration of*

- Trust; and Trinity Episcopal Church, Edisto Island, October 8, 2013.* (“TEC Admissions”), attached as **Exhibit 1**. Consequently, if any records exist of a vote on the Dennis Canon in September 1979, they would not show votes by any parish church.
2. The originating resolution (D-24), offered by Canon Walter Dennis at the TEC 1979 General Convention, consistent with the statements in *Jones v. Wolf*¹, stated in its third paragraph that the language would be added as an amendment to TEC’s constitution. That was never done. *TEC Admissions 9 and 10; Final Or. at 35*. Tr. at 2486-2487.
 3. If TEC had placed that language in its constitution, “notice of the amendment would have been sent to every Diocese in TEC followed by a vote on the amendment by diocese[s] in which each diocese votes as a unit through its representative[s] at the **next** TEC convention.” *Final Or. at 21, ¶ 74* (emphasis added);
 4. Resolution D-24 was not distributed in advance of the TEC 1979 General Convention. *TEC Admission No. 7*.

January 18, 2019

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¹ Alternatively, the **constitution** of the general church can be made to recite an express trust in favor of the denominational church...and the civil court will be bound to give effect to the result indicated by the parties, **provided it is embodied in some legally cognizable form.**

443 U.S. at 606 (emphasis added).

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Exhibit 1

The Episcopal Church (the "Church") responds to Church of Our Saviour of the Diocese of SC; Church of the Cross, Inc. and Church of the Cross Declaration of Trust; The Church of the Epiphany; St. Davids Church; The Vestry and Church Wardens of The Episcopal Church of the Parish of St. Helena and The Parish Church of St. Helena Trust; Vestry and Church Wardens of The Episcopal Church of the Parish of St. John's, Charleston County; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In the State of South Carolina and St. Michael's Church Declaration of Trust; and Trinity Episcopal Church, Edisto Island's First Request for Admission as follows:

REQUEST FOR ADMISSION NO. 1:

The Episcopal Church did not exist as a civil entity in 1778.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Parish churches are not members of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admitted.

REQUEST FOR ADMISSION NO. 3:

There is no document giving notice of the purported assertion of a trust by The Episcopal Church filed in any South Carolina county in which the real property of the Parish Plaintiffs is located.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 4:

The Episcopal Church has never communicated directly in writing with any Parish Plaintiff stating that it claimed an interest in the parish's property.

- a. If you deny this request, in whole or in part provide a copy of the written communication sent to any of the Plaintiff parishes.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 5:

The Episcopal Church has never insured, or purchased insurance for, any of the real property of the Parish Plaintiffs over which it asserts a trust interest.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Admitted.

REQUEST FOR ADMISSION NO. 6:

The Episcopal Church does not carry any of the Parish Plaintiffs' real property in which it claims a trust interest on its books as an asset, contingent or otherwise.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Admitted.

REQUEST FOR ADMISSION NO. 7:

Resolution D-24, offered at the 1979 General Convention of The Episcopal Church by Canon Walter Dennis, was not distributed in advance of the 1979 General Convention.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Admitted.

REQUEST FOR ADMISSION NO. 8:

The Episcopal Church did not publish the purported passage of the Dennis Canon.

- a. If this request is denied in whole or in part, produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 9:

Resolution D-24, offered by Canon Walter Dennis at the 1979 General Convention stated in its third paragraph the following:

Whereas, The Supreme Court of the United States, in the case of *Jones v. Wolf*, _____ U.S. _____, 99 S.Ct. 3020 (1979) has suggested that such alienation might be legally possible, in the absence of an explicit recitation in the Constitution that an express trust exists in favor of the general church, concerning covering the property of local parishes.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Admitted with the exception that the word "covering" was not included in the last line of the quoted language.

REQUEST FOR ADMISSION NO. 10:

Neither the 1979 General Convention nor any succeeding General Convention of The Episcopal Church voted to amend the Constitution of The Episcopal Church to provide for the express trust set forth in Resolution D-24.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Admitted.

REQUEST FOR ADMISSION NO. 11:

The unincorporated association known as The Episcopal Church does not hold legal title to any real property in the name of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

After a reasonable inquiry, the information known or readily obtainable by the Church is insufficient to enable it to admit or deny this request, therefore the Church denies it.

REQUEST FOR ADMISSION NO. 12:

The Domestic and Foreign Missionary Society of The Protestant Episcopal Church in the United States of America has no legal or beneficial ownership interest in the real property of any of the Plaintiffs.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 13:

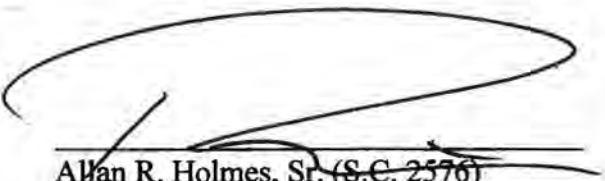
There is no written instrument executed by these Plaintiffs, manifesting or establishing an intention that these Plaintiffs' real property is, or that it be, held in trust for the benefit of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

After a reasonable inquiry, the information known or readily obtainable by the Church is insufficient to enable it to admit or deny this request, therefore the Church denies it.

Dated: October 8, 2013



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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL CIRCUIT
	)	
The Protestant Episcopal Church In The	)	Case No. 2013-CP-1800013
Diocese Of South Carolina, <i>et al.</i>	)	
	)	DEFENDANTS' SUBMISSION
	)	IN RESPONSE TO THE COURT'S
v.	)	REQUEST
	)	
The Episcopal Church, <i>et al.</i>	)	
	)	
_____	)	

This case is on remittitur to this Court from the Supreme Court of South Carolina. *See Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 42 S.C. 211, 806 S.E.2d 82 (2017). At a hearing before this Court on November 19, 2018, Plaintiffs presented a chart purporting to summarize the views of each of the justices on five issues:

- 1) Standard of review,
- 2) Legal rationale,
- 3) Parish property,
- 4) Trustees' beneficiary, and
- 5) Service marks.

This Court has now asked the parties to provide "a compilation, with appropriate page citations, quoting from the five opinions, the areas where two or more justices are in agreement and their agreement either supports or does not support your side," in the light of that chart. Defendants The Episcopal Church (the "Church" or "TEC") and The Episcopal Church in South Carolina ("TECSC") respectfully offer the response set out below. Should the Court require further information, the Church and TECSC are ready to provide it.

Preliminary note: Concurring statements. Acting Justice Pleicones and Justice Hearn each joined the other's opinion in its entirety. 421 S.C. at 231, 806 S.E.2d at 93 (Pleicones, A.

J.) (“I would ... join Justice Hearn’s opinion.”); *id.* (Hearn, J.) (“I concur fully with Acting Justice Pleicones’s thorough and well-reasoned lead opinion ...”). Justice Kittredge “join[ed] Acting Justice Toal’s opinion, save for Part II.C.1’s conclusion that no trusts were created as to the twenty-eight churches that acceded to the 1979 Dennis Canon.” 421 S.C. at 251 n.31, 806 S.E.2d at 103 n.31 (Kittredge, J.). On issues where agreement between justices is expressed solely in these statements of concurrence, we will note that by stating “Justice X, concurring (or concurring in part) with Justice Y.” Otherwise, we will quote the justices’ express statements.

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ISSUE 1: Standard of review

**Majority holding: *De novo* review applies.
Favors: Defendants**

A. Overview

Acting Justice Pleicones and Justice Hearn expressly adopted a *de novo* standard of review, while Acting Justice Toal expressly adopted a deferential standard of review. Chief Justice Beatty made no express statement addressing standard of review, but some of his findings were contrary to those of the Circuit Court and therefore suggest that he was applying a *de novo* standard. Justice Kittredge joined Acting Justice Toal’s opinion in part, but expressly did not join and instead diverged from Acting Justice Toal on one of the central issues in the case, the parish trust issue. Further, Justice Kittredge provided his own analysis of the facts and law on that issue in a framework entirely different from that set out by Acting Justice Toal, without any indication that he was deferring in any respect to the Circuit Court, and ultimately contradicted that Court’s finding regarding the creation of trusts. For these reasons, it appears that Justice Kittredge applied a *de novo* standard of review, despite concurring in part with Justice Toal.

B. Language of the justices**Four Justices:**Acting Justice Pleicones

“I find that [this suit] sounds in equity. ... The Court is therefore free to take its own view of the facts.” 421 S.C. at 215, 806 S.E.2d at 84.

Justice Hearn, concurring with Acting Justice Pleicones.

Chief Justice Beatty

“The Episcopal Church (“TEC”) is hierarchical,” 421 S.C. at 248, 806 S.E.2d at 102 (contradicting the Circuit Court’s finding on that issue, *see* Trial Court Final Order at 22 (“TEC is not organized in a fashion that its governance controls the dioceses or the parish churches. Authority flows from the bottom, the parish churches, up.”))).

“[T]he disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.” 421 S.C. at 251

n.29, 806 S.E.2d at 103 n.29, *see* Trial Court Final Order at 16 (“all references [in the Trustees’ legislative charter] are to the [Plaintiff] Diocese.”).

Justice Kittredge

Concurring in part with Justice Toal, *but see*: “I join Justice Toal *in result*. *However...*” 421 S.C. at 252, 806 S.E.2d at 104 (emphasis added): “...I would affirm the trial court *in result*.” 421 S.C. at 252, 806 S.E.2d at 104 (emphasis added).

“I join Justice Toal’s opinion, *save for* Part II.C.1’s conclusion that no trusts were created as to the twenty-eight churches that acceded to the 1979 Dennis Canon.” 421 S.C. at 251 n.31, 806 S.E.2d at 103 n.31 (emphasis added).

“...I conclude that a trust was created in favor of the national church over the property of the twenty-eight local churches that acceded in writing to the 1979 Dennis Canon,” 421 S.C. at 255, 806 S.E.2d at 105 (contradicting the Circuit Court’s findings on that issue without discussing whether the Circuit Court’s finding was “wholly unsupported by the evidence,” *see* Trial Court Final Order at p.17 (“The Constitution and Canons of the Diocese do not restrict the ability of a member parish church voluntarily to withdraw its membership.”); *see also id.* at 35 (“The Dennis Canon created no express trust of which TEC was the beneficiary.”)).

One Justice:

Acting Justice Toal

“[T]his is an action at law, and we must defer to the trial court’s factual findings unless wholly unsupported by the evidence.” 421 S.C. at 270, 806 S.E.2d at 113.

ISSUE 2: Legal rationale

Majority holding: “Neutral principles of law” applies.

Favors: Neither side

A. Overview

All justices agreed that the “neutral principles of law” approach is the chosen method for resolving church property disputes in South Carolina. The justices disagreed, however, on what proper application of the neutral principles approach should look like in this case.

Acting Justice Pleicones and Justice Hearn agreed as a primary matter that, in their view, because “doctrinal issues” form the underlying cause of the present dispute, the “neutral principles of law” approach required the Court to defer to the hierarchical Church’s resolution of the dispute. Nevertheless, they also applied South Carolina law governing express and constructive trusts to the dispute, in the alternative.

Chief Justice Beatty and Acting Justice Toal agreed that the “neutral principles of law” approach required application of South Carolina law governing express and constructive trusts to the dispute; they did not believe the “neutral principles” approach required deferring to the hierarchical church.

Justice Kittredge alone held that “general state trust law” should not apply to determine whether trusts had been created, but that state law principles governing the revocability of trusts should apply. *See* 421 S.C. at 252, 806 S.E.2d at 103, 104 (Kittredge, J.).

B. Language of the justices

All Five Justices: “Neutral principles of law” applies.

Acting Justice Pleicones

The “approach I expressly adopt” is “the ‘neutral principles’ approach” “[p]roperly applied.” 42 S.C. at 220, 806 S.E.2d at 87.

Justice Hearn

“There is no question that South Carolina adheres to neutral principles in resolving church property disputes.” 421 S.C. at 238, 806 S.E.2d at 96.

Chief Justice Beatty

“I am guided by the neutral principles of law approach” 421 S.C. at 249, 806 S.E.2d at 102.

Justice Kittredge

Embracing “proper application of ‘neutral principles of law.’” 421 S.C. at 251, 806 S.E.2d at 103.

Acting Justice Toal

I “apply[] *Jones*’s neutral principles approach.” 421 S.C. at 277, 806 S.E.2d at 117.

Four Justices: Applying “neutral principles” of South Carolina law governing express and constructive trusts

Chief Justice Beatty

“I look no further than our state’s property and trust laws to determine whether the purported trust created by the Dennis Canon comports with the requirements of either an express or constructive trust.” 421 S.C. at 250, 806 S.E.2d at 102.

Acting Justice Toal

“Under South Carolina law, there are only two ways to create a trust: either expressly or constructively.” 421 S.C. at 279, 806 S.E.2d at 118.

Justice Hearn

“[T]hough Acting Justice Pleicones and I believe ecclesiastical deference is required in this case, both of our opinions find that all thirty-six parishes acceded to the Dennis Canon such that a legally cognizable trust was created in favor of the National Church.” 421 S.C. at 102 n.27, 806 S.E.2d at 248 n.27.

“I believe the writings, conduct, and relationship between the parties all evince the necessary intent to create a legally cognizable express trust, enforceable in favor of the National Church.” 421 S.C. at 237, 806 S.E.2d at 95.

“I would find South Carolina’s doctrine of constructive trusts would operate to impose a trust in favor of the National Church.” 421 S.C. at 244, 806 S.E.2d at 99.

Acting Justice Pleicones, concurring with Justice Hearn.

Two Justices (in the alternative): “Neutral principles” requires deference to The Episcopal Church in this case.

Acting Justice Pleicones

“I have determined that the real and personal property disputes sought to be adjudicated in this civil lawsuit are ‘question[s] of religious law or doctrine masquerading as a dispute over church property and corporate control....’ *See All Saints* at 445, 85 S.E.2d at 172. I find, therefore the Court ‘must defer to the decision of the proper church judicatories....’ *Id.*” 421 S.C. at 229, 806 S.E.2d at 91-92.

Justice Hearn

“I believe it is clear this dispute arises out of doctrinal differences between the National Church and the Breakaway Diocese. I therefore find that we are required in this instance to exercise restraint and defer to the highest ecclesiastical body of this hierarchical church.” 421 S.C. at 234, 806 S.E.2d at 94.

ISSUE 3: Parish property

**Majority holding: Property of 29 acceding parishes is held in irrevocable trusts.
Favors: Defendants, as to the 29 acceding parishes**

A. Overview

1. *Creation of trusts.* Acting Justice Pleicones and Justice Hearn agreed that trusts were created as to the property of all 36 parishes in favor of The Episcopal Church and its local diocese, TECSC, on three independent bases: (1) deference to the Church’s ecclesiastical determinations required that outcome; (2) express trusts were created under South Carolina law; and (3) constructive trusts were created under South Carolina law. Chief Justice Beatty and Justice Kittredge agreed that express trusts were created, but only in the property of the acceding parishes; they further agreed that no express trusts were created as to the non-acceding parishes. Acting Justice Toal alone found that no trusts were created as to any of the parishes.

2. *Number of parishes acceding.* Acting Justice Pleicones and Justice Hearn found that 29 parishes acceded, while Justice Kittredge and Acting Justice Toal counted 28. Chief Justice Beatty “agree[d] with the majority as to the *disposition* of the [acceding] parishes,” 421 S.C. at 251, 806 S.E.2d at 103 (Beatty, C.J.) (emphasis added), and made no similar statement “joining” or “agreeing with” Justice Kittredge or Acting Justice Toal as to the “disposition” – or number – of non-acceding parishes. Accordingly, the finding that 29 parishes acceded is the finding of the majority.¹

3. *Irrevocability of trusts.* Chief Justice Beatty, Justice Hearn and Acting Justice Pleicones agreed that the trusts that were created were irrevocable. Justice Kittredge alone found those trusts were revoked. *See* 421 S.C. at 256-57, 806 S.E.2d at 106 (Kittredge, J.).

¹ This issue, as to whether 28 or 29 parishes acceded, was raised by Plaintiffs in their Petition for Rehearing, which was denied. Order, dated November 17, 2017 (“Therefore, the petitions for rehearing have been denied, and the opinions previously filed in this case reflect the final decision of this Court. The Clerk of this Court shall send the remittitur.”).

4. *Summary.* In sum, four of the justices – Acting Justice Pleicones, Justice Hearn, Chief Justice Beatty, and Justice Kittredge – found that trusts were created as to the acceding parishes. Three of those justices – Acting Justice Pleicones, Justice Hearn, and Chief Justice Beatty – found that the number of acceding parishes is 29, and that the trusts formed are irrevocable. Chief Justice Beatty, Justice Kittredge, and Acting Justice Toal found no trust obligation as to the non-acceding parishes.

B. Language of the justices

Four Justices: Express trusts were created under South Carolina law in the property of acceding parishes.

Chief Justice Beatty

“I agree with the majority as to the disposition of the remaining parishes because their express accession to the Dennis Canon was sufficient to create an irrevocable trust.” 421 S.C. at 251, 806 S.E.2d at 103.

Justice Kittredge

“I conclude that a trust was created in favor of the national church over the property of the twenty-eight local churches that acceded in writing to the 1979 Dennis Canon.” 421 S.C. at 255, 806 S.E.2d at 105.

Justice Hearn

“The Dennis Canon, the Diocesan Canon, and the mandate found in the National Church’s canons declaring that affiliated parishes are bound by its governing laws satisfy the legally cognizable form and the intent to create a trust which Acting Justice Toal claims are absent.” 421 S.C. at 238-240, 806 S.E.2d at 96-97.

“[A]ll thirty-six parishes acceded to the Dennis Canon such that a legally cognizable trust was created in favor of the National Church.” 421 S.C. at 102 n.27, 806 S.E.2d at 248 n.27.

Acting Justice Pleicones, concurring with Justice Hearn.

Three Justices: The number of acceding parishes is 29.

Justice Hearn

“[T]wenty-nine parishes ... documented their reaffirmation to the National Church.” 421 S.C. at 248 n.27, 806 S.E.2d at 102 n.27.

Acting Justice Pleicones, concurring with Justice Hearn.

Chief Justice Beatty

“I agree with the majority as to the disposition of the [acceding] parishes”
421 S.C. at 251, 806 S.E.2d at 103.

Two Justices: The number of acceding parishes is 28.

Justice Kittredge

“[T]wenty-eight local churches ... acceded in writing to the Dennis Canon”
421 S.C. at 252, 806 S.E.2d at 103-04.

Acting Justice Toal

“[T]wenty-eight church organizations ... acceded to the Dennis Canon.” 421 S.C. at 291 n.72, 806 S.E.2d at 125 n.72.

Three Justices: The express trusts that were created were irrevocable.

Chief Justice Beatty

“I agree with the majority as to the disposition of the remaining parishes because their express accession to the Dennis Canon was sufficient to create an *irrevocable* trust.” 421 S.C. at 251, 806 S.E.2d at 103 (emphasis added).

Justice Hearn

“I would ... look to our statutory code, which provides this simple answer to any question of revocability: the trust is irrevocable because it was created prior to the implementation of the [South Carolina Trust Code].” 421 S.C. at 241-42, 806 S.E.2d at 98.

Acting Justice Pleicones, concurring with Justice Hearn.

Three Justices: Express trusts were not created under South Carolina law in property of non-acceding parishes.

Chief Justice Beatty

“I would find the parishes that did not expressly accede to the Dennis Canon cannot be divested of their property. Because there was no writing purporting to create a trust and they took no other legal action to transfer ownership of their property, I believe these parishes merely promised allegiance to the hierarchical national church. Without more this promise cannot deprive them of their ownership rights in the property.” 421 S.C. at 251, 806 S.E.2d at 103.

Justice Kittredge

“While I agree the national church could not unilaterally declare a trust over the property of the local churches, I would join Chief Justice Beatty and hold that the local churches’ accession to the 1979 Dennis Canon was sufficient to create a trust in favor of the national church.” 421 S.C. at 252, 806 S.E.2d at 104.

Acting Justice Toal

“It is my opinion that the parishes’ accession to the national church’s rules does not constitute clear and convincing evidence that they intended to place their property in trust (either revocable or irrevocable) for the national church.” 421 S.C. at 281, 806 S.E.2d at 119. (This would apply to all parishes, in Acting Justice Toal’s view.)

Two Justices (in the alternative): Deference to the Church’s ecclesiastical determinations requires the conclusion that trusts have been established over the property of all parishes.

Acting Justice Pleicones

“[T]he determination that this dispute is ecclesiastical is tantamount to recognizing the validity of the trusts.” 421 S.C. at 230 n.11, 806 S.E.2d at 92 n.11.

Justice Hearn, concurring with Acting Justice Pleicones.

Two Justices (in the alternative): Constructive trusts were created under South Carolina law in property of all parishes.

Justice Hearn

“I would find South Carolina’s doctrine of constructive trusts would operate to impose a trust in favor of the National Church. ... In light of the evidence presented by both parties, I believe equity requires that a constructive trust be imposed” 421 S.C. at 244, 806 S.E.2d at 99.

Acting Justice Pleicones, concurring with Justice Hearn.

ISSUE 4: Trustees' beneficiary**Majority Holding: TECSC is the Diocese and the Trustees' beneficiary.****Favors: Defendants****A. Overview**

Acting Justice Pleicones, Justice Hearn, and Chief Justice Beatty agreed that TECSC is the “Protestant Episcopal Church in the Diocese of South Carolina” and is the beneficiary of property held by the Trustees. Chief Justice Beatty opined that Plaintiffs can “make no claim” to being that Diocese in the context of analyzing the deed to the Camp St. Christopher property; as we have shown in prior submissions to this Court, the same analysis applies to all property held by the Trustees.

Acting Justice Toal, with Justice Kittredge concurring in part, opined that the Plaintiff is the Diocese and the beneficiary of property held by the Trustees. Like Chief Justice Beatty, Acting Justice Toal issued that opinion in the context of analyzing the appropriate disposition of the Camp St. Christopher property.

B. Language of the justices**Three Justices:****Acting Justice Pleicones**

“Because TEC has recognized the Associated Diocese to be the true Lower Diocese of South Carolina with Bishop vonRosenberg as its head, a civil court cannot inject itself into this church governance dispute and reevaluate that decision applying state law principles because this is a question of church polity, administration, and governance, matters into which civil courts may not intrude.” 421 S.C. at 229, 806 S.E.2d at 91.

“I would ... reverse the circuit court’s decision ... to the extent it declined to accept TEC’s recognition of the Associated Diocese as the true Lower Diocese of South Carolina.” 421 S.C. at 231, 806 S.E.2d at 93.

Justice Hearn

“Because the National Church has recognized the remaining diocese to be the true Lower Diocese of South Carolina with Bishop vonRosenburg at its head, we cannot inject ourselves into this dispute in such a manner as to overrule that determination. *See Milivojeovich*, 426 U.S. at 721, 96 S.Ct. 2372. This Court has repeatedly acknowledged its constitutional mandate to refrain from wading into

matters of internal organization, or ecclesiastical rule, custom or law. *All Saints*, 385 S.C. at 445, 685 S.E.2d at 172; *Pearson v. Church of God*, 325 S.C. 45, 49–50, 478 S.E.2d 849, 851–52 (1996). This decision is unquestionably a matter of church polity and governance, matters into which civil courts should not intrude. On this basis alone, I would reverse the decision of the trial court.” 421 S.C. at 235-36, 806 S.E.2d at 95.

