TOTAL NUMBER OF PAGES: 3

SUGGESTED TITLE: Counsel for the Church

*DISCIPLINE* PARAGRAPH: *Discipline ¶¶* ¶ 2704.1a, 2704.2a, 2704.3a, 2704.4a

GENERAL CHURCH BUDGET IMPLICATION: No

GLOBAL IMPLICATIONS: No

Amend ¶¶ 2704.1a, 2704.2a, 2704.3a, and 2704.4a by adding the same sentence to all three as follows: By agreeing to serve, counsel for the Church signifies his/her willingness to vigorously and with integrity uphold the requirements of church law and the *Discipline.*

¶ **2704.** *Referral of Original Complaint to Counsel for the Church, Who Shall Prepare Judicial Complaint and Supporting Material for Consideration by Committee on Investigation*

1. *When respondent is a bishop*

*a) Judicial Complaint*—A complaint based on allegations that a bishop has committed one or more of the offenses listed in ¶ 2702 shall initially be served on the president and secretary of the College of Bishops. Upon receipt of the complaint the president of the College of Bishops shall forthwith deliver a copy of the complaint to the respondent bishop, notify active bishops of the existence and nature of the complaint, and refer the complaint to an elder in full connection within the same jurisdictional or central conference, who shall serve as counsel for the Church. By agreeing to serve, counsel for the Church signifies his/her willingness to vigorously and with integrity uphold the requirements of church law and the *Discipline.* Counsel for the Church shall represent the interests of the Church in pressing the claims of the person making the complaint. Counsel for the Church shall have the right …

. . .

2. *When respondent is a clergy member of an annual conference, clergy on honorable or administrative location, or a local pastor*

*a) Judicial Complaint*—Pursuant to the provisions of ¶ 363, if the bishop determines that a written complaint is based on allegations of one or more offenses listed in ¶ 2702.1, the bishop shall refer the complaint to the counsel for the Church, who shall be appointed by the bishop. The counsel for the Church shall be a clergyperson in full connection and shall have the right to choose one assistant counsel without voice who may be an attorney. By agreeing to serve, counsel for the Church signifies his/her willingness to vigorously and with integrity uphold the requirements of church law and the *Discipline.* After being appointed by the bishop, the counsel for the Church shall review all of the alleged facts and events surrounding and related to one or more chargeable offenses. The counsel shall perform …

. . .

3. *When respondent is a diaconal minister*

*a)* If a written complaint is made against a diaconal minister for any of the offenses in ¶ 2702.1, the supervisory response should be initiated and a just resolution process may be used. (See ¶ 363.1*c* for a discussion of a just resolution.) If the supervisory process does not result in resolution, the respondent’s district superintendent may appoint a clergyperson in full connection or diaconal minister as counsel for the Church. By agreeing to serve, counsel for the Church signifies his/her willingness to vigorously and with integrity uphold the requirements of church law and the *Discipline.* Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of the conference committee on investigation …

. . .

4. *When respondent is a layperson*

*a)* In all cases, the pastor or district superintendent should take pastoral steps to resolve any grievances or complaints. Such steps may include a just resolution process. See ¶ 363.1*c* for a discussion of a just resolution. If after such steps have been taken and have not resulted in a resolution and a written complaint is made against a layperson for any of the offenses in ¶ 2702.3, the pastor in charge or co-pastors (¶ 205.1) of the local church, in consultation with the district superintendent and the district lay leader, may appoint counsel for the Church, who shall be a United Methodist. By agreeing to serve, counsel for the Church signifies his/her willingness to vigorously and with integrity uphold the requirements of church law and the *Discipline.* Counsel for the Church shall prepare, sign, and refer the judicial complaint, with all relevant material, to the chairperson of committee on investigation.

Rationale: The counsel for the Church must energetically represent the church’s requirements, since he/she is the only one in the judicial process able to do so. Recent examples of counsels for the Church who were on record opposing the provisions they were asked to enforce gave the appearance of a process predetermined not to enforce the *Discipline*. It is the committee on investigation and the trial court that should determine guilt or innocence, not the counsel for the Church. The added language clarifies the expectations placed on the counsel for the Church.