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**FOR INFORMATION ONLY**

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***OPERATING MANUAL FOR STANDING JUDICIAL COMMISSION  
(OMSJC)  
AMENDMENTS ADOPTED BY THE 51<sup>st</sup> GENERAL ASSEMBLY  
2024***

**ITEM 1: Amend OMSJC 8.4 (a) and (b) to provide a standard size for footnote text and to permit tables of contents and cover pages for briefs (underlining for additions).**

***OMSJC 8.4***

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than 12 point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced. All briefs shall also be filed by electronic means with the Stated Clerk. The text of footnotes shall be no smaller than 10 point type and shall be single spaced.
- b. The preliminary brief filed by a party shall not exceed 12 pages in length. Any supplemental brief filed by a party shall not exceed 6 pages in length. Briefs may include a cover page and table of contents which shall not count toward the page limitation.

**ITEM 2: Amend the sections enumerated below to permit parties to file briefs when cases are found to be Administratively or Judicially Out of Order (strikethrough for deletions, underlining for additions).**

***OMSJC 8. Briefs***

**8.1 Review Briefs**

In the event that the Officers find that a case is not administratively in order (OMSJC 9.1(a)), or a Judicial Panel finds that a case is not judicially in order (OMSJC 9.1(b) & OMSJC 10.5-6), each party may file a review brief setting out the party's position regarding whether the case is in order. In such review brief the parties may allude to those documents that have been supplied by the lower court as the proposed Record of the Case and may additionally allude to any documents that were not submitted as part of the proposed Record of the Case but only if such documents bear on whether the case is in order. Review briefs shall be filed with and reviewed by the officers if no panel has been assigned and shall be filed with and reviewed by a panel if a panel has been assigned.

**8.2~~1~~ Preliminary Briefs**

- a. Once the Record of the Case is established only one preliminary brief may be submitted through the Stated Clerk before the initial hearing by a Panel or the Full Commission, whichever is hearing the case. Any preliminary brief from a Complainant or Appellant shall be filed after the Panel has declared the case

- judicially in order and no later than 14 days after he receives the established (perfected) ROC. The Stated Clerk immediately shall mail a copy of this brief to the Respondent or Appellee. Any preliminary brief from a Respondent or Appellee must be filed no later than 14 days prior to the date set for the hearing of the case.
- b. Such a preliminary brief should include the party's position with regard to the following:
- (1) A summary of the facts.
  - (2) A summary of the proceedings in the lower court(s).
  - (3) A statement of the issues.
  - (4) The proposed judgment and relief.
  - (5) Argument in support of judgment and relief.

### ~~8.32~~ Supplemental Briefs

A supplemental brief may be filed only when the case initially has been heard by a panel. Within 14 days after a party has received a proposed and recommended decision of a Judicial Panel under *OMSJC* 17.5 of this Manual, that party may file with the Stated Clerk a supplemental brief which shall be limited to setting forth errors the party believes were made in the proposed and recommended decision of the Panel or Commission in accordance with *OMSJC* 17.9.a. In the event of a rehearing before the full Commission, each party may file a supplemental brief in accord with a briefing schedule to be established by the officers of the Commission.

~~8.43~~ No brief of a party shall make any reference to any fact not a part of the Record of the Case. The Panel or Commission may, at its discretion, strike all or part of a brief that makes such reference.

### ~~8.54~~

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than 12 point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced. All briefs shall also be filed by electronic means with the Stated Clerk.
- b. Any review brief shall not exceed two pages in length. The preliminary brief filed by a party shall not exceed 12 pages in length. Any supplemental brief filed by a party shall not exceed 6 pages in length.
- c. Any brief timely filed which does not meet these standards of form shall be returned to the sending party with reasons. In this case a revised brief may be submitted provided that such brief is filed with the Stated Clerk within 5 days of notification that the brief does not meet the standard of form.

~~8.65~~ Failure to file a brief by a party shall not be considered to be an abandonment of the case.