Chief Justice Beatty

“I would find ‘*The Trustees of the Protestant Episcopal Church*’ in the Diocese of South Carolina *should retain title* to Camp St. Christopher as my decision in no way alters the clear language of the 1951 deed conveying ownership of this property. The conveyance of Camp St. Christopher was for the explicit purpose of furthering ‘the welfare of the Protestant Episcopal Diocese of South Carolina.’ In my view, *the disassociated diocese can make no claim to being the successor* to the Protestant Episcopal Church in the Diocese of South Carolina.” 421 S.C. at 251 n.29, 806 S.E.2d at 103 n.29 (emphasis added).

Two Justices:

Acting Justice Toal

“I would declare title to Camp St. Christopher in the trustee corporation, held for the benefit of the disassociated diocese, just as the original deed conveyed the property.” 421 S.C. at 287, 806 S.E.2d at 123.

Justice Kittredge, concurring in part with Acting Justice Toal.

ISSUE 5: Service marks**Majority Holding: Reversed trial court's attempt to rule and deferred to federal court.****Favors: Neither side****A. Overview**

Defendants agree with the federal court's analysis of this issue in the case *vonRosenberg v. Lawrence*, 2:13-cv-00587-RMG (D.S.C.). In *vonRosenberg*, Judge Gergel analyzed the same argument that Plaintiffs make here, holding as follows:²

The [Lawrence Parties] focus on the fact that “there [was] no majority of three concurring opinions” on the South Carolina Supreme Court reversing the trial court's state trademark registration decision, and therefore the trial court's ruling regarding the state trademarks allegedly controls. (*Id.*) ***The [Lawrence Parties] are incorrect.*** Justice ***Pleicones*** and Justice ***Hearn*** explicitly ruled to reverse the trial court regarding the state registered trademarks. *Protestant Episcopal Church*, 421 S.C. 211 at 216, 248. Chief Justice ***Beatty***, in the ***controlling opinion***, ruled that he would “reverse in part” the trial court's decision. (*Id.* at 251.) Importantly, Chief Justice Beatty explained that his decision “express[ed] no opinion concerning the rights to the service marks,” and instead left the decision to this Court. *Id.* at 251 n. 28 (“[T]his determination should remain with the federal court.”). Chief Justice Beatty drew no distinction between the state and federal trademark claims, and instead explicitly deferred all questions regarding the rights to the service marks to this Court, ***reversing the trial court's attempt to rule on those issues***. This Court is therefore not precluded from hearing these issues.

vonRosenberg v. Lawrence, 2:13-cv-00587-RMG (Order dated August 23, 2018) (Dkt. 411 at 7-8) (attached hereto as Ex. 1) (emphasis added).

² Notwithstanding the Lanham Act claims and requests for injunctive relief pending before Judge Gergel, the service marks at issue in this case constitute intellectual property. Thus, the Supreme Court's decision regarding the proper disposition of real and personal property applies to the marks at issue as well. This Court should therefore effectuate the transfer of those names and marks together with the other trust property (*i.e.*, requiring an assignment of title to any registrations), but otherwise defer to the federal court to resolve the pending Lanham Act claims and requests for injunctive relief. These issues are explained in our prior submissions to this Court.

Judge Gergel further noted that: “Acting Justice Toal found that the Lawrence Diocese’s service marks were validly registered under state law but that determination of the effect of federal trademark law on the marks should be decided in this federal proceeding.” *Id.* at 2.

B. Language of the justices

Three Justices:

Acting Justice Pleicones

“I would therefore reverse the injunctive relief granted by trial court.” 421 S.C. at 231, 806 S.E.2d at 92 (Pleicones, A.J.).

Justice Hearn

“Appellants ... are ... entitled to all property, including ... the emblems, seals, and trademarks associated with the National Church.” 421 S.C. at 248, 806 S.E.2d at 102-3.

Chief Justice Beatty

“I would affirm in part and reverse in part the order of the circuit court.” 421 S.C. at 251, 806 S.E.2d at 103. “I express no opinion concerning the rights to the service marks as I believe this determination should remain with the federal court.” 421 S.C. at 249 n.28, 806 S.E.2d at 102 n.28.

Two Justices:

Acting Justice Toal

“I would narrowly affirm the trial court’s finding that the plaintiff’s service marks are validly registered under state law. *However*, because there is already a pending federal case involving the applicability of the Lanham Act to these exact marks, *I would defer* to the federal courts regarding the applicability of federal law.” 421 S.C. at 288, 806 S.E.2d at 123 (emphasis added).

Justice Kittredge, concurring in part with Acting Justice Toal.

Dated: January 22, 2019

Respectfully submitted

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Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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The Right Reverend Charles G.
vonRosenberg, et al.,

Plaintiffs,

The Episcopal Church,

Plaintiff in Intervention
v.

The Right Reverend Mark J. Lawrence,
et al.,

Defendants.

Civil Action No. 2:13-587-RMG

ORDER AND OPINION

This matter is before the Court on two Motions to Dismiss (Dkt. Nos. 315, 316) by Christ the King, Waccamaw (“Christ the King”) and The Vestry and Church Wardens of The Episcopal Church of The Parish of Prince George Winyah (“Prince George Winyah”). For the reasons set forth below, the Court denies each Motion to Dismiss.

I. Background

Plaintiffs allege that The Episcopal Church (“TEC”) removed Bishop Lawrence as the Bishop of the Diocese of South Carolina in 2012 and installed Bishop vonRosenberg in his place, and since that time Bishop Lawrence, the Diocese of South Carolina (“Lawrence Diocese”), the Trustees of the Protestant Episcopal Church in the Diocese of South Carolina, and fifty-five associated parishes (the “Lawrence Parishes”) have continued to use marks owned by Plaintiffs and falsely advertised their affiliation with TEC. (Dkt. No. 146 at ¶¶ 58, 61 – 62, 82 – 87.)

On January 4, 2013, the Lawrence Diocese and certain associated churches and parishes sued TEC in the Dorchester County Court of Common Pleas seeking a determination of real and personal property rights. On March 5, 2013, Bishop vonRosenberg filed this federal action

alleging trademark infringement and false advertising. While this action was pending in federal court,¹ on February 3, 2015, a state court issued a final order in favor of the Lawrence Diocese. (Dkt. No. 86-6.) The Lawrence Diocese appealed.

On August 2, 2017, the South Carolina Supreme Court held that TEC owned most of the property at issue, reversing the Court of Common Pleas. *Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church*, 421 S.C. 211, 265, 806 S.E.2d 82, 111 (2017), *reh'g denied* (Nov. 17, 2017), *cert. denied sub nom. Protestant Episcopal Church in the Diocese of S.C. v. The Episcopal Church*, 138 S. Ct. 2623 (2018). The court also held that twenty-eight parishes associated with the Diocese held real and personal property in trust for the benefit of TEC. On the issue of service marks the court was fragmented. Acting Justice Pleicones and Justice Hearn found that the trial court erred in holding the Lawrence Diocese's state-registered trademarks prevail over TEC's federal trademarks. *Id.* at 231, 248. Chief Justice Beatty expressed no opinion on the state registered trademarks and stated that "I believe this determination should remain with the federal court." *Id.* at 249 n.28. Acting Justice Toal found that the Lawrence Diocese's service marks were validly registered under state law but that determination of the effect of federal trademark law on the marks should be decided in this federal proceeding. *Id.* at 290.

After the South Carolina Supreme Court's decision, this Court allowed TEC and the Episcopal Church in South Carolina ("ECSC") to intervene as plaintiffs. (Dkt. Nos. 87, 140.) On April 16, 2018, this Court allowed the Plaintiffs to amend their pleadings to assert false advertising and trademark infringement claims against the Lawrence Diocese, fifty-four parishes associated

¹ This Court previously abstained and stayed this action pending resolution of a related state-court action. The stay was reversed by the Fourth Circuit on February 21, 2017. *vonRosenberg v. Lawrence*, 849 F.3d 163, 165 (4th Cir. 2017).

with the Lawrence Diocese (“Lawrence Parishes”),² and the Trustees of the Protestant Episcopal Church in the Diocese of South Carolina. *vonRosenberg v. Lawrence*, No. CV 2:13-587-RMG, 2018 WL 1790827, at *3 (D.S.C. Apr. 16, 2018). The Court prohibited Plaintiffs from amending their pleadings to include trust claims. *Id.* at *4.

Plaintiffs Bishop vonRosenberg, Bishop Adams³ and the ECSC filed their Third Amended Complaint alleging false advertising and trademark infringement under the Lanham Act, 15 U.S.C. § 1125(a), trademark infringement under South Carolina Law, S.C. Code Ann. §§ 39-15-1105, *et seq.*, and Cancellation or Transfer of the State Trademark Registrations under S.C. Code Ann. §§ 39-15-1145 and 1175. (Dkt. No. 146 at ¶¶ 90 – 117.) Plaintiffs seek declaratory and injunctive relief, in addition to cancellation of the state trademarks and attorneys’ fees and costs. (*Id.* at 31 – 33.) Plaintiff TEC, in their Second Amended Complaint, plead two counts under the Lanham Act for trademark infringement and dilution. (Dkt. No. 150.) TEC seeks declaratory and injunctive relief, in addition to any attorneys’ fees and costs. (Dkt. No. 150 at 13.)

Christ the King and Prince George Winyah (collectively, the “Moving Defendants”) are two of the Lawrence Parishes identified in the Plaintiffs’ amended complaints. Prince George Winyah was established in 1721, and was incorporated by an Act of the South Carolina legislature in 1788 with the name “The Vestry and Church Wardens of the Episcopal Church of the Parish of Prince George Winyaw.” (Dkt. Nos. 381 at 1, 388-3.) Christ the King was incorporated on June 7, 2010. (Dkt. No. 315-1 at 8.) Neither Prince George Winyah nor Christ the King ever acceded to the Dennis Canon in writing and, under the controlling opinion of Chief Justice Beatty, they

² The amended complaints name fifty-five parishes. (Dkt. Nos. 146 at ¶ 9, 150 at ¶ 8.)

³ Plaintiff Bishop Adams is now the Provisional Bishop of the ECSC, succeeding Bishop vonRosenberg. (Dkt. No. 146 at ¶ 3.)

maintained ownership rights to their property. *Protestant Episcopal Church*, 421 S.C. 211 at 251, 265 n.49.

Prince George Winyah and Christ the King now seek to dismiss TEC's Second Amended Complaint and Bishop vonRosenberg, Bishop Adams and the ECSC's Third Amended Complaint, arguing that they: (i) are barred by the statute of limitations, (ii) are barred by the Tenth Amendment to the United State Constitution, (iii) impermissibly assert trust based claims, (iv) that the state trademark claims are precluded by the South Carolina Supreme Court's decision, and (v) that the Plaintiffs fail to make out claims specifically against Prince George Winyah and Christ the King. (Dkt. Nos. 315-1, 316-1.) Plaintiffs oppose the motions. (Dkt. No. 341.)

II. Legal Standard

Rule 12(b)(6) of the Federal Rules of Civil Procedure permits the dismissal of an action if the complaint fails "to state a claim upon which relief can be granted." Such a motion tests the legal sufficiency of the complaint and "does not resolve contests surrounding the facts, the merits of the claim, or the applicability of defenses.... Our inquiry then is limited to whether the allegations constitute 'a short and plain statement of the claim showing that the pleader is entitled to relief.'" *Republican Party of N.C. v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992) (citation omitted). In a Rule 12(b)(6) motion, the Court is obligated to "assume the truth of all facts alleged in the complaint and the existence of any fact that can be proved, consistent with the complaint's allegations." *E. Shore Mkts., Inc. v. J.D. Assocs. Ltd. P'ship*, 213 F.3d 175, 180 (4th Cir. 2000). However, while the Court must accept the facts in a light most favorable to the non-moving party, it "need not accept as true unwarranted inferences, unreasonable conclusions, or arguments." *Id.*

To survive a motion to dismiss, the complaint must state "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Although the requirement of plausibility does not impose a probability requirement at this stage, the

complaint must show more than a “sheer possibility that a defendant has acted unlawfully.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A complaint has “facial plausibility” where the pleading “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

III. Discussion

A. Statute of Limitations

As a threshold matter, Plaintiffs claims are not barred by a statute of limitations. Plaintiffs allege that the Lawrence Parishes, including Christ the King and Prince George Winyah, have used certain infringing marks, such as “THE EPISCOPAL DIOCESE OF SOUTH CAROLINA and THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA....” (Dkt. Nos. 146 at ¶ 87; 150 at ¶ 33.) The Plaintiffs describe the alleged violations as “repeated” and “ongoing.” (Dkt. Nos. 146 at ¶ 89; 150 at ¶ 35.)

Plaintiffs are correct that the Lanham Act borrows “analogous state limitations period.” *Secret of the Islands, Inc v. Hymans Seafood Co. Inc.*, No. 2-17-CV-00342, 2018 WL 1566706, at *3 (D.S.C. Mar. 30, 2018) (citations omitted). However, the statute of limitations only affects claims for liabilities arising outside of the applicable limitations period. *See id.* Here, Plaintiffs solely seek prospective remedies, namely injunctive and declaratory relief, and do not seek any damages. These claims did not arise before any limitations periods, and instead the complaints request an injunction against and a declaration regarding alleged ongoing violations. (Dkt. Nos. 146 at ¶ 89; 150 at ¶ 35.) Therefore, since Plaintiffs do not seek damages beyond the limitations period and seek relief for allegedly ongoing violations, their claims are not barred by the statute of limitations. *See Lyons P’ship, L.P. v. Morris Costumes, Inc.*, 243 F.3d 789, 797 (4th Cir. 2001) (“[T]he statute of limitations does not shield the defendant from liability for wrongful acts actually committed during the limitations period, and its rationale applies equally to trademark

infringement claims brought under the Lanham Act.... [E]ven in equity under the Lanham Act, laches does not bar a claim for prospective injunctive relief.”); *Statute of limitations*, 6 McCarthy on Trademarks and Unfair Competition § 31:33 (5th ed.) (“Usually, infringement is a continuing wrong, and a statute of limitations is no bar except as to damages beyond the statutory period.”).⁴

B. Trust Claims

The Moving Defendants also argue that although this Court prohibited the Plaintiffs from asserting trust claims, the amended complaints “allege trust claims in the guise of false advertising/trademark claims....” (Dkt. Nos. 315-1 at 1; 316-1 at 3.) To support their argument, Plaintiffs point to paragraphs in the amended complaints that allege that the Defendants continue to use “buildings that have traditionally been identified as ‘Episcopal.’” (Dkt. Nos. 146 at ¶¶ 83, 87; 150 at ¶¶ 29, 33.) The Fourth Circuit has explained that in analyzing whether the use of a mark is “likely to cause confusion among consumers,” a court should consider “the similarity of the facilities used in the businesses....” *Radiance Found., Inc. v. N.A.A.C.P.*, 786 F.3d 316, 324 (4th Cir. 2015). *See also Fuel Clothing Co. v. Nike, Inc.*, 7 F. Supp. 3d 594, 609 (D.S.C. 2014) (same). The fact that a company later occupied the same building as a plaintiff is a relevant when analyzing the similarity of facilities. *See Putt-Putt, LLC v. 416 Constant Friendship, LLC*, 936 F. Supp. 2d 648, 658 (D. Md. 2013) (“Due to Defendant 416 CF’s use of the same building that once housed a former authorized Putt–Putt franchise, the similarity of facilities factor is easily satisfied.”).

Where the test for likelihood of confusion under the Lanham Act requires analyzing the similarity of facilities, it was proper for Plaintiffs to include allegations regarding the use of certain buildings in their complaint.

⁴ The Moving Defendants’ argument that an injunction issued by the Dorchester County Court of Common Pleas bars Plaintiffs claims fails for the same reasons. Plaintiffs here seek relief for allegedly ongoing violations. Therefore, an injunction from 2015 does not affect Plaintiffs claims.

C. Claim Preclusion and Issue Preclusion

The Moving Defendants argue that claim preclusion and issue preclusion further prevent Plaintiffs from raising their trademark claims under the Lanham Act and South Carolina law. (Dkt. Nos. 315-1 at 5; 316-1 at 5.) Regarding claim preclusion, the Moving Defendants argue that because the South Carolina Supreme Court issued a final ruling on trust claims, the Plaintiffs are precluded from re-litigating their interest in the Moving Defendants' buildings. (*Id.*) To begin with, the Moving Defendants argument hinges on the alleged re-litigation of the issue of the parties' interest in the parish buildings rather than the re-litigation of any particular cause of action or claim, and therefore this argument is not amenable to claim preclusion. *See Jones v. S.E.C.*, 115 F.3d 1173, 1178 (4th Cir. 1997) (party must establish the "same cause of action" in both the earlier and later suit). Furthermore, Plaintiffs are not asserting trust claims in this case or contesting ownership rights to the Moving Defendants' buildings. Therefore claim preclusion does not apply.

Regarding issue preclusion, the Moving Defendants argue that Christ the King and Prince George Winyah's rights to their buildings were actually litigated and determined in the prior state court action. (Dkt. Nos. 315-1 at 6; 316-1 at 6.) As with claim preclusion, Plaintiffs are not contesting Christ the King or Prince George Winyah's ownership rights to their real and personal property, and instead are contesting the ownership and use of certain registered and unregistered marks. Therefore, issue preclusion is inapplicable here.

Finally, the Moving Defendants argue that this Court is precluded from hearing Plaintiffs' state trademark claims. (Dkt. Nos. 315-1 at 3 n.2; 316-1 at 3 n.2; 388 at 6 – 8.) The Moving Defendants focus on the fact that "there [was] no majority of three concurring opinions" on the South Carolina Supreme Court reversing the trial court's state trademark registration decision, and therefore the trial court's ruling regarding the state trademarks allegedly controls. (*Id.*) The

Moving Defendants are incorrect. Justice Pleicones and Justice Hearn explicitly ruled to reverse the trial court regarding the state registered trademarks. *Protestant Episcopal Church*, 421 S.C. 211 at 216, 248. Chief Justice Beatty, in the controlling opinion, ruled that he would “reverse in part” the trial court’s decision. (*Id.* at 251.) Importantly, Chief Justice Beatty explained that his decision “express[ed] no opinion concerning the rights to the service marks,” and instead left the decision to this Court. *Id.* at 251 n. 28 (“[T]his determination should remain with the federal court.”). Chief Justice Beatty drew no distinction between the state and federal trademark claims, and instead explicitly deferred all questions regarding the rights to the service marks to this Court, reversing the trial court’s attempt to rule on those issues. This Court is therefore not precluded from hearing these issues.

D. Prior Incorporation by South Carolina

The Moving Defendants further argue that principles of federalism enshrined in the Tenth Amendment prohibit the Plaintiffs from pursuing trademark claims against Prince George Winyah. As describe above, Prince George Winyah was established by the South Carolina General Assembly in 1721, and later incorporated by an Act of the South Carolina legislature in 1788 with the name “The Vestry and Church Wardens of the Episcopal Church of the Parish of Prince George Winyaw.” (Dkt. Nos. 381 at 1, 388-3.) However, the allegations in the complaints are not that Prince George Winyah simply has the word “Episcopal” in their name. Indeed, the Third Amended Complaint acknowledges that the use of a word such as “Episcopal” may be appropriate where it includes “clear differentiating words or disclaimers,” which may apply to a parish with such a storied history as Prince George Winyah. (Dkt. No. 146 at ¶ 14.)

Instead, Plaintiffs allege that Prince George Winyah and the other Lawrence Parishes hold themselves out as “Episcopal” churches in an “Episcopal” “Diocese” by using those phrases in conjunction with allegedly infringing marks, such as the “The Episcopal Diocese of South

Carolina” and “The Protestant Episcopal Church in the Diocese of South Carolina.” (Dkt. Nos. 146 at ¶ 87, 150 at ¶ 33.) Prince George Winyah’s prior state incorporation including the word “Episcopal” does not prohibit trademark claims premised on their alleged use of multiple unrelated infringing marks. *See Hulburt Oil & Grease Co. v. Hulburt Oil & Grease Co.*, 371 F.2d 251, 254 (7th Cir. 1966) (“It can no longer be argued that in allowing incorporation under its laws, a state thereby intends to license the commission of what would otherwise be a tortious act.”). Plaintiffs can similarly pursue claims against Christ the King for use of the allegedly infringing marks. (Dkt. No. 315-1 at 8.)

E. Sufficiency of Pleadings Facts

Finally, the Moving Defendants allege that the Second Amended Complaint and Third Amended Complaint are impermissible “shotgun pleadings” since they make identical claims against all Defendants. (Dkt. Nos. 315-1 at 13, 316-1 at 13.) “A Shotgun pleading is ‘[a] complaint that fails to articulate claims with sufficient clarity to allow the defendant to frame a responsive pleading.’” *Hill v. Stryker Sales Corp.*, No. 4:13-CV-0786-BHH, 2014 WL 4198906, at *2 (D.S.C. Aug. 20, 2014) (citations omitted). The Moving Defendants do not contest that Plaintiffs have not alleged sufficient facts generally to make out their claims for trademark violations under state and federal law, and instead fault Plaintiffs for failing to allege specific facts as to each of the different Defendants since “[e]ach is a distinct legal entity, in a different location, with a distinct history, etc.” (Dkt. No. 388 at 5.)

Under the Federal Rules of Civil Procedure, a Complaint must include “a short and plain statement of the claim showing that the pleader is entitled to relief....” Fed. R. Civ. P. 8(a). This requires “that [the] pleadings contain...the basis for a plaintiff’s claim *against each defendant.*” *Wiley v. South Carolina*, No. 6:18-CV-0694-BHH-KFM, 2018 WL 1998994, at *3 (D.S.C. Mar. 26, 2018) (emphasis added), *report and recommendation adopted*, No. 6:18-CV-00694-AMQ,

2018 WL 1994250 (D.S.C. Apr. 27, 2018). Plaintiffs have met that standard for Christ the King and Prince George Winyah

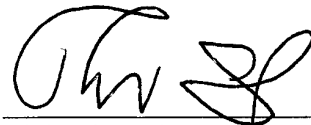
Plaintiffs allege specific facts regarding each of the Moving Defendants. Plaintiffs allege that prior to 2012, Christ the King and Prince George Winyah along with the other Lawrence Parishes were affiliated with TEC, and after 2012 became affiliated with a new religious organization lead by Bishop Lawrence. (Dkt. Nos. 146 at ¶ 9, 150 at ¶ 8.) After alleging their ownership of multiple marks, Plaintiffs allege that all of the Lawrence Parishes, including Christ the King and Prince George Winyah, have continuously engaged in the same infringing activity. Namely, the Plaintiffs allege that the “Lawrence Parishes” use infringing marks, including, “THE EPISCOPAL DIOCESE OF SOUTH CAROLINA and THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA without the consent of The Episcopal Church....” (Dkt. Nos. 146 at ¶ 87, 150 at ¶ 33.) Plaintiffs have therefore identified each defendant, the alleged time at which the Moving Defendants began their infringing activities, and the specific actions that allegedly constitute continuing violations.

