

Rules of Procedure for Adjudications

For the Sovereign Grace Churches

2026 Edition

Rules of Procedure for Adjudications for the Sovereign Grace Churches. 2026 edition.

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Table of Contents

PART ONE: Rules of Procedure for Adjudications for the Sovereign Grace Churches	1
1 Purpose	1
2 Use and Oversight of Rules	1
3 Definitions and Rules of Construction	2
4 Application of Law	5
5 Commencing Adjudication	6
6 Involvement of Insurer	6
7 Withdrawal	6
8 Fees and Costs	6
9 Appointment of Panel Members	7
10 Replacement of Adjudicators	7
11 Time and Place of Hearings and Related Meetings	7
12 Right to Legal Counsel	7
13 Evidence in Adjudication	8
14 Decisions by Majority	9
15 Confidentiality	9
16 Church Involvement	10
17 Waiver of Right to Object	10
18 Interpretation and Application of Rules	10
19 Exclusion from Liability	10
20 Description of Issues and Remedies	10
21 Oaths or Vows or Affirmation	11
22 Pre-hearing Conferences and Preliminary Hearings	11
23 Temporary Relief	11
24 Discovery and Distribution of Documents	12
25 Notice of Adjudication Meetings	12
26 Delivery and Notice	12
27 Communication with Adjudicators	12
28 Adjudication Proceedings	12
29 Record of Proceedings	13
30 Evidence in Adjudication	14
31 Adjudication in the Absence of a Party	14
32 Legal or Scriptural Briefs	14
33 Reopening of Hearings	14
34 Decisions	14
35 Appeals	17
36 Conflict of Rules	18

PART TWO: Appendix I: Issue Statements	19
37 Preparing Issue Statements	19
38 Sample Jurisdictional Issue Statements for All Panels	21
39 Sample Issue Statements for Local Church Elder Panels	21
39.1 Excommunication of a Church Member	21
39.2 Discipline of an Elder	22
39.3 Repositioning of a Senior Pastor (for non-disciplinary reasons)	22
39.4 Sentencing of Disciplined Elder	22
40 Sample Issue Statements for a Moderator of Just Cause	23
40.1 Just Cause for Charges Against an Elder	23
40.2 Just Cause ruling on the resignation of an Elder	23
41 Sample Issue Statements for Regional Judicial Review Committee Panels	24
41.1 Appeal of an Excommunication of a Church Member	24
41.2 Appeal of a Moderator's Decision NOT to Admit Charges Against an Elder	24
41.3 Appeal of a Decision NOT to Recuse an Elder	25
41.4 Discipline of an Elder	25
41.5 Defendant's Appeal to be Disciplined as an Elder	26
41.6 Plaintiff's Appeal for a Decision Regarding Disciplining an Elder	27
41.7 Repositioning of a Senior Pastor Appeal (for non-disciplinary reasons)	28
41.8 Discipline of a Member of a Regional Committee (BCO-6.4.1, 6.4.3) or an Entire Regional Committee Pertaining Uniquely to the Performance of Duties as a Member of a Regional Committee	28
41.9 Public Censure of an Eldership	29
41.10 Removal of Censure of an Eldership	30
41.11 Disavowal of an Eldership	30
41.12 Failure to Confirm Disavowal of an Eldership by the Regional Assembly of Elders	31
41.13 Removal of a Church	32
41.14 Commendation, Comment or Censure for a Church Withdrawing from Sovereign Grace	32
41.15 Revision of a Church's Bylaws	34
41.16 Restoration of a Former Elder	35
41.17 Sentencing of Disciplined Elder	35
42 Sample Issue Statements for Sovereign Grace Court of Appeal	36
42.1 Considering an Optional Appeal of a Decision by Regional Judicial Review Committee Panel	36
42.2 Any Optional Appeal of a Decision by Regional Judicial Review Committee Panel	37
42.3 Appeal of an Excommunication of a Church Member	38
42.4 First Appeal of the Decision to Discipline or Not Discipline an Elder	38
42.5 Second Level of Appeal of a Decision to Discipline or not Discipline an Elder	39

42.6	Appeal of the Decision to Discipline or Not Discipline a Member of a Regional Committee (BCO-6.4.1, 6.4.3) or an Entire Regional Committee Pertaining Uniquely to the Performance of Duties as a Member of a Regional Committee	40
42.7	Discipline of a Member of the Committees of the Council of Elders (BCO-10) or an Entire Committee, a Member of the Leadership Team, or a Member of the Court of Appeal in Sovereign Grace Churches Pertaining Uniquely to the Performance of Duties as a Member of a Committee, the Leadership Team, or the Court of Appeal	41
42.8	Appeal of the Decision to Discipline or Not Discipline a Member of the Committees of the Council of Elders (BCO-10) or an Entire Committee, a Member of the Leadership Team, or a Member of the Court of Appeal in Sovereign Grace Churches Pertaining Uniquely to the Performance of Duties as a Member of a Committee, the Leadership Team, or the Court of Appeal	41
42.9	Appeal of the Decision to Remove a Church	42
42.10	Refusal of a Regional Judicial Review Committee Panel to Hear Charges Against an Eldership	43
42.11	Appeal of a Regional Assembly of Elders' Decision for Disavowal of an Eldership	46
42.12	Charges Against a Region	47
42.13	Sentencing of Disciplined Elder	49
43	Other Issues and Consultation	50
43.1	Other Issues & Adjudication Agreements	50
43.2	Issues Regarding Restitution	50
43.3	Other Issues	50
	PART TWO - Appendix II: Overview of the Adjudication Hearing	51
44	Moderator of Just Cause	51
45	Adjudication Process	52
46	The Hearing Agenda	54
47	Opening the Hearing	54
48	Formal Beginning of the Adjudication	57
49	Testimony	58
50	Closing the Hearing	60
51	Writing a Decision	62
52	Overview of the Sentence Hearing	64
	PART TWO - Appendix III: Model Case Forms	67
53	Introduction	67
	Case Information	69
	Document Log	70
	Plaintiff's Description of Evidence for Charges against an Elder	71
	Party's Information on Issues and Remedies	74
	Release of Information	75

Scheduling for a Hearing	76
Statement of Issues and Remedies	78
Sample Memo	79
Notice of Hearing	82
Record of Hearing	83
Instructions to Witnesses for the Hearing	85
Panel or Court Hearing Agenda	86
Adjudicator's Checklist	87
Decision of Moderator for Just Cause	88
Decision of Panel	90
Decision of the Sovereign Grace Court of Appeal	92
Adjudication Agreement	94
Charge Form	95
Public Communication Checklist	97
PART TWO - Appendix IV: Revision History of the Rules of Procedure	98

Rules of Procedure for Adjudications

For the Sovereign Grace Churches¹

PART ONE: Rules of Procedure for Adjudications for the Sovereign Grace Churches

1 Purpose

The purpose of these *Rules of Procedure* is to clarify how to hold an adjudication (a formal dispute between two parties) in the Sovereign Grace churches. The *Book of Church Order of the Sovereign Grace Churches* stipulates if and when an adjudication should take place.

These Rules are intended to help us engage in a distinctly Christian adjudication as we help people resolve disputes in an orderly and biblically faithful manner. We desire to create a fair, just, and biblical process that is clear and helpful for all Plaintiffs, Defendants, and adjudicators. Adjudication is a serious matter that can have serious consequences in the church and even in the civil courts. Further, these matters can impact our unity in the church, our Christian testimony, and our integrity before God. For all these reasons the greatest care should be taken in these matters. It is hoped that the following *Rules of Procedure* furthers all of these aims.

2 Use and Oversight of Rules

The *Book of Church Order of the Sovereign Grace Churches* (BCO) prescribes the use of adjudication for certain kinds of disputes. As authorized by BCO-14.8, these *Rules of Procedure for Adjudications for the Sovereign Grace Churches* shall guide adjudication processes for Sovereign Grace.

Although individual Sovereign Grace churches have the authority to govern their own affairs (BCO 1.3), Sovereign Grace churches are encouraged to use these rules for their own adjudication processes.

The Polity Committee shall exercise oversight over the *Rules of Procedure* cf. BCO-10.3.3.3). The Polity Committee may change the *Rules of Procedure* as it deems wise, and such changes are immediately binding without being subject to any further vote by the Council of Elders. Such changes must, however, be consistent with the *Book of Church Order of the Sovereign Grace Churches*. The Council of Elders may nullify changes to the *Rules of Procedure* by simple majority vote (BCO-8.3.9).

¹ In this document, "Sovereign Grace" will typically refer to the denomination officially called Sovereign Grace Churches, Inc. It is the ecclesiastical entity that is comprised of all those churches who have signed the Partnership Agreement (BCO-12). "Denomination" simply means a group of churches distinct in their faith and practice and typically joined together for mission, etc. Thus, it is equivalent to how we used "family of churches" in the past.

3 Definitions and Rules of Construction

3.1 Definitions of Terms

- 3.1.1 Accused – A member, elder, eldership, church, or region following an allegation against them but prior to a decision by a Moderator of Just Cause.
- 3.1.2 Accuser – A member, elder, eldership, church, or region making an allegation against another member, elder, eldership, church, or region but prior to a decision by a Moderator of Just Cause.
- 3.1.3 Adjudication – the submission of a dispute to a single adjudicator or a panel of adjudicators for a legally and ecclesiastically binding decision that may become and have the same effect as a judgment of a civil court. Adjudication processes include decisions made by Moderators of Just Cause, local church eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Court of Appeal. Elders who enter into a partnership agreement with all the other Sovereign Grace churches submit without exception to the explicitly mandated polity practices of the *Book of Church Order of the Sovereign Grace Churches*, which includes the adjudicatory processes described in these Rules.
- 3.1.4 Adjudicator – refers to one who serves in an adjudicatory role either as an individual or as a Panel of adjudicators. Persons serve as adjudicators in Moderators of Just Cause, local church eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Courts of Appeal.
- 3.1.5 Advisors – one or two persons to assist and advise a party during an adjudication process. An advisor must be a member in good standing of a Sovereign Grace church unless prior approval is obtained from the Panel, Regional Judicial Review Committee Panel, or Sovereign Grace Court of Appeal, as appropriate (BCO-17.10.3). Advisors will not be permitted to address the Panel nor represent either party. They are present for the sole purpose of personal counsel.
- 3.1.6 Appellate Elders – members of the Sovereign Grace Court of Appeal (BCO-19.1).
- 3.1.7 BCO or *Book of Church Order* – the most recent edition of the *Book of Church Order of the Sovereign Grace Churches*.
- 3.1.8 Censure – an official reprimand of erring parties, a statement of rebuke or disapproval. Censure provides a method of warning and restoring the wayward, short of removal (BCO-18.2.10).
- 3.1.9 Charge – formal claim made against a member or an elder that may lead to removal as a member or an elder. Charges against an elder must be made in writing. Charges must meet the requirements for bringing a charge under BCO-15, BCO-16 and BCO-17. Only a member in good standing of a Sovereign Grace church may bring a charge (BCO-17.3.1).