### ADMINISTRATIVE PROCEDURE 9.2

9.2

- a. If a case is preliminarily initially found not to be administratively in order or not to be judicially in order, the Officers or a Panel shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall notify contact the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that the party bringing the appeal or complaint may file a review brief within 15 days of such notification. The Respondent may file a responsive review brief within 15 days of the first review brief.
- b. ~~If a case cannot be put in order within the Rules of Discipline of the BCO and the requirements of this Manual, or~~ In cases where the Officers or a Panel have made such a preliminary finding that the case is out of order, the Officers or Panel, as the case may be, shall, after the 30-day period described above has expired, and after reviewing any review brief(s), make a secondary determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Officers or Commission as the case may be. If the Officers' or Panel's secondary conclusion is that the case is not in order, no further action shall be taken in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case is out of order. That recommendation shall include a statement setting forth the ground(s) for the conclusion that the case is not in order and either an explanation as to why it cannot be put in order or that the parties have failed to timely put the case in order despite an opportunity to do so. Alternatively, the Officers or Panel may, based on the review brief(s), find that the case is administratively in order and proceed with the case, subject to the review of any jurisdictional question by the Full Commission.
- c. ~~If the parties fail to put the case in order within 30 days after notification under this Section of the Manual,~~ In cases where it is determined that the case should be heard by the Full Commission and the Commission makes a preliminary finding that the case is out of order, the Commission shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall notify the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that they may file a review brief within 30 days of such notification. After the 30-day period described above has expired, and after reviewing any review brief(s), the Commission shall make a final determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Commission.
- d. ~~Then the Officers of the Commission may make a determination that the case not be found in order and take no further action in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case was not found in order.~~

- e. ~~That recommendation shall include a brief statement of the grounds for the determination that the case is not in order and either an explanation as to why it cannot be put in order or a report that the parties have failed to do so.~~

**ITEM 3: Amend the sections enumerated below to eliminate mailed (hard copy) filings in favor of exclusive electronic (e.g., email) filings (strikethrough for deletions, underlining for additions).**

***OMSJC 4.2***

The call of a special meeting shall specify the business to be considered at the meeting, and no other business may be considered except by an affirmative vote of three-fourths of those members present and voting, which in no case shall be less than 13 affirmative votes of members of the Commission. Further, no action may be taken on any case not specified in the call. The Officers may amend the call for the consideration of additional business if notice thereof is sent by ~~mail or~~ electronic means to the Commission members no less than 14 days before the date of the meeting.

***OMSJC 7.4.c and 7.4.d***

- c. If a party objects to the Record as being incorrect or incomplete, such party shall notify: (i) the Stated Clerk, (ii) the Panel Chairman or the Chairman of the Commission if the case is to be heard by the Commission, and (iii) the other party, by ~~mail or~~ electronic means within 15 days of the date of receiving of such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment from each. Any party so objecting shall specify, in writing, the alleged defect(s) and proposed remedy(ies). Failure to lodge a timely objection to the Record of the Case shall constitute acceptance of the Record of the Case by the parties.
- d. If the other party shall accede to the objection, it shall be so stipulated in writing and made a part of the Record of the Case. Such stipulation shall be filed by ~~mail or~~ electronic means with the Stated Clerk and the Panel Chairman, or the Chairman of the Commission if the case is to be heard by the Commission, not more than 30 days after the date the last party received such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment.

***OMSJC 10.7.b***

- b. Notify all parties of such time and place of hearing ~~by letter with return receipt requested or by electronic means. If by letter, such notice shall be mailed not less than 40 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 40 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party. Such 40 day period may be shortened if the parties to the case agree in writing.

***OMSJC 10.10***

10.10 AFTER THE ORAL ARGUMENTS. A Judicial Panel immediately after hearing the oral arguments of the parties, shall go into closed session and discuss the issues in the case. In that discussion, the Panel may (1) frame the issues, (2) vote on a judgment and (3) announce these to the parties. Or, the Panel may take all these matters under advisement and reconvene within the next 20 days, as often as necessary, to frame the issues and render a judgment. This "reconvening" may be held by telephone conference call. The Chairman of the Panel shall designate a Panel member voting with the majority to prepare a written decision. This decision shall be ~~mailed or~~ sent by electronic means to the Stated Clerk of the General Assembly within 40 days from the date the Panel heard the oral arguments. Any Panel member may file, within said 40 day period, a concurring or dissenting opinion which shall be appended to the decision.