The Moving Defendants do not prevail on their motion simply because they allegedly engaged in the same infringing activity as other defendants, nor are the Plaintiffs required to repeat Paragraph 33 of the Second Amended Complaint or Paragraph 87 of the Third Amended Complaint fifty-five times because each parish allegedly uses the same marks. Ultimately, Plaintiffs will need support these allegations and present proof for each of the Lawrence Parishes. Nonetheless, at this stage, Plaintiffs complied with Rule 8(a) and pleaded sufficient specific facts regarding each defendant to survive a motion to dismiss.

IV. Conclusion

For the foregoing reasons, the Court **DENIES** the Motions to Dismiss (Dkt. Nos. 315, 316) by Christ the King, Waccamaw and The Vestry and Church Wardens of The Episcopal Church of The Parish of Prince George Winyah.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

August 22, 2018
Charleston, South Carolina

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November 25, 2019

VIA E-MAIL

The Honorable Edgar W. Dickson
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Re: *The Protestant Episcopal Church in the Diocese of South Carolina, et al. v. The Episcopal Church, et al.*, Case No. 2013-CP-18-00013 and Case No. 2017-CP-18-1909

Dear Judge Dickson,

We are looking forward to appearing before you at the hearing scheduled for November 26, 2019. To aid the Court in preparing to hear the pending motions, we offer the following overview of these matters, on behalf of our clients, the historic diocese of The Episcopal Church in South Carolina (also known as the Protestant Episcopal Church in the Diocese of South Carolina, the Episcopal Diocese of South Carolina, and the Diocese of South Carolina) (hereinafter "TECSC") and The Episcopal Church (hereinafter "TEC") (collectively the "Episcopal Parties").

All of the pending motions before the Court relate to the final judgment of the South Carolina Supreme Court issued on August 2, 2017. *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018).

The Supreme Court's Decision

Parish Property: The real and personal property of 36 parishes was at issue in the case. The Supreme Court held that the Episcopal Parties hold trust interests in the property of 29 of the parishes, and have no interest in the property of the 7 other parishes. In the controlling concurring opinion, Chief Justice Beatty stated that "**those parishes that did not expressly accede to the Dennis Canon should retain ownership of the disputed real and personal property,**" 421 S.C. at 249, 806 S.E.2d at 102, and he "**agree[d] with the majority as to the disposition of the remaining parishes.**" 421 S.C. at 251, 806 S.E.2d at 103. Justice Hearn set out the

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majority's disposition of the remaining parishes, stating that "*I join Acting Justice Pleicones and Chief Justice Beatty in reversing the trial court as to the twenty-nine parishes.*" 421 S.C. at 248, n.27, 806 S.E.2d at 102, n.27. She further explained that "*Chief Justice Beatty joins Acting Justice Toal and Justice Kittredge with respect to the remaining seven parishes.*" *Id.*

Diocesan Property: The Supreme Court held that TECSC is the historic diocese entitled to its identity and all of its property, including Camp St. Christopher, and all other diocesan property held in trust for the historic diocese under an 1880 Act of the General Assembly of South Carolina, as amended by a 1902 Act. Chief Justice Beatty stated that the "*disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.*" 421 S.C. at 251 n.29, 806 S.E.2d at 103 n.29. Justices Pleicones and Hearn, who respectively "*join[ed]*" and "*concur[red] fully*" with each other's opinions, 421 S.C. at 231, 806 S.E.2d at 93, likewise found "*the Associated Diocese to be the true Lower Diocese of South Carolina,*" 421 S.C. at 231, 806 S.E.2d at 92, "*entitled to all property*" of that historic diocese, "*including Camp Saint Christopher.*" 421 S.C. at 248, 806 S.E.2d at 101-2.

The Motions Before This Court

The Episcopal Parties' objective is to have the Supreme Court's final judgment enforced in accord with this Court's jurisdiction and duty on remittitur.¹ For that purpose, they filed a petition for enforcement and the appointment of a special master on May 8, 2018, as amended May 16, 2018; and a petition for an accounting on July 7, 2018. These petitions have been fully briefed, but not heard or ruled upon by the Court.

Conversely, the non-prevailing disassociated diocese and 29 disassociated parishes aim to reverse, undermine, and frustrate the Supreme Court's final judgment. For that improper purpose, in the remitted action, they filed a motion for clarification on March 23, 2018, as supplemented September 24, 2018. They also filed a separate betterment action on November 19, 2017, followed by a motion to designate that action as complex on December 27, 2017. The Episcopal Parties filed a motion to dismiss the betterment action on December 15, 2017.

On November 19, 2018, the Court held the first of two hearings in these matters. The Court considered only our opposition's motion for clarification, without making any ruling. The next hearing held by the Court was on July 23, 2019. The Court heard The Episcopal Parties's motion to dismiss the betterment action. The Court denied that motion in an order proposed and drafted by our opposition on September 9, 2019. Errors in that order drafted by our opposition prompted the Episcopal Parties to file a motion for reconsideration on September 19, 2019, which is now pending.

¹ The Supreme Court did not remand the case for further consideration of the merits of any issues.

The list of pending motions now before the Court, detailed above, is as follows: (1) the Episcopal Parties's petition for enforcement and the appointment of a special master in the remitted action; (2) the Episcopal Parties's petition for an accounting in the remitted action; (3) our opposition's motion for clarification in the remitted action; (4) the Episcopal Parties's motion for reconsideration of the Court's order denying their motion to dismiss the betterment action; and (5) our opposition's motion to designate the betterment action as complex.

Controlling Legal Principles

All of the pending motions before the Court involve the following controlling legal principles relating to the Court's jurisdiction and duties on remittitur:

1. "Once the remittitur is sent down from this [Supreme] Court, [the] Circuit Court acquires jurisdiction to enforce the judgment and take any action consistent with the Supreme Court ruling." *Muller v. Myrtle Beach Golf and Yacht Club*, 313 S.C. 412, 414-15, 438 S.E.2d 248, 250 (1993).
2. "The trial court has a duty to follow the appellate court's directions." *Prince v. Beaufort Mem'l Hosp.*, 392 S.C. 599, 605, 709 S.E.2d 122, 125 (Ct. App. 2011).
3. "[M]atters decided by the appellate court cannot be reheard, reconsidered, or relitigated in the trial court, even under the guise of a different form." JEAN HOFER TOAL, SHAHIN VAFI, ROBERT A. MUCKENFUSS, APPELLATE PRACTICE IN SOUTH CAROLINA (3d ed. 2016) at 386.

Our Opposition's Arguments

Our opposition disregards the above controlling legal principles. They presently argue that the Supreme Court did not actually decide the property dispute against them and that this Court should decide it in their favor; that the Supreme Court's decision was otherwise made in error and cannot be enforced by this Court; and, if all else fails, that they are entitled to an award of betterments from this Court based on the value of the trust property awarded to the Episcopal Parties by the Supreme Court. More specifically, with respect to the parish property, they argue that the Supreme Court did not decide which parishes acceded to the Dennis Canon trust, and otherwise did not properly apply the *All Saints* case and neutral principles of law. With respect to the diocesan property, they argue that Chief Justice Beatty's holding does not determine the identity of the historic diocese and only applies to Camp St. Christopher, and otherwise, again, that the Supreme Court did not properly apply *All Saints* and neutral principles of law. Each of these arguments ask this Court to violate the legal principles governing its authority on remittitur and should accordingly be rejected.

Our opposition's arguments are not only incorrect and contrary to law, but they are also inconsistent with their prior positions and they have been unsuccessful before the

South Carolina Supreme Court, the United States Supreme Court, and most recently, the United States District Court of South Carolina.

Judicial Estoppel

Our opposition previously conceded that the Supreme Court ruled in favor of the Episcopal Parties. They are judicially estopped from taking a contrary position now in connection with the pending motions. See *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251, 489 S.E.2d 472, 477 (1997) (“Judicial estoppel precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation.”).

In their petition for rehearing to the South Carolina Supreme Court (denied November 17, 2017), they acknowledged the dispositive decision against them, stating: **“As a result, the majority would transfer the real and personal property** of South Carolina religious organizations, many of which preexisted The Episcopal Church and the United States, to a New York religious organization.” Petition for Rehearing at 36 (emphasis added).

They likewise acknowledged this result in a petition for a writ of certiorari to the United States Supreme Court (denied June 11, 2018), stating: **“This case involves a dispute over property...,” “Petitioners lost below...,” and “the state court’s resolution of the First Amendment question was dispositive...”** Petition for Writ of Certiorari at 8, 18, and 38.

Res Judicata and Collateral Estoppel

In their petition for rehearing, our opposition raised the same particular legal arguments that they continue to press before this Court regarding the parish and diocesan property, *All Saints*, neutral principles of law, and so on (as catalogued in detail in the Episcopal Parties’ brief in response to our opposition’s motion for clarification, filed October 5, 2018, at pages 10-11). That petition for rehearing was denied. The South Carolina Supreme Court’s order, dated November 17, 2017, expressly states: **“[T]he petitions for rehearing have been denied, and the opinions previously filed in this case reflect the final decision of this Court. The Clerk of this Court shall send the remittitur.”** *Res judicata* and collateral estoppel bar our opposition from continuing to litigate these issues in both the remitted action and in the betterment action. See *Judy v. Judy*, 393 S.C. 160, 172, 712 S.E.2d 408, 414 (2011) (“*Res judicata* bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties.”); *South Carolina Property and Cas. Ins. Guar. Ass’n v. Wal-Mart Stores, Inc.*, 403 S.E.2d 625, 304 S.C. 210 (1991) (“Collateral estoppel occurs when a party in a second action seeks to preclude a party from relitigating an issue which was decided in a previous action.”).

The Federal Court's Decision

Our opposition's arguments regarding the decision of the South Carolina Supreme Court were also more recently considered and rejected by Judge Gergel in the related trademark matter in federal court, on September 19, 2019. *vonRosenberg v. Lawrence*, 2:13-cv-000587-RMG (D.S.C. September 19, 2019) (the "Sept. 19 Order").

As Judge Gergel explained in the Sept. 19 Order: "The South Carolina Supreme Court decision has produced vastly differing interpretations by the Parties, with various implications for this Court's ruling. The Court therefore begins by discussing the South Carolina Supreme Court's decision." Sept. 19 Order at 7. He generally summarized the Supreme Court's holding as follows: "On August 2, 2017, the South Carolina Supreme Court held that TEC owned most of the property in dispute and finding that twenty-eight² of the Disassociated Parishes held real and personal property in trust for TEC." Sept. 19 Order at 5.

Judge Gergel also specifically discussed and rejected our opposition's arguments about the Supreme Court's decision, as follows:

1. "Defendants further argue that this Court should look past the South Carolina Supreme Court's ruling on the issue of which organization is the successor to the Historic Diocese." Sept. 19 Order at 8-9.
2. "Justice Beatty's holding is clear: the Disassociated Diocese is not the successor to the Historic Diocese, instead the TECSC has succeeded and is the 'Protestant Episcopal Church in the Diocese of South Carolina.'" Sept. 19 Order at 9.
3. "Defendants contend that the holding in the footnote where Chief Justice Beatty plainly stated that the Disassociated Diocese was not the successor of the Historic Diocese should be limited only to ownership of a single disputed property, Camp St. Christopher. A reading of the entire footnote instead mandates the opposite conclusion. Justice Beatty's decision focused, almost exclusively, on the effect of accession to the Dennis Canon on each individual parish, answering the fundamental question of the state case regarding who owned the property occupied by the Disassociated Parishes. The footnote in question, Footnote 29, by contrast, discussed the sole piece of non-parish Diocesan property addressed in his opinion, Camp St. Christopher. Further, as with the state registered trademarks that he deferred to this Court, Justice Beatty ruled clearly: 'the disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.' *Protestant Episcopal Church*, 421 S.C. at 251 n.29. This holding was vigorously litigated in the state courts, was determined by the three-person majority of

² The number of parishes is 29, not 28. 421 S.C. at 248 n.27, 806 S.E.2d at 102 n.27 (Justice Hearn: "I join Acting Justice Pleicones and Chief Justice Beatty in reversing the trial court as to the twenty-nine parishes.").

Pleicones, Hearn and Beatty and was necessary to support the judgment regarding Camp St. Christopher, and therefore is precluded from re-litigation. *Carolina Renewal, Inc. v. SC. Dept. Transp.*, 385 S.C. 550, 554 (S.C. Ct. App. 2009) (test for issue preclusion). The Court will not disturb this ruling.” Sept. 19 Order at 9-10.

4. “Defendants argue, rather inexplicably, that this Court should defer to the findings of fact of the reversed state lower court decision regarding service marks, a contention plainly without merit.” Sept. 19 Order at 8.
5. “Defendants additionally argue that the ruling of the South Carolina Supreme Court did not resolve these issues since the Court split two to two on granting a petition for rehearing. However, while the vote to grant the petition for rehearing was split, the petition itself was denied by all four members of the South Carolina Supreme Court as the petition failed to receive a majority. (Order on Petition for Rehearing, Dkt. No. 647-1.) The Order on the petition for rehearing therefore has no effect on the finality of the South Carolina Supreme Court’s ruling.” Sept. 19 Order at 10, n.8.
6. “Finally, Defendants argue that the Court is collaterally estopped by *Protestant Episcopal Church* regarding the proper interpretation of First Amendment jurisprudence and is mandated to apply a certain interpretation of the South Carolina Supreme Court’s prior decision in *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of South Carolina*, 385 S.C. 428, 685 S.E.2d 163 (2009) (hereinafter, “*All Saints*”). (Dkt. No. 625 at 15 - 16, 20 - 21.) The Court, however, will not assess whether each Justice properly applied *All Saints* to their own decision, and instead is bound by the actual ruling articulated by the South Carolina Supreme Court majority which, as explained above, conclusively reversed the trial court on all holdings or findings related to trademarks, leaving the issue to this Court, and held that the TECSC is the successor to the Historic Diocese. This is the plain reading of Chief Justice Beatty’s opinion, the narrowest ruling, which therefore controls. *See Weil v. Weil*, 299 S.C. 84, 90, 382 S.E.2d 471 , 474 (Ct. App. 1989) (“[I]f the language employed is plain and unambiguous, there is no room for construction or interpretation, and the effect thereof must be declared in the light of the literal meaning of the language used.”) (citations omitted); *State v. Harrison*, 402 S.C. 288, 298, 741 S.E.2d 727, 732 (2013) (“The controlling position is the one ‘taken by those Members who concurred in the judgments on the narrowest grounds.’”) citing *Marks v. United States*, 430 U.S. 188 (1977). Regardless, it is clear that the South Carolina Supreme Court held that the ‘neutral principles of law approach,’ articulated in *All Saints*, applies to the state law issues: the justices merely disagreed on the correct outcome based on the application of the *All Saints* rule. The Court therefore is bound by the Justices’ actual holding on the ultimate issues, and will not parse, as the Defendants suggest, whether each Justice properly applied *All Saints*.” Sept. 19 Order at 10-11.

7. “At the outset, as held above, it is settled by a majority of the South Carolina Supreme Court that TECSC is the lawful successor to the Historic Diocese. *Protestant Episcopal Church*, 421 S.C. at 229, 231 , 232, 234, 251 n.29. This issue has already been litigated, directly determined and necessary to support a judgment, and therefore Defendants are collaterally estopped from relitigating this issue.” Sept. 19 Order at 11.

Additionally, Judge Gergel “independently [held] that TECSC is the lawful successor of the Historic Diocese since this Court is mandated to accept as binding the decision of the highest ecclesiastical body in a hierarchical religious organization.” Sept. 19 Order at 11-12. He further held that TECSC is entitled to the history and goodwill of the historic diocese and owns the names and marks of the historic diocese, including “The Protestant Episcopal Diocese of South Carolina,” “The Episcopal Diocese of South Carolina,” “Diocese of South Carolina,” and the Diocesan Seal. Sept. 19 Order at 4, 63, 72. He also held that “Defendants intended to capitalize on the goodwill by intentionally holding themselves out as the continuation of the Historic Diocese,” by “adoption of the Plaintiffs’ history, goodwill, and name.” Sept. 19 Order at 54, 71. Further, Judge Gergel found that the “Disassociated Diocese is an organization formed in 2012,” and that it “was not the organization using those marks in 1785.” Sept. 19 Order at 27, 47.

The Identity of the Historic Diocese

Without any right to claim the identity of the historic diocese, as adjudicated, the disassociated diocese “can make no claim” to the historic diocese’s property in the remitted action. It also “can make no claim” to the value of improvements to the historic diocese’s property in the betterment action.

Conclusion

As Judge Gergel remarked in the federal case: “The time has come for this dispute to be resolved.” Sept. 19 Order at 71. The same goes for these matters in state court. This litigation began nearly seven years ago. More than two years have passed since the Supreme Court reached its final decision about the property in dispute and remitted the matter to this Court for enforcement purposes. During this time, multiple attempts to reach a settlement through mediation have been undertaken and failed. Today, the trust property awarded to The Episcopal Parties is still being controlled by the non-prevailing parties, who have openly and publicly “***repudiated their roles as trustees,***” as admitted in one of their recent briefs filed with this Court. Response to Motion to Dismiss Betterment Action, filed October 5, 2018 at p. 21. The harm to The Episcopal Parties resulting from this ongoing breach of trust is significant and irreparable, as the trust property is being misused, diminished, and depleted on a daily basis.

Respectfully, for these reasons, as detailed in our briefs and to be further elucidated at the upcoming hearing, we ask that the pending motions be resolved in The

Episcopal Parties's favor and for this Court to enforce the Supreme Court's final decision by effectuating the transfer of possession and control of the trust property at issue.

With many thanks and sincerely,



Thomas S. Tisdale, Jr.

*Counsel for The Episcopal Church in South
Carolina*



Mary E. Kostel

Counsel for The Episcopal Church

cc: All Counsel of Record

On Feb 6, 2020, at 1:34 PM, Dickson, Edgar W. Law Clerk
(Elizabeth Garrett) <edicksonlc@sccourts.org> wrote:

Mr. Tisdale and TEC counsels,

Judge Dickson is currently finalizing the order and requests that you provide exact citations in the trial record where each parish expressly acceded to the 1979 Dennis Canon that is the subject of this lawsuit. The Court asks that you provide a non-argumentative, direct, concise response in a word document with page numbers, exhibit numbers, and exact quotations from the trial court record. Further, Counsels for the Parishes may provide a response as to the accuracy of the information and location of the citation in the record.

Additionally, the Court requests that you provide exactly what was appealed from the trial court order. Judge Dickson would like you to go through each finding of fact and conclusion of law from Judge Goodstein's order and say whether it was appealed or not appealed. Again, opposing counsel may respond with accuracy of information provided.

Best,

Elizabeth Garrett
Law Clerk
The Honorable Judge Edgar W. Dickson
P.O. Box 1949
Orangeburg, SC 29116
P: (803)-535-2187
E: edicksonlc@sccourts.org

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|-------------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS   |
|                               | ) |                                |
| COUNTY OF DORCHESTER          | ) | FOR THE FIRST JUDICIAL CIRCUIT |
|                               | ) |                                |
|                               | ) |                                |
| THE PROTESTANT EPISCOPAL      | ) | Case No.: 2013-CP-18-00013     |
| CHURCH IN THE DIOCESE OF      | ) |                                |
| SOUTH CAROLINA, ET AL.,       | ) |                                |
|                               | ) |                                |
| Plaintiffs,                   | ) | <b>DEFENDANTS' RESPONSE TO</b> |
|                               | ) | <b>COURT'S REQUEST</b>         |
| v.                            | ) |                                |
|                               | ) |                                |
| THE EPISCOPAL CHURCH, ET AL., | ) |                                |
|                               | ) |                                |
| Defendants.                   | ) |                                |

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Defendants submit this response to the Court's e-mail dated February 6, 2020, which requested the following information:

Judge Dickson ... requests that you provide exact citations in the trial record where each parish expressly acceded to the 1979 Dennis Canon that is the subject of this lawsuit. The Court asks that you provide a non-argumentative, direct, concise response in a word document with page numbers, exhibit numbers, and exact quotations from the trial court record. ...

Additionally, the Court requests that you provide exactly what was appealed from the trial court order. Judge Dickson would like you to go through each finding of fact and conclusion of law from Judge Goodstein's order and say whether it was appealed or not appealed.

Part I of this response answers the first request regarding the accession evidence. Part II answers the second request regarding the issues appealed.<sup>1</sup>

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<sup>1</sup> Defendants acknowledge and respect the Court's admonition not to make arguments in this response but simply state that they reserve and maintain their positions as previously set forth in this matter, including that this Court lacks jurisdiction to clarify, relitigate, reverse, or otherwise change the South Carolina Supreme Court's decision.

## I.

### ACCESSION EVIDENCE

The following is a concise description of the accession evidence in the trial record<sup>2</sup> that supported the Supreme Court's finding and holding that 29 parishes acceded to the Dennis Canon after 1979.<sup>3</sup>

All Saints: 1985 bylaws stating "we are bound by the Constitution and Canons of the National Church ... ." D-AS-24.

Christ Church: 1980 bylaws stating that the parish "does acknowledge and accede to ... the Constitution and Canons of the Protestant Episcopal Church in the United States of America," CC-25, and vestry statement "reaffirming our willingness to conform to the Constitutions and Canons of the [National Church]." D-CC-6.

Christ St. Paul's: 1980 bylaws providing that the parish was organized for the purpose of operating an Episcopal Church pursuant to the Constitution and Canons of the National Church. Tr. at 337.

Church of the Cross: 2003 bylaws describing the purpose of the parish corporations as "the support and maintenance of a Church ... in accordance with the doctrine and practices of [the National Church] and of the Diocese of South Carolina." TC-12 (art. II).

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<sup>2</sup> A more fulsome recitation of the accession evidence was contained in Defendants' Motion for Reconsideration before the trial court.

<sup>3</sup> The Court's email did not request copies of exhibits. Therefore, Defendants have not submitted copies herewith but are prepared to furnish them upon request. Plaintiffs previously submitted "Court's Exhibit No. 1" purporting to be a collection of the exhibits related to the accession issue. However, Defendants do not concede that Court's Exhibit No. 1 is a complete or accurate compilation of the evidence on this topic.

Epiphany: 2002 bylaws stating “[t]he object and purpose of the [parish] corporation is for the support and maintenance of a Church ... in accordance with the doctrine and practices of the [National Church] and the Diocese of South Carolina.” E-4B (art. II).

Good Shepherd: 2001 amended corporate articles describing the parish corporation as “organized pursuant and subject to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina ...,” GS-7 at 4; and 2004 Articles of Merger describing St. Luke’s and St. Paul’s as “organized pursuant and subject to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina (The “Diocese”). GS-8 at 3, 4-5.

Holy Comforter: 1985 Constitution and bylaws providing that the parish “acknowledge[s], accede[s] to and adopt[s] ... the Constitution and Canons of the [National Church] ....” D-HC-6 at 1 (Preamble); Tr. at 559.