- 3.1.10 Defendant – A member, elder, eldership, church, or region once an allegation against them has been permitted to go to adjudication by a Moderator of Just Cause (BCO-17.2.4)
- 3.1.11 Disavowal – Sovereign Grace revokes its approval of a man's qualification for eldership and no longer recognizes him as an elder (BCO-18.2.9.1).
- 3.1.12 Elder – a man ordained in a church to lead, teach, care for, and protect that local church. Also referred to as "pastor/shepherd," "overseer/bishop" (BCO-1.3, 1.4).
- 3.1.13 Eldership – all the elders of a local church, who together have primary responsibility to govern the church's affairs under the Lordship of Christ and the authority of Scripture (BCO-1.4).
- 3.1.14 Electronic communication – information sent by fax, email, scanning, texting, blogging, or other forms of communication using electronic means (BCO-17.10.2.1).
- 3.1.15 Evidence – all documentation, physical objects, oral testimony and other information given that is relevant and reliable for presenting charges or defenses in preparation for and during a hearing or trial (see Rule 13 for additional information).
- 3.1.16 Excommunication – a Defendant is found to be at fault and is not repentant and is removed as a member of his or her church (BCO-16.1).
- 3.1.17 Just Cause – a decision by a Moderator that a charge against an elder has sufficient weight for a trial (BCO-17.3.4.2.a).
- 3.1.18 Legally Binding – As Rule 34.5 indicates, the decisions of an adjudication Panel are both ecclesiastically and legally binding. This means their decisions carry authority within our churches. Yet, because there is an official agreement by both parties to submit to such arbitration, there is also a legal side to these decisions. The Panel in an adjudication may decide to file their decision with the civil courts, something they would do by contracting with an attorney.
- 3.1.19 Mediation – utilizes one or more neutral intermediaries who assist the parties in arriving at their own voluntary and mutually satisfactory resolution. Mediators may provide the parties with an advisory opinion, but that opinion shall not be legally binding (an example of some other process as referenced in BCO-17.5.9).
- 3.1.20 Moderator of Just Cause – a member of the Regional Judicial Review Committee who reviews charges before they are adjudicated by a Panel and determines whether the charges call for a trial, dismissal, personal reconciliation, or some other process (BCO-17.5). (For the distinct role of "Moderator of the Panel" see 3.1.22).
- 3.1.21 Ordination – a collaborative effort between the elders and members of a local church and the Regional Assembly of Elders. The local church ordains a man who has met certain requirements by the Regional Assembly of Elders (BCO-2.8).

- 3.1.22 Panels – a group of adjudicators who hear a case and render a decision. Panels consist of three persons (adjudicators) and exist to hear a case and render a decision. From among its membership a Panel selects a "Moderator of the Panel" who serves as the chair for that Panel.
 - 3.1.22.1 Local church eldership Panels may be formed for discipline cases of adjudication. Such Panels must include a minimum number of three elders serving as adjudicators. If an insufficient number of local church elders is eligible to serve, then the Regional Judicial Review Committee shall supply from among its own members enough elders so that three men preside over the case (BCO-17.7; BCO-15.1.5).
 - 3.1.22.2 Regional Judicial Review Committee Panels include three members (BCO-17.7).
 - 3.1.22.3 Sovereign Grace Court of Appeal Panels include three members except when hearing a case involving censure or removal of a Region from Sovereign Grace, in which case the Panel includes five members (BCO-19.1; BCO-19.2.3.3).
- 3.1.23 Party – a person or party includes an individual or an entity, corporate or otherwise.
- 3.1.24 Plaintiff – the party bringing a charge against another once the allegation they bring has been permitted to go to adjudication by a Moderator of Just Cause.
- 3.1.25 Private Rebuke – the Defendant is found to be at fault, but the offense is not sufficient or deemed appropriate to make the matter public, especially for one who is repentant (1 Tim. 5:20) (BCO-17.11.2.1).
- 3.1.26 Public Rebuke – the Defendant is found to be at fault, and the offense is serious enough to warrant public reporting but not sufficient grounds for removal from office, especially for one who is repentant (1 Tim. 5:20). The public or grievous nature of the sin, while not disqualifying, warrants a public reporting (BCO-17.11.2.2).
- 3.1.27 Regional Judicial Review Committee – five to seven members nominated by the Nominating Committee of each region and confirmed by the Regional Assembly of Elders. Three men are chosen to serve on each case assigned. They may serve as an original level of hearing or an appeal level from local churches (BCO-17.7; BCO-18.1).
- 3.1.28 Remedy and Relief – When adjudicators rule in favor of a party in a dispute they may decide that one party should receive a suitable Remedy for their situation or Relief from a burden or hardship. These remedies and reliefs could include financial compensation (or relief from a financial burden), a rehabilitation plan (or relief from such a plan), or any number of options. Per Rule 34.2 there is a wide latitude in how these Remedies/Reliefs are defined and awarded.

- 3.1.29 Removal from Office of Elder – the Defendant is found to be at fault for an offense that warrants removal. The elder may be repentant, but the scandalous nature of the sin still requires removal (e.g., serious criminal behavior, adultery, etc.). The elder’s ordination is revoked in such a circumstance as well (BCO-17.11.2.3).
- 3.1.30 Resignation of Elder from Office – Circumstances may arise such that an elder chooses to resign from office willingly, whether confessing to serious sin, acknowledging significant doctrinal disagreement, or for personal reasons. While this is a local situation, a Moderator of Just Cause appointed by the Regional Judicial Review Committee must review whether or not the resignation is fair and mutually agreed upon. The review must be in keeping with the Rule 44.2, addressing the issues found in Rule 40.2.
- 3.1.31 Settlement Negotiations – All communications that are made to settle a dispute during a private dispute resolution process (e.g., negotiation, mediation, or adjudication) are protected as confidential and inadmissible for any purpose in a court of law, except as provided in Rule 15. Communications include oral, written, and electronic communications. Those documents that existed prior to the adjudication process and were otherwise open to discovery apart from the adjudication process would not be protected under settlement negotiations.
- 3.1.32 Sovereign Grace Court of Appeal – drawn from the members of the Regional Judicial Review Committees, nominated by the Sovereign Grace Nominating Committee, and confirmed by vote of the Council of Elders. The Court of Appeal shall consist of seven to nine members. Three members serve on a case except for charges against a region, in which five members serve. Serves as the highest level of appeal in Sovereign Grace (BCO-19.1; BCO-19.2.2).
- 3.1.33 Witness – one who gives testimony in a case either in favor of or against a Defendant. A witness may be a member in good standing of a Sovereign Grace church or a credible witness from outside Sovereign Grace.
- 3.1.34 Written Communication – communication that is delivered in person, by US mail or by commercial carrier. Written communication specifically excludes electronic communication (BCO-17.10.2.1).
- 3.2 Any time the word “may” is used in these *Rules of Procedure*, it indicates that a person has complete and sole discretion in deciding whether to take certain action or actions. Any time the words “shall” or “will” are used in these *Rules of Procedure*, it indicates that a person must follow the prescribed procedures.
- 3.3 Unless indicated otherwise, a word used in the plural form shall be understood to include the singular form (e.g., "adjudicators" includes "adjudicator").

4 Application of Law

Adjudicators shall take into consideration any state, federal, or local laws that the parties bring to their attention, and any provisions of the *Book of Church Order of the Sovereign Grace Churches*, but the Holy Scriptures (the Bible) shall be the supreme authority governing every aspect of the adjudication process.

5 Commencing Adjudication

- 5.1 A disciplined member of a Sovereign Grace church may appeal the elders' decision and the church's action to their Regional Judicial Review Committee, according to the procedures described in BCO-16.2. An appeal must be made within 30 days.
- 5.2 All Sovereign Grace churches will agree to a shared grievance policy for bringing charges against an elder, according to the procedures described in BCO-17.
- 5.3 Either the Plaintiff or Defendant may appeal a local eldership Panel's judgment to either a Regional Judicial Review Committee Panel or the Sovereign Grace Court of Appeal, according to the procedures described in BCO-17.13. An appeal must be made within 30 days.
- 5.4 Decisions of the Regional Judicial Review Committee Panel may be appealed to the Sovereign Grace Court of Appeal, according to the procedures described in BCO-17.13. An appeal must be made within 30 days.
- 5.5 The *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in effect when adjudication is initiated shall apply.
- 5.6 If legal action is pending at the time adjudication is commenced, the Panel may require that the parties take steps to stay or postpone proceedings pending the conclusion of adjudication.
- 5.7 If a party believes that property or rights may be irreparably harmed by delay, he or she may request temporary (injunctive) relief or action (see Rule 23).

6 Involvement of Insurer

If a dispute or claim submitted to adjudication involves an alleged injury or damage that may be covered by a party's insurance, the insurer shall be invited to participate in the adjudication process in order to facilitate a prompt and equitable resolution. A participating insurer shall sign an adjudication agreement that includes the issues to be resolved.

7 Withdrawal

It may be that a party wishes to withdraw once an adjudication process begins. Should a party do so, the decision of whether or not to continue the adjudication in that party's absence will rest solely in the hands of the Panel. Their decision will be based upon the process that will best promote justice and wisdom as they see it. In the case of an appeal, the party making the appeal may withdraw their appeal at any time prior to the Opening of the Hearing.

8 Fees and Costs

- 8.1 The parties shall bear their own expenses in any adjudication process.
- 8.2 The expenses of a local eldership Panel shall be borne by the local church.
- 8.3 The expenses of Regional Judicial Review Committee Panel members or a Moderator shall be borne by the Regional Assembly of Elders.
- 8.4 The expenses of Sovereign Grace Court of Appeal Panel members shall be borne by Sovereign Grace Churches, Inc.

- 8.5 The expense of any witness produced by a party shall be paid by the party producing such a witness unless determined otherwise by the adjudicators. The expense of any witness or evidence produced at the request of a Panel shall be borne by that Panel's organization, unless agreed otherwise by the parties, or determined otherwise by the adjudicators.

9 Appointment of Panel Members

Panel members shall be selected according to the provisions of the BCO:

- For local eldership Panels, BCO-15;
- For Regional Judicial Review Committee Panels, BCO-18.1;
- For Sovereign Grace Court of Appeal, BCO-19.1.

10 Replacement of Adjudicators

- 10.1 In the situation that any adjudicator appointed withdraws, is disqualified, or is unable to perform the duties of his office after being selected, but prior to the beginning of the hearing, another adjudicator shall be selected according to the same procedures. If an adjudicator withdraws, is disqualified, or is unable to perform the duties of his office once the hearing begins, the remaining members of the Panel shall constitute the entire Panel without a replacement adjudicator.
- 10.2 Any elder selected as an adjudicator shall recuse himself if he cannot impartially hear the case. If either the Defendant or the Plaintiff believes that any of the elders selected ought to be recused in the case of a local eldership Panel or a Regional Judicial Review Committee Panel, they may appeal to the Regional Judicial Review Committee (for a local eldership Panel) or to the remaining members of the Regional Judicial Review Committee (for a Regional Judicial Review Committee Panel) who shall rule on the matter. If either the Defendant or the Plaintiff believes that any of the elders selected ought to be recused in the case of a Sovereign Grace Court of Appeal, they may appeal to the remaining members of the Sovereign Grace Court of Appeal who shall rule on the matter.

11 Time and Place of Hearings and Related Meetings

The Panel shall determine the time, place, and other conditions of the hearing and related meetings, after taking into consideration the preferences of the parties. The Panel shall determine the time, place, and other conditions (including adjournments and continuances) of subsequent meetings. The moderator of the Panel shall communicate the time, place, and other conditions to the parties.

