

**SYNOD OF THE MID-ATLANTIC
SYNOD PERMANENT JUDICIAL COMMISSION
REPORT TO THE 243RD ASSEMBLY
GINTER PARK PRESBYTERIAN CHURCH
MARCH 11-12, 2019**

This report covers activities of the Synod Permanent Judicial Commission since its last report in September 2016

Membership & Officers:

Since the last report there have been numerous changes in the membership of the SPJC through normal completion of term of service as well as resignations for various personal reasons (health, transfer, inability to meet expectations). Currently the SPJC has 13 members. Only AKAP currently has no member. James Pak who previously served on the commission from AKAP has been elected to the GA PJC and, therefore, needed to resign.

We are currently 9 males, 4 females, 2 teaching elders, 11 rulings elders, 10 white, 2 African American, 1 Asian. We are clearly unbalanced between teaching and ruling elders. 5 members will retire at the end of this year which will provide an opportunity to rebalance the commission.

The current officers are Carol Haas, Moderator, and William Parish, Clerk. Both officers will complete their term of service this year.

Types of Cases brought before SPJC

Only remedial cases have been before the SPJC since our last report. Disciplinary cases would be before a synod PJC only on appeal, as the council of original jurisdiction to conduct a trial for an accused teaching elder would be his or her presbytery of membership; and for a church member it would be the session of the church of membership. But no appeals of disciplinary cases have come to the SPJC during this time

Specific cases brought since SPJC's last report to Synod -- September 2016

Completed Cases

The majority of the cases before the SPJC this year have involved AKAP.

1. Maryland Presbyterian Church v AKAP I. The Session of MPC filed a remedial case objecting to the formation of an Administrative Commission with original jurisdictions. A stay of enforcement was requested and granted. This case proceeded to trial and the SPJC found in favor of the complainant since the Presbytery had not conducted a thorough investigation with full opportunity for the session to respond as required by G-3.0303.
2. Following the completion of the above case, the Presbytery formed an administrative commission without original jurisdiction as a Special Meeting of Presbytery. This was

the basis for Maryland Presbyterian church v AKAP 2. Further action by the Presbytery at a later date to dissolve this commission resulted in a request by both parties to withdraw this case. The SPJC concurred

3. Separately teaching elders An and Kim filed a complaint that the Special Session Meeting that included the action in MPC vs AKAP 2 as well as other matters had been improperly called and that a quorum was not present. This case proceeded to trial. The SPJC did not rule on whether a quorum was present but did agree that the meeting had been improperly called and therefore all actions taken at that meeting were not valid.
4. At the meeting where AKAP dissolved the commission that led to MPC vs AKAP 2, the Presbytery formed a new administrative commission with original jurisdiction. This resulted in a new complaint MPC vs AKAP 3. A stay was requested and granted. This case proceeded to trial. The SPJC found that in this case the requirements for forming an administrative commission with original jurisdiction had been fulfilled and found in favor of the respondent.
5. At a subsequent meeting AKAP voted to remove John An as pastor of Maryland Presbyterian Church. This resulted in a complaint Maryland Presbyterian Church vs AKAP 4. A request for a stay was requested and granted. In an appeal of the stay it was determined that the "session" did not have standing since the moderator appointed by Presbytery was not present. The stay was lifted. In officer's findings, the SPJC officers found that the complainants had no standing to file the case itself since the members of session had not met with the moderator appointed by Presbytery. Thus, this case was dismissed.
6. As a result of the decision of the SPJC concerning MPC vs AKAP 4 John An separately filed a complaint concerning his removal as pastor. This case proceeded to trial. G-2.0904 allows the removal of a pastor by the Presbytery. The Book of Order requires that a congregation meeting be held even when the Presbytery removes the pastor. The SPJC found that this requirement had been met when the Presbytery requested that such a meeting be called even though the church leadership did not comply. This decision is on appeal to the GA PJC

Two case came to the SPJC by TE Burriss against National Capital Presbytery involving the sale of a church property. Trinity Presbytery Church, the original congregation using the property, had dissolved. The United Korean Presbyterian Church was also worshipping at this property. UKPC and the Presbytery had not come to an agreement for sale of the property to them when the cases were filed.

7. The first complaint was filed in November of 2015. Both parties asked to have the case withdrawn based on agreements made between the parties to not proceed with sale of the property at that time.
8. The second complaint was filed on February 2017 when the Presbytery again acted to place the property for sale. Again the case was resolved when both parties asked to have it withdrawn. This time an agreement of sale had been reached with UKPC.

Other cases that were before the SPJC during this period include:

9. Hendersonville Presbyterian Church vs Presbytery of Western North Carolina was a complaint brought by persons describing themselves as the Session of Hendersonville Presbyterian Church concerning the Graceful Separation Process of the Presbytery. The

officers' findings held that the group describing themselves as the Session did not have standing to file the case since the Presbytery had designated a different group to be "the true church" and that the complaint had not been timely filed. A challenge was made to these findings. The SPJC supported the officers' findings. An appeal was filed to the GA PJC that supported the SPJC ruling that the case was not timely filed. The GA PJC did not rule on the issue arising from the true church designation and suggested that the General Assembly provide greater guidance on this issue.

10. TE Webb filed a remedial case against Abingdon Presbytery concerning alleged irregularities concerning his resignation as Shepherd of Abingdon Presbytery. He requested the SPJC to overturn the Presbytery's acceptance of his resignation. This case proceeded to trial and the SPJC did not find that the Presbytery committed any irregularity.
11. Warm Springs Presbyterian Church vs Shenandoah Presbyterian Church was a complaint about the Presbytery not voting to approve the Evangelical Presbyterian Church as a body to which it would transfer member churches. The officers' findings provided that the SPJC could not provide the relief sought since the Presbytery had not taken any action for the SPJC to overturn. These findings were not challenged by any party or member of the SPJC so the case was dismissed.

Case in progress

Since this case is not complete, it will be described generically.

A complaint has been filed concerning the formation of an administrative commission with original jurisdiction. Officers findings were issued in late January indicating that the complainants do not have standing since a Session must have a moderator to take action. We are in the 30 day period when either party or any member of the SPJC can challenge those findings. If they are not challenged, this case will be closed without any further action.

Carol Haas, Moderator
William Parish, Clerk
February 1, 2019