

1 **OVERTURE 1** from Pacific Northwest Presbytery (to CCB, OC)
2 “Amend *BCO* 15-1 and 15-3 to give Presbyteries the Additional Option of
3 Appointing a Judicial Commission Whose Decision Would Be Final”
4

5 Proposed additions underlined. A proposed one-word deletion is shown by strikethrough.
6

7 *BCO 15 – Ecclesiastical Commissions*
8

9 15-1. A commission differs from an ordinary committee in that while a committee is
10 appointed to examine, consider and report, a commission is authorized to deliberate
11 upon and conclude the business referred to it (except in the case of judicial commissions
12 of a Presbytery appointed under *BCO* 15-3.b.1 below). A commission shall keep a full
13 record of its proceedings, which shall be submitted to the court appointing it. Upon such
14 submission this record shall be entered on the minutes of the court appointing (except in
15 the case of a presbytery commission serving as a session, or a judicial commission as set
16 forth in *BCO* 15-3.b.1). When a commission is appointed to serve as an interim Session,
17 its actions are the actions of a Session, not a Presbytery. Every commission of a
18 Presbytery or Session must submit complete minutes and a report of its activities at least
19 once annually to the court which commissioned it.
20

21 [15-2. No change proposed.]
22

23 15-3. Judicial Cases within Presbytery’s Jurisdiction
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25 a. Presbytery as a whole may try a judicial case within its jurisdiction (including the
26 right to refer any strictly constitutional issue to a study committee with options
27 listed below).
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29 b. Presbytery may of its own motion commit any judicial case to a commission.
30 Such a commission shall be appointed by the Presbytery from its members other
31 than members of the Session of the church from which the case comes up. The
32 Presbytery shall choose one of the two options below when appointing a judicial
33 commission and the commission shall try the case in the manner presented by the
34 Rules of Discipline.
35

36 (1) The judicial commission’s judgment shall be preliminary and the commission
37 shall submit to the Presbytery a full statement of the case and the judgment
38 rendered proposed. The Presbytery without debate shall approve or disapprove
39 of the judgment, or may refer, (a debatable motion), any strictly constitutional
40 issue(s) to a study committee. In case of referral, the Presbytery shall either
41 dismiss some or all of the specific charges raised in the case or decide the
42 case only after the report of the study committee has been heard and
43 discussed. If Presbytery approves, the judgment of the commission shall be
44 final and shall be entered on the minutes of Presbytery as the action. If
45 Presbytery disapproves, it shall hear the case as a whole, or appoint a new
46 commission to hear the case again.
47

48 (2) The judicial commission’s judgment shall be Presbytery’s final decision when
49 the commission renders it. In addition, when the commission is appointed,
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1 Presbytery may adopt provisions for receiving and considering any commission
2 minority report. The provisions could be similar to those in BCO 15-5.c with
3 whatever revisions Presbytery deems necessary.
4

5 Rationale
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- 7 1. This amendment gives a Presbytery three choices. It could (a) hear the case as a whole,
8 (b-1) assign the case to a judicial commission to bring a recommendation, or (b-2) assign
9 it to a commission for final action. And a Presbytery could choose a different option
10 depending on each case.
11
- 12 2. The new additional option (b-2) could help avoid a situation where presbyters vote on a
13 preliminary commission judgment without having sufficient familiarity with the case
14 (trial transcript, first-hand observation of witness testimony, pre-trial briefs, etc.).
15
- 16 3. With our current procedure, a Presbytery's approval of a non-debatable judgment
17 recommended by its judicial commission is often perfunctory because the BCO does not
18 stipulate how extensive the commission report must be, or when it must be distributed to
19 the presbyters, or how much of the commission material must be available to the
20 presbyters, etc.
21
- 22 4. The new option (b-2) could also ensure a that quicker decision be rendered when the
23 case warrants such - i.e., Presbytery would not need to wait for the next stated meeting to
24 approve the judgment.
25
- 26 5. With either commission option, Presbytery would remain free to appoint any number of
27 men to the commission (quorum at least 2+2 per BCO 15-2).
28
- 29 6. The suggestion for a minority report provision alludes to what is used for SJC minority
30 reports, whereby 1/3 of the commission could file a minority report/substitute motion.
31 In that case, the full Presbytery could hear both recommendations and choose one –
32 without debate. Presbytery could use the 1/3 threshold or could set any % threshold it
33 deemed appropriate.
34
- 35 7. With either commission option, Presbytery would still consider any Complaint filed
36 against the final action. Presbytery could hear the Complaint as a whole, or assign it to a
37 15-3.b.1 judicial commission for recommendation, or assign it to a 15-3.b.2 commission
38 for final decision. And if it were assigned to a 15-3.b.2 commission, it could expedite
39 getting the matter to the SJC - by several months (if applicable).
40
- 41 8. Last year, Overture 40 proposed a similar revision and it was referred back for further
42 perfection. (Overture 40 was not from Pacific NW.)
43

44 *Approved by Pacific Northwest Presbytery at its stated meeting, September 26, 2014*
45 *Presbytery reserves the right to revise this overture and re-file prior to the deadline for the*
46 *2015 GA. (Formatting was revised February 15, 2015, and re-filed.)*

47 *Attested by /s/ RE Howard Donahoe, stated clerk*