

Report to the 2010 Convention

Ecclesiastical Court

The Ecclesiastical Court is comprised of four clergy and three lay members, elected by the Convention to serve three-year terms. When it is necessary to hold a hearing concerning a complaint against a priest or deacon, the Court serves as the hearing panel. The full procedures are described in Title IV “Ecclesiastical Discipline” of the general canons and referenced by Title IV of the diocesan canons.

After a lapse of several years in keeping canonical requirements, the Ecclesiastical Court met on August 28, 2009. The members of the Court (with the technical assistance of Canon to the Ordinary William Spaid and Chancellor William Fleener, Jr.), elected a Presiding Judge, reviewed a flowchart describing the existing procedures, and discussed the implementation of new procedures.

Dave Penniman, lay member from Emmanuel (Petoskey) was elected Presiding Judge to serve until the close of the 2010 convention. The members of the Court agreed to meet at the close of the 2010 convention to fulfill the annual obligation to elect a Presiding Judge for the ensuing convention year.

The General Convention of 2009 enacted a new Title IV of the canons to replace the current Title IV effective July 1, 2011. The new Title IV was prepared by a study committee, which was charged to give special attention to the theological and pastoral considerations of disciplinary procedures.

The roles and procedures outlined in the new Title IV are simpler, and give greater emphasis to reconciliation and pastoral responses. The ecclesiological underpinnings of the new procedures are grounded in mutual responsibility and accountability. The new procedures seek to balance transparency of procedure with the duty of protecting the confidentiality of sensitive personal matters.

The study committee that drafted the new Title IV also drafted a set of model canons for implementation at the diocesan level. Among the model canons are optional provisions for a multi-diocesan Disciplinary Board and related officers. Those who have concerns about the implementation of the new canons and the options to be considered are encouraged to contact the Presiding Judge of the Ecclesiastical Court, Chancellor William Fleener, Jr., or Canon to the Ordinary William Spaid.

While it is rare that the service of the Court is needed, when it is needed, it truly matters to those involved. Those who are parties to a complaint and the procedures are under significant emotional and spiritual strain, and their existing support systems may be unavailable or ineffective. While the Court is not charged with responsibilities of pastoral care as such, responsiveness and thoughtful procedure are a part of the care and concern the Church seeks to provide.

For the Court,
Dave Penniman (Emmanuel, Petoskey)
Presiding Judge