***OMSJC 10.11.a***

- a. When a Judicial Panel has reached a decision in a case, the Chairman or Secretary of the Judicial Panel shall prepare a full report of the case and ~~mail or~~ send by electronic means the same to the Stated Clerk, who shall forward, immediately, a copy of the full report to each member of the Commission. This report shall include the following:

***OMSJC 11.3.b***

- b. Notify the parties of such time and place of hearing ~~by letter with return receipt requested or~~ by electronic means. ~~If by letter, such notice shall be mailed not less than 30 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 30 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party.

***OMSJC 12.10, 13.7, and 14.7***

12.10 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

13.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

14.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

***OMSJC* 17.6 and 17.7.d**

17.6 If no member of the Judicial Panel shall request a rehearing but a party shall have timely requested under Section 17.5 a rehearing by the full Commission, the Stated Clerk shall ~~mail or~~ send by electronic means a ballot to each Commission member which shall have a place for each member to indicate his vote in favor of or against such party's request. Each member shall complete and file such ballot with the Stated Clerk within 15 days of the receipt of the ~~mailing or~~ electronic notice. If any member fails to file such ballot by ~~mail or~~ electronic means within said 15 days, or shall file the ballot without completing it, that member's vote shall be recorded as a vote against the request for such a rehearing.

17.7 d. Where seven members of the Standing Judicial Commission shall file by ~~mail or~~ electronic means written request for such rehearing within 15 days of the receipt of the proposed decision under Section 17.5.

***OMSJC* 17.8.h(4) and (5)**

- (4) the Stated Clerk shall ~~mail~~ send the proposal by electronic means to each member of the Commission at least 10 days before the date set for such telephone conference call;
- (5) the Stated Clerk shall in the same ~~mail~~ communication send to each Commission member a written ballot;

***OMSJC* 18.6**

18.6 The minutes of the meetings of the SJC must be approved by ~~mail or~~ electronic ballot within 20 days after receipt of such minutes. If any member fails to file with the Stated Clerk the ballot within 20 days, that member's vote shall be recorded as approval of the minutes.

***OMSJC* 18.8.a**

a. Any party may upon a showing of good cause waive his right to appear before the higher court and present oral argument. This waiver shall be accomplished by a written notice to the higher court, ~~mailed~~ sent by electronic means not less than 14 days prior to the scheduled hearing, stating the reasons for the waiver. A party's waiver has no effect upon the other party's right of appearance.

***OMSJC* 18.10**

18.10 FILING, NOTICE, AND THE COMPUTATION OF DATES. When a provision of the Manual requires a computation of time under Section 18.9, above, such period of time shall be computed with the following construction of certain terms used herein, to-wit:

- a. A ~~mailing by communication from~~ the Commission or Panel shall be computed from the day after the document is sent electronically posted or delivered to an overnight carrier.
- b. Documents required or permitted to be filed by a party shall be filed with the Stated Clerk. Such filing shall be sent via electronic means and shall not be timely unless the documents are received by electronic means in the office of the Stated Clerk by 11:59 PM (Eastern Time) on the deadline date within the time fixed for such filing, except that papers shall be deemed filed on the day of mailing if sent by certified, registered, priority, or express mail of the United States Postal Service or any delivery service where verifying receipt is utilized. Neither facsimiles nor E-mail will be allowed for purposes of filing. Interested parties should be aware that responsibility for such filings rests with them and that ~~delays~~ problems in delivery or non-delivery are the sole responsibility of the filing party. An electronic confirmation of receipt shall be conclusive evidence of delivery.
- c. "Notice," "notification," "from receipt," "after the receipt" shall be the local date on which the party received the electronic delivery, as ordinarily confirmed by a return email when the papers are actually delivered to the party. For all papers requiring such, the Commission shall be responsible for obtaining verification of date of delivery. However, compliance with such requirements shall be deemed to have been fulfilled in any of the following instances, to wit:
  - (1) If a party changes his/her contact or email address without notifying the Office of the Stated Clerk.
  - (2) If a party cannot be located after diligent inquiry.
  - (3) If a party refuses to accept delivery of materials or notice, or refuses to confirm receipt of an electronic communication.
  - (4) If materials or notice are returned to the sender with an electronic notice of being undeliverable or by the carrier with a notation that delivery could not be accomplished.

**OMSJC 18.10.d**

The Judicial Panel, or the Commission if the case is to be heard by the Commission, may extend any of the deadline dates if it determines that so doing is in the interest of justice.