12 Right to Legal Counsel

- 12.1 Adjudication can substantially affect legal rights and responsibilities. Therefore, parties have the right to be assisted or represented by independent legal counsel throughout the adjudication process.
- 12.2 Panel members serve only as impartial adjudicators and will not represent any party or provide the parties with legal advice such as they would receive were they to seek legal

advice from an independent attorney. If a party desires legal advice, he or she should consult with his or her own independent attorney, especially concerning a question about the statute of limitations (i.e., how long one can wait to file a legal action before losing the right to do so).

- 12.3 When the Panel is informed that a party has retained an attorney, the Panel moderator may contact the attorney to discuss the procedures of the case and invite his or her cooperation in the adjudication process.
- 12.4 A party must notify the Panel at least ten (10) days in advance if he or she desires to have an attorney present at an adjudication hearing. Such notice shall include the name and address of the attorney. If necessary to fulfill the purpose of Christian adjudication (see Rule 1), the Panel may disqualify an attorney from participating in adjudication, provided his or her client is given reasonable time to secure another attorney.
- 12.5 During adjudication, attorneys shall serve as advisors to their clients, and the clients will be expected to speak for themselves as much as possible. Attorneys may represent and speak for their clients if approved by the Panel. Attorneys will be expected to respect the conciliatory nature of the process and avoid unnecessary advocacy.
- 12.6 No attorney who has served as an adjudicator shall represent any party in a subsequent legal proceeding concerning the matter that was presented for adjudication, nor may such an attorney use in other proceedings any information that was obtained during adjudication.

13 Evidence in Adjudication

- 13.1 The parties shall cooperate with the Panel and each other in providing documents, names of witnesses, and other information that will contribute to an understanding of the dispute.
 - 13.1.1 Parties should prepare three copies of all documents they plan to introduce as evidence in the hearing. One copy should be sent to the other party no later than one month in advance of the hearing. The second copy should be prepared for submission to the Panel. The third copy will be retained for use by the party submitting it.
 - 13.1.2 Parties should submit a list of witnesses to the other party and to the Panel at least one month in advance of the hearing.
- 13.2 The parties may offer any evidence that they consider to be fair, relevant, and pertinent to the dispute, and they shall produce any additional evidence that the adjudicators deem necessary for understanding and resolving the dispute.
- 13.3 Adjudicators authorized by law to subpoena witnesses or documents may do so independently or upon the request of any party.
- 13.4 The adjudicators shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary.
- 13.5 The adjudicators may receive and consider the evidence of witnesses by deposition or affidavit, and may make a personal inspection or investigation of relevant premises or objects.

- 13.6 Upon request, the adjudicators may require a witness who has submitted written evidence to appear during the trial for the purpose of cross-examination. This appearance may be in person or by video conference.
- 13.7 Witnesses during adjudication processes may be present only during their testimony, which shall include time for questioning by the other party and by the Panel members (BCO-17.10.6).

14 Decisions by Majority

If there is more than one adjudicator, the decision of any matter shall be decided by majority vote of the adjudicators. The writing and communication of dissenting opinions is not permitted.

15 Confidentiality

- 15.1 Because of its biblical nature, Christian adjudication encourages parties to openly and candidly admit their offenses in a particular dispute. Thus, adjudication requires an environment where parties may speak freely, without fear that their words may be used against them in a subsequent legal proceeding. Moreover, because adjudication is expressly designed to keep parties out of court, adjudicators serving on a Panel would not do so if they believed that any party might later try to force them to testify in any legal proceeding regarding an adjudication case. Therefore, all communications that take place during the adjudication process shall be treated as settlement negotiations and shall be strictly confidential and inadmissible for any purpose in a court of law, except as provided in this Rule.
- 15.2 This Rule extends to all oral and written communications made by the parties or by the Panel, and includes all records, reports, letters, notes, and other documents received or produced by the Panel as part of the adjudication process, except for those documents that existed prior to the adjudication process and were otherwise open to discovery apart from the adjudication process. The parties may not compel the Panel to divulge any documents or to testify in regard to the adjudication process in any judicial or adversarial proceeding, whether by personal testimony, deposition, written interrogatory, or sworn affidavit.
- 15.3 Mediated settlement agreements reached by the parties and adjudication decisions shall be confidential, except as provided in Rule 16, unless the parties agree otherwise in writing, or unless an agreement or decision must be filed with a civil court for purposes of enforcement, or as provided for in the *Book of Church Order of the Sovereign Grace Churches* (e.g., BCO-17.3.3; BCO-17.9.1; BCO-17.12; and BCO-18.2.9.4.c). If an adjudication decision is contested or appealed pursuant to statute, the Panel, upon written request from a party, shall furnish to such party, at the party's expense, copies of the adjudication agreement (where applicable) and the adjudication decision.
- 15.4 The adjudicators may divulge appropriate and necessary information under the following circumstances, and the parties agree to waive confidentiality and hold the adjudicators harmless for doing so (1) when, as part of their normal operations, the adjudicators consult with their staff members or outside experts regarding particular issues or problems related to a case; (2) when compelled by statute or by a court of law;

(3) when an adjudication agreement, adjudication process in the *Book of Church Order of the Sovereign Grace Churches*, or decision has been contested or appealed; (4) when an action has been brought against the adjudicators as a result of their participation in an adjudication case; (5) when the adjudicators deem it appropriate to discuss a case with the parties' elders; and (6) when the adjudicators deem it necessary to contact appropriate civil authorities to prevent another person from being harmed.

- 15.5 In spite of these confidentiality protections, some of the information discussed during adjudication may not be confidential as a matter of law or may be discoverable outside the adjudication process and used in other legal proceedings, and the adjudicators shall have no liability therefore.

16 Church Involvement

Unless agreed otherwise, the Panel may discuss a case with the elders of parties. If a party is unwilling to cooperate with the adjudication process or refuses to abide by an agreement reached during mediation or an adjudication decision, the Panel or the other parties may report the matter to the elders of that person's church and request that they actively participate in resolving the dispute. If a church chooses to become actively involved, it may, at its discretion, review what has transpired during mediation or adjudication, obtain such additional information as it deems to be helpful, and take whatever steps it deems necessary to facilitate reconciliation and promote a biblical resolution of the dispute (see Matt. 18:15-20). The Panel may disclose to the church any information that may have a bearing on its investigation or deliberations.

17 Waiver of Right to Object

Any party who proceeds with an adjudication hearing after learning that any provision of these Rules has not been complied with, or who fails to object in writing within three days of learning that any provision of these Rules has not been complied with outside of an adjudication meeting, shall be deemed to have waived the right to object.

18 Interpretation and Application of Rules

The adjudicators shall interpret and apply these Rules insofar as they relate to the adjudicators' powers and duties. The adjudicators shall interpret and apply all other Rules and resolve all other issues and questions pertinent to the adjudication process.

19 Exclusion from Liability

The parties agree that Sovereign Grace Churches, Inc., the local eldership Panel, the Regional Judicial Review Committee, the Sovereign Grace Court of Appeal, and the adjudicators shall be immune from any liability for any acts or omissions that occur during the adjudication process.

20 Description of Issues and Remedies

At the outset of adjudication, the parties shall describe the issues and desired remedies that they wish the adjudicators to consider. The adjudicators shall consider only those issues that are consistent with the parties' original adjudication or mediation/adjudication agreement, or

which are contemplated by an earlier contract between the parties that contains a conciliation clause. In cases heard according to the *Book of Church Order of the Sovereign Grace Churches*, the adjudicator responsible for the hearing shall determine the final wording of the statement of the issues (also referred to as issue statements) to be decided after considering the applicable portions of the *Book of Church Order* and the issues and desired remedies that the parties wish the adjudicators to consider. The issue statements shall be written and prepared in advance and submitted to the parties for their preparations for the hearing. Guidelines for preparing issues statements and sample issues statements are included in the appendix of this document.

21 Oaths or Vows or Affirmation

Before proceeding with adjudication, each adjudicator may take an oath or vow of office or affirmation. The adjudicators have discretion to require parties or witnesses to testify under oath or vow, provided that making an oath or vow does not violate the person's sincerely held religious beliefs. Oaths or vows may be administered by the adjudicators.

A sample oath or vow that may be used is as follows: “Do you affirm that what you say will be the truth, as God requires?”

22 Pre-hearing Conferences and Preliminary Hearings

- 22.1 At the request of the parties or at the discretion of the Panel, a preliminary conference with a Panel moderator and the parties may be scheduled to arrange for an exchange of information and the stipulation of uncontested facts to expedite the adjudication proceedings.
- 22.2 In large or complex cases, at the discretion of the adjudicators, a preliminary hearing may be scheduled with the adjudicators (or the moderator of the adjudication Panel) and the parties to arrange for the production of relevant evidence, to identify potential witnesses, to schedule further hearings, and to consider other matters that will expedite the adjudication proceedings.

23 Temporary Relief

- 23.1 A party may request immediate temporary relief (e.g., temporary restraining order, preliminary injunction) to safeguard property or rights that are subject to a contract clause or agreement that requires adjudication under these rules. Such extraordinary relief will not be granted unless the moving party has demonstrated, by a clear showing (1) a substantial likelihood of prevailing on the merits at adjudication ; (2) a substantial threat of irreparable harm if the temporary relief is not granted; (3) that the threatened injury outweighs any harm that may result to the non-movant from an injunction or other relief; and (4) that the temporary relief will not undermine public interests.
- 23.2 Temporary relief may be granted at any stage of the adjudication process and shall be fashioned so as not to substantially prejudice the rights of the parties or the final determination of the dispute.
- 23.3 Matters of temporary relief shall be decided by the Panel, or, if they are not yet appointed, by temporary adjudicators appointed by the Regional Leader (for a local eldership Panel or Regional Judicial Review Committee Panel) or by the Executive Director.

23.4 A request for temporary relief is subject to Rule 34.3.

23.5 Decisions regarding temporary relief may be entered in any court otherwise having jurisdiction.

24 Discovery and Distribution of Documents

Reasonable discovery (including oral depositions, written interrogatories, and production of documents) may be allowed to identify issues, relevant evidence, and names of witnesses. If the parties cannot agree on the scope of discovery or allocation of costs, the issue shall be submitted to the adjudicators for a decision, which shall be final and binding. The Panel may require the parties, at their own expense, to deliver to the Panel and to the other parties copies of the documents they plan to introduce and a list of the witnesses they plan to call (see rule 13.1).

25 Notice of Adjudication Meetings

The moderator of the adjudication Panel shall give parties at least thirty (30) days written notice of the time, place, and conditions of any adjudication meeting, unless the parties agree to modify or waive such notice. It shall be the parties' responsibility to notify their witnesses of the time and place of all adjudication meetings.

26 Delivery and Notice

All official communication between the elders and the parties involved in the trial (trial decisions, sentencing decisions, etc.) shall be delivered via secure email facilitated by Sovereign Grace Churches. Unofficial communication (logistical conversations, procedural questions, etc.) may be done via regular email but must include both parties at all times. All documents shall be considered to have been received on the day they are sent.