Holy Cross (Stateburg): 1980 and 1981 bylaws stating that the parish, “having resolved to accept the rules and regulations of the [National] Church, in effect, accedes to ... the Constitution and Canons of the [National Church].” HCS-11 (art. I).

Holy Trinity: 1985, 1988, 1993, and 2001 bylaws stating that the parish “does acknowledge and accede to ... the Constitution and Canons of the [National Church] and the Constitution and Canons of ... the Diocese of South Carolina.” D-HT-38 (1985 art. I); D-HT-35 (1988 art. I); D-HT-34 (1993 art. I); D-HT-33 (2001 art. I).

Our Saviour: 1980 “promise to conform to the Constitution [and] Canons ... of the [National Church],” D-OS-52; 1981 bylaws stating the parish was “organized for the purpose of operating an Episcopal Church (mission) pursuant to the Constitution and Canons of ... the [National Church],” D-OS-63 (art. I, sec. 1); 1984 letter stating, “[w]e agree to conform to the Constitution and Canons of the [National Church],” D-OS-51; and 1992 and 2003 bylaws stating that the parish “acknowledges the authority of the [National Church] in accordance with the

Constitution and Canons thereof and the authority of the [Diocese of South Carolina] in accordance with the Constitution and Canons thereof.” D-OS-65 (1992 art I); D-OS-66 (2003 art. I).

Redeemer: 2000 bylaws stating that the parish “shall conform to the Constitution and Canons of the [National Church], and the Constitution and Canons of ... the Diocese of South Carolina.” R-24 (art. I).

Resurrection: 1983 bylaws stating that the “parish is organized for the purpose of operating an Episcopal Church pursuant to the Constitution and Canons of ... the [National Church].” RS-11 (art. I).

St. Bartholomew’s: 2005 bylaws stating that the parish “accedes to and adopts the Constitution and Canons of the [National Church] and of the Diocese of South Carolina.” D-SB-D-SB-12 (art. I).

St. David’s: 1982 and 1992 parish Constitution and bylaws stating that the parish “accedes to and adopts the Constitution and Canons of the [National Church], and also the Constitution and Canons of the Diocese of South Carolina.” D-SD-3 (1982 Const. sec. 1); D-SD-4 (1992 Const. sec. 1; sec. 2.A).

St. Helena’s: 1987 bylaws stating that the parish “pledges to adhere to the doctrine, discipline, and worship of the [National Church],” D-PCSH-42 (art. I), and that any bylaws provision “which may be in conflict with the canons of the ... [National Church] shall be considered null and void.” D-PCSH-42 (art. VI).

St. James’: 1993, 1995 and 2001 parish Constitution stating that the parish “accedes to and adopts the Constitution and Canons of the [National Church] and to the Constitution and Canons of the Diocese of South Carolina.” D-SJJI-36 (1993 art. I), D-SJJI-37 (1995 art. I); D-SJJI-38 (2001 art. I), and that “[a]ll real and personal property held by or for the benefit of any Parish,

Mission or Congregation is held in trust for the Church and the Diocese thereof ....” D-SJJI-36 (1993 art. VII, sec. V); D-SJJI-37 (1995 art. VII, sec. V); D-SJJI-38 (2001 art. VII, sec. V).

St. John’s, John’s Island (Charleston): 1996 amended corporate articles stating that the parish corporation “is subject to the Constitution and Canons of the [National Church] and ... the Diocese of South Carolina,” D-SJC-25; and 2001 parish Constitution and by-laws stating that the parish “accedes to and adopts the Constitution and Canons of the Diocese of South Carolina and of the [National Church].” D-SJC-21 (art. I).

St. Jude’s: 1990 parish Constitution stating that the parish “accedes to and adopts the Constitution and Canons of the [National Church] and also the Constitution and Cannons [sic] of ... the Diocese of South Carolina.” D-SJ-37 at Bates SJ-313-00175 (art. II).

St. Luke’s: 2000 bylaws stating that the parish “accedes to and adopts the Constitution [and] canons ... of the [Diocese of South Carolina], and the [National Church].” SL-6 (2000 art. II).

St. Luke and St. Paul: 1995 bylaws stating that the parish is organized for the purpose of “operating an Episcopal church pursuant to the Constitution and Canons of ... the Diocese of South Carolina and of the [National Church].” D-SLP-13 (art. I, sec. 1).

St. Matthew’s, Fort Motte: 1982 and 2004 parish Constitution and bylaws stating that the parish “accedes to the Constitution and Canons of the [National Church], and [of] the Diocese of South Carolina.” D-SM-FM-3 (1982 art. I; art. XIII); SM-FM-2 (2004 art. I).

St. Michael’s: 1989 bylaws stating that the parish “acknowledges the authority of ... the Diocese of South Carolina ... and of the [National Church].” D-SMI-23 (art. II, sec. 2.1).

St. Paul’s, Bennettsville: 2002 corporate articles describing the purpose of the parish corporation as “operat[ing] a Parish organized under and subject to the Canons of ... the Diocese of South Carolina,” SPB-1; and 2004 bylaws which authorized the vestry to “acquire and



purchase” and to “sell, transfer mortgage or authorize disposition of” real property “so long as such acts are in accord with the Canons of the [National Church].” D-SPB-28 (art. III, sec. 6).

St. Paul’s, Summerville: 1992 bylaws stating that the parish “is organized pursuant to the Constitution and Canons of [the National Church] and of ... the Diocese of South Carolina.” SPS-26.

St. Philip’s: 1987 Articles of Restatement describing the purpose of the parish corporation as “in accord with the Articles of Religion of the Protestant Episcopal Church in the United State of America ....” SPH-30.

Trinity, Edisto Island: 1980, 1988, 1991, 1992, and 1998 bylaws stating that the parish “is organized for the purpose of operating an Episcopal Church pursuant to the Constitution and Canons of the Diocese of South Carolina and of the [National Church].” D-TED-13 (art. I, sec. I).

Trinity, Myrtle Beach: 1993 bylaws stating that the congregants seeking parish status “do hereby acknowledge, accede to and adopt ... the Constitution and Canons of the [National Church] and the Constitution and Canons of the ... Diocese of South Carolina.” D-TMB-26 (preamble).

Trinity, Pinopolis: 1985 admission as a parish of the Diocese which required the parish to state its “willingness to conform to the Constitution and Canons of the [National Church].” D-TP-31; D-401A at 32-33.

Old St. Andrew’s:<sup>4</sup> 1970 Constitution and Canons, which remained in effect until 2010, stating that the parish “ACCEDES TO AND ADOPTS THE CONSTITUTION AND CANONS OF THE EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA” and “THAT

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<sup>4</sup> We have explained in earlier submissions to this Court that the South Carolina Supreme Court included Old St. Andrew’s as the 29th parish that acceded to the Dennis Canon and therefore holds its property in trust for the Defendants. Plaintiffs specifically argued in their Petition for Rehearing before that court that Old St. Andrews should not have been included among the 29 parishes that expressly acceded. The South Carolina Supreme Court denied the Petition for Rehearing, leaving in place the majority holding that included Old St. Andrew’s among the 29.

ANY FUTURE CHANGES IN THE CONSTITUTION AND CANONS OF THE EPISCOPAL CHURCH IN THE UNITED STATES AND THE DIOCESE OF SOUTH CAROLINA, WHICH MAY CONFLICT WITH ANY ARTICLE OF THIS PARISH CONSTITUTION OR CANONS, SAID PARISH ARTICLES SHALL AUTOMATICALLY BE CHANGED TO CONFORM.” D-OSA-6 (art. I); D-OSA-6 (art. II); D-OSA-8 (2007 arts. I & II); D-OSA-11 (2010 arts. I & II).

## II.

### ISSUES APPEALED

The Court’s request is to identify “exactly what was appealed from the trial court order.” Under the Appellate Court Rules, an issue is considered “appealed” for appellate review if it is reasonably clear from the appellant’s contentions when considering the statement of issues on appeal as required by Rule 208(b)(1)(B), SCACR, along with the arguments in the appellant’s brief. *Gibson v. Ameris Bank*, 420 S.C. 536, 542 n. 2, 804 S.E.2d 276 (Ct. App. 2017); *see also* Jean Hoefer Toal, et al., *Appellate Practice in South Carolina* 208 (3d ed. 2016). Further, only the Supreme Court can decide what issues are properly before it; and the fact that it decided certain issues contains the conclusion that they were appealed.

Here, the trial court’s decision on the merits and disposition of the property at issue was appealed in its entirety. The Brief of Appellants expressly stated in its Conclusion that the Supreme Court “should reverse” the trial court and award them the property at issue, explaining that because the “case sounds in equity,” the Supreme Court “need not remand.” (pp. 50-51). Appellants specifically stated that they should be awarded the property at issue, as follows: “As for the ultimate result, the proper conclusion is that The Episcopal Church in South Carolina is entitled to control the Diocesan corporation and the Trustee Corporation, as well as all diocesan assets; and, as the Supreme Court of Georgia held, the Dennis Canon is enforceable and all parish

property at issue is held in trust for The Episcopal Church and The Episcopal Church in South Carolina.” (p. 51).

To support the ultimate result sought in the Conclusion, Appellants raised several foundational errors in the Statement of Issues (p. 1), as applied and outlined by argument headings in the Table of Contents (pp. i, ii), described in the Statement of Facts (pp. 3-12), and further detailed in the Argument (pp. 12-50). These foundational errors pervaded the trial court’s order. As Appellants noted in summation near the end of their 51-page brief: “On this point, as with others, the order simply does not take the appropriate view of this case’s nature” (p. 50).

More particularly, the foundational errors identified in the Statement of Issues (p. 1) were as follows:

#### **STATEMENT OF ISSUES ON APPEAL**

- I. Whether the trial court erred in holding that the questions of (1) whether this dispute is ecclesiastical at its core, and (2) whether The Episcopal Church is a hierarchical church were irrelevant under South Carolina law, and, as a result, in excluding relevant evidence and failing to enforce that Church’s internal governance.
- II. Whether the trial court erred in its application of civil law by (1) concluding that state trademarks trump earlier-registered federal trademarks with which they conflict and cause confusion; (2) incorrectly interpreting the language of a statutory trust that describes the beneficiary as being affiliated with The Episcopal Church; and (3) concluding that South Carolina law permits a corporation to amend its corporate articles in direct contravention of those articles.

These foundational errors were applied and outlined in the Table of Contents (pp. i, ii), as follows:

|                                                                                                                                                                                                                       |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Arguments .....                                                                                                                                                                                                       | 12 |
| I. The trial court erred in holding that the “neutral principles” approach precludes any consideration of ecclesiastical questions or evidence ....                                                                   | 14 |
| A. The neutral principles approach requires deference to ecclesiastical determinations and rules .....                                                                                                                | 14 |
| B. If questions of doctrine or governance are involved, courts must accept the church’s decisions and enforce those decisions when applying civil law .....                                                           | 18 |
| C. <i>All Saints</i> did not change any of these constitutional requirements or alter this long-standing analysis .....                                                                                               | 20 |
| D. The trial court erred in excluding ecclesiastical evidence .....                                                                                                                                                   | 21 |
| E. Applying the proper rule compels the conclusion that The Episcopal Church in South Carolina is the true Diocese and that the Dennis Canon creates a trust over the parish property .....                           | 23 |
| i. This dispute involves intrinsic questions of church governance and doctrine .....                                                                                                                                  | 24 |
| ii. The Episcopal Church is a hierarchical church and courts must defer to determinations made by the National Church bodies .....                                                                                    | 27 |
| iii. These principles lead to the conclusion that The Episcopal Church in South Carolina controls the Diocese because the National Church recognizes it as the true Diocese .....                                     | 32 |
| iv. These principles also mean that the Dennis Canon imposes a trust over the parish property .....                                                                                                                   | 33 |
| II. Even setting the proper application of neutral principles completely to the side, the trial court’s approach with respect to civil law was also error .....                                                       | 39 |
| A. The court erred when it concluded that plaintiffs’ State-registered trademarks are valid, notwithstanding its finding that those marks cause confusion with the National Church’s Federally-registered marks ..... | 40 |
| B. The court erred in holding that the statute creating the Trustee Corporation does not reference the National Church and its true Diocese .....                                                                     | 44 |
| C. The court erred in approving corporate actions which purport to be legal but which are actually <i>ultra vires</i> .....                                                                                           | 47 |

Defendants refer the Court to the corresponding sections in the Argument for a complete discussion of each of these issues.

Based on these issues raised in the Brief of Appellants, the Supreme Court viewed Appellants as having appealed the entire order. Acting Justice Pleicones expressly said so: “In this lead opinion I explain why I would reverse the *entire order*.” 421 S.C. at 214 (emphasis added). Associate Justice Hearn concurred, 421 S.C. at 232, and Chief Justice Beatty agreed with the majority regarding the diocese and 29 of the parishes. 421 S.C. at 251. *See Smith v. Tiffany*, 419 S.C. 548, 558 n. 3, 799 S.E.2d 479 (2017) (Supreme Court will not address an issue that is not properly preserved for appellate review).

Of course, when considered under a microscope, the trial court’s 46-page order included findings of fact and conclusions of law that were immaterial to the result and therefore not specifically addressed in the Brief of Appellants or by the Supreme Court. For purposes of responding to this Court’s request, we identify such issues herein as “uncontroverted.”

Such uncontroverted issues included Findings of Fact Nos. 10, 45, 58, 59, 60, 62, 67, 70, 77, and 83 and Conclusions of Law Nos. 1-3, 8, 11-13, 16-20, 36, 44-45, 47, 49-52, 58-60, 62-67, 83, 86, 103, 105, 110, 114-115, 118-121, 125, 134-140, and 142.<sup>5</sup> All other findings and conclusions in the trial court’s order were appealed based on the issues raised in the Brief of Appellants.

For each of the findings and conclusions in the trial court’s order, Defendants set forth below whether it was made in error or uncontroverted, provide a general description of it, and cite to the foundational error(s) identified in the Statement of Issues, as well as the corresponding sections outlined in the Table of Contents and detailed in the Argument, where that finding or conclusion was appealed. Defendants reserve the right to more particularly support their position

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<sup>5</sup> The conclusions of law are not numbered in the trial court’s order. We have accordingly numbered sentences in the conclusions of law and submit an annotated enumerated copy of the trial court’s order herewith.

that all material issues supporting the Supreme Court’s decision were preserved for appeal, if necessary.

| <i>Finding of Fact/ Conclusion of Law</i> | <i>Error/ Uncontroverted</i> | <i>Description</i>                                      | <i>Foundational Errors Identified in Statement of Issues</i> | <i>Corresponding Sections in Table of Contents and Argument</i> |
|-------------------------------------------|------------------------------|---------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------|
| <i>Fact No.</i>                           |                              |                                                         |                                                              |                                                                 |
| 1                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 2                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 3                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 4                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 5                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 6                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 7                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 8                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 9                                         | Error                        | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3)                                         | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)             |
| 10                                        | Uncontroverted               |                                                         |                                                              |                                                                 |

|    |       |                                                         |                      |                                                     |
|----|-------|---------------------------------------------------------|----------------------|-----------------------------------------------------|
| 11 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 12 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 13 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 14 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 15 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 16 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 17 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 18 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 19 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 20 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 21 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 22 | Error | Refers to Plaintiffs as the historic “Diocese” at issue | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                    |                      |                                                           |
|----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
| 23 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 24 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 25 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical, ecclesiastical, and governing authority of The Episcopal Church                                                        | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 26 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 27 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 28 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |



|    |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
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|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                                                                                              |                                            |                                                                           |
| 29 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 30 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                                                                                          | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |
| 31 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                        | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |
| 32 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                                                                                          | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|    |       |                                                                                                                                                                                                                    |                      |                                                     |
|----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                |                      |                                                     |
| 33 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 34 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 35 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical, ecclesiastical, and governing authority of The Episcopal Church                                                        | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 36 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)           |

|    |       |                                                                                                                                                                                                                    |                      |                                                     |
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|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                |                      | II (C)                                              |
| 37 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 38 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 39 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
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| 40 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                        | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |
| 41 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 42 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|    |                |                                                                                                                                                                                                                                        |                                    |                                                                   |
|----|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------|
| 43 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                     | I (1), (2)<br>II (3)               | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)               |
| 44 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                     | I (1), (2)<br>II (3)               | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)               |
| 45 | Uncontroverted |                                                                                                                                                                                                                                        |                                    |                                                                   |
| 46 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |
| 47 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                                | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |

|    |       |                                                                                                                                                                                                                                        |                                    |                                                                   |
|----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------|
|    |       | Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust                                                                |                                    |                                                                   |
| 48 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |
| 49 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |
| 50 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further                                    | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |

|    |       |                                                                                                                                                                                                                                        |                                    |                                                                   |
|----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------|
|    |       | disregards the terms of that trust                                                                                                                                                                                                     |                                    |                                                                   |
| 51 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |
| 52 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust | I (1), (2)<br>II (3)<br><br>II (2) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br>II (B) |
| 53 | Error | Disregards that TECSC is the historic Diocese<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                           | I (1), (2)<br>II (3)               | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C)         |
| 54 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and                                                                                                                                                       | I (1), (2)                         | I (A), (B), (C), (D), (E)(i), (ii), (iv)                          |

|    |                |                                                                                                                                                                                                                        |                      |                                                           |
|----|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|    |                | its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                                                                                                 |                      |                                                           |
| 55 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |
| 56 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 57 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |
| 58 | Uncontroverted |                                                                                                                                                                                                                        |                      |                                                           |
| 59 | Uncontroverted |                                                                                                                                                                                                                        |                      |                                                           |
| 60 | Uncontroverted |                                                                                                                                                                                                                        |                      |                                                           |
| 61 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)       |
| 62 | Uncontroverted |                                                                                                                                                                                                                        |                      |                                                           |
| 63 | Error          | Disregards the hierarchical structure and governance of The                                                                                                                                                            | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |



|    |                |                                                                                                                                                                                                                        |                           |                                                                |
|----|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------|
|    |                | Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                                                                            |                           |                                                                |
| 64 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)                | I (A), (B), (C), (D), (E)(i), (ii), (iv)                       |
| 65 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3)      | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C)      |
| 66 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (2), (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (B), (C) |
| 67 | Uncontroverted |                                                                                                                                                                                                                        |                           |                                                                |
| 68 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure                                                                                                                   | I (1), (2)<br>II (3)      | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C)      |

|    |                |                                                                                                                                                                                                                        |                      |                                                           |
|----|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|    |                | and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                                                      |                      |                                                           |
| 69 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |
| 70 | Uncontroverted |                                                                                                                                                                                                                        |                      |                                                           |
| 71 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 72 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |
| 73 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)                  |

|    |                |                                                                                                                                                                                                                        |                                    |                                                                     |
|----|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------|
| 74 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses                                                                                                                          | I (1), (2)                         | I (A), (B), (C), (D), (E)(i), (ii)                                  |
| 75 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses                                                                                                                          | I (1), (2)                         | I (A), (B), (C), (D), (E)(i), (ii)                                  |
| 76 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses                                                                                                                          | I (1), (2)                         | I (A), (B), (C), (D), (E)(i), (ii)                                  |
| 77 | Uncontroverted |                                                                                                                                                                                                                        |                                    |                                                                     |
| 78 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3)               | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C)           |
| 79 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                | I (1), (2)                         | I (A), (B), (C), (D), (E)(i), (ii), (iv)                            |
| 80 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-                             | I (1), (2)<br>II (3)<br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C)<br>II (A) |

|                |                |                                                                                                                                                         |                      |                                                     |
|----------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|                |                | beneficiary fiduciary duties<br><br>Disregards the federal trademark rights of The Episcopal Church                                                     |                      |                                                     |
| 81             | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)            |
| 82             | Error          | Disregards that TECSC is the historic Diocese                                                                                                           | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 83             | Uncontroverted |                                                                                                                                                         |                      |                                                     |
| 84             | Error          | Disregards that TECSC is the historic Diocese                                                                                                           | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| <i>Law No.</i> |                |                                                                                                                                                         |                      |                                                     |
| 1              | Uncontroverted |                                                                                                                                                         |                      |                                                     |
| 2              | Uncontroverted |                                                                                                                                                         |                      |                                                     |
| 3              | Uncontroverted |                                                                                                                                                         |                      |                                                     |
| 4              | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference                                                          | I (1), (2)           | I (A), (B), (C), (D)                                |
| 5              | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference                                                          | I (1), (2)           | I (A), (B), (C), (D)                                |
| 6              | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference                                                          | I (1), (2)           | I (A), (B), (C), (D)                                |

|    |                |                                                                                                                                                                                                                                                           |                                |                                                    |
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| 7  | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference                                                                                                                                                            | I (1), (2)                     | I (A), (B), (C), (D)                               |
| 8  | Uncontroverted |                                                                                                                                                                                                                                                           |                                |                                                    |
| 9  | Error          | Misstates the primary issues                                                                                                                                                                                                                              | I (1), (2)<br>II (1), (2), (3) | I (A), (B), (C), (D), (E)<br>II (A), (B), (C)      |
| 10 | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference                                                                                                                                                            | I (1), (2)                     | I (A), (B), (C), (D)                               |
| 11 | Uncontroverted |                                                                                                                                                                                                                                                           |                                |                                                    |
| 12 | Uncontroverted |                                                                                                                                                                                                                                                           |                                |                                                    |
| 13 | Uncontroverted |                                                                                                                                                                                                                                                           |                                |                                                    |
| 14 | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3)           | I (A), (B), (C), (D) (E)(i), (ii), (iii)<br>II (C) |
| 15 | Error          | Inaccurate/incomplete statement of neutral principles legal standard, which requires deference<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3)           | I (A), (B), (C), (D) (E)(i), (ii), (iii)<br>II (C) |

|    |                |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
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|    |                |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 16 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 17 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 18 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 19 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 20 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                 |                                 |                                                               |
| 21 | Error          | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Inaccurate/incomplete statement of neutral principles legal standard, which requires deference</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | <p>I (1), (2)</p> <p>II (3)</p> | <p>I (A), (B), (C), (D) (E)(i), (ii), (iii)</p> <p>II (C)</p> |
| 22 | Error          | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Inaccurate/incomplete statement of neutral principles legal standard, which requires deference</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | <p>I (1), (2)</p> <p>II (3)</p> | <p>I (A), (B), (C), (D) (E)(i), (ii), (iii)</p> <p>II (C)</p> |
| 23 | Error          | <p>Inaccurate/incomplete statement of neutral principles legal</p>                                                                                                                                                                                                                                                              | <p>I (1), (2)</p> <p>II (3)</p> | <p>I (A), (B), (C), (D) (E)(i), (ii), (iii)</p> <p>II (C)</p> |

|    |       |                                                                                                                                                                                                                           |                      |                                                     |
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|    |       | <p>standard, which requires deference</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                      |                      |                                                     |
| 24 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                   | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 25 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                   | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 26 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                   | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 27 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                   | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 28 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                   | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 29 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                           |                              |                                                             |
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| 30 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> |
| 31 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> |
| 32 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> |
| 33 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance</p>                                                  | <p>I (1), (2)<br/>II (3)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> |



|    |                |                                                                                                                                                                                                                    |                      |                                                     |
|----|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |                | of the historic Diocese and The Episcopal Church                                                                                                                                                                   |                      |                                                     |
| 34 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 35 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 36 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 37 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 38 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                    |                      |                                                     |
|----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                |                      |                                                     |
| 39 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 40 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 41 | Error | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 42 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |                |                                                                                                                                                                                                                    |                      |                                                     |
|----|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |                | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                |                      |                                                     |
| 43 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 44 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 45 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 46 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 47 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 48 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 49 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |

