

TIMELINE FOR HANDLING A COMPLAINT OR APPEAL ARISING FROM A PRESBYTERY

1. Cases are filed with both the Stated Clerk of the Presbytery and the Stated Clerk of the General Assembly within thirty days of the action of Presbytery (BCO 42.4; 43.3).
2. Upon receipt of the complaint or appeal, the Stated Clerk of the General Assembly requests the Record of the Case (ROC) from the Stated Clerk of the Presbytery (BCO 32.18-19; 35.7-8; 42.5; 43.5-6; Operating Manual of the SJC [OMSJC] §7).
3. The Stated Clerk of Presbytery has thirty days in which to submit the ROC.
4. Upon receipt of the ROC, the Stated Clerk of the General Assembly submits the ROC to the officers of the Standing Judicial Commission (SJC) for a determination on whether the case is administratively in order, (OMSJC 9.1a, 3, 5). There is no exact time frame specified in the SCJM for how long the SJC officers have to take action.
5. If the case is not administratively in order, parties have thirty days to put it in order (OMSJC 9.2).
6. If the case is determined by the officers to be administratively in order, it is assigned to a judicial panel (OMSJC 9.5, 10.1, 10.2, 10.3; RAO 17.3).
7. Within ten days of receiving the ROC, the panel has an initial meeting to organize itself (OMSJC 10.4).
8. Within thirty days of receiving the ROC, the panel determines if the case is judicially in order (OMSJC 10.5).
9. Disputes over the ROC may take fifty-five days or longer (OMSJC 7.4).
10. If the case is not judicially in order, the parties have thirty days to put the case in order (OMSJC 10.6).
11. If the case is judicially in order, forty-days notice is given to the parties for a date of a hearing (OMSJC 10.7). But the forty-day period may be decreased if both parties agree in writing (OMSJC 10.7). Within the forty-day period prior to the hearing, briefs are filed in accordance by the deadlines specified (OMSJC 10.7 and § 8).
12. The hearing may be either, 1) in person, 2) via telephone conference call (OMSJC 10.7.a) if all parties and panel members agree, or 3) by written brief (BCO 42-11; 43-7) with a party giving written notice to do so.
13. The panel has forty days after the hearing within which to render proposed and recommended decision (OMSJC 10.10, 10.11).
14. Upon receipt of the proposed and recommended decision, the Stated Clerk immediately sends a copy to the parties (OMSJC 10.11).
15. The case may either be reheard by the entire SJC (OMSJC 9.3, § 11, 17.7) or reviewed by the full SJC for final action (OMSJC 17.8) at its optional fall meeting (during third week of October) or its mandatory spring meeting (during the first week of March, OMSJC 4.1).

There are several ways a case could be delayed by either or both parties. But there are several ways the cases could be expedited toward a proposed and recommended decision by a judicial panel.

1. The SJC officers could act quickly on determining a case to be administratively in order (OMSJC 9.1) as soon as the ROC is received.
2. One judicial panel could deal with multiple cases dealing with the same situation (OMSJC 18.3 a).
3. The judicial panel could combine its constituting and initial meetings into one meeting (OMSJC 10.5).
4. If both parties agreed upon the ROC quickly, time would be saved.
5. The 40-day notice for a hearing could be shortened by the written agreement of both parties (OMSJC 10.7 b.).
6. To reduce expenses the hearing could be by electronic means (OMSJC 10.7 a.), if all parties and panel members agree, or by written brief (BCO 42-11; 43-7) with a party giving written notice to do so.
7. After the hearing the judicial panel could take less than twenty days to render a written decision (OMSJC 10.10, 10.11) depending on factors such as the complexity of the case.