



## 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 30 days of the notification of notification of Presbytery's decision (*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; 35-9 and 10; 42-5; 43-6; *Operating Manual of the SJC* [*OMSJC*] 7).
3. The Stated Clerk of Presbytery has 30 days in which to submit the ROC (*BCO* 42-5; 43-6)
4. Upon receipt of the preliminary 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* 9.1). There is no exact timeframe specified in the *OMSJC* for how long the SJC officers have to take action.
5. If the case is not administratively in order but can be put in order, the SJC will notify the parties of such and request that it be put in order. The appellant or complainant has 15 days from such notification to file a review brief. The Respondent may file a responsive brief withing 15 days of the first review brief (*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, 10.1-3; *RAO* 17.3).
7. Within 10 days of receiving the ROC, the panel has an initial meeting to organize itself (*OMSJC* 10.4).
8. Within 30 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 55 days or longer (*OMSJC* 7.4).
10. If the case is not judicially in order, the parties have 30 days to put the case in order (*OMSJC* 10.6).
11. If the case is judicially in order, 40 days notice is given to the parties for a date of a hearing. But the 40-day period may be decreased if both parties agree in writing. Within the 40-day period prior to the hearing, briefs are filed by the deadlines specified (*OMSJC* 10.7 and §8).
12. The hearing may be 1) in person, 2) via electronic conference (*OMSJC* 10.7.a), or 3) by written brief (*BCO* 42-11; 43-7) with a party giving written notice to do so.
13. The panel has 40 days after the hearing within which to render a proposed and recommended decision (*OMSJC* 10.10).
14. Upon receipt of the proposed and recommended decision, the Stated Clerk immediately sends a copy to the parties and each member of the SJC (*OMSJC* 10.11).
15. Within 14 days of receiving the Panel's proposed and recommended decision, the parties may:
  - a. file a supplemental brief setting forth errors the party believes were made in the proposed and recommended decision (*OMSJC* 8.3)
  - b. request a hearing before the full SJC (*OMSJC* 17.5)

16. 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 fall meeting (third week of October) or its spring meeting (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. The hearing could be conducted 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 20 days to render a written decision (OMSJC 10.10) depending on factors such as the complexity of the case.