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|----|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
| 50 | Uncontroverted |                                                                                                                                                     |                      |                                                     |
| 51 | Uncontroverted |                                                                                                                                                     |                      |                                                     |
| 52 | Uncontroverted |                                                                                                                                                     |                      |                                                     |
| 53 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 54 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 55 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 56 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 57 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |                |                                                                                                                                                                                                                    |                      |                                                     |
|----|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
| 58 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 59 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 60 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 61 | Error          | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 62 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 63 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 64 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 65 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 66 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 67 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                     |
| 68 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 69 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 70 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                    |                      |                                                           |
|----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                |                      |                                                           |
| 71 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 72 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 73 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |
| 74 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance                                                  | I (1), (2)<br>II (3) | I (A), (B), (C),<br>(D), (E)(i), (ii),<br>(iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                    |                      |                                                     |
|----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |       | of the historic Diocese and The Episcopal Church                                                                                                                                                                   |                      |                                                     |
| 75 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 76 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 77 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 78 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |

|    |       |                                                                                                                                                                                                                           |                      |                                                     |
|----|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|    |       | Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church                                                                       |                      |                                                     |
| 79 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 80 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 81 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |



|    |                |                                                                                                                                                                                                                    |                      |                                                           |
|----|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
| 82 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)       |
| 83 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                           |
| 84 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 85 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 86 | Uncontroverted |                                                                                                                                                                                                                    |                      |                                                           |
| 87 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                            | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 88 | Error          | Disregards the hierarchical structure and governance of The                                                                                                                                                        | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)           |

|    |       |                                                                                                                                                         |                      |                                                           |
|----|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|    |       | Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                             |                      | II (C)                                                    |
| 89 | Error | Disregards that TECSC is the historic Diocese                                                                                                           | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)       |
| 90 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 91 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 92 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 93 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-                             | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |

|    |       |                                                                                                                                                         |                      |                                                           |
|----|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|    |       | beneficiary fiduciary duties                                                                                                                            |                      |                                                           |
| 94 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 95 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 96 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 97 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 98 | Error | Disregards the hierarchical structure and governance of The Episcopal Church and                                                                        | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |

|     |       |                                                                                                                                                                                                                                                                |                                            |                                                                           |
|-----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                                                                                                                                                         |                                            |                                                                           |
| 99  | Error | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |
| 100 | Error | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |
| 101 | Error | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |

|     |                |                                                                                                                                                                                                                                                                |                                            |                                                                           |
|-----|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
| 102 | Error          | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |
| 103 | Uncontroverted |                                                                                                                                                                                                                                                                |                                            |                                                                           |
| 104 | Error          | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |
| 105 | Uncontroverted |                                                                                                                                                                                                                                                                |                                            |                                                                           |
| 106 | Error          | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (B)</p> |
| 107 | Error          | Disregards the hierarchical structure and governance of The                                                                                                                                                                                                    | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)</p>                    |

|     |                |                                                                                                                                                         |                      |                                                           |
|-----|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
|     |                | Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties                                                             |                      | II (C)                                                    |
| 108 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 109 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 110 | Uncontroverted |                                                                                                                                                         |                      |                                                           |
| 111 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |
| 112 | Error          | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br>II (C) |

|     |                |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
|-----|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------|
| 113 | Error          | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br/>II (C)</p> <p>II (B)</p> |
| 114 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 115 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 116 | Error          | Disregards evidence of accession                                                                                                                                                                                                                                                                                                                                                                                              | I (1), (2)                                 | I (A), (B), (C), (D), (E)(i), (ii), (iv)                                        |
| 117 | Error          | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                                                                                                                                                     | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br/>II (C)</p>               |
| 118 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 119 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 120 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 121 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |

|     |                |                                                                                                                                                                                                                   |            |                                          |
|-----|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------|
| 122 | Error          | Incomplete statement of law under <i>Jones v. Wolf</i>                                                                                                                                                            | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 123 | Error          | Inaccurate/incomplete statement of law under <i>Jones v. Wolf</i>                                                                                                                                                 | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 124 | Error          | Inaccurate/incomplete statement of law under <i>Jones v. Wolf</i>                                                                                                                                                 | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 125 | Uncontroverted |                                                                                                                                                                                                                   |            |                                          |
| 126 | Error          | Inaccurate/incomplete statement of law under <i>Jones v. Wolf</i><br><br>Disregards evidence of accession                                                                                                         | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 127 | Error          | Inaccurate/incomplete statement of law under <i>Jones v. Wolf</i><br><br>Disregards evidence of accession                                                                                                         | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 128 | Error          | Incorrect application of law under <i>Jones v. Wolf</i><br><br>Disregards evidence of accession<br><br>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |
| 129 | Error          | Incorrect application of law under <i>Jones v. Wolf</i><br><br>Disregards evidence of accession                                                                                                                   | I (1), (2) | I (A), (B), (C), (D), (E)(i), (ii), (iv) |



|     |       |                                                                                                                                                                                                                          |                      |                                                     |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|
|     |       | Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes                                                                                                               |                      |                                                     |
| 130 | Error | <p>Incorrect application of law under <i>Jones v. Wolf</i></p> <p>Disregards evidence of accession</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes</p> | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)            |
| 131 | Error | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                  | I (1), (2)<br>II (3) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C) |
| 132 | Error | <p>Incorrect application of law under <i>Jones v. Wolf</i></p> <p>Disregards evidence of accession</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes</p> | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)            |
| 133 | Error | <p>Incorrect application of law under <i>Jones v. Wolf</i></p> <p>Disregards evidence of accession</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes</p> | I (1), (2)           | I (A), (B), (C), (D), (E)(i), (ii), (iv)            |

|     |                |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
|-----|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------|
| 134 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 135 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 136 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 137 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 138 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 139 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 140 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 141 | Error          | <p>Recognizes Plaintiffs as the Trustees of the historic “Diocese” at issue</p> <p>Disregards that TECSC is the beneficiary of the statutory trust established by the 1880 Act, as amended by the 1902 Act, and further disregards the terms of that trust</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes and the trustee-beneficiary fiduciary duties</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (2)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii), (iv)<br/>II (C)</p> <p>II (B)</p> |
| 142 | Uncontroverted |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                 |
| 143 | Error          | <p>Incorrect application of law under <i>Jones v. Wolf</i></p> <p>Disregards evidence of accession</p> <p>Disregards the hierarchical structure and governance of The Episcopal Church and its dioceses and parishes</p>                                                                                                                                                                                                      | I (1), (2)                                 | I (A), (B), (C), (D), (E)(i), (ii), (iv)                                        |
| 144 | Error          | Refers to Plaintiffs as the historic “Diocese” at issue                                                                                                                                                                                                                                                                                                                                                                       | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>                     |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                | II (1)                                     | II (A)                                                                    |
| 145 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 146 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
| 147 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 148 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 149 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                        | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                                                                  |                                            |                                                                           |
| 150 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 151 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 152 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese</p>                                                                                                 | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                           |                                                                    |                                                                                                   |
|-----|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|     |       | and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                           | II (1)                                                             | II (A)                                                                                            |
| 153 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 154 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 155 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in                                                                                                                                                                     | I (1), (2)<br>II (3)                                               | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)                                               |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | <p>contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                                                                       | II (1)                                     | II (A)                                                                    |
| 156 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 157 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 158 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p>                                                                                                                                                                                                                                   | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                | II (1)                                     | II (A)                                                                    |
| 159 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 160 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |



|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
| 161 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 162 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 163 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                        | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                                                                  |                                            |                                                                           |
| 164 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 165 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 166 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese</p>                                                                                                 | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                           |                                                                    |                                                                                                   |
|-----|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|     |       | and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                           | II (1)                                                             | II (A)                                                                                            |
| 167 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 168 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 169 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in                                                                                                                                                                     | I (1), (2)<br>II (3)                                               | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)                                               |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
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|     |       | <p>contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                                                                       | II (1)                                     | II (A)                                                                    |
| 170 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 171 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 172 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p>                                                                                                                                                                                                                                   | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
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|     |       | <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                | II (1)                                     | II (A)                                                                    |
| 173 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 174 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
| 175 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 176 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 177 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p>                                                                        | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
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|     |       | Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                                                                  |                                            |                                                                           |
| 178 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 179 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 180 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese</p>                                                                                                 | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                           |                                                                    |                                                                                                   |
|-----|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|     |       | and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church                                                                                                                                                                                           | II (1)                                                             | II (A)                                                                                            |
| 181 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 182 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church<br><br>Disregards the federal trademark rights of The Episcopal Church | I (1), (2)<br>II (3)<br><br><br><br><br><br><br><br><br><br>II (1) | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)<br><br><br><br><br><br><br><br><br><br>II (A) |
| 183 | Error | Refers to Plaintiffs as the historic “Diocese” at issue<br><br>Recognizes the legitimacy of unlawful actions taken in                                                                                                                                                                     | I (1), (2)<br>II (3)                                               | I (A), (B), (C), (D), (E)(i), (ii), (iii)<br>II (C)                                               |



|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | <p>contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                                                                       | II (1)                                     | II (A)                                                                    |
| 184 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 185 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 186 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p>                                                                                                                                                                                                                                   | <p>I (1), (2)<br/>II (3)</p>               | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p>               |

|     |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
|     |       | <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p>                                                                | II (1)                                     | II (A)                                                                    |
| 187 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 188 | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |

|        |       |                                                                                                                                                                                                                                                                                                  |                                            |                                                                           |
|--------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------|
| 189    | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| 190    | Error | <p>Refers to Plaintiffs as the historic “Diocese” at issue</p> <p>Recognizes the legitimacy of unlawful actions taken in contravention of the established governance of the historic Diocese and The Episcopal Church</p> <p>Disregards the federal trademark rights of The Episcopal Church</p> | <p>I (1), (2)<br/>II (3)</p> <p>II (1)</p> | <p>I (A), (B), (C), (D), (E)(i), (ii), (iii)<br/>II (C)</p> <p>II (A)</p> |
| RELIEF | Error | Awards Plaintiffs all property at issue                                                                                                                                                                                                                                                          | <p>I (1), (2)<br/>II (1), (2), (3)</p>     | <p>I (A), (B), (C), (D), (E)<br/>II (A), (B), (C)</p>                     |

Dated: February 21, 2020

Respectfully submitted

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Jason S. Smith

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May 25, 2020

The Honorable Edgar W. Dickson  
P.O. Box 1949  
Orangeburg, SC 29116  
[edicksonlc@sccourts.org](mailto:edicksonlc@sccourts.org)

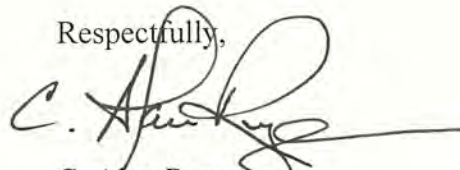
Re: *Protestant Episcopal Church in the Diocese of SC, et al. v TEC, et al; No 2013-CP-18-00013*

Dear Judge Dickson:

I write to inform the Court of Friday's unanimous decision by the Texas Supreme Court which ruled in favor of a diocese and its parishes who withdrew from TEC on the issues of corporate control and property ownership. *The Episcopal Diocese of Fort Worth, et. al. v. The Episcopal Church, et. al.*, ---S.W.3d---, 2020 WL2610207 (May 22, 2020). A copy of that opinion is attached.

In addition to the Supreme Court of Texas opinion, I have enclosed in a Word document an amended proposed order resolving the Plaintiffs Motion for Clarification to include a reference to the Texas case, a paragraph referencing the denial of the writ of prohibition by the South Carolina Supreme Court, a reference to a recent South Carolina Supreme Court opinion on what constitutes the "narrowest grounds" in a plurality opinion and an amended caption. The amendments are highlighted in the attached pdf version for ease of comparison.

Respectfully,



C. Alan Runyan

cc: All Counsel of Record

# HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

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DIRECT VOICE 843 414-9757  
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CHARLESTON, SOUTH CAROLINA 29401  
V 843 266-9099  
F 843 266-9188

June 1, 2020

**VIA E-MAIL**

The Honorable Edgar W. Dickson  
190 Gibson Street  
P.O. Box 1949  
Orangeburg, South Carolina 29116  
[edicksonj@sccourts.org](mailto:edicksonj@sccourts.org)  
[edicksonlc@sccourts.org](mailto:edicksonlc@sccourts.org)

Re: *The Protestant Episcopal Church in the Diocese of South Carolina, et al. v. The Episcopal Church, et al.*, Case No. 2013-CP-18-00013

Dear Judge Dickson:

I am writing in response to Mr. Runyan's May 25, 2020 submission to the Court.

The recent ruling by the Texas Supreme Court has no application to the issues before this Court. The Supreme Court of South Carolina has already ruled on the merits of this case, and it is this Court's task to enforce that judgment. As we have consistently pointed out, Chief Justice Beatty and the majority determined that my client is the historic diocese entitled to all of the historic diocese's property, including Camp St. Christopher, and that 29 parishes hold their property in trust for my client and The Episcopal Church. The merits are resolved.

In addition, the South Carolina Supreme Court's recent footnote in *State v. Key* does not change the outcome here – that three justices reached a favorable result and awarded the above-described property to our client.

The only responsibility this Court has now is to enforce the judgment of the South Carolina Supreme Court, which has already been decided.

With thanks and sincerely,

s/  
Thomas S. Tisdale, Jr.  
*Counsel for the Diocese of South Carolina*

cc: All Counsel of Record

ELECTRONICALLY FILED - 2020 Jun 01 4:28 PM - DORCHESTER - COMMON PLEAS - CASE#2013CP1800013

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STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
The Protestant Episcopal Church In The )  
Diocese Of South Carolina; The Trustees of )  
The Protestant Episcopal Church in South )  
Carolina, a South Carolina Corporate Body; )  
All Saints Protestant Episcopal Church, Inc.; )  
Christ St. Paul's Episcopal Church; Church )  
Of The Cross, Inc. and Church Of The Cross )  
Declaration Of Trust; Church Of The )  
Holy Comforter; Church of the Redeemer; )  
Holy Trinity Episcopal Church; Saint )  
Luke's Church, Hilton Head; St. )  
Bartholomews Episcopal Church; )  
St. Davids Church; St. James' Church, )  
James Island, S.C.; St. Paul's Episcopal )  
Church of Bennettsville, Inc.; The Church )  
Of St. Luke and St Paul, Radcliffeboro; )  
The Church Of Our Saviour Of The Diocese )  
of South Carolina; The Church Of The )  
Epiphany (Episcopal); The Church Of The )  
Good Shepherd, Charleston, SC; The Church )  
Of The Holy Cross; The Church Of The )  
Resurrection, Surfside; The Protestant )  
Episcopal Church, Of The Parish Of Saint )  
Philip, In Charleston, In The State Of )  
South Carolina; The Protestant Episcopal )  
Church, The Parish Of Saint Michael, In )  
Charleston, In The State Of South Carolina )  
and St. Michael's Church Declaration Of )  
Trust; The Vestry and Church Wardens Of )  
St. Jude's Church Of Walterboro; )  
The Vestry And Church Wardens Of The )  
Episcopal Church Of The Parish Of St. )  
Helena and The Parish Church of St. Helena )  
Trust; The Vestry and Church Wardens Of )  
The Episcopal Church Of The Parish Of St. )  
Matthew; The Vestry and Wardens Of St. )  
Paul's Church, Summerville; Trinity Church )  
of Myrtle Beach; Trinity Episcopal Church; )  
Trinity Episcopal Church, Pinopolis; Vestry )  
and Church-Wardens Of The Episcopal )  
Church Of The Parish Of Christ Church; )  
Vestry and Church Wardens Of The )

IN THE COURT OF COMMON PLEAS  
FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2013-CP-18-00013

**ORDER GRANTING  
MOTION FOR CLARIFICATION**



|                                          |   |
|------------------------------------------|---|
| Episcopal Church Of The Parish Of St.    | ) |
| John's, Charleston County, The Vestries  | ) |
| And Churchwardens Of The Parish of St.   | ) |
| Andrew                                   | ) |
|                                          | ) |
| PLAINTIFFS,                              | ) |
|                                          | ) |
| v.                                       | ) |
|                                          | ) |
| The Episcopal Church (a/k/a, The         | ) |
| Protestant Episcopal Church in the       | ) |
| United States of America); The Episcopal | ) |
| Church in South Carolina                 | ) |
|                                          | ) |
| DEFENDANTS.                              | ) |

---

BEFORE THE COURT is a Motion for Clarification of Jurisdiction and For Other Relief filed by Plaintiffs, as supplemented. For the reasons set forth below, the Court GRANTS the Plaintiffs' Motion.

## **I. BACKGROUND**

On January 4, 2013, the Protestant Episcopal Church in the Diocese of South Carolina ("Diocese"), the Trustees of the Protestant Episcopal Church in South Carolina ("Trustees"), and sixteen individual church parishes organized as South Carolina non-profit corporations filed this action against The Episcopal Church (a/k/a, The Protestant Episcopal Church in the United States of America) ("TEC"), seeking declaratory and injunctive relief. On January 22, 2013, Plaintiffs amended their complaint, adding seventeen additional parishes as Plaintiffs. On February 28, 2013, Plaintiffs amended their complaint a second time, adding three additional parishes as Plaintiffs<sup>1</sup> and The Episcopal Church in South Carolina ("ECSC") as a Defendant. The Plaintiffs sought declarations that they were the owners of certain disputed real, personal, and intellectual

<sup>1</sup> These thirty-six Plaintiffs are referred to as "the Parishes".

property, and sought to enjoin the Defendants from using such intellectual property. On March 28, 2013, and April 3, 2013, respectively, TEC and ECSC filed their answers and counterclaims, which sought a resolution of the disputes over the real and personal property rights declared in their favor.

Between the filing of this action and the trial, a temporary restraining order was entered followed by a preliminary injunction, the latter consented to by TEC. These injunctions prohibited the use of the Diocese marks by anyone other than the Diocese and its agents, Temp. Res. Or., January 23, 2013; Temp. Inj. (Consent), January 31, 2013. The Defendants then removed the action to federal court in April 2013 and it was remanded in June 2013.<sup>2</sup> Both ECSC and TEC moved to join additional parties which motions were denied. Or. Denying TEC Mot. to Join Additional Counterclaim Defs. (Sept. 27, 2013); Or. Denying ECSC Mot. to Join Additional Parties, (May 20, 2014). The denial of the TEC Motion to Join Additional Parties was not appealed. The denial of the ECSC Motion To Join Additional Parties was appealed, but the appeal was dismissed as interlocutory. S.Ct. Or. Dismissing ECSC Appeal, (July 3, 2014). It was not thereafter appealed.

This case was tried before the Honorable Judge Goodstein between July 8, 2014, and July 25, 2014. On February 3, 2015, Judge Goodstein ruled on Plaintiffs' first cause of action, that the Plaintiffs are the owners of their real, personal, and intellectual property, and that the Defendants

<sup>2</sup> The federal court in its order remanding this case to this Court, stated that Plaintiffs' three causes of action are state law claims and that the Lanham Act does not preempt South Carolina law. Or. Gr. Mtn. to Remand at 12, (June 10, 2013). That Court also recognized that the power to choose between the two methods for resolving these type of disputes rests with the state court. Id. at 16, 18. ("The United States Supreme court has expressly approved two methods for these type of disputes, and has granted the states the power to choose the method it will apply."; "...The United States Supreme Court yield[ed] the right to choose an approved approach to church dispute resolution to the states.")

have no legal, beneficial, or equitable interest in the Plaintiffs' real, personal, and intellectual property. Judge Goodstein further ruled on Plaintiffs' second and third causes of action, brought respectively under two statutes, §§ 39-15-1105 et. seq. (Service Mark Infringement) and §§ 16-17-310, 320 (Improper Use of Names), that TEC and ECSC were permanently enjoined from using, assuming, or adopting in any way—directly or indirectly—the names, styles, emblems or marks of the Plaintiffs. Judgment was also entered in favor of Plaintiffs on February 3, 2015. Defendants appealed portions of the February 3, 2015 Order on March 24, 2015.

On August 2, 2017, the Supreme Court of South Carolina issued five separate opinions regarding this matter. *Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (2017) (“the Collective Opinions”). Plaintiffs timely petitioned for rehearing, which was denied in an Order of the South Carolina Supreme Court dated November 17, 2017. Two justices voted to grant the petition and two justices voted to deny the petition. Justice Hearn recused herself and took no part in the decision on the petition for rehearing. The remittitur, sent that same day, was recorded on November 20, 2017. Plaintiffs petitioned for certiorari to the United States Supreme Court, which was denied on June 11, 2018. This action was reassigned to this Court by Chief Administrative Judge Goodstein via Form 4 Order dated December 29, 2017.

On March 23, 2018, thirty-one of the Plaintiffs filed a Motion for Clarification and for Further Relief. This motion was supplemented and briefed in September and October 2018. Hearings were held on this motion on November 19, 2018 and November 26, 2019. Plaintiffs argued that the Collective Opinions of the Justices of the South Carolina Supreme Court do not resolve the issue of which parishes expressly agreed (“acceded”) to the Dennis Canon. Plaintiffs also argued that the Collective Opinions did not reverse the ruling that the beneficiary of the

Trustees was the Diocese as found by Judge Goodstein and that the Diocese's ownership of its real, personal and intellectual property was not appealed by TEC. Additionally, Plaintiffs argued that the use of the Diocese's marks is limited to those that the trial court found controlled the Diocese and a permanent injunction protects those marks from infringement and from improper use by TEC and ECSC. Finally, Plaintiffs argued that the South Carolina Supreme Court was unable to resolve critical issues relating to the Collective Opinions on rehearing because it did not consider them on the merits, the votes to rehear being evenly divided, 2 to 2.

On October 10, 2018, Defendants submitted their Brief in Opposition to the Motion for Clarification. Defendants argued that the Court's jurisdiction on remittitur is limited to enforcing the mandate of the Collective Opinions, which, they argue to this Court, is clear and unambiguous<sup>3</sup>. Defendants further argue that the Supreme Court decided that the property of the parishes that acceded to the Dennis Canon is held in trust for Defendants, and the property of the Trustees is held in trust for the benefit of ECSC. They also argue that the real, personal and intellectual property of the Diocese belongs to the ECSC. Finally, Defendants argue that Plaintiffs have received due process because they have had an opportunity to raise and argue every deficiency complained of with the Collective Opinions in their Petition for Rehearing, and their arguments made were rejected.<sup>4</sup> However, and to the contrary, Defendants represented to the United States Supreme Court in successfully opposing Plaintiffs' Petition for a Writ of Certiorari that the

<sup>3</sup> This Court notes that the Defendants' characterized the South Carolina Supreme Court opinion substantially differently in arguments made to the United States Supreme Court in their opposition to certiorari there. *See infra*. (Br. for Resp. in Opp. to Pet. for Writ of Certiorari at pp. 2, 23.)