27 Communication with Adjudicators

There shall be no direct communication from the parties to an adjudicator other than at joint hearings. Any other oral or written communications from the parties to the adjudicators shall be directed to the moderator of the Panel for transmittal to the adjudicators and all other parties.

28 Adjudication Proceedings

28.1 The adjudicators shall have the final authority to determine the specifics of the proceedings. Adjudication proceedings will normally include:

- Opening of Hearing
 - The adjudicator officially opens the hearing
 - Greetings and introductions
 - Review of hearing agenda
 - Statement of ground rules
 - Opening devotions

- Formal Beginning of the Adjudication
 - Oath (optional)
 - Statement of issues to be decided
 - Opening statement by each party
- Testimony
 - Presentation of Plaintiff's evidence, including witnesses if any, and cross-examination
 - Presentation of Defendant's evidence, including witnesses if any, and cross-examination
 - Questioning by adjudicators
- Closing of Hearing
 - Closing statements (summary) by each party
 - Closing statements of adjudicators
 - The adjudicator officially closes the hearing
 - Closing prayer

The adjudicators will then issue a written decision, which shall be binding upon the parties.

- 28.2 The adjudicators shall have the power to rule on their own jurisdiction, including any objections with respect to the existence, scope, or validity of the adjudication agreement or adjudication process of the *Book of Church Order of the Sovereign Grace Churches*. A party may object to the jurisdiction of the adjudicators or to the arbitrability of a claim. The adjudicators may rule on such objections as a preliminary matter or as a part of the final award.

29 Record of Proceedings

- 29.1 Parties shall not have the right to make an electronic recording or a stenographic record of any adjudicatory proceeding or have a court reporter present to make a personal transcript of the hearing. The adjudicating Panel will facilitate either the presence of a court reporter or the audio recording of the proceedings.
- 29.2 Regional Judicial Review Committee Panels and Sovereign Grace Courts of Appeal shall normally hire a court reporter for the hearing and produce a final manuscript of the proceedings. If a local church can financially support it, it may be wise to hire a court reporter for the hearing and produce a final manuscript of the proceedings. Only the Panel and adjudicatories that review the case on appeal may have access to the recordings or to any transcript kept by a court reporter. These records of the proceedings will be kept on file by Sovereign Grace for at least 20 years.
- 29.3 If an appeal is brought, a transcript of the proceedings must be produced by the adjudicatory Panel that oversaw the trial and copies of the transcripts must be provided to both parties. The transcripts will be paid for by the region (for appeals to the Regional

Judicial Review Committee) and by Sovereign Grace Central (for appeals to the Court of Appeal).

30 Evidence in Adjudication

Subject to the provisions of Rule 13, all evidence used in adjudication shall be taken in the presence of all of the adjudicators and all of the parties, except where any of the parties has waived the right to be present or when adjudication proceeds pursuant to Rule 31.

31 Adjudication in the Absence of a Party

An adjudication may proceed in the event one of the parties refuses to participate in the process or when a party leaves the proceedings before the closing of the hearing. The adjudicating Panel shall receive the testimony and evidence from the remaining party required for the making of a decision. The decision shall not be made in favor of the remaining party solely because of the default of the departing party, but shall be made on the weight of the evidence provided. The adjudicators may, but need not, allow the absent party an opportunity to appear at a subsequent hearing attended by all parties.

32 Legal or Scriptural Briefs

The adjudicators may request or consider briefs or position papers that set forth the parties' understandings of the legal, factual, or scriptural issues.

33 Reopening of Hearings

The adjudicators may reopen a case for good cause at any time before a final decision is rendered.

34 Decisions

34.1 The adjudicators shall render a written decision (award). Panel decisions regarding guilt shall be reached in no more than ten (10) days. Panel decisions regarding sentencing shall be reached no more than three (3) days after the closing of the sentencing hearing.

Written decisions shall include:

- Documentation of the arrangements of the hearing;
- Issues to be decided;
- Decisions on each of the issues; and
- References for a process of appeal, if applicable.

Reasoned decisions, when provided or required (Rule 34.4), shall include the following additional information:

- The facts most pertinent relating to each issue and sub-issue; and
- The conclusions (or reasons) for each decision based on the facts.

- 34.2 The adjudicators may grant any remedy or relief that they deem scriptural, just, and equitable, and within the scope of the agreement of the parties, including, but not limited to, specific performance of a contract. Provisions identifying specific remedies in the *Book of Church Order of the Sovereign Grace Churches* qualify as “specific performance of a contract” under this rule. In making their decision, the adjudicators shall consider, but are not limited by, the remedies requested by the parties.
- 34.3 The adjudicators may grant to any party any reasonable fees, costs, and expenses related to the resolution of a dispute, including attorney fees. Grounds for such a decision may include but are not limited to (1) when another party unreasonably refused to settle a dispute and unnecessarily increased the costs of resolving the matter; or (2) when a party necessarily incurred significantly higher costs than another party, such as travel expenses, in order to participate in adjudication. A grant of fees, costs, and expenses may be made only after all parties who may be affected by the decision have had a reasonable opportunity to comment on the proposed decision. However, the following shall apply to adjudication cases governed by the *Book of Church Order of the Sovereign Grace Churches*:
- 34.3.1 Local churches shall bear the direct expenses of their own panels, including the costs of the court reporter, the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.
- 34.3.2 The Regional Assembly of Elders shall bear the direct expenses of Regional Judicial Review Committee Panels, including the costs of the court reporter, the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.
- 34.3.3 Sovereign Grace Churches, Inc. shall bear the direct expenses of Courts of Appeal, including the costs of the court reporter, the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.
- 34.4 The adjudicators may, but need not, inform the parties of the reasoning by which the decision was reached, except that the following decisions under the *Book of Church Order of the Sovereign Grace Churches* shall require reasoned decisions:
- 34.4.1 Decisions of a Moderator:
- Whether or not a charge against an elder has just cause (BCO-17.5.8 or BCO-17.5 for specific reasons required);
 - Whether or not the resignation agreement is just, fair, and mutually agreed upon.
- 34.4.2 Decisions of Regional Judicial Review Committee Panels:
- Appeal to reposition a senior pastor;
 - Appeal of a church member’s excommunication;
 - Recommendations for changing a church’s bylaws;

- Appeal of the decision of a Moderator whether or not a charge against an elder has just cause;
- Appeal from a pastor found at fault by local Panel regarding guilt and/or sentence;
- Appeal from a Plaintiff against an elder regarding a decision by local Panel regarding guilt and/or sentence;
- Restoration of an elder;
- Propose commendation, censure, or comment regarding an eldership and/or church leaving Sovereign Grace Churches;
- Regarding charges for removing an elder;

34.4.3 Decisions of a Sovereign Grace Court of Appeal:

- Appeal of a Regional Judicial Review Committee Panel whether or not a charge against an elder has just cause;
- Appeal by either the Defendant or Plaintiff regarding the guilt and/or sentence of an elder;
- Whether to hear a case involving the removal of a Region;
- Removal of a region;
- Appeal of a church member's excommunication.

- 34.5 The adjudicators' decision shall be legally and ecclesiastically binding on the parties, except as provided by law, and may be filed as a judgment and enforced by a court of law. It shall be the sole responsibility of the parties to file a decision with the court and, if necessary, to have it enforced.
- 34.6 If the parties settle their dispute during the course of adjudication, the adjudicators may set forth the terms of the agreed settlement in a decision.
- 34.7 The adjudication decision is final and cannot be reconsidered or appealed except as provided by Rule 35 and/or the *Book of Church Order of the Sovereign Grace Churches* and/or civil law.
- 34.8 The sentence shall not be carried out nor communicated beyond the parties until all time for appeals has expired and/or all appeals have been completed (BCO-17.11.4.3). If the Defendant is found guilty of the charges, the case will be made known to the local elders, the Regional Leader, the Chairman of the Regional Judicial Review Committee and to the Leadership Team of Sovereign Grace Churches. Further, except in the case of a private rebuke, the Panel shall make a summary of the decision for distribution to the local church, the Regional Assembly of Elders and for any Sovereign Grace elders who request it per the specific instructions of the *Book of Church Order of the Sovereign Grace Churches* (BCO-17.14). However, the identity of the Plaintiff and/or certain key witnesses should not be disclosed to the wider public.

35 Appeals

As defined by the *Book of Church Order of the Sovereign Grace Churches*, the following requests for appeal may be made seven (7) days after the decision has been received by the parties. An extension not exceeding seven (7) days may be granted to either party at the discretion of the Panel (BCO-17.13.1).

- 35.1 A Senior Pastor may appeal a local church Panel decision to reposition him to the Regional Judicial Review Committee (BCO-2.6.2.9);
- 35.2 A congregant may appeal a decision to excommunicate him/her to the Regional Judicial Review Committee (BCO-16.2.1 and BCO-16.2.2);
- 35.3 A congregant may appeal a decision made by the Regional Judicial Review Committee to uphold excommunication to the Sovereign Grace Court of Appeal (BCO-16.2.3);
- 35.4 The local eldership may appeal a decision by the Regional Judicial Review Committee to reverse or reconsider an excommunication to the Sovereign Grace Court of Appeal (BCO-16.2.4);
- 35.5 A Plaintiff may appeal a decision by the Moderator to not admit a charge to the Regional Judicial Review Committee (BCO-17.6);
- 35.6 An elder may appeal a decision for elders not recusing themselves to the Regional Judicial Review Committee (BCO-15.1.4);
- 35.7 An elder may appeal a local Panel decision to remove him as elder to the Regional Judicial Review Committee (BCO-17.8.7; BCO-17.15.1.4; BCO-18.2.4);
- 35.8 A local Panel may appeal any judgment by the Regional Judicial Review Committee that overturns their prior verdict to the Sovereign Grace Court of Appeal (BCO-18.2.6);
- 35.9 An elder may appeal a decision by the Regional Judicial Review Committee Panel to the Sovereign Grace Court of Appeal (BCO-17.13.5.1);
- 35.10 A Plaintiff may appeal the decision of the local Panel, if not satisfied, regarding the charges against an elder to the Defendant's Regional Judicial Review Committee (BCO-17.9.3);
- 35.11 A Plaintiff may appeal the decision of the Regional Judicial Review Committee, if not satisfied, with the Sovereign Grace Court of Appeal (BCO-17.9.3);
- 35.12 An eldership may appeal the ruling of the Regional Assembly of Elders to affirm the disavowal of an eldership to the Sovereign Grace Court of Appeal (BCO-18.2.10.2.c);
- 35.13 A member of a Regional Committee (BCO-6.4.1, 6.4.3) or an Entire Regional Committee may appeal the decision of the Regional Judicial Review Committee to the Sovereign Grace Court of Appeal (BCO-17.3.1.4; 18.2.8);
- 35.14 A member of the Committees of the Council of Elders (BCO-10) or an entire committee, a member of the Leadership Team, or a member of the Court of Appeal in Sovereign Grace Churches may appeal the decision to the Sovereign Grace Court of Appeal (BCO-17.3.1.5; 19.2.3);

35.15 Other appeals as identified in the *Book of Church Order of the Sovereign Grace Churches*.

36 Conflict of Rules

Should these Rules vary from state or federal adjudication statutes, these Rules shall control except where the state or federal rules specifically indicate that they may not be superseded. Should these Rules vary from the *Book of Church Order of the Sovereign Grace Churches*, the *Book of Church Order* shall control.

