

## LAY INVOLVEMENT IN INVESTIGATION AND TRIAL PROCESS

¶ 31

### **SUMMARY AND HISTORY**

The delegates of recent General Conferences have consistently voted to increase lay participation in the governance of the Church.

The 1992, 1996 and 2000 General Conferences integrated laity into the process of ordination and approval of candidates by placing laity on the Annual Conference and District Board's of Ordained Ministry. In addition those persons are now full voting members of the clergy session. Increased representation by laity in these areas has brought a degree of accountability to clergy orders and diminished the creditability of the charge that clergy are unaccountable in a closed order of ministry (brother/sisterhood).

However, at this point little progress has been made to increase lay involvement in the investigation process where clergy are charged and referred to trial. No progress has been made to involve laity in the Trial Court proceedings. Some progress has been made to include laity in the Appeals process. Bringing laity into the "Fair Process" of investigation, trial and appeals will bring much greater actual and perceived accountability to the clergy orders of ministry (the affected body). Even in the appeals court 3 out of 9 votes is only token inclusiveness when laity outnumber clergy 189 to 1 in the church.

The Jurisdictional Committee on Investigation consists of 7 clergy members with 2 lay members as (mere) observers (¶2703.1). The Annual Conference Committee on Investigation consists of 7 clergy and two lay persons (¶2703.2). Presently it is felt the two lay members of the Annual Conference Committee on Investigation have the right to vote but this is uncertain. In contrast, where laypersons are charged the clergy appropriately appoint a Committee on Investigation made up of laity from other churches. That is to say these persons are outside the local church (outside the affected body) and are selected by ordained clergy (outside the affected body).

The 2000 General Conference considered petitions:

- 1 To move the trial of a bishop to the Council of Bishops rather than the College of Bishops. This would have moved the trial of a bishop to the general church rather than the jurisdiction.
- 2 To upgrade the 2 lay observers on the Bishops Committee on Investigation to full voting members.

There was no consideration whatsoever to bring laity into the Trial Court process. Note that General Conference enacted legislation that places 2 full voting laity members (out of a total of 9 members) on the Bishops Committee on Investigation. However, the Judicial Council has ruled this unconstitutional because of Section III, Article IV. The Judicial Council has interpreted ¶ 31 to mean the clergy "fair process" must be composed of clergy only. No laity are on any trial court.

The rationale for leaving 2714.3 without change is that lay members are selected by clergy (DS) and are members of another church. Thus, clergy has significant independent input into the process and persons serving on the trial court for laity are not part of the affected body. Should it become politically important to have provisions for clergy to serve on the lay trial court there should be no problem whatsoever in doing this.