TOTAL NUMBER OF PAGES: 2

SUGGESTED TITLE: Church right to appeal

*DISCIPLINE* PARAGRAPH: *Discipline ¶¶* ¶ 2715.10

GENERAL CHURCH BUDGET IMPLICATION: No, trials and appeals are not part of the budget

GLOBAL IMPLICATIONS: No

Amend ¶ 2715.10 as follows:

¶ **2715.** *Appeal Procedures—General*

*. . .*

10. The Church shall have no right of appeal from findings of fact of the trial court. The Church shall have a right of appeal to the committee on appeals and then to the Judicial Council from findings of the trial court based on egregious errors of Church law or administration that could reasonably have affected the findings of the trial court. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new trial, along with a statement of the grounds of its action. This is not to be double jeopardy. In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed to the ~~jurisdictional~~ committee on appeals and then to the Judicial Council by counsel for the Church. The committee on investigation’s decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.24

Rationale: The Church should be able to correct errors in the trial process that prejudice the results of the trial. To disallow appeals by the Church fails to protect the rights of the complainant. To deprive the Church of appellate rights also closes off one avenue to work for justice. The Church/complainant and the respondent must have a level playing field with the same rights for each. The deletion of “jurisdictional” clarifies that all appeals are available both in jurisdictions and in central conferences. The addition of “and/or the Judicial Council” clarifies that the church may appeal a ruling by the committee on appeals.