PART TWO: Appendix I: Issue Statements

These issue statements have been specifically prepared for adjudication for Sovereign Grace Churches. Local church eldership Panels, Moderators for Just Cause, Regional Judicial Review Committee Panels, and the Sovereign Grace Court of Appeal should use these issue statements in their work.

If the adjudicator has questions about which issue statement to use or whether or not to make any adjustment, they should contact the Chair of the Sovereign Grace Polity Committee.

37 Preparing Issue Statements

37.1 Crucial to the Process

In adjudication, carefully worded issue statements are crucial for reaching sound decisions. Issue statements directly impact the following:

- 37.1.1 Decisions must be made on the issues identified. Thus, they limit the specific authority that an adjudicator has in making decisions.
- 37.1.2 Parties prepare their evidence based on the specific issues agreed upon.
- 37.1.3 If issue statements are poorly written, the decision will likely fail to adequately resolve the most important issues.

37.2 Preparation of issue statements for disputes outside the Sovereign Grace system

In disputes outside the Sovereign Grace system, the administrator works together with the parties (and their attorneys) to finalize the wording of issue statements prior to the hearing:

- 37.2.1 Must be agreed to by both parties as part of the adjudication agreement.
- 37.2.2 Necessary for parties to prepare for the adjudication hearing.
- 37.2.3 Necessary for adjudicators to hear the case and issue a fair decision.

37.3 Preparation of issue statements for disputes within the Sovereign Grace system

37.3.1 In disputes regulated by the *Book of Church Order of the Sovereign Grace Churches*, the Panel [Court], with guidance from the Sovereign Grace Polity Committee or Sovereign Grace Director of Church Development, must define the issue statements according to Rule 20 of the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*:

- 37.3.1.1 As soon as notification of the request has been made for a Panel to be formed, the Panel should request the parties to provide a written description of the issues and desired remedies that they wish the Panel to consider.
- 37.3.1.2 The Panel shall review the issues and desired remedies submitted by the parties in addition to any issues identified by mediation attempts.
- 37.3.2 The Panel shall make the final determination of the issues to be decided. The Panel through its moderator may need to hold a preliminary hearing to gather

information necessary to make the final determination of the issues to be decided.

37.4 Key Elements of Issue Statements

37.4.1 Final issue statements must be given to parties far enough in advance so that they can properly prepare for the hearing.

37.4.2 Issue statements for adjudication must be put into the form of a question to be answered by the decision.

37.4.3 Issue statements should be written in such a way that they do not pre-suppose an answer. For example:

- Is Joe Elder guilty because of his adultery? (This statement presumes that Joe is guilty of adultery before the trial starts.)

37.4.4 Some issue statements need to be broken down into sub-issues in order to answer the greater issue at hand. For example, in the appeal of a member's excommunication:

- Should the action of _____ (name of church) eldership regarding the excommunication of _____ (name of individual appealing communication) be upheld, or should the church eldership be advised to reverse or reconsider its action?

37.4.5 In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to excommunicate _____ (name of individual appealing excommunication)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to excommunicate _____ (name of individual appealing excommunication)?

37.4.6 Note that in order to uphold the action of the church's eldership (in the above stated issue statement), the Panel considering the appeal must answer "yes" to both sub-issues. If either one of the sub-issues is answered "no," then the Panel must rule that the church eldership be advised to reverse or reconsider its action.

37.4.7 When considering appeals of decisions made by local church elderships or local church Panels, the issue statements must reflect the self-governing nature of the local church. In other words, Sovereign Grace cannot definitively overrule a local church eldership's decision in cases where the local church has primary authority. Note in the sample issue statement above that the Panel does not have the authority to overrule a local church eldership's decision to excommunicate a member. The Panel can either uphold the decision or decide that the eldership be advised to reverse or reconsider its action.

- 37.4.8 When considering appeals of decisions made by Regional Judicial Review Committee Panels, the Sovereign Grace Court of Appeal has authority to overrule such a decision.

38 Sample Jurisdictional Issue Statements for All Panels

This applies in (1) cases where a party challenges the authority of a Panel and (2) in all adjudications.

Every Adjudication Panel should address this issue, even if the parties do not raise the issue. When the parties do not raise the issue, the Panel should still document its basis for authority during the hearing and in its decision. In cases where the parties raise the issue, such parties are assured through the issue statements that the Panel itself will allow the parties to present evidence on this matter, providing parties with opportunity to address the issue and increase process satisfaction.

- On what basis does this Panel have the authority to act in this matter?

In answering this issue, the Panel should answer two basic questions with reference to specific articles, bylaws, *Book of Church Order of the Sovereign Grace Churches*, and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* (these questions need not be written out as sub-issues of the main question):

- Does this Panel have authority over the parties involved?
- Does the Panel have authority on the subject involved?

39 Sample Issue Statements for Local Church Elder Panels

The wording of these issue statements may vary depending on the applicable bylaws of the local church.

39.1 Excommunication of a Church Member

A congregant may appeal a decision to excommunicate him/her to the Regional Judicial Review Committee according to BCO-16.2.1 and BCO-16.2.2.

- On what basis does this eldership have the authority to act in this matter?
- Should _____ (name of member being disciplined) be excommunicated from the membership of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to excommunicate _____ (name of member being disciplined)?
- Has _____ (name of church) eldership properly followed its own procedures in its actions to discipline _____ (name of member being disciplined) prior to an action of excommunication?

39.2 Discipline of an Elder

- On what basis does this eldership have the authority to act in this matter?
- Should _____ (name of elder being charged) be disciplined as an elder of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to discipline _____ (name of elder)?
- Has _____, as the Plaintiff, and _____, as the Defendant, made every reasonable effort to handle the situation face-to-face over a sufficient period of time, as required in BCO-17.2.1-2; 17.8.1?
- Has _____ (name of church) eldership properly followed its own procedures in its actions to discipline _____ (name of elder)?

39.3 Repositioning of a Senior Pastor (for non-disciplinary reasons)

Note: An eldership may make a decision to reposition a senior pastor for non-disciplinary reasons according to BCO-2.6.2.

- On what basis does this eldership have the authority to act in this matter?
- Should _____ (name of senior pastor being repositioned) be repositioned as senior pastor of _____ (name of church) for non-disciplinary reasons?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does _____ (name of church) eldership find justifiable reasons to reposition _____ (name of senior pastor) as senior pastor?
- Has _____ (name of church) eldership properly developed and followed its own procedures in its actions to reposition _____ (name of senior pastor) as senior pastor (as required in BCO-2.6.2)?

39.4 Sentencing of Disciplined Elder

- On what basis does this Panel have the authority to act in this matter?
- Has the time for all appeals expired (BCO-17.8.7; 17.9.3; 17.13)?
- If a decision is made to discipline _____ (name of elder), which form(s) of discipline should the church eldership exercise (BCO-17.11.3)?

- Private rebuke?
- Public rebuke?
- Removal from office and revocation of ordination?
- Excommunication?
- Should this Panel decide to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?

(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

40 Sample Issue Statements for a Moderator of Just Cause

40.1 Just Cause for Charges Against an Elder

Note: The Regional Judicial Review Committee selects a Moderator to determine whether or not an elder has just cause as described in BCO-17.5.

- On what basis does this Moderator have the authority to act in this matter?
- Is there just cause for _____ (name of Plaintiff) to bring one or more charges against _____ (name of elder being charged) in a formal trial, or should the matter be dismissed, handled as a case for personal reconciliation, or some other process?

In order to address this issue, the following sub-issues must be addressed:

- Are there reasonable grounds to believe that the accused elder has engaged in sin which calls into question moral qualification, deviated from the Sovereign Grace *Statement of Faith* or *Book of Church Order*, and/or pastoral mishandling of sexual misconduct (BCO-17.5.8)?
- Are there at least two or more credible witnesses to testify in such a trial?
- Is there sufficient evidence for the charge to be legitimate?

40.2 Just Cause ruling on the resignation of an Elder

Note: The Chairman of the Regional Judicial Review Committee shall appoint a Moderator of Just Cause to determine if an elder's resignation has come about in a fair and freely agreed upon manner (BCO-2.8.4.1.b).

- On what basis does this Moderator have the authority to act in this matter?
- Is the resignation agreement between _____ (name of the resigning elder) and the eldership of _____ (name of the church) just, fair, and mutually agreed upon or should the matter be referred to mediation or adjudication?

In order to address this issue, the following sub-issues must be addressed:

- Are each party's reasons for the resignation clearly stated in the agreement?
- Is there a clear understanding on the part of both parties regarding the implications and conditions of the resignation agreement?
- Is the standing of the resigning elder's ordination status clearly stated and agreed upon in the resignation agreement?
- Is the agreement in keeping with the stipulations of the *Book of Church Order of the Sovereign Grace Churches*, especially BCO 2 and 17?

41 Sample Issue Statements for Regional Judicial Review Committee Panels

41.1 Appeal of an Excommunication of a Church Member

Note: A member who has been excommunicated by his/her church may appeal that action according to BCO-16.2.1. The decision of the Panel is limited as described in BCO-16.2.2.

- On what basis does this Panel have the authority to act in this matter?
- Should the action of _____ (name of church) eldership regarding the excommunication of _____ (name of individual appealing communication) be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to excommunicate _____ (name of individual appealing excommunication)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to excommunicate _____ (name of individual appealing excommunication)?

If a church terminated membership of a member but claims that it did not excommunicate the person, then the following sub-issue must also be addressed:

- Was the action of _____ (name of church) eldership in essence an action to excommunicate _____ (name of individual appealing excommunication)?

41.2 Appeal of a Moderator's Decision NOT to Admit Charges Against an Elder

Note: A Plaintiff may appeal a decision by the Moderator not to admit a charge to the Regional Review Committee as indicated in BCO-17.6.

- On what basis does this Panel have the authority to act in this matter?

- Should the decision of the Moderator not to admit one or more charges, brought by _____ (name of Plaintiff) against _____ (name of elder being charged) in a formal trial be upheld, or should the charges be admitted to be heard by the local eldership Panel?

In order to address this issue, the following sub-issues must be addressed:

- Is there just cause for _____ (name of Plaintiff) to bring one or more charges against _____ (name of elder being charged) in a formal trial, or should the matter be dismissed, handled as a case for personal reconciliation, or some other process?

In order to address this sub-issue, the following sub-issues must be addressed:

- Are there sufficient grounds regarding a serious breach of sound doctrine or the biblical qualifications for office of elder?
- Are there at least two or more credible witnesses to testify in such a trial?
- Is there sufficient evidence for the charge to be legitimate?

41.3 Appeal of a Decision NOT to Recuse an Elder

The appeal for this issue may be made by either the Defendant or the Plaintiff to the Regional Judicial Review Committee Panel according to BCO-15.1.4.

- On what basis does this Regional Judicial Review Committee Panel have the authority to act in this matter?
- In _____ (name of church), should the elder _____ (name of elder in question) be recused in considering the charges against the Defendant _____ (name of elder being charged)?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of elder in question) been involved in bringing charges against _____ (name of elder being charged)?
- Is there sufficient reason for _____ (name of elder in question) not to be impartial in hearing the case involving charges against _____ (name of elder being charged)?