**ITEM 4: Amend *OMSJC* 17.1 to add new subsections 17.1.e and f (underlining for additions).**

***OMSJC* 17.1**

- e. Any Amends. (Directions as to what the lower court must do, or undo, in light of the Judgment. Cf. *BCO* 42-9; 43-10; 40-5).
- f. A direction that the full decision (*OMSJC* 17.1(a-f)) shall be recorded in the minutes of the lower court(s), as well as a statement of how an affected lower court has complied with any amends therein.

**ITEM 5: Amend *OMSJC* 7.2 to add new subsection 7.2.c and d (underlining for additions).**

***OMSJC* 7.2**

- c. The Clerk shall work with the Office of Stated Clerk of the General Assembly to provide an inventory of documents for the Record.
- d. The Clerk shall provide a summary timeline of the Case. This will include dates that important documents were filed, dates parties received important notifications, significant actions of the original and higher courts related to the matter and dates thereof in the following format.

MM/DD/YY Session action.

MM/DD/YY John Doe filed complaint with Session.

MM/DD/YY Session called meeting; complaint was considered and denied.

MM/DD/YY Complainant received notification that his complaint was denied.

MM/DD/YY Complainant carried/filed that complaint with Presbytery.

MM/DD/YY Presbytery stated meeting; complaint was considered and denied.

MM/DD/YY Complainant notified Presbytery Clerk he had carried/filed it with the SJC.

**ITEM 6: Amend *OMSJC* 9.1 to provide guidance and definition for administrative decisions (strikethrough for deletions, underlining for additions).**

***OMSJC* 9.1**

9.1. When a judicial case is submitted to the Commission, the Officers shall make an initial determination as to whether the case is administratively in order.

- a. A case is administratively in order if the relevant provisions of *BCO* 41, 42, and 43 have been followed-, including but not limited to:
  - (1) an Appeal must include specification(s) of error set forth concisely in numbered paragraphs for each error alleged to support the Appeal (*BCO* 42-3, -8; cf. *BCO*, Forms For Judicial Business Appendix G, V Appeal). If an Appeal fails this qualification, putting the case in order (*OMSJC* 9.2 a.) shall include only formatting, not substantive, changes.



- (2) a Complaint must include a statement of the action(s) or delinquency(s) complained of and the reasons supporting said complaint set forth concisely in numbered paragraphs (BCO 43-2; BCO, Forms for Judicial Business Appendix G, VI Complaint). If a Complaint fails this qualification, putting the case in order (OMSJC 9.2 a.) shall include only formatting, not substantive, changes.
- b. If a majority of the Officers cannot agree whether the matter is in order, then it shall be submitted to the full Commission at its next meeting.
- ~~b. A case is judicially in order when a Panel or the Commission determine that the relevant provisions of BCO 41, 42, and 43 have been followed and the documents for the Record of the Case are in order in accordance with OMSJC 7.2.~~

**ITEM 7: Amend the sections enumerated below to conform cross-references to *BCO* 35 (strikethrough for deletions, underlining for additions).**

***OMSJC* 7.2.a(3)**

- (3) all transcribed testimony actually taken before the lower court (~~*BCO* 35-7~~ *BCO* 35-9). Audio and/or video recordings shall not be admissible or be made a part of the Record of the Case unless the same have been transcribed and authenticated by the Moderator and Stated Clerk of the lower court (~~*BCO* 35-8~~ *BCO* 35-10);

***OMSJC* 7.2.b(3)**

- (3) all transcribed testimony actually taken before the lower court (~~*BCO* 35-7~~ *BCO* 35-9). Audio and/or video recordings shall not be admissible or be made a part of the Record of the Case unless the same have been transcribed and authenticated by the Moderator and Stated Clerk of the lower court (~~*BCO* 35-8~~ *BCO* 35-10);

***OMSJC* 18.4.a(2)**

- (2) that the new evidence does have an important bearing on the case and refer the case to the lower court for a new trial (~~*BCO* 35-14~~ *BCO* 35-16).

***OMSJC* 18.4.b(2)**

- (2) that the new evidence does have an important bearing on the case and refer the case to the lower court for a new trial (~~*BCO* 35-14~~ *BCO* 35-16).