<sup>4</sup> "Accordingly, it is clear that the South Carolina Supreme Court rejected the arguments Plaintiffs made in their Petition for Rehearing." Defs. Br. In Opp. to Plts. Mtn. for Clarification and Further Relief at 14, (October 5, 2018).

Plaintiffs' petition for rehearing was denied by the South Carolina Supreme Court "without reaching the merits". Br. for Resp. in Opp. at 2, (May 7, 2018).

On March 10, 2019, Defendants Petitioned the South Carolina Supreme Court to issue an order of Mandamus, directing this Court to rule on the Petition for Execution and Further Relief because the prior South Carolina Supreme Court opinion was final and there were no issues remaining except enforcement. Plaintiffs opposed the Petition on several grounds. On June 28, 2019, the South Carolina Supreme Court denied the Petition for Mandamus.

On September 19, 2019, United States District Judge Richard Gergel issued an Order granting summary judgment to the Defendants on the federal Lanham Act claims asserted there by Defendants. That Order is currently on appeal. In his Order on summary judgment, Judge Gergel stated his belief that because there had been a "process" and as a result the petition for rehearing had "been denied," this meant that the Collective Opinions were final and not subject to any further clarification. With all due respect, and for the reasons that follow, this Court disagrees with the federal district court.

### **III. CONCLUSIONS OF LAW**

#### **A. Jurisdiction**

As an initial matter, the Court finds that it has subject matter jurisdiction to address the Motion for Clarification. The jurisdiction of this Court to hear and determine matters after a case is remitted is "well established. For instance, . . . the circuit court acquires jurisdiction to enforce the judgment and take any action consistent with the appellate court's ruling." *Pee Dee Health Care, P.A. v. Estate of Thompson*, 424 S.C. 520, 531, 818 S.E.2d 758, 764 (2018) (citing *Martin v. Paradise Cove Marina, Inc.*, 348 S.C. 379, 385, 559 S.E.2d 348, 351-52 (Ct. App. 2001) and *Muller v. Myrtle Beach Yacht and Golf Club*, 313 S.C. 412, 415, 436 S.E.2d 248, 250 (1993)).

The “enforcement of a judgment” or taking “any action consistent with an appellate court’s ruling,” requires this Court to determine what the Supreme Court ruled. Any ambiguity must be resolved by this Court, which not only has the jurisdiction to do so, but also the obligation to determine the intention of the Supreme Court, even if ambiguous and even if there is no remand. *Hamm v. S. Bell Tel. & Tel. Co.*, 305 S.C. 1, 406 S.E.2d 157 (1991) . The Court finds that it has the jurisdiction to take whatever steps are necessary to determine and act on what is “consistent,” with the intention of the Supreme Court, whether explicit or implicit.

The judgment of a court is construed like any other written instrument, that being to determine the intent. That intent is determined from all its parts, not from an isolated part. *City of North Myrtle Beach v. East Cherry Grove Realty Co., Inc.*, 397 S.C. 497, 503, 725 S.E.2d 676, 679 (2012). If the judgment is “plain and unambiguous” then the effect of the judgment “must be declared in light of the literal meaning of the language used.” *Id.* (quoting *Weil v. Weil*, 299 S.C. 84, 90, 383 S.E.2d 471, 474 (Ct. App. 1989)). If the judgment is ambiguous, the intent of the court is still the determinative factor. *See Eddins v. Eddins*, 304 S.C. 133, 135, 403 S.E.2d 164 (Ct. App. 1991)(construing the judgment to determine intent while disregarding superfluous language); *Jenson v. Conrad*, 292 S.C.169, 171, 355 S.E.2d 291, 293 (Ct. App. 1987) (dicta).

Further, this Court must determine what actions it may order regarding enforcement which would be consistent with the intent of the Supreme Court before it can take any such actions. This too requires a determination of the Court’s intent gathered from the Collective Opinions, and each of them, as a whole, not from an isolated part(s).

#### **B. The Petition for Rehearing**

Although contending otherwise to the United States Supreme Court, the Defendants argue here that the denial of the Plaintiffs’ Petition for Rehearing by an evenly divided vote was a decision

on the merits of the issues raised in that petition and therefore precludes their consideration by this Court. This Court rejects that proposition.

Without the final vote of three justices in favor of reversal, a trial court's decision is affirmed because as a matter of law it cannot be reversed. S.C. Code §14-3-360. Here, there was no final vote of three justices in favor of reversals. Rather, the Petition for Rehearing was denied 2-2. As stated by Chief Justice Marshall in a case where the Supreme Court was evenly divided after oral argument, "the principles of law which have been argued cannot be settled, but the judgment is affirmed, the court being divided in opinion upon it." *Etting v. Bank of United States*, 24 U.S. 59, 78 (1826). *Accord, Durant v. Essex Co.*, 7 Wall. 107, 112 (1869) ("if the judges are divided...no order can be made."); *Ohio ex. Rel. Eaton v. Price*, 364 U.S. 263, 264, 80 S.Ct. 1463, 1464 (1960) (the order being reviewed is affirmed "ex necessitate, by an equally divided court" with no expression of opinion "for such an expression is unnecessary where nothing is settled."); *Neil v. Biggers*, 409 U.S. 188, 192, 93 S.Ct. 375, 378-279 (1972) referencing the "thoughtful opinion" of

The Supreme Court has on occasion released an opinion, then considered rehearing petition arguments and dramatically changed the prior released opinion. See e.g., *Crossmann Communities v. Harleysville Mut. Ins. Co.*, 717 S.E.2d 589 (2011) When such occurs, the initial released opinion is considered a nullity. *Harleysville Mut. Ins. Co. v. State*, 736 S.E.2d 631 (2012). Under the South Carolina Appellate Court rules, a party is given the express right to seek a Petition for Rehearing regarding a Supreme Court opinion, in which the party is permitted to address and argue points "misapprehended" or "overlooked." Rule 221, SCACR. Here, the Petition for Rehearing was addressed based on a vote of 2-2, with one Justice not participating and with no Justice replacing that non-participating Justice. As a result, the 5 opinions of the Court were deemed "the opinion" of the Court as an administrative matter, and the remittitur was issued. The fact remains, however, that by law three Justices have not fully, on the merits, considered the properly presented points and arguments by both sides, including any rehearing opportunity, and voted to reverse the trial judge. Instead, 5 separate opinions issued, points "misapprehended" and "overlooked" were argued, but such arguments were never considered on the merits. S.C. Code Ann. Section 14-3-360 could be applied in such an instance to deem the trial court affirmed. Because this Court grants the Plaintiffs' Motion for Clarification on other grounds, it need not make this statutory interpretation ruling. However, such a ground should be considered to alternatively sustain this Court's Order. See also, *Peoples Life Insurance Co. v. Community Bank*, 278 S.C.70, 292 S.E.2d 188 (1982).

the 2<sup>nd</sup> Circuit in *United States ex rel. Radich v. Criminal Ct. of City of New York*, 459 F.2d 745, 750 (2<sup>nd</sup> Cir. 1972)(“Because of the very fact of its equal division, however, the Court has been unable to reach a decision on the merits and there has therefore been no adjudication of them by it.”).

The Supreme Court’s actions here are consistent with the above. After the Collective Opinions, Plaintiffs filed a Petition for Rehearing in which they pointed out how the Court had overlooked or misapprehended various issues and points. This Petition for Rehearing ultimately was denied 2-2. Half the Court noted that the failure to appoint a fifth justice with respect to the rehearing petition arguments to take the place of Justice Hearn had “blocked review” of the Petition for Rehearing, (Kittredge, J, joined in by Toal, AJ). The Court did not decide the arguments raised in the Petition for Rehearing because it was equally divided on whether it should hear them at all. The Supreme Court thus left in place the August 2, 2017 Collective Opinions.

If, as Defendants urge, there is no consideration by this Court of the new issues raised in the Petition for Rehearing, there would not be any judicial review of such issues, which would result in the same denial of due process found by Justice Brandeis in *Brinkerhoff- Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 50 S.Ct. 451 (1930).<sup>6</sup> However, the due process issue is resolved if this Court determines these issues on their merits. This Court will thus do so.

<sup>6</sup> Justice Brandeis, writing for a unanimous Supreme Court, considered the issue of the procedural due process due a litigant when an appellate court deprives it of its property. *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 50 S.Ct. 451 (1930). There the Supreme Court of Missouri overruled a previous decision construing a state statute on which the plaintiff had relied and in so doing, deprived the plaintiff of the remedy the previous construction had afforded. The plaintiff petitioned for a rehearing which was denied without opinion. Justice Brandeis stated the Court’s concern was not the plaintiffs’ rights on the merits, but “whether the plaintiff has been accorded due process in the primary sense – whether it has had an opportunity to present its case and be heard in its support.” *Id.* at 680, 50 S.Ct. at 454. Reversing the Missouri Supreme Court, the Court held that “whether acting through its judiciary or through its legislature, a state may not deprive a person of all existing remedies for the enforcement of a right, which the state has no



### C. The Collective Opinions

The parties acknowledge that this Court is presented with a unique circumstance: a set of five opinions from which this Court must now discern the Supreme Court's intent. The uncertainty present in the Collective Opinions is stated by two of the four justices who voted on whether to hear the issues raised in the petition for rehearing. Acting Justice Toal stated "The Court's' collective opinions in this matter give rise to great uncertainty, so that we have given little to no coherent guidance in this case or in church property disputes like this going forward. Given our lack of agreement, I have no doubt the Court will see more litigation involving these issues..." S.Ct. Or., November 17, 2017. Despite Defendants' arguments to this Court that the Supreme Court opinions are "clear and unambiguous", they represented to the United States Supreme Court in their opposition to Plaintiffs' Petition for Writ of Certiorari, that the Collective Opinions were too "fractured" and "splintered" to be reviewed on a record they argued was "incomplete" and which contained "significant ambiguities".<sup>7</sup>

Each Justice of the Supreme Court wrote separately. Acting Justice Pleicones stated that he would reverse the circuit court's order. *Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church*, 421 S.C. 211, 231, 806 S.E.2d 82, 93 (2017). He would "reverse the circuit court's order to the extent it rejected the efficacy of the Dennis Canon and the Diocesan Constitution, and to the extent it declined to accept TEC's recognition of the Associated Diocese

power to destroy, unless there is, or was, afforded to him some real opportunity to protect it." *Id.* at 682, 50 S.Ct. at 454-455.

<sup>7</sup> Defendants stated the case would be a "poor vehicle" for review because "the Court would confront an incomplete record, with the court below fractured not only on the rationale but even on the facts that could be relevant to a disposition of the case on the merits." Br. for Resp. in Opp. at 2, (May 7, 2018). The case was also unsuitable for review they argued, "because the record below contains significant 'ambiguities'..." since "the Supreme Court of South Carolina splintered on both the applicable standard of review and how to apply it to some of the trial court's factual conclusions." *Id.* at 23.

as the true Lower Diocese of South Carolina.” *Id.*, 421 S.C. at 231, 806 S.E.2d at 92. He would also hold that the question of property ownership “following the disaffiliation from the TEC by the Disassociated Diocese, the Trustees, and the Parishes, is a question of church governance, which is protected from civil court interference by the First Amendment.” *Id.*, 421 S.C. at 231, 806 S.E.2d at 93. Finally, Acting Justice Pleicones would reverse the trial court’s finding on the service mark claim. *Id.*, 421 S.C. at 231, 806 S.E.2d at 92. Justice Hearn wrote a separate concurring opinion, in which Acting Justice Pleicones joined, in which she concurred in full with Acting Justice Pleicones. *Id.*, 421 S.C. at 236, 806 S.E.2d at 95 (Hearn, J., concurring). Chief Justice Beatty wrote separately, concurring in part and dissenting in part. Chief Justice Beatty began his opinion by stating that he “disagree[d] with the analysis and much of the result reached by the majority.” *Id.*, 421 S.C. at 248–49, 806 S.E.2d at 102. Chief Justice Beatty found that “the Dennis Canon had no effect until acceded to in writing by the individual parishes.” *Id.*, 421 S.C. at 251, 806 S.E.2d at 103 (Beatty, C.J., concurring in part and dissenting in part). Chief Justice Beatty ruled that “the parishes that did not expressly accede to the Dennis Canon cannot be divested of their property.” *Id.* Chief Justice Beatty repeatedly stated that concept.<sup>8</sup> Chief Justice

<sup>8</sup> These parishes that did not expressly accede to the Dennis Canon should retain ownership of the disputed real and personal property.

421 S.C. at 249, 806 S.E.2d at 102.

TEC argues that the parishes’ accession to the Dennis Canon created the trust. Assuming that each parish acceded in writing, I would agree.

*Id.* at 250–51, 806 S.E.2d at 103.

In my view, the Dennis Canon had no effect until acceded to in writing by the individual parishes.

*Id.* at 250, 806 S.E.2d at 103.

Beatty further noted that a mere promise of allegiance to TEC is not enough to constitute an express accession to the Dennis Canon. “Without more, this promise cannot deprive them of their ownership rights in their property.” *Id.* However, without listing any specific parishes, he stated that as to the “remaining parishes...their express accession to the Dennis Canon was sufficient to create an irrevocable trust.” *Id.* Chief Justice Beatty also stated in a footnote that the Diocese could not be the Trustees’ beneficiary of Camp St. Christopher. *Id.* Finally, he expressed no opinion concerning the service mark claim. *Id.*, 421 S.C. at 249, 806 S.E.2d at 102. Justice Kittredge wrote a separate opinion, dissenting in part and concurring in part. *Id.*, 421 S.C. at 260, 806 S.E.2d at 108. Justice Kittredge also noted he concurred in the result which would have been reached by the opinion of Acting Justice Toal. *Id.*, 421 S.C. at 251, 806 S.E.2d at 103. Acting Justice Toal wrote a separate dissenting opinion, finding that the Plaintiffs are the fee simple owners of the disputed real and personal property and that the Diocese is the Trustees’ beneficiary of Camp St. Christopher. Acting Justice Toal affirmed the trial court’s ruling on the service mark claim but deferred to the federal court to answer any intellectual property matters arising under the federal Lanham Act. *Id.*, 421 S.C. at 261, 806 S.E.2d at 108 (Toal, A.J., dissenting).

Under South Carolina law, when a fragmented Court decides a case and no single rationale has the support of a majority of justices, the controlling position is the one taken by the Justices who concurred on the narrowest grounds. *Harkins v. Greenville Cty.*, 340 S.C. 606, 617, 533 S.E.2d 886, 891 n.1 (2000); *State v. Harrison*, 402 S.C. 288, 298, 741 S.E.2d 727, 732 (2013). Because each Justice wrote separately in the Opinion, the controlling position is the narrowest

...the parishes that did not accede to the Dennis Canon cannot be divested of their property.

*Id.*

grounds concurred upon by three Justices. The issue for this Court is what is the intent of the Court expressed in the plurality opinion, which is consistent with the law of the case, based on the intersection of Chief Justice Beatty's opinion with those of Acting Justice Pleicones and Justice Hearn on the one hand, and with Justice Kittredge and Acting Justice Toal's on the other.

#### **D. The Law of the Case**

Defendants argue the Collective Opinions are the "law of the case". Defs. Amended Petition for Relief at 4. The law of the case posits that the decision of an appellate court on a legal issue is the law of the case to be followed in subsequent proceedings. *Arizona v. California*, 460 U.S. 605, 618-19 (1983); *Flexon v. PHC-Jasper, Inc.*, 413 S.C. 561, 571-75, 776 S.E.2d 397, 403-05 (Ct. App. 2015) ("a decision on an issue of law made at one stage of the case becomes binding precedent to be followed in subsequent stages of the same litigation"). There must be an actual decision of the legal issue for it to become the law of the case. *Howe v. City of Akron*, 801 F.3d 718, 739-40 (6th Cir. 2015); *Accord, Flexon*, 413 S.C. at 571, 776 S.E.2d at 403. Implicitly decided issues fall within the doctrine, *Entek GRB, LLC v. Stull Ranches, LLC*, 840 F.3d 1239, 1241 (10th Cir. 2016), but ambiguous ones do not. *First Union Nat. Bank v. Pictet Overseas Trust Corp., Ltd.*, 477 F.3d 616, 619-21 (8th Cir. 2007). The law of the case is an "amorphous concept" that "directs a court's discretion" but does not limit its power to alter the result. *Pepper v. United States*, 562 U.S. 476, 506-07 (2011); *Flexon*, 413 S.C. at 572, n.6, 776 S.E.2d at 403, n.6. The legal issues decided by an appellate court

must be followed in all subsequent proceedings in the same case in the trial court or on a later appeal in the appellate court unless the evidence on a subsequent trial was substantially different, controlling authority has since made a contrary decision of the law applicable to such issues, or the decision was clearly erroneous and would work a manifest injustice.

*Flexon*, 413 S.C. at 573, 776 S.E.2d at 404 (citation omitted). The law of the case does not apply to dicta, *White v Colony, Inc.*, 609 S.E.2d 811 (Ct. App. 2005) and appellate court statements about an unpreserved issue are dicta. *Berberich v. Jack*, 709 S.E.2d 607, 613 (SC 2011).

With respect to parish property, the Supreme Court, Chief Justice Beatty, Justice Kittredge and Acting Justice Toal, established that the law of this case, following the precedent of *All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of South Carolina*, 385 S.C. 428, 685 S.E.2d 163 (2009). In *All Saints*, a trust can be created in favor of TEC only if, when strictly applying neutral principles of “longstanding trust law”, each parish church expressly agreed in a signed writing to the Dennis Canon.<sup>9</sup> Chief Justice Beatty found that the Dennis Canon, standing alone, does not “unequivocally convey an intention to transfer ownership of property to the national church....” Rather, he relies on the statutory provision on an express trust’s creation: “To be valid, a trust of real property, created by transfer in trust or by declaration of trust, must be proved by some writing signed by the party creating the trust.” 421 S.C. at 250, 806 S.E.2d at 102-103. According to *All Saints* and the three justice majority in this case on the standard to apply in resolving all such disputes, a trust of real property in South Carolina must be proven to meet these requirements to be “legally cognizable”.

Similarly, the law of the case with respect to the Diocese and Trustees issues is that those with the right to control those two corporations necessarily control their real, personal and intellectual property. Chief Justice Beatty expressly reaffirmed the authority of *All Saints* that neutral principles of corporate law determine corporate control in church disputes. 421 S.C. at 249, 806 S.E.2d at 102.

<sup>9</sup> *All Saints* continues to be the controlling law on these issues. *Jenkins v. Refuge Temple of God in Christ, Inc.*, 424 S.C. 320, 328, 818 S.E.2d 13, 17 (Ct. App. 2018).

The issue with respect to the Diocese, litigated before Judge Goodstein, was the right to control the Diocese, not whether it owned its real, personal and intellectual property. As to property ownership, it was uncontested that the Dennis Canon does not apply to the property of the Diocese or Trustees and the Defendants admitted the Diocese owned its names and marks. Final Order at 26, 39-40. Consequently, whether the Diocese owned its property was not part of the appeal. Furthermore, the Diocese's intellectual property is protected by a permanent injunction which stands on the service mark statutory ground because of a 2-2 decision, with Chief Justice Beatty stating he has no opinion. 421 S.C. at 249, 806 S.E.2d at 102. However, it also stands because the Defendants failed to appeal the alternative statutory basis<sup>10</sup> for the injunction, which is now the law of the case. *Dreher v. S. Carolina Dep't. of Health & Envtl. Control*, 412 S.C. 244 249-50, 772 S.E.2d. 505, 508 (S.C. Mar.18, 2015); *Anderson v. Short*, 323 S.C. 522, 525, 476 S.E.2d 475, 477 (1996). Whether the Diocese owned its property was not an issue at trial nor was it raised on appeal and the decision of Judge Goodstein on that issue is thus the law of the case.<sup>11</sup>

#### **E. Trustees' Statutory Beneficiary**

<sup>10</sup> Judge Goodstein issued an injunction under two separate statutes, one involving infringement of service marks, S.C. Code §§39-15-1105 et. seq., the other involving Improper Use of Names, Styles and Emblems," S.C. Code §§16-17-310 and 320. "Under both statutes, the Plaintiffs have established their entitlement to permanent injunctive relief." Fin. Or. at 43. Defendants appealed the injunction under the first statute, Service Mark Infringement, but not the second statute, Improper use of Names, Styles and Emblems. This was noted in the Brief of Respondents on appeal, when they stated "Appellants fail to address Respondents' cause of action based on S.C. Code Ann. §16-7-310 "Improper Use of Names." ...The Circuit Court found that this statute provided additional grounds for injunctive relief. Appellant have simply ignored it." Br. of Resp. at 56. Defendants then argued against its applicability for the first time in its reply brief. Reply Brief at 6. All issues must be argued in the initial briefs. Rule 208 (B)(1)(), SCACR. A reply brief may not be used by Appellant to raise an issue for the first time. *Bochette v. Bochette*, 300 S.C. 109, 112, 386 S.E.2d, 475, 477 (Ct. App. 1989).

<sup>11</sup> Defendants' brief to the South Carolina Supreme Court did not take issue with the trial court's finding that the Diocese owned its intellectual property. The Brief referenced "the Diocese's state-registered trademarks", "plaintiffs' marks", plaintiffs' state-registered trademarks" and "plaintiffs' state registrations". Br. of Appellants at 9, 11, 39 and 40, (August 6, 2015).

The issue of the proper statutory beneficiary of the Trustees was both tried and appealed. Judge Goodstein found the statutory beneficiary was the Diocese not TEC. Acting Justice Pleicones, joined in by Justice Hearn, found the beneficiary to be the ECSC not on the basis of the Trustees statutes but by deferring to TEC's choice of its "true" Diocese under a legal standard (deference) rejected by Chief Justice Beatty who reaffirmed the controlling authority of *All Saints* on the legal issue of corporate control. Acting Justice Toal, joined in by Justice Kittredge, affirmed Judge Goodstein's decision that the Diocese was the beneficiary. Chief Justice Beatty did not discuss the issue except in a footnote where he finds that the Diocese cannot be the trust beneficiary of Camp St. Christopher based on the language of its deed.

Under *All Saints*, a religious non-profit corporation who follows the correct steps to sever its association with another entity does so with all its property interests intact. All Saints Parish Waccamaw withdrew from the Diocese and did not simply by that act lose its rights to property. The Collective Opinions found that the Diocese and parishes properly disassociated. Before the Diocese's disassociation, it is not disputed that it was the beneficiary of those Trustees' assets which are held for the benefit of a Diocese. This Court's view is that Chief Justice Beatty's intent cannot be that the act of disassociation alone caused the loss of beneficiary status because that would be inconsistent with *All Saints* upon which he relied. This is especially so since the Dennis Canon does not apply to the property of a Diocese. Chief Justice Beatty in a footnote references the language of a deed as affecting beneficial rights. There is nothing in Judge Goodstein's order nor in the record on appeal that suggests the beneficiary of Camp St. Christopher was an issue based on the language of its deed.<sup>12</sup> Before the Diocese could be deprived of its beneficial rights

<sup>12</sup> Camp St. Christopher is mentioned in the trial record only when its deed was introduced and it was noted that the deed makes no reference to TEC being its beneficiary. Tr. Trans. at 62, 273.

to Camp St. Christopher based on such a finding, due process would require that it have an opportunity to be heard. However, the rehearing petition was never ruled upon with respect to the merits due to the 2-2 deadlock, and thus this opportunity has yet to be meaningfully had. Having considered the arguments, I find because the argument and issue regarding the language of the deed was never presented by TEC to the trial court for a decision nor was it ruled on by the trial court, the language of the deed cannot now be used as a basis for reversal of the trial court's order.