41.4 Discipline of an Elder

These issues are for cases where the Regional Judicial Review Committee Panel serves as the original adjudicating body for the trial of an accused elder because a local eldership is too small to adequately deal with the matter (c.f. BCO-15.1.2 and BCO-18.2.5).

- On what basis does this Panel have the authority to act in this matter?
- Should _____ (name of elder being charged) be disciplined as an elder of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does this Panel find justifiable reasons according to the Bible and/or the church's bylaws for action to discipline _____ (name of elder)?
- Have _____, as the Plaintiff, and _____, as the Defendant, made every reasonable effort to handle the situation face-to-face over a sufficient period of time, as required in BCO-17.8.1?
- Has this Panel properly followed the church's procedures in its actions to discipline _____ (name of elder)?

41.5 Defendant's Appeal to be Disciplined as an Elder

These issues are for cases where the Regional Judicial Review Committee Panel serves as an appeal of a decision of a local eldership to remove an accused elder (see BCO-17.8.7; BCO-17.13; BCO-18.2.4).

- On what basis does this Panel have the authority to act in this matter?
- Should the action of _____ (name of church) eldership regarding the discipline of _____ (name of elder appealing action) be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to discipline _____ (name of elder)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to discipline _____ (name of elder)?
- Did _____ (name of church) eldership exercise the proper form of discipline based on the reasons it found?
- Private rebuke?
- Public rebuke?
- Removal from office and revocation of ordination?
- Excommunication?

If the Panel decides to remove the elder from office and revoke his ordination, and if it is appropriate to provide opportunity for the elder to apply for

restoration as an elder, then the following issue may be addressed unless adequately addressed in the original decision:

- Should this Panel decide to uphold the local eldership's decision to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?

(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

41.6 Plaintiff's Appeal for a Decision Regarding Disciplining an Elder

These issues are for cases where the Regional Judicial Review Committee Panel hears an appeal of a decision of a local eldership not to remove an accused elder (see BCO-17.9.3; BCO-17.13).

- On what basis does this Panel have the authority to act in this matter?
- Should the decision of _____ (name of church) eldership to dismiss the charges made by _____ (name of Plaintiff) against _____ (name of elder charged) and calling for his discipline be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its decision to affirm or dismiss charges against _____ (name of elder)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to consider the charges against _____ (name of elder)?
- Did _____ (name of church) eldership exercise the proper form of discipline based on the decisions it reached regarding the charges?
 - Private rebuke?
 - Public rebuke?
 - Removal from office and revocation of ordination?
 - Excommunication?

If the Panel decides to remove the elder from office and revoke his ordination, and if it is appropriate to provide opportunity for the elder to apply for restoration as an elder, then the following issue may be addressed:

- Should this Panel decide to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to

apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?

(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

41.7 Repositioning of a Senior Pastor Appeal (for non-disciplinary reasons)

These issues are for cases where the Regional Judicial Review Committee Panel hears an appeal of a decision of a local eldership to reposition a senior pastor (see BCO-7.2.3).

- On what basis does this Panel have the authority to act in this matter?
- Should the decision of _____ (name of church) eldership to reposition _____ (name of senior pastor repositioned) as senior pastor for non-disciplinary reasons be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons to reposition _____ (name of senior pastor) as senior pastor?
- Did _____ (name of church) eldership properly develop and follow its own procedures (as required in BCO-2.6.2) in its actions to reposition _____ (name of senior pastor) as senior pastor?
- Did _____ (name of church) eldership sin against _____ (name of senior pastor) in its process to reposition him as senior pastor to such a point that their decision should be reversed or reconsidered?

41.8 Discipline of a Member of a Regional Committee (BCO-6.4.1, 6.4.3) or an Entire Regional Committee Pertaining Uniquely to the Performance of Duties as a Member of a Regional Committee

Note: Charges against members of a Regional Committee (BCO-6.4.1, 6.4.3) or an entire regional committee that pertain generally to their qualification as elders will be handled according to the usual chain of jurisdiction for an elder (BCO-17.3; 18.2.8): local Panel, Judicial Review Committee, Sovereign Grace Court of Appeal.

Thus, these issues are for handling charges against a member of a regional committee (BCO-6.4.1, 6.4.3) or an entire regional committee pertaining uniquely to the performance of duties as a member of a regional committee. Complaints merely about job performance are handled by the Regional Assembly of Elders.

- On what basis does this Panel have the authority to act in this matter?
- Should _____ (name of elder) be disciplined as a member of the _____ (name of regional committee)?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does this Panel find justifiable reasons according to the Bible and/or the *Book of Church Order of the Sovereign Grace Churches* for action to discipline _____ (name of leader)?
- Have _____, as the Plaintiff, and _____, as the Defendant, made every reasonable effort to handle the situation face-to-face over a sufficient period of time, as required in BCO-17.8.1?
- Has this Panel properly followed the procedures of the *Book of Church Order of the Sovereign Grace Churches* and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in its actions to discipline _____ (name of leader)?

41.9 Public Censure of an Eldership

These issues are for cases where charges, credible complaints or grievances are brought against an eldership from any of the following:

- a member in good standing who makes a charge against his own eldership (17.3.1.2; 18.2.9.2);
- the eldership's Regional Assembly of Elders (BCO-18.2.9.1) or two other Regional Assemblies of Elders (BCO-18.2.9.3).
- an elder in good standing who makes a charge against another eldership (BCO-17.3.1.3).

Note that a Regional Judicial Review Committee Panel may issue a censure of an eldership if that eldership does not follow the recommendation regarding an appealed excommunication (18.2.9.4.b). The Judicial Review Committee Panel does not need to hold a new trial to issue the censure.

- On what basis does this Panel have the authority to act in this matter?
- Should _____ (name of eldership being charged) be publicly censured?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been found guilty of any of the following circumstances requiring public censure (see BCO-18.2.9.5)?
 - Persistent deviation from the Sovereign Grace *Statement of Faith*;
 - Divisive behavior (e.g., making or condoning charges against Sovereign Grace members outside of the appropriate church judicatories);
 - Outstanding and impenitent sin on the part of the elders;

- Persistent failure to uphold the *Book of Church Order of the Sovereign Grace Churches* or the Sovereign Grace Partnership Agreement.
- Has _____ (name of eldership being charged) been found guilty of covering up scandal for each other, have together embraced heterodoxy, or together have failed to uphold due process (see BCO-18.2.9.4.a)?
- Has this Panel properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to publicly censure _____ (name of eldership being charged)?
- If a decision is made to publicly censure _____ (name of eldership being charged), what would be the specific requirements and time frame required for the removal of censure?
(The Panel identifies what will be required for sufficient repentance and change, including the time frame required.)

41.10 Removal of Censure of an Eldership

Note: The Regional Judicial Review Committee that issued the censure may remove it according to BCO-18.2.9.7.

- On what basis does this Panel have the authority to act in this matter?
- Should the censure of _____ (name of eldership censured) be removed?

In order to address this issue, the following sub-issue must be addressed:

- Has _____ (name of eldership censured) met the specific requirements for the removal of censure?

(The Panel reviews the requirements set forth in the previous decision and determines if sufficient repentance and change has taken place.)

41.11 Disavowal of an Eldership

These issues are for when a Regional Judicial Review Committee Panel determines that a censured eldership has not changed its offending behavior, it can propose that the Regional Assembly of Elders disavow the eldership (18.2.10.1).

- On what basis does this Panel have the authority to act in this matter?
- Should this Panel make a recommendation to the Regional Assembly of Elders that _____ (name of eldership being charged) be disavowed, that is, revoke its approval and recognition of the ordination of the elders in question?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been properly censured according to the *Book of Church Order of the Sovereign Grace Churches*?

- Has _____ (name of eldership being charged) failed to change its offending behavior in a credible and timely fashion as required by the decision for public censure?
- Has this Panel properly followed the *Book of Church Order* in its actions to recommend disavowal of _____ (name of eldership being charged)?

If the Panel decides to recommend disavowal of the eldership, and if it is appropriate to provide opportunity for the eldership to apply for restoration, then the following issue may be addressed:

- Should this Panel decide to recommend disavowal of _____ (name of eldership) and recommend that the opportunity be made for the eldership to apply for restoration, what would be the specific requirements and time frame required for restoration?

(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

41.12 Failure to Confirm Disavowal of an Eldership by the Regional Assembly of Elders

Note: A Regional Judicial Review Committee can consider how it will respond to the failure to confirm disavowal of an eldership by the Regional Assembly of Elders according to the provisions of BCO-18.2.10.2.

- On what basis does this Panel have the authority to act in this matter?
- How should this Panel respond to the failure of the Regional Assembly of Elders to confirm disavowal of _____ (name of eldership censured)?
 - Rescind its prior judgment and remove the censure;
 - Keep the censure in place until the eldership evinces change warranting a removal of the censure;
 - Keep the censure in place and re-propose disavowal of the eldership to the Regional Assembly at a later time.

In order to address this issue, the following sub-issues must be addressed:

- Does the Panel reaffirm its original decision that _____ (name of eldership being charged) has been found and remains guilty of any of the following circumstances requiring public censure (see BCO-18.2.9.5)?
 - Persistent deviation from the Sovereign Grace *Statement of Faith*;
 - Divisive behavior (e.g., making or condoning charges against Sovereign Grace members outside of the appropriate church judicatories);
 - Outstanding and impenitent sin on the part of the elders;

- Persistent failure to uphold the *Book of Church Order of the Sovereign Grace Churches* or the Sovereign Grace Partnership Agreement.
- Does the Panel reaffirm its original decision that _____ (name of eldership being charge) has been found and remains guilty of covering up scandal for each other , have together embraced heterodoxy, or together have failed to uphold due process (see BCO-18.2.9.4.a)?
- Does the Panel reaffirm its original decision that this Panel properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to publicly censure _____ (name of eldership being charged)?
- Does the Panel reaffirm that it identified what was required for sufficient repentance and change and that _____ (name of eldership being charged) did not meet the requirements?

41.13 Removal of a Church

Note: A Regional Judicial Review Committee Panel may declare on the removal of a church according to BCO-18.2.10.3.

- On what basis does this Panel have the authority to act in this matter?
- Should this Regional Judicial Review Committee Panel declare that _____ (name of church being charged) ceases to be a Sovereign Grace church, and therefore such church forfeits all rights and responsibilities of membership in Sovereign Grace?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of church being charged) continued to recognize as its pastors men who have been disavowed, or who have never been approved by the Regional Assembly of Elders for ordination?
- Has _____ (name of church being charged) failed to abide by the *Book of Church Order of the Sovereign Grace Churches*, the *Sovereign Grace Statement of Faith*, or the Partnership Agreement of Sovereign Grace Churches, even after admonition?
- Has this Panel properly followed the procedures of the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in considering this action?

