

## FOR INFORMATION ONLY

### *OPERATING MANUAL OF THE STANDING JUDICIAL COMMISSION* **2021**

**Item 1.** Amend *OMSJC 4.1* as follows:

**4.1** The stated meetings of the Commission shall begin on the first Thursday of ~~February~~ March and on the third Thursday of October in each year.

*Rationale:* The proposed change allows for additional time for panels to complete their work prior to the Winter (March) stated meeting while still providing adequate time for processing concurring and dissenting opinions from a March meeting prior to the deadline for preparing the *Commissioner Handbook* for General Assembly.

**Item 2.** Amend *OMSJC 2.10.d.(3)* as shown below.

**2.10.**

**d.** A member shall disqualify himself in any proceeding in which the member's impartiality might reasonably (see Section 2.5.b) be questioned, including but not limited to the following circumstances:...

(3) ~~The member, the member's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person or a family member (i.e. sibling, parent, child, or spouse, and the spouse of any sibling, parent, or child):~~

i. served as a representative in the matter in controversy;

ii. was a witness concerning the matter; or

iii. ~~is a member of a court which is party to the case or is a member of a congregation in the bounds of a presbytery party to a case, or was a commissioner to a court which is a party to the case during the time of the proceedings in question.~~

*Rationale:* Current wording of *OMSJC 2.10.d.(3)* is vague, and (iii) is overly and unnecessarily restrictive. Current wording in Chapter 2 was imported from judicial conduct procedures of the South Carolina Supreme Court when *OMSJC 2* was drafted. But they are overly restrictive in a PCA court system. For example, current language would require an SJC member to disqualify himself if he has a granddaughter who is a member of a PCA church within a Presbytery against which a complaint has been filed, even though neither she nor her church is involved in the matter in any way.

Automatic disqualification on the basis of family relationships extending to the third degree of relationship is overly restrictive absent other bases, particularly as that would relate to relatives who are members of a congregation in the bounds of a presbytery party to a case, but have no involvement in the case. Even with the proposed revisions, the controlling broad language of *OMSJC 2.10.d*, "*A member shall disqualify himself in any proceeding in which the member's impartiality might reasonably ... be questioned....*" affords ample protection for justice through the application of the member's judgment.