#### **F. Parish Property**

On the issue of whether there exists a trust on parish property, Chief Justice Beatty found that if a parish expressly acceded to the Dennis Canon then a trust over the parish's property was created. *Protestant Episcopal Church*, 421 S.C. 211, 251, 806 S.E.2d 82, 103 (2017) (Beatty, C.J., concurring in part and dissenting in part). On the other hand, he expressly noted that "the parishes that did not expressly accede to the Dennis Canon cannot be divested of their property." *Id.* Chief Justice Beatty further stated that, "TEC argues that the parishes accession to the Dennis Canon created the trust. Assuming that each parish acceded in writing, I would agree." *Id.* Chief Justice Beatty did not identify the parishes that expressly acceded to the Dennis Canon. *Id.* <sup>13</sup>

"The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *South Carolina Department of Social Services v. Witsor*, 352 S.C.445, 452, 574 S.E.2d 730, 734 (2002). "Substantive rights - life, liberty and property – cannot

<sup>13</sup> That such accession must be directly to the Dennis Canon and not simply to rules within which it is contained is made clear not only by Chief Justice Beatty's words, but also because of two other evidences of intent. Chief Justice Beatty relies upon *All Saints* and he participated in that unanimous decision. *All Saints* did not find that the withdrawing parish there created a trust by having the following in its Articles of Incorporation: "The purpose of the said proposed Corporation is to conduct religious services, and prosecute religious works under the forms and according to the canons and rules of the Protestant Episcopal Church, and as a component part of the Diocese of said church in South Carolina." 385 S.C at 439, n. 5, 685 S.E. 2d at 169, n5. Similarly, in this case, the Defendants' claims of accession were denied with respect to St. John's and St. Matthias because "neither of those churches ever directly acceded to the local or national version of the Dennis Canon." 421 S.C. at 265, n. 49, 806 S.E. 2d at 111, n. 49.



be deprived except pursuant to constitutionally adequate procedures.” *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 541 (1985). This is a “constitutional guarantee.” *Id.* The Due Process Clause’s “root requirement” is that there be “an opportunity for a hearing *before* [an owner] is deprived of any significant property interest.” *Id.* at 542 (emphasis in original). The Court finds that Plaintiffs would be deprived of due process if their property rights to parish property are revoked without a finding, pursuant to a proper opportunity for argument and based on a proper record, that they indeed acceded to the Dennis Canon pursuant to Chief Justice Beatty’s concurring opinion. See *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673 (1930) (stating that one cannot be deprived of property, “whether acting through its judiciary or through its legislature . . . unless there is, or was, afforded to him some real opportunity to protect it.”).

Accordingly, the Court has first reviewed the Record on Appeal before the South Carolina Supreme Court in this action to determine whether the South Carolina Supreme Court intended to identify and make a ruling of fact and law regarding which Parishes expressly acceded to the Dennis Canon. Rule 210(h), SCACR (“Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal.”).

The only material in the Record on Appeal related to express accession appears in Defendants’ Motion to Reconsider Judge Goodstein’s February 3, 2015 Order. This material is simply argument of counsel.<sup>14</sup> Argument is not evidence. *Bowers v. Bowers*, 304 S.C. 65, 68, 403

<sup>14</sup> In their argument, the Defendants admitted certain parishes did not accede to the Dennis Canon. Those parishes are not part of this proceeding, as a result of this concession. There is disagreement within the Collective Opinions as to whether the number of non-acceding churches is 7 or 8. The eighth non-acceding parish would be “The Vestries and Churchwardens of the Parish of St. Andrews (“Old St. Andrews”).

S.E.2d 127, 129 (Ct. App. 1991); *see also* *McManus v. Bank of Greenwood*, 171 S.C. 84, 89, 171 S.E. 473, 475 (1933) (“This court has repeatedly held that statements of fact appearing only in argument of counsel will not be considered.”). In their briefing before the South Carolina Supreme Court, Defendants also argued that Plaintiffs expressly acceded to the Dennis Canon. However, they only did so in the context of its being part of a larger set of church rules. (*See* Br. of Appellant at p. 38 (“The plaintiff parishes’ voluntary accession to the National Church’s rules, *including the Dennis Canon*, supplies the requisite intent to hold their property in trust for the National Church.”) (emphasis added)).<sup>15</sup> There is no evidence of written accession to the Dennis Canon in the Record, and Defendants’ representation to the South Carolina Supreme Court that there was an express accession to the Dennis Canon by the parishes is thus unsupported by any evidence in the Record

The issue presented with respect to Old St. Andrews is whether it was the Supreme Court’s intention to include it among those found, based on Defendants’ admissions, not to have acceded to the Dennis Canon.

The Supreme Court notes a discrepancy between whether there are seven or eight parishes whom the Defendants admitted did not accede to the Dennis Canon. It is not disputed that Old St. Andrews was omitted by Defendants from their list of acceding parishes. It is equally undisputed that there is no parish called “the Parish of St. Andrew, Mt. Pleasant.” There is a parish called “St. Andrews Church – Mt. Pleasant Land Trust.” That parish is properly named in footnote 49. The only other parish appearing in this case with a similar name is “The Vestries and Churchwardens of The Parish of St. Andrews” (located in West Ashley section of Charleston and founded in 1706). Given this fact and the omission of this parish on Defendants list from those that acceded, it is clear that this is a clerical error that is “not the result of exercise of a judicial function” and “this may be corrected by the Court at any time.” Rule 60(b), SCRCP. Additionally, I find that “Old St. Andrews’ was not among those Defendants listed in the Record on Appeal as having acceded to the Dennis Canon and accordingly fits the category of parishes listed in footnote 49 of the Collective Opinions. There is no trust as to Old St. Andrews because Defendants admitted in the Record on Appeal that it did not accede to the Dennis Canon.

<sup>15</sup> The Defendants arguments on appeal were not that each parish agreed to the Dennis Canon itself but rather that they agreed to a larger set of information in which the Dennis Canon was included. Defendants stated that the parishes agreed to “the National Church’s authority and rules”, “to obey National church governance”, “written promises to obey National Church rules”, the “National Church’s rules”, “abide by the National Church’s rules”, “rules of the national governing body”, “promises of allegiance” to church rules, “accession to the National Church’s rules”, the parishes “made express promises in their governing documents to comply with the National Church’s rules”. Br. of Appellants at 8, 12, 30, 34, and 38, (August 6, 2015).

on Appeal. The Court cannot carry out the required determination mandated by the concurring opinion of Chief Justice Beatty by looking only to the Record on Appeal.

After the Collective Opinions, Plaintiffs petitioned for rehearing. Plaintiffs noted in their Rehearing Petition that there was no evidence on accession to the Dennis Canon in the Record on Appeal. This Court has confirmed that to be correct.<sup>16</sup> Plaintiffs further noted in their Petition for Rehearing the Supreme Court's power to order up before it portions of the lower court record to supplement the Record on Appeal, and Plaintiffs urged that were the Supreme Court to do so, the Supreme Court would find there was no express accession by any parish to the Dennis Canon. The Supreme Court did not and could not act on these requests, however, due to its 2-2 deadlock on the Petition for Rehearing. *See Laird v. Tatum*, 409 U.S. 824, 838 (1972) (stating that an affirmance by an equally divided court leaves unsettled the principle of law presented by the case); *Ohio ex rel. Eaton v. Price*, 364 U.S. 263, 264 (1960) (Brennan, J., concurring) (stating that "nothing is settled" by an equally divided court). Defendants' argument that due process is satisfied because Plaintiffs have had an opportunity to have their arguments regarding accession heard by the South Carolina Supreme Court is unavailing. The Supreme Court denied Plaintiffs' petition for rehearing on a 2-2 vote. This Court notes that in his opinion regarding the Petition for Rehearing joined in by Acting Justice Toal, Justice Kittredge stated that, "[u]nder these circumstances, to disallow a full Court from considering the rehearing petitions is deeply troubling and, in my judgment, raises constitutional implications as the Court has blocked a fair and meaningful merits review of the rehearing petitions." (Order Den. Mot. Recuse at p. 3 (Kittredge, J., concurring in separate order).) This Court agrees and finds that, to ensure Plaintiffs' due process

<sup>16</sup> Generally, this Court notes that an Appellant has the duty to furnish an adequate Record on Appeal sufficient to achieve reversal. *Harkins v. Greenville Cty.*, 340 S.C. 606, 616, 533 S.E.2d 886, 891 (2000).

rights are protected, the Court must determine, as a factual matter, whether Plaintiffs expressly acceded to the Dennis Canon.

#### **IV. FINDINGS OF FACT WITH RESPECT TO PARISH AGREEMENT ("ACCESSION") TO THE DENNIS CANON**

In order to make the determination of which parishes expressly acceded to the Dennis Canon, this Court will thus have to look to the evidence presented on this issue to the trial court. This material has already been identified by Plaintiffs and presented to this Court. It is located at Court Exhibit 1, and consists of the Exhibits and Trial Transcript pages noted therein. There could be no reasonable dispute between the parties as to whether this evidence, which was before the trial court but not before the Supreme Court, is in fact the evidence which a court would review to determine whether express accession directly to the Dennis Canon occurred by a parish(es). Judge Goodstein of course made no finding on individual express accession, as such was unnecessary to her ruling.

In order to effectuate the intent of the opinion of Chief Justice Beatty, this Court has reviewed all of the evidence in Court Exhibit 1. This Court finds, in accordance with the ruling of Chief Justice Beatty, that, as a factual matter, the Plaintiffs "merely promised allegiance to the hierarchical national church. Without more, this promise cannot deprive them of their ownership rights in their property." 421 S.C. at 251, 806 S.E.2d at 103 (Beatty, C.J., concurring in part and dissenting in part). This Court finds as a factual matter that no Parish expressly acceded to the Dennis Canon. The Dennis Canon is not mentioned by name in any of the evidence and Defendants admit that the Dennis Canon is not referenced in any of the many deeds of parish property. Tr. of Hearing, July 23, 2019 at 38. As a result, in carrying out the ruling by Chief Justice Beatty, there is no trust created in favor of the Defendants. Statements of allegiance or promises

of obedience to the Constitution and Canons of TEC or the Diocese of South Carolina generally are insufficient to support a finding of express accession to the Dennis Canon. *Id.*; see also *All Saints Par. Waccamaw v. Protestant Episcopal Church in Diocese of S.C.*, 385 S.C. 428, 439, 685 S.E.2d 163, 169 n.5 (2009) ( a governing article providing, “The purpose of the said proposed Corporation is to conduct Religious services, and prosecute religious works under the forms and according to the canons and rules of the protestant Episcopal Church, and as a component part of the Diocese of said Church in South Carolina[,]” was not found to create a trust pursuant to the Dennis Canon).

Moreover, assuming that a general agreement to a set of rules (here the TEC Constitution and Canons) was sufficient to show an unequivocal intent to create a trust based on unilaterally drafted language appearing on part of page 40 in a 262 page document (D. Ex 24 at 40), which is amendable (D. Ex. 24 at 181), and when there is no evidence in the record of any parish discussing it, voting on it or otherwise considering it,<sup>17</sup> there are independent reasons Defendants have not met their burden of establishing an express trust. The record before this Court reflects that there

<sup>17</sup> Parish churches have never been members of TEC and none of the parish churches have ever participated in General Conventions of TEC. Final Or. at 17, ¶53; *Id.* at 33; Tr. at 1106; *TEC Response to First Request for Admission No 2 by Church of Our Saviour of the Diocese of SC; Church of the Cross, Inc. and Church of the Cross Declaration of Trust; The Church of the Epiphany; St. Davids Church, The Vestry and Church Wardens of the Episcopal Church of the Parish of St. Helena and the Parish Church of St. Helena Trust; Vestry and Church Wardens of The Episcopal Church of St. John’s, Charleston County; The Vestry and Church Wardens of St. Jude’s Church of Walterboro; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In the State of South Carolina and St. Michael’s Church Declaration of Trust; and Trinity Episcopal Church, Edisto Island, October 8, 2013.*

While the parishes were members of the Diocese and as such voted to add the Dennis in 1987 to the Diocesan Canons, they also voted to remove it by greater than 90% in 2010 two years before the Diocese (and the Parishes) withdrew from TEC. Fin. Order, Finding 27 at 11. This finding was not contested on appeal.

are parishes for which there is no signed writing<sup>18</sup>, parishes for which there is no accession to TEC's canons<sup>19</sup>, parishes who do not use the word "accession" or "accede" at all<sup>20</sup>, parishes that are not subject to the Non-Profit Act (Fin. Or. at 17-18) and parishes whose property was the result of a legislative grant not subject to divestment without evidence of unmistakable intent to do so (Fin. Or. at 19, 36, n.16).

A cogent example of the erroneous breadth of Defendants' accession argument is that of St. Philips, a plaintiff parish in Charleston. The only evidence with respect to St. Philip's that Defendants argue constitutes accession to the Dennis Canon is in its 1987 Articles of Restatement

<sup>18</sup> Church of the Holy Comforter; St. Bartholomews Episcopal Church; St. James' Church, James Island, S.C.; Saint Luke's Church, Hilton Head; All Saints Protestant Episcopal Church, Inc.; The Church of the Holy Cross; St. Davids Church; The Vestry and Church Wardens of St. Jude's Church of Walterboro; Trinity Church of Myrtle Beach; Church of the Redeemer; The Vestry and Wardens Of St. Paul's Church, Summerville; Trinity Episcopal Church; Church Of the Cross, Inc. and Church Of the Cross Declaration of Trust; The Church Of the Epiphany (Episcopal); The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. Helena and The Parish Church of St. Helena Trust; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In The State of South Carolina and St. Michael's Church Declaration of Trust; Trinity Episcopal Church, Pinopolis; Christ St. Paul's Episcopal Church; St. Paul's Episcopal Church of Bennettsville, Inc.

<sup>19</sup> Church Of the Cross, Inc. and Church Of The Cross Declaration of Trust; The Church Of The Epiphany (Episcopal); The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In The State of South Carolina and St. Michael's Church Declaration of Trust; The Protestant Episcopal Church, Of The Parish Of Saint Philip In Charleston, In The State of South Carolina; The Church Of The Good Shepherd, Charleston, SC; St. Paul's Episcopal Church of Bennettsville, Inc.

<sup>20</sup> All Saints Protestant Episcopal Church, Inc.; Vestry and Church Wardens Of The Episcopal Church Of The Parish Of ST. John's, Charleston County; The Church Of Our Saviour Of The Diocese Of South Carolina; Church of the Redeemer; The Church Of The Resurrection, Surfside; The Church Of St. Luke and St. Paul, Radcliffesboro; The Vestry and Wardens Of St. Paul's Church, Summerville; Trinity Episcopal Church; Church Of the Cross, Inc. and Church Of the Cross Declaration of Trust; The Church Of The Epiphany (Episcopal); The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. Helena and The Parish Church of St. Helena Trust; St. Paul's Episcopal Church of Bennettsville, Inc.; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In The State of South Carolina and St. Michael's Church Declaration of Trust; The Protestant Episcopal Church, Of The Parish Of Saint Philip In Charleston, In The State of South Carolina; Trinity Episcopal Church, Pinopolis; Christ St. Paul's Episcopal Church; The Church Of The Good Shepherd, Charleston, SC.

where it describes the purpose of the parish corporation as “preaching and teaching the Gospel of our Lord and Savior, Jesus Christ, in accord with the Articles of Religion of the Protestant Episcopal Church in the United States of America...” Ex. SPH 30. There is no expression in this statement at all of any agreement to TEC’s Constitution and Canons much less to the Dennis Canon specifically. The Articles of Religion, found on pages 867 to 876 of Exhibits D-6 and D-512, were established in 1801 (page 867). They predate the Dennis Canon by 178 years and they relate exclusively to religious doctrine. This is not an express accession to any rules much less an express agreement to the terms of the Dennis Canon or even the expression of allegiance to TEC. Accordingly no trust could be, or was, created by this statement.

Defendants, as proponents of the existence of trusts, carry the burden to establish their creation.<sup>21</sup> I find that even if agreement to a set of rules containing the Dennis Canon was sufficient to be the necessary writing for a trust’s creation, it is insufficient to establish that each parish intended to create a legally enforceable trust in favor of TEC over all its property. As noted by the Missouri Court of Appeals, in considering a similar property-trust clause in the Presbyterian Church’s Book of Order,

<sup>21</sup> The Court notes that the issues of “minimal burden” and trust revocability advanced by Defendants were not argued to, nor ruled upon, by the trial court. They appear in the Collective Opinions apparently because they were argued in the Appellants’ Brief. Raised for the first time in their appellate brief, these would not have been properly before the Supreme Court. *State v. Dunbar*, 356 S.C. 138, 142-43, 587 S.E.2d 691, 693 (2003) (issue not considered by the trial court cannot be considered *sue sponte* by an appellate court as the basis of its decision). However, the Court finds it unnecessary to reach these issues because it finds a failure of proof by Defendants in establishing that each parish church expressly agreed to the Dennis Canon in a signed writing that unequivocally establishes the intent to create a trust.

The Court also notes that the issue of “accession” was not included in the statement of issues on appeal as required by Rule 208 (b)(1)(B), SCACR; *State v. Crocker*, 366 S.C. 394 (Ct. App. 2005). Justice Hearn joined by Acting Justice Pleicones also noted that the issue of accession (as to those parishes found by Defendants’ admission not to have acceded to the Dennis Canon) should not have been determined due to the “dearth of evidence on this issue in this voluminous record.” 421 S.C. at 243, 806 S.E.2d at 99.

[O]ur laws are based on the reasonable assumption that a party would not intend to convey its property (in this case with millions of dollars) in trust without signing the writing purporting to create the trust, identifying the property to be conveyed, and expressing a definite intention to create a trust.

*Colonial Presbyterian Church v. Heartland Presbytery*, 375 S.W. 3d 190, 197 (Mo. Ct. App. 2012)

Based on this Court's review of the record, there has been no "accession" to the Dennis Canon such that the Plaintiffs' agreed that their property should be in trust for the benefit of TEC. TEC's arguments that the unilateral Dennis Canon alone, or the Canon in conjunction with various pledges of allegiance and the like are sufficient to create a trust under South Carolina law are rejected.

#### **G. Conclusion**

Based on the above, this Court GRANTS the Plaintiffs' Motion for Clarification. This Court has endeavored to carry out the intent of the Collective Opinions to the best of its ability, considering the record (both the trial and appellate records) and has made further rulings based on the presentations and filings of the parties, all as set forth herein.

**IT IS SO ORDERED.**

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Judge Edgar W. Dickson  
Circuit Court Judge

\_\_\_\_\_, South Carolina  
\_\_\_\_\_, 20\_\_



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|------------------------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA                  | ) | IN THE COURT OF COMMON PLEAS   |
|                                          | ) |                                |
| COUNTY OF DORCHESTER                     | ) | FOR THE FIRST JUDICIAL CIRCUIT |
|                                          | ) |                                |
| The Protestant Episcopal Church In The   | ) | Case No. 2013-CP-18-00013      |
| Diocese Of South Carolina, <i>et al.</i> | ) |                                |
|                                          | ) |                                |
| v.                                       | ) | <b>ORDER</b>                   |
|                                          | ) |                                |
| The Episcopal Church, <i>et al.</i>      | ) |                                |
|                                          | ) |                                |
|                                          | ) |                                |

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This action was remitted to this Court following the South Carolina Supreme Court's final judgment in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018). Plaintiffs have moved this Court to clarify the Supreme Court's decision, while Defendants have petitioned this Court to enforce the Supreme Court's decision.<sup>1</sup> The Court considers here Plaintiffs' motion for clarification, which it DENIES.

### BACKGROUND

On January 4, 2013, Plaintiffs filed their complaint.

On February 3, 2015, the trial court issued its decision after a three-week trial.

On August 2, 2017, the South Carolina Supreme Court issued its decision.

On September 1, 2017, Plaintiffs petitioned the South Carolina Supreme Court for a rehearing.

On November 17, 2017, the South Carolina Supreme Court denied the petition for rehearing and remitted the case to this Court.

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<sup>1</sup> The clarification motion filed by Plaintiffs is titled a Motion for Clarification of Jurisdiction and Further Relief. The enforcement petitions filed by Defendants include a Petition for Execution and Further Relief on Declaratory Judgments of the South Carolina Supreme Court and for the Appointment of a Special Master, and a Petition for an Accounting.

On February 9, 2018, Plaintiffs petitioned for a writ of certiorari to the United States Supreme Court, which was denied on June 11, 2018.

While Plaintiffs' petition for writ of certiorari was pending, on March 23, 2018, Plaintiffs filed a motion in this Court to clarify the South Carolina Supreme Court's decision (which they later supplemented on September 24, 2018).

Meanwhile, on May 8, 2018, Defendants filed a petition in this Court for enforcement and the appointment of a special master (which they amended on May 16, 2018).

On July 7, 2018, Defendants filed a petition in this Court for an accounting.

This Court has held two hearings on Plaintiffs' motion to clarify: first on November 19, 2018, and second on November 26, 2019.

The Court has considered the parties' briefs and oral arguments and makes the following conclusions of law.

### **JURISDICTION AND DUTY ON REMITTITUR**

This Court has the jurisdiction and duty to enforce the Supreme Court's final decision in this matter remitted to it on November 17, 2017. "Once the remittitur is sent down from this [Supreme] Court, [the] Circuit Court acquires jurisdiction to enforce the judgment and take any action consistent with the Supreme Court ruling." *Muller v. Myrtle Beach Golf and Yacht Club*, 313 S.C. 412, 414-15, 438 S.E.2d 248, 250 (1993). "The trial court has a duty to follow the appellate court's directions." *Prince v. Beaufort Mem'l Hosp.*, 392 S.C. 599, 605, 709 S.E.2d 122, 125 (Ct. App. 2011). "Matters decided by the appellate court cannot be reheard, reconsidered, or relitigated in the trial court, even under the guise of a different form." *Ackerman v. McMillan*, 477 S.E.2d 267, 268, 324 S.C. 440 (Ct. App. 1996).