41.14 Commendation, Comment or Censure for a Church Withdrawing from Sovereign Grace

Note: No fewer than 3 members of the Regional Judicial Review Committee will meet with the departing eldership to recommend whether or not Sovereign Grace Churches

should commend, comment, or censure the departing church according to the provisions of BCO-13.2. This recommendation is proposed to the Regional Assembly, which will render a decision by a simple majority vote (BCO-13.2.8)

- On what basis does the Regional Judicial Review Committee have the authority to act in this matter?
- [The following questions are not required but may be used by the Regional Judicial Review Committee to discern whether to recommend Commendation, Comment, or Censure. Not all questions are relevant to every situation, and other questions may be needed.]
 - How would you summarize your reasons for departure?
 - Can you provide the context for when and how these reasons arose?
 - How has your local eldership carefully and soberly evaluated these reasons, testing them according to Scripture?
 - Where appropriate, has your local eldership engaged with the Regional Leader, our Regional Assembly of Elders, and/or the Council of Elders to address these reasons?
 - How have you sought to honor the gravity of ecclesiastical union throughout this process?
 - What has the process of walking the congregation through this proposed separation looked like?
 - Would you consider delaying your departure from Sovereign Grace to pursue either a path of reconciliation (e.g. differences in leadership or ministry philosophy) or repentance (e.g. from heresy, scandalous sin, etc...)?
 - Are you aware that a lack of repentance will compel this Regional Judicial Review Committee to recommend Censure?
- Should this Regional Judicial Review Committee recommend to the Regional Assembly of Elders that _____ (name of church) be commended to the Lord and his grace and freed to withdraw from Sovereign Grace Churches without censure?

In order to address this issue, the following sub-issues must be addressed:

- Has the Regional Judicial Review Committee determined that the church has valid reasons to leave (BCO-13.2.5) such as:
 - a non-heretical disagreement with the *Sovereign Grace Statement of Faith*?
 - a theological inability to submit to the explicit mandates of the *Book of Church Order of the Sovereign Grace Churches*?
 - a practical inability to participate in a Regional Assembly of Elders?

- another valid reason as determined by the Regional Judicial Review Committee?
- Should this Regional Judicial Review Committee recommend to the Regional Assembly of Elders a comment which neither commends nor censures the decision of the eldership of _____ (name of church) to withdraw from Sovereign Grace Churches?

In order to address this issue, the following sub-issue must be addressed:

- Has the Regional Judicial Review Committee determined that an eldership is departing for reasons which do not rise to the level of censure but fall short of reasons which warrant commendation (e.g. failing to honor the gravity of ecclesiastical union found in BCO-1.10.3)?
- Should this Regional Judicial Review Committee recommend to the Regional Assembly of Elders that _____ (name of church) eldership be censured in its intended action to withdraw from Sovereign Grace Churches?

In order to address this issue, the following sub-issues must be addressed:

- Has the Regional Judicial Review Committee determined that the departing church's eldership does not have valid reasons to leave without censure (BCO-13.2.6), such as the eldership is:
 - heretical (i.e., its errors present a grave and immediate threat to the spiritual welfare of church members)?
 - guilty of unrepented scandalous sin?
 - intentionally violating the *Book of Church Order of the Sovereign Grace Churches* while maintaining a public appearance of support for it?
 - has engaged in divisive and destructive behavior (i.e., making or condoning charges against Sovereign Grace members outside of the appropriate church judicatories)?

41.15 Revision of a Church's Bylaws

Note: A Regional Judicial Review Committee may review and recommend changes to a church's bylaws so that they are consistent with the *Book of Church Order of the Sovereign Grace Churches* according to the provisions of BCO-5.1.4. Each case is to be heard by three members of the Regional Judicial Review Committee as per BCO-18.1.

- On what basis does this Panel have the authority to act in this matter?
- Should _____ (name of church) be advised to change its bylaws to be consistent with the *Book of Church Order of the Sovereign Grace Churches*?

In order to address this issue, the following sub-issue must be addressed:

- Has the Panel determined that certain portions of the bylaws of _____ (name of church) are inconsistent with the *Book of Church Order of the Sovereign Grace Churches*?
- What are the changes to the church's bylaws that the Panel recommends?

(Specific recommendations are identified.)

41.16 Restoration of a Former Elder

Note: The Panel responsible for handing down a judgment for removal from office will set the date for the restoration hearing as part of their initial decision. The *Book of Church Order of the Sovereign Grace Churches* lays out the process for hearing the case in BCO-17.12.

- On what basis does this Panel have the authority to act in this matter?
- Should this Regional Judicial Review Committee Panel restore _____ (name of former elder) as an ordained elder in Sovereign Grace?

In order to address this issue, the following sub-issues must be addressed:

- Has the Panel determined that the former elder has met the terms and conditions required for restoration in the original decision to remove him as elder and terminate his ordination?
- Has the Panel determined that the former elder has demonstrated appropriate repentance?
- Has the Panel determined that the former elder does not need to complete any other terms and conditions in order to be restored?
- Has the Panel determined that the former elder has met the required terms and conditions within the time frame identified?
- Should this Regional Judicial Review Committee Panel decide not to restore _____ (name of former elder) as an ordained elder in Sovereign Grace but provide further opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time frame required for restoration:

(The Panel identifies what will be required for sufficient repentance and change, including the time frame required.)

41.17 Sentencing of Disciplined Elder

On what basis does this Panel have the authority to act in this matter?

- Has the time for all appeals expired (BCO-17.8.7; 17.9.3; 17.13)?
- If a decision is made to discipline _____ (name of elder), which form(s) of discipline should the church eldership exercise (BCO-17.11.3)?

- Private rebuke?
- Public rebuke?
- Removal from office and revocation of ordination?
- Excommunication?
- Should this Panel decide to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?

(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

42 Sample Issue Statements for Sovereign Grace Court of Appeal

42.1 Considering an Optional Appeal of a Decision by Regional Judicial Review Committee Panel

Note (BCO-19.2.1): The Sovereign Grace Court of Appeal has the right, in its discretion, to review decisions that are appealed from cases decided by a Regional Judicial Review Committee. Any decision of a Regional Judicial Review Committee may be appealed up to the Sovereign Grace Court of Appeal by either party to the decision, or by a Panel whose judgment has been overruled. However, in any case where the Regional Judicial Review Committee has assumed original jurisdiction and conducted a trial (see e.g. BCO-15.1.5, when not enough local elders are available to constitute a Panel), the Sovereign Grace Court of Appeal must hear the case if is appealed. The Sovereign Grace Court of Appeal may not decline to hear the case.

Note (BCO-19.2.2): The Court has the right to uphold or overturn the decision of a regional court and is not bound to grant another trial.

Usually, if parties have already utilized an appeal process in a private system for adjudication (such as the one provided in the *Book of Church Order of the Sovereign Grace Churches*), appeals are not heard if not required, except under unusual circumstances. In the *Book of Church Order*, as noted above, the Sovereign Grace Court of Appeal may optionally hear a second level appeal at its discretion. To assist in deciding such a matter, the Court may consider the following issue statements:

- On what basis does this Court have the authority to act in this matter?
- Should this Sovereign Grace Court of Appeal grant another hearing for the appeal of the following decision of the Regional Judicial Review Committee Panel?
- (The basic decision of the Regional Judicial Review Committee Panel is written here without explanation.)

In order to address this issue, the following sub-issues must be addressed:

- Are there unusual circumstances that warrant an appeal?
- Are there grounds for modification in the decision, such as:

- Evident miscalculation or mistake in identification?
- Adjudicators decided upon a matter not submitted to them?
- The decision is imperfect in a matter of form not affecting the merits of the case?
- Are there grounds for overriding the decision, such as:
 - The decision was procured by corruption, fraud, or other unjust means?
 - There was evident partiality, corruption, or misconduct by an adjudicator that prejudiced the rights of a party?
 - The adjudicators exceeded their authority?
 - The adjudicators unreasonably refused to postpone a hearing or to hear material evidence or otherwise conducted the hearing so as to substantially prejudice the rights of a party?
- If the Court decides not to grant another trial on appeal, does it uphold or overturn the decision or portions of the decision of the regional court?

42.2 Any Optional Appeal of a Decision by Regional Judicial Review Committee Panel

Note: Usually, if parties have already utilized an appeal process in a private system for adjudication (such as the one provided in the *Book of Church Order of the Sovereign Grace Churches*), appeals are not heard if not required, except under unusual circumstances. In BCO-19.2.2, the Sovereign Grace Court of Appeal may optionally hear a second level appeal at its discretion.

- On what basis does this Court have the authority to act in this matter?
- Should the decision by the Regional Judicial Review Committee Panel in the case of _____ (name of Plaintiff) as Plaintiff and _____ (name of Defendant) as Defendant dated _____ (date of decision) be upheld, or should the decision be overturned or modified?

The decision to be considered in this appeal trial is as follows:

(The basic decision of the Regional Judicial Review Committee Panel is written here without explanation.)

In order to address this issue, the following issues and sub-issues must be addressed:

(The original issue statement including sub-issues is restated from the original decision. If the issues were poorly stated to begin with, then the Court should rule that the original statement of issues was improperly or poorly stated and the new statement of issues should be defined. The decision to redefine the statement of issues should be made and clarified by using the issue statement above for the previous situation, indicating that a reason for re-hearing this case is that the original issue statements were not properly defined. The Court may use the phrase, “The decision is imperfect in a matter of form

not affecting the merits of the case, due to the poor construction of the statement of issues. Therefore, in the interests of justice, this Court redefines the issues as follows:”)

42.3 Appeal of an Excommunication of a Church Member

Note: The Sovereign Grace Court of Appeal may choose to hear or not hear an excommunicated member’s appeal of a decision from the Regional Judicial Review Committee Panel on an excommunication case as provided in BCO-16.2.3. The Court should hear an eldership’s appeal from the Regional Judicial Review Committee Panel on an excommunication case as provided in BCO-16.2.4.

- On what basis does this Court have the authority to act in this matter?
- Should the action of _____ (name of church) eldership regarding the excommunication of _____ (name of individual appealing communication) be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church’s bylaws for its action to excommunicate _____ (name of individual appealing excommunication)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to excommunicate _____ (name of individual appealing excommunication)?

If a church terminated membership of a member but claims that it did not excommunicate the person, then the following sub-issue must also be addressed:

- Was the action of _____ (name of church) eldership in essence an action to excommunicate _____ (name of individual appealing excommunication)?

42.4 First Appeal of the Decision to Discipline or Not Discipline an Elder

This appeal may be made by either the Plaintiff or the Defendant. These issues are for cases where the Regional Judicial Review Committee Panel served as the original adjudicating body for the trial of an accused elder because a local eldership is too small to adequately deal with the matter (c.f. BCO-15.1.5 and 18.2.5). The Sovereign Grace Court of Appeal then serves as the final process for appeal.

- On what basis does this Court have the authority to act in this matter?
- Should the decision by the Regional Judicial Review Committee Panel in the case of _____ (name of Plaintiff) as Plaintiff and _____ (name of Defendant) as Defendant dated _____ (date of decision) be upheld, or should the decision be overturned or modified?

The decision to be considered in this appeal trial is as follows:

(The basic decision of the Regional Judicial Review Committee Panel is written here without explanation.)

The Sovereign Grace Court of Appeal reconsiders the decision based on the following statement of issues:

- Should _____ (name of elder being charged) be disciplined as an elder of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- Did the Regional Judicial Review Committee Panel find justifiable reasons according to the Bible and/or its church's bylaws for its action to discipline _____ (name of elder)?
- Has the Regional Judicial Review Committee Panel properly followed the church's procedures in its actions to discipline _____ (name of elder)?

42.5 Second Level of Appeal of a Decision to Discipline or not Discipline an Elder

This appeal may be made by either the Plaintiff or the Defendant or the local eldership. These issues are for cases where the Regional Judicial Review Committee Panel served as the first level of appeal for an accused elder who was disciplined by his local eldership. The Sovereign Grace Court of Appeal then serves as the final process for appeal according to BCO-17.13.5.

- On what basis does this Court have the authority to act in this matter?
- Should the action of _____ (name of church) eldership regarding the discipline of _____ (name of elder appealing action) be upheld, or should the church eldership be advised to reverse or reconsider its action?

In order to address this issue, the following sub-issues must be addressed:

- Did _____ (name of church) eldership find justifiable reasons according to the Bible and/or its church's bylaws for its action to discipline _____ (name of elder)?
- Did _____ (name of church) eldership properly follow its own procedures in its actions to discipline _____ (name of elder)?
- Did _____ (name of church) eldership exercise the proper form of discipline based on the reasons it found?
 - Private rebuke?
 - Public rebuke?
 - Removal from office and revocation of ordination?
 - Excommunication?

If the Court decides to uphold the decision to remove the elder from office and revoke his ordination, and if it is appropriate to provide opportunity for the elder to apply for restoration as an elder, then the following issue may be addressed unless adequately addressed in the original decision:

- Should this Court decide to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?

(The Court identifies what will be required for sufficient repentance and change, including the time frame required.)

42.6 Appeal of the Decision to Discipline or Not Discipline a Member of a Regional Committee (BCO-6.4.1, 6.4.3) or an Entire Regional Committee Pertaining Uniquely to the Performance of Duties as a Member of a Regional Committee

This appeal may be made by either the Plaintiff or the Defendant.

- On what basis does this Court have the authority to act in this matter?
- Should the decision by the Regional Judicial Review Committee Panel in the case of _____ (name of Plaintiff) as Plaintiff and _____ (name of Defendant) as Defendant dated _____ (date of decision) be upheld, or should the decision be overturned or modified?

The decision to be considered in this appeal trial is as follows:

(The basic decision of the Regional Judicial Review Committee Panel is written here without explanation.)

The Sovereign Grace Court of Appeal reconsiders the decision based on the following statement of issues:

- Should _____ (name of elder(s) being charged) be disciplined as an elder of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- Did the Regional Judicial Review Committee Panel find justifiable reasons according to the Bible and/or the *Book of Church Order of the Sovereign Grace Churches* for its action to discipline _____ (name of elder)?
- Has the Regional Judicial Review Committee Panel properly followed the procedures of the *Book of Church Order of the Sovereign Grace Churches* and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in its actions to discipline _____ (name of elder)?

42.7 Discipline of a Member of the Committees of the Council of Elders (BCO-10) or an Entire Committee, a Member of the Leadership Team, or a Member of the Court of Appeal in Sovereign Grace Churches Pertaining Uniquely to the Performance of Duties as a Member of a Committee, the Leadership Team, or the Court of Appeal

Note: Charges against members of a Committees of the Council of Elders (BCO-10) or an entire committee, a member of the Leadership Team, or a member of the Court of Appeal in Sovereign Grace Churches that pertain generally to their qualification as elders will be handled according to the usual chain of jurisdiction for an elder (BCO-17.3; 19.2.3): local Panel, Judicial Review Committee, Sovereign Grace Court of Appeal.

Thus, these issues are for handling charges against a member of the Committees of the Council of Elders (BCO-10) or an entire committee, a member of the Leadership Team, or a member of the Court of Appeal in Sovereign Grace Churches pertaining uniquely to the performance of duties as a member of a committee, the Leadership Team, or the Court of Appeal. Charges will be handled according to BCO-17.3; 19.2.3. Complaints merely about job performance are handled by the Executive Committee, in the case of the Leadership Team, and by the Council of Elders in the case of the Committees of the Council of Elders and the Court of Appeal.

- On what basis does this Court have the authority to act in this matter?
- Should _____ (name of leader being charged) be disciplined as a member of the _____ (name of committee, team or court)?

In order to address this issue, the following sub-issues must be addressed:

- On what basis does this Court find justifiable reasons according to the Bible and/or the *Book of Church Order of the Sovereign Grace Churches* for action to discipline _____ (name of leader)?
- Have _____, as the Plaintiff, and _____, as the Defendant, made every reasonable effort to handle the situation face-to-face over a sufficient period of time, as required in BCO-17.8.1?
- Has this Court properly followed the procedures of the *Book of Church Order of the Sovereign Grace Churches* and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in its actions to discipline _____ (name of leader)?

42.8 Appeal of the Decision to Discipline or Not Discipline a Member of the Committees of the Council of Elders (BCO-10) or an Entire Committee, a Member of the Leadership Team, or a Member of the Court of Appeal in Sovereign Grace Churches Pertaining Uniquely to the Performance of Duties as a Member of a Committee, the Leadership Team, or the Court of Appeal

This appeal may be made by either the Plaintiff or the Defendant.

- On what basis does this Court have the authority to act in this matter?

- Should the decision by the Sovereign Grace Court of Appeal in the case of _____ (name of Plaintiff) as Plaintiff and _____ (name of Defendant) as Defendant dated _____ (date of decision) be upheld, or should the decision be overturned or modified?

The decision to be considered in this appeal trial is as follows:

(The basic decision of the Court of Appeal is written here without explanation.)

The Sovereign Grace Court of Appeal reconsiders the decision based on the following statement of issues:

- Should _____ (name of elder(s) being charged) be disciplined as an elder of _____ (name of church)?

In order to address this issue, the following sub-issues must be addressed:

- Did the Sovereign Grace Court of Appeal find justifiable reasons according to the Bible and/or the *Book of Church Order of the Sovereign Grace Churches* for its action to discipline _____ (name of elder)?
- Has the Sovereign Grace Court of Appeal properly followed the procedures of the *Book of Church Order of the Sovereign Grace Churches* and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in its actions to discipline _____ (name of elder)?

42.9 Appeal of the Decision to Remove a Church

These issues are for cases where a church appeals the decision of a Regional Judicial Review Committee Panel to officially declare the removal of a church from Sovereign Grace Churches (see BCO-18.2.9.3 and BCO-19.2.1).

- On what basis does this Court have the authority to act in this matter?
- Should the decision by the Regional Judicial Review Committee Panel dated _____ (date of decision) to declare that _____ (name of church removed) ceases to be a Sovereign Grace Church be upheld, or should the decision be overturned or modified?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of church being removed) continued to recognize as its pastors men who have been disavowed, or who have never been approved by the Regional Assembly of Elders for ordination?
- Has _____ (name of church being removed) failed to abide by the *Book of Church Order of the Sovereign Grace Churches*, the *Sovereign Grace Statement of Faith*, or the

Partnership Agreement of Sovereign Grace Churches, even after admonition?

- Did the Regional Judicial Review Committee Panel properly follow the procedures of the *Book of Church Order of the Sovereign Grace Churches* and *Rules of Procedure for Adjudications for the Sovereign Grace Churches* in considering this action?

42.10 Refusal of a Regional Judicial Review Committee Panel to Hear Charges Against an Eldership

These are for cases where the Regional Judicial Review Committee Panel refuses to hear charges against an eldership under its jurisdiction and charges are brought by two Regional Assemblies of Elders (BCO-18.2.9.3 and BCO-19.2). Note that the process includes a process for censure, opportunity to remove the censure, and recommending disavowal of the eldership to the Regional Assembly of Elders

42.10.1 Public Censure of an Eldership

- On what basis does this Court have the authority to act in this matter?
- Should _____ (name of eldership being charged) be publicly censured?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been found guilty of any of the following circumstances requiring public censure (BCO-18.2.9.5)?
 - Persistent deviation from the Sovereign Grace *Statement of Faith*;
 - Divisive behavior (e.g., making or condoning charges against Sovereign Grace members outside of the appropriate church judicatories);
 - Outstanding and impenitent sin on the part of the elders;
 - Persistent failure to uphold the *Book of Church Order of the Sovereign Grace Churches* or the Sovereign Grace Partnership Agreement.
- Has _____ (name of eldership being charged) been found guilty of covering up scandal for each other, have together embraced heterodoxy, or together have failed to uphold due process (BCO-18.2.9.4.a)?
- Has this Court properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to publicly censure _____ (name of eldership being charged)?

- If a decision is made to publicly censure _____ (name of eldership being charged), what would be the specific requirements and time frame required for the removal of censure?

(The Court identifies what will be required for sufficient repentance and change, including the time frame required.)

42.10.2 Removal of Censure of an Eldership

Note: Removal of censure of an eldership is described in BCO-18.2.9.7 (cf. BCO-18.2.9.3 and BCO-19.2).

- On what basis does this Court have the authority to act in this matter?
- Should the censure of _____ (name of eldership censured) be removed?

In order to address this issue, the following sub-issue must be addressed:

- Has _____ (name of eldership censured) met the specific requirements for the removal of censure?

The Court reviews the requirements set forth in the previous decision and determines if sufficient repentance and change has taken place.

42.10.3 Disavowal of an Eldership

Note: These issues are for when a Sovereign Grace Court of Appeal determines that a censured eldership has not changed its offending behavior, it can propose that the Regional Assembly of Elders disavow the eldership (BCO-18.2.9.3; BCO-18.2.9.1).

- On what basis does this Court have the authority to act in this matter?
- Should this Court make a recommendation to the Regional Assembly of Elders that _____ (name of eldership being charged) be disavowed, that is, revoke its approval and recognition of the ordination of the elders in question?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been properly censured according to the *Book of Church Order of the Sovereign Grace Churches*?
- Has _____ (name of eldership being charged) failed to change its offending behavior in a credible and timely fashion as required by the decision for public censure?
- Has this Court properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to recommend

disavowal of _____ (name of eldership being charged)?

If the Court decides to recommend disavowal of the eldership, and if it is appropriate to provide opportunity for the eldership to apply for restoration, then the following issue may be addressed:

- Should this Court decide to recommend disavowal of _____ (name of eldership) and recommend that the opportunity be made for the eldership to apply for restoration, what would be the specific requirements and time frame required for restoration?

42.10.4 Failure to Confirm Disavowal an Eldership by the Regional Assembly of Elders

Note: These issues are for when a Regional Assembly of Elders fails to confirm disavowal of an eldership (BCO-18.2.9.3; BCO-18.2.9.1).

- On what basis does this Court have the authority to act in this matter?
- How should this Court respond to the failure of the Regional Assembly of Elders to confirm disavowal of _____ (name of eldership censured)?
 - Rescind its prior judgment and remove the censure;
 - Keep the censure in place until the eldership evinces change warranting a removal of the censure;
 - Keep the censure in place and re-propose disavowal of the eldership to the Regional Assembly at a later time.

In order to address this issue, the following sub-issues must be addressed:

- Does the Court reaffirm its original decision that _____ (name of eldership being charged) has been found and remains guilty of any of the following circumstances requiring public censure (BCO-18.2.9.5)?
 - Persistent deviation from the Sovereign Grace *Statement of Faith*;
 - Divisive behavior (e.g., making or condoning charges against Sovereign Grace members outside of the appropriate church judicatories);
 - Outstanding and impenitent sin on the part of the elders;
 - Persistent failure to uphold the *Book of Church Order