Contrary to these controlling principles of law on remittitur, Plaintiffs' motion for clarification asks this Court to rehear, reconsider, and relitigate fundamental issues already decided in the case, and ultimately reverse the South Carolina Supreme Court's disposition of the disputed property and award that property to Plaintiffs. This Court, however, cannot clarify, or otherwise change or modify, a final judgment of the South Carolina Supreme Court. Rather, this Court's sole function, after a dispute has been finally decided on the merits and all appeals exhausted, is to enforce the judgment of the State's highest court. While the Court may summarize its understanding of the judgment as supported by the controlling language from the opinions written by the majority, the Court lacks authority to conduct its own review of the issues decided, interject its own opinion regarding the dispute, or alter the judgment. At the outset, Plaintiffs' motion must accordingly be denied because the clarification they seek is inconsistent with this Court's jurisdiction and duty on remittitur.

#### **THE SOUTH CAROLINA SUPREME COURT'S DENIAL OF REHEARING AND REMAND**

Plaintiffs' motion for clarification asks this Court to consider the same arguments that were raised in their petition for rehearing to the South Carolina Supreme Court, which included a request for a "*remand*" (at 21-22).<sup>2</sup> That petition for rehearing and request for remand was denied. The South Carolina Supreme Court's order, dated November 17, 2017, expressly states: "[T]he petitions for rehearing have been denied, and the opinions previously filed in this case reflect the

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<sup>2</sup> The arguments Plaintiffs make in their motion for clarification that they also made in their unsuccessful petition for rehearing include the following: that evidence of parish accessions was insufficient (Petition for Rehearing at 19-33); that the trusts were revocable (*id.* at 20); that the minimal burden for creating the trusts was not satisfied (*id.* at 2, 5, and 7); that their defenses were not properly considered (*id.* at 36); that due process was denied (*id.* at 5, 16, and 35); that the trial court was reversed on issues it did not rule upon (*id.* at 22); and that issues were not preserved for review (*id.* at 3, 5, 22, and 24).

*final decision of this Court. The Clerk of this Court shall send the remittitur.*” (emphasis added).

Thus, the Supreme Court both refused to hear the arguments contained in the petitions for rehearing *and* refused to remand the case or instruct this Court to hear those arguments. As a matter of fundamental legal procedure and jurisdiction, this Court has no authority to step into the shoes of the Supreme Court and grant Plaintiffs a rehearing and remand of the Supreme Court’s decision. Nor can this Court consider arguments that the Supreme Court determined did not warrant a rehearing or remand under the guise of providing clarification. The Court reiterates that its jurisdiction and duty is limited to enforcing the Supreme Court’s decision and taking actions consistent therewith.

While Plaintiffs make much of the fact that the Supreme Court’s denial of their petition for rehearing was by a vote of 2-2, with Associate Justice Hearn abstaining, the four Justices that voted all signed the order that expressly denied the petition for rehearing and ordered the clerk to send the remittitur. There is no question therefore that this Court is bound by that denial and remittitur.<sup>3</sup>

### **THE SOUTH CAROLINA SUPREME COURT’S FINAL DECISION**

The South Carolina Supreme Court resolved a property dispute between the parties. The property at issue included both parish property and diocesan property. Plaintiffs claimed to have disassociated the local historic diocese from The Episcopal Church, taking its property, along with the property of its numerous parishes. Defendants counterclaimed that the local historic diocese,

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<sup>3</sup> The federal court in the trademark-related action also recently rejected Plaintiffs’ argument that the 2-2 vote on the rehearing petition affects the finality of the Supreme Court’s decision. *vonRosenberg v. Lawrence*, Case No. 2:13-cv-00587-RMG (Order dated September 19, 2019) at 10 n.8 (“Defendants additionally argue that the ruling of the South Carolina Supreme Court did not resolve these issues since the Court split two to two on granting a petition for rehearing. However, while the vote to grant the petition for rehearing was split, the petition itself was denied by all four members of the South Carolina Supreme Court as the petition failed to receive a majority. The Order on the petition for rehearing therefore has no effect on the finality of the South Carolina Supreme Court’s ruling.”).

and all of its diocesan property, did not disassociate and remain a continuing local diocese of The Episcopal Church, and that the parishes hold the parish property in trust for the diocese and the Church.

The majority of the Supreme Court, consisting of Acting Justice Pleicones, Associate Justice Hearn, and Chief Justice Beatty, held that Defendants prevailed with respect to the property of the local historic diocese and 29 of the 36 of its parishes, as set forth more fully below.

In accord with the controlling principles of law on remittitur, this Court is duty-bound to accept and enforce the decision of the Supreme Court. Without attempting to clarify, relitigate, reverse, or otherwise change or modify the Supreme Court's decision, this Court recognizes its responsibility to enforce the Supreme Court's decision and rejects Plaintiffs' contrary interpretations that are inconsistent with the plain language of the Supreme Court's decision.

The Court prefaces its more detailed discussion of the Supreme Court's decision by noting that Plaintiffs previously acknowledged the Supreme Court's disposition of the disputed property that they now contend requires clarification.

Plaintiffs' petition for rehearing stated: "*The decision to strip Petitioners of their property rights...*" (Petition for Rehearing at 2); "*Nevertheless, the effect of the majority of the opinions is to deprive them of their property retroactively."* (*id.* at 4 n.1); "*[T]he Court's action constitutes a deprivation and a taking of the private property of respondents...*" (*id.* at 16); "*As a result, the majority would transfer the real and personal property of South Carolina religious organizations, many of which preexisted The Episcopal Church and the United States, to a New York religious organization"* (*id.* at 36) (emphases added).

Plaintiffs petition for a writ of certiorari to the United States Supreme Court likewise acknowledged: "*This case involves a dispute over property...*" "*Petitioners lost below...*" and

*“the state court’s resolution of the First Amendment question was dispositive...”* (Petition for Writ of Certiorari at 8, 18, and 38) (emphasis added).

**a. Parish Property**

**i. *The Supreme Court’s Disposition Of The Parish Property***

The real and personal property of 36 parishes was at issue in the case. The Supreme Court held that Defendants hold irrevocable trust interests in the property of 29 of the parishes and have no interest in the property of the 7 other parishes. The majority’s disposition of the parish property at issue is set forth in the following excerpts from their opinions.

Associate Justice Hearn, who was “*join[ed]*” by Acting Justice Pleicones, 421 S.C. at 231, 806 S.E.2d at 93 (Pleicones, J.), set out the majority’s disposition of the parishes, stating that “*I join Acting Justice Pleicones and Chief Justice Beatty in reversing the trial court as to the twenty-nine parishes.*” 421 S.C. at 248, n.27, 806 S.E.2d at 102, n.27 (Hearn, J.) (emphasis added). She further explained that “*Chief Justice Beatty joins Acting Justice Toal and Justice Kittredge with respect to the remaining seven parishes.*” *Id.* (emphasis added). Chief Justice Beatty himself stated that “*those parishes that did not expressly accede to the Dennis Canon should retain ownership of the disputed real and personal property,*” 421 S.C. at 249, 806 S.E.2d at 102 (Beatty, C.J.), “*[h]owever, I agree with the majority as to the disposition of the remaining parishes because their express accession to the Dennis Canon was sufficient to create an irrevocable trust.*” 421 S.C. at 251, 806 S.E.2d at 103 (Beatty, C.J.) (emphasis added).

The 7 parishes that do not hold parish property in trust for Defendants are as follows: (1) Christ the King, Waccamaw; (2) St. Matthews Church, Darlington; (3) the Parish of St. Andrew, Mt. Pleasant (including its related entity, St. Andrews Church–Mt. Pleasant Land Trust); (4) St. Paul’s Episcopal Church of Conway; (5) The Episcopal Church of the Parish of Prince George

Winyah, Georgetown; (6) St. John's Episcopal Church of Florence; and (7) St. Matthias Episcopal Church, Summerton. 421 S.C. at 266 n.49, 806 S.E.2d at 111 n.49 (Toal, J.). The remaining 29 parishes hold parish property in trust for Defendants.<sup>4</sup>

**ii. Plaintiffs' Arguments Regarding Parish Property**

Plaintiffs argue in their motion for clarification that the Supreme Court erred in concluding that the evidence in the record supported accession to the Dennis Canon by *any* of 29 parishes. This Court is barred from entertaining this argument for at least two reasons. First, the controlling principles of law on remittitur prohibit this Court from reviewing the Supreme Court's final decision for error. Second, Plaintiffs already raised this argument with the Supreme Court in their petition for rehearing, where they requested a remand on the very issue of the sufficiency of that evidence (Petition for Rehearing at pages 18-31), and the Supreme Court denied that petition. This

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<sup>4</sup> Among the 29 parishes that the Supreme Court found to hold parish property in trust for Defendants is the Parish of St. Andrews in West Ashley, commonly known as *Old St. Andrews*. Plaintiffs argue that this particular parish should have been named as an eighth prevailing parish. It was not, however. The majority of the Supreme Court expressly held that 29 parishes acceded to the Dennis Canon and 7 did not so accede, accounting for all 36 parishes. The majority counted the Parish of St. Andrew, *Mt. Pleasant*, along with its related entity, St. Andrews Church—*Mt. Pleasant Land Trust*, as one single parish; while the dissent counted these related entities as two parishes, creating a discrepancy in the dissent's count of 8 parishes that did not accede to the Dennis Canon, as compared to the majority's count of 7. This discrepancy was explicitly mentioned and clarified by Associate Justice Hearn, speaking for the majority: "With regard to the dissent's proposition that *eight*..." 421 S.C. at 242, 806 S.E.2d at 98 (Hearn, J.); "There is a discrepancy as to the precise number of parishes alleged to fall within the scope of this argument." 421 S.C. at 242, n.21, 806 S.E.2d at 98, n.21 (Hearn, J.). "To clarify the dissent's summary of this case's resolution, I join Acting Justice Pleicones and Chief Justice Beatty in reversing the trial court as to the *twenty-nine* parishes that documented their reaffirmation to the National Church, but Chief Justice Beatty joins Acting Justice Toal and Justice Kittredge with respect to the remaining *seven* parishes." 421 S.C. at 248, n.27, 806 S.E.2d at 102, n.27 (Hearn, J.) (emphasis added). Plaintiffs raised this issue in their petition for rehearing, arguing that "Justice Toal should reissue her opinion clarifying that Old St. Andrews was the 8<sup>th</sup> parish to retain property rights under the original Opinion." Petition for Rehearing at 28 n.14. The petition was denied by the Supreme Court, as noted above. This Court is without authority on remittitur to invalidate the trust declared by the Supreme Court to exist with respect to the parish property held by Parish of St. Andrews in West Ashley, commonly known as *Old St. Andrews*.

Court cannot now revisit or disturb the Supreme Court's decision on this issue, or any other issue decided by the Supreme Court.

Without presuming to have any sort of appellate authority to review the Supreme Court's decision, this Court merely observes that the record undisputedly contains evidence that Defendants presented on the issue of accession to the Dennis Canon. Voluminous documents were entered into evidence at trial by Defendants. This evidence was then catalogued, summarized, and cited by exhibit number in a proposed order (Defendants' Proposed Order (Parish Property Claims) at 5-83) and a subsequent motion for reconsideration (Defendants' Motion for Reconsideration at 92-177) to the trial court; which was then excerpted and included in the *jointly* prepared record on appeal (Record on Appeal at 101-106). Defendants referred to those pages from the Record on Appeal in their appeal brief, stating that "*as the defendants set out in an 89-page proposed order and repeated in their motion for reconsideration, 29 of the 36 parishes made express promises in their governing documents to comply with the National Church's rules after those rules had been amended to include the Dennis Canon in 1979. See (R.pp.101-106). Those writings fulfilled the writing and signature requirement of South Carolina's Trust Code.*" (Brief of Appellants at 38).

The majority of the Supreme Court found the evidence in the record to be sufficient to create the trusts. Speaking for the majority, Associate Justice Hearn, "*join[ed]*" by Acting Justice Pleicones, 421 S.C. at 231, 806 S.E.2d at 93 (Pleicones, J.), explained that the "*dissent's suggestion that there were no written documents evincing a trust executed by Respondents is not supported by the record.*" 421 S.C. at 245, 806 S.E.2d at 100 (Hearn, J.) (emphasis added). Further, Chief Justice Beatty "*agree[d] with the majority*" as to the disposition of the remaining parishes *because their express accession to the Dennis Canon was sufficient to create an irrevocable trust.*" 421 S.C. at 251, 806 S.E.2d at 103 (emphasis added) (Beatty, J.). This Court



has neither the authority nor the jurisdiction to second-guess the Supreme Court majority's determination that the record was sufficient for it to conclude that 29 of the parishes "acceded" and thus are subject to trusts.

**b. Diocesan Property**

**i. *The Supreme Court's Disposition Of The Diocesan Property***

The Supreme Court held that Defendant The Episcopal Church in South Carolina is the local historic diocese at issue (formed in the eighteenth century and known as the "Protestant Episcopal Church in the Diocese of South Carolina," and other variants) and is entitled to its identity and all of its property, including Camp St. Christopher and all other diocesan property held in trust by a trustee corporation for the historic diocese under an 1880 Act of the General Assembly of South Carolina, as amended by a 1902 Act.<sup>5</sup> The majority's disposition of the diocesan property at issue is set forth in the following excerpts from their opinions.<sup>6</sup>

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<sup>5</sup> 1880 Act No. 222; 1902 Act No. 612.

<sup>6</sup> Regarding trademark-related issues, the Supreme Court reversed the trial court and deferred to the federal court. The federal court is proceeding to resolve those issues. *vonRosenberg v. Lawrence*, Case No. 2:13-cv-00587-RMG (Order dated September 19, 2019) at page 7 ("The South Carolina Supreme Court's majority opinion, the result of three opinions by a majority consisting of former Chief Justice, and then-Acting Justice, Pleicones, Chief Justice Beatty, and Associate Justice Hearn, collectively reversed the lower state court's decision on service marks and deferred to this Court on all trademark-related issues."); *id.* (Order dated December 18, 2019) at page 7-9 ("The Disassociated Diocese further argues that whether a permanent injunction from the state court 'is still in place' was not necessarily decided by the Supreme Court and is instead being decided by the 'South Carolina Court of Common Pleas. Yet [the disassociated] Defendants' position ignores the clear Order of this Court and only serves to demonstrate that [the disassociated] Defendants continue to disregard this Court's Order . . . While the Disassociated Diocese seemingly still attempts to rely on holdings and an injunction from a reversed lower state court decision, this issue was already decided by this Court . . . [The disassociated] Defendants are free to, and have, appealed this Court's Order. However, [the disassociated] Defendants may not subvert this Court's clear Order... The [disassociated] Defendants here clearly violated the terms of the Court's Order and Injunction.").

Associate Justice Hearn and Acting Justice Pleicones, who respectively “*join[ed]*,” 421 S.C. at 231, 806 S.E.2d at 93 (Pleicones, J.), and “*concur[red] fully*,” 421 S.C. at 231, 806 S.E.2d at 93 (Hearn, J.) in each other’s opinions, found “*the Associated Diocese to be the true Lower Diocese of South Carolina*,” 421 S.C. at 231, 806 S.E.2d at 92 (Pleicones, J.), “*entitled to all property*” of that historic diocese, “*including Camp Saint Christopher*,” 421 S.C. at 248, 806 S.E.2d at 101-2 (Hearn, J.), and all other property “*controlled or owned*” by the “*Disassociated Diocese, the Trustees*” 421 S.C. at 230, 806 S.E.2d at 92 (Pleicones, J.) (making reference to “*the Trustee Corporation, which purports to be represented in this suit by the respondent Trustees, was chartered as a non-profit corporation in 1880 and again in 1902.*” 421 S.C. at 217, 806 S.E.2d at 85 (Pleicones, J.)).

Chief Justice Beatty likewise held that the “‘*The Trustees of the Protestant Episcopal Church*’ in the Diocese of South Carolina should retain title to Camp St. Christopher as my decision in no way alters the clear language of the 1951 deed conveying ownership of this property. The conveyance of Camp St. Christopher was for the explicit purpose of furthering ‘the welfare of the Protestant Episcopal Diocese of South Carolina.’ In my view, the disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.” 421 S.C. at 251 n.29, 806 S.E.2d at 103 n.29 (Beatty, C.J.) (emphasis added).

Further, the 1880 Act of the General Assembly of South Carolina, as amended by the 1902 Act, expressly states that the “Trustees of the Protestant Episcopal Church in South Carolina” hold all diocesan property in trust for “The Protestant Episcopal Church for the Diocese of South Carolina,” which it further describes as the “Episcopal Church in the Diocese of South Carolina,” “said church in said Diocese,” “Diocese of the said Church,” and “said Diocese of the said church.”

There is no question that the Supreme Court determined that the local historic diocese described in these Acts is The Episcopal Church in South Carolina, and not the disassociated diocese.

**ii. *Plaintiffs' Arguments Regarding Diocesan Property***

Plaintiffs argue in their motion for clarification that Chief Justice Beatty's opinion regarding the diocesan property misapplies neutral principles of law. Again, this Court cannot review the Supreme Court's decision for error and will not supplant Chief Justice Beatty's opinion with its own legal analysis of the issues.<sup>7</sup>

Plaintiffs also argue that Chief Justice Beatty's opinion limits the majority's holding to the singular piece of diocesan property known as Camp St. Christopher. Under their view, the Trustees should hold one portion of diocesan property – Camp St. Christopher – for The Episcopal Church in South Carolina, while holding the remaining diocesan property for the Disassociated Diocese. That view does not comport with Chief Justice Beatty's opinion or the express terms of the 1880 Act, as amended by the 1902 Act. Chief Justice Beatty, concurring with the majority, broadly stated that “*the disassociated diocese can make no claim to being the successor to the Protestant Episcopal Church in the Diocese of South Carolina.*” 421 S.C. at 251 n.29, 806 S.E.2d at 103 n.29 (Beatty, C.J.) (emphasis added). In addition, Chief Justice Beatty agreed that the “*The Trustees*” – who, according to the 1880 Act, as amended by the 1902 Act, hold title for one entity, the local historic diocese – should “*retain title*” to Camp St. Christopher for its beneficiary, the local

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<sup>7</sup> The federal court in the deferred trademark-related action also rejected Plaintiffs' argument that the Supreme Court's decision should not be applied because, as Plaintiff's argue, Chief Justice Beatty erred in applying neutral principles of law. *vonRosenberg v. Lawrence*, Case No. 2:13-cv-00587-RMG (Order dated September 19, 2019) at page 11 (“Regardless, it is clear that the South Carolina Supreme Court held that the ‘neutral principles of law approach,’ articulated in *All Saints*, applies to the state law issues: the justices merely disagreed on the correct outcome based on the application of the *All Saints* rule. The Court therefore is bound by the Justices’ actual holding on the ultimate issues, and will not parse, as the Defendants suggest, whether each Justice properly applied *All Saints*.”).

historic diocese. *Id.*<sup>8</sup> Chief Justice Beatty therefore agreed with the majority’s disposition that all diocesan property be held in the same manner – *by* the Trustees, and *for* The Episcopal Church in South Carolina.

Finally, Plaintiffs made these same arguments about the diocesan property in their petition for rehearing (Petition for Rehearing at 34-35). Chief Justice Beatty notably saw no need to clarify his own opinion, voting against a rehearing. This Court has no authority to review or clarify that opinion, and this Court sees no need for such clarification because Chief Justice Beatty’s disposition of the diocesan property, in agreement with the majority, is manifest.

### **DUE PROCESS**

Plaintiffs argue in their motion for clarification that they have been deprived of their property without due process. Plaintiffs raised this argument, too, in their unsuccessful petition for rehearing (Petition for Rehearing at 5, 16, and 35). Again, this Court is without authority to effectively grant Plaintiffs a rehearing after the Supreme Court already declined to do so – based on Plaintiffs’ due process argument, or any other argument. Further, the controlling principles of law on remittitur prohibit this Court from refusing to enforce the Supreme Court’s decision based

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<sup>8</sup> The federal court likewise rejected Plaintiffs’ argument that Chief Justice Beatty’s holding is limited to a singular piece of diocesan property known as Camp St. Christopher. *vonRosenberg v. Lawrence*, Case No. 2:13-cv-00587-RMG (Order dated September 19, 2019) at page 9 (“Defendants contend that the holding in the footnote where Chief Justice Beatty plainly stated that the Disassociated Diocese was not the successor of the Historic Diocese should be limited only to ownership of a single disputed property, Camp St. Christopher. A reading of the entire footnote instead mandates the opposite conclusion . . . Justice Beatty’s holding is clear: the Disassociated Diocese is not the successor to the Historic Diocese, instead the TECSC has succeeded and is the ‘Protestant Episcopal Church in the Diocese of South Carolina.’”). The federal court also “independently” reached the same conclusion as the Supreme Court: that TECSC is the historic local diocese founded in the eighteenth century, and that the disassociated diocese was formed as a new organization after the purported disassociation in 2012. *Id.* at 11 (“Furthermore, this Court independently holds that TECSC is the lawful successor of the Historic Diocese...”); *id.* at 47 (“The Disassociated Diocese is an organization formed in 2012...”).

on its own assessment of whether Plaintiffs were afforded due process by the Supreme Court. Indeed, if the South Carolina Supreme Court were to deprive a party of due process, the only court other than that court itself that could correct such an error would be the Supreme Court of the United States. This Court has no such authority.

In any event, this Court does not perceive any deprivation of due process here. Plaintiffs filed the complaint that brought this property dispute before the courts of our State. Defendants counterclaimed asserting interests in the property at issue. Plaintiffs were then afforded a three-week trial followed by the opportunity to respond to Defendants' appeal to the South Carolina Supreme Court. The South Carolina Supreme Court spent a considerable amount of time considering the case and then issued its final decision. Plaintiffs' petition for a rehearing to the South Carolina Supreme Court was denied. Plaintiffs' petition for writ of certiorari to the United States Supreme Court was also denied. This Court has no authority to now conclude, on remittitur, that Plaintiffs were deprived of due process because they did not prevail before the South Carolina Supreme Court or the United States Supreme Court.

For the reasons set forth herein, the Court DENIES Plaintiffs' motion for clarification of the Supreme Court's decision, titled as a Motion for Clarification of Jurisdiction and Further Relief, as supplemented throughout these proceedings.

**IT IS SO ORDERED.**

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The Honorable Edgar W. Dickson  
Judge, First Judicial Circuit

Orangeburg, South Carolina  
\_\_\_\_\_, 2019

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2020-000986

**RECEIVED**

**Apr 26 2021**

**S.C. SUPREME COURT**

The Protestant Episcopal Church in the Diocese of South Carolina, et al

Respondents,

v.

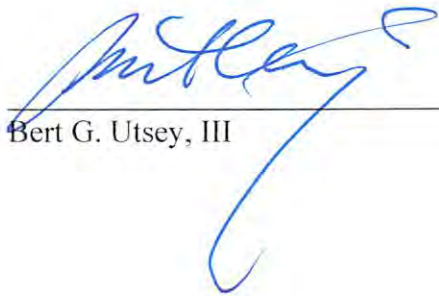
The Episcopal Church (a/k/a, The Protestant Episcopal Church in the United  
States of America); The Episcopal Church in South Carolina,

Appellants.

CERTIFICATE OF COUNSEL

The undersigned certifies that that the Record on Appeal contains all material proposed to  
be included by any of the parties and not any other material

Respectfully submitted,

  
Bert G. Utsey, III

April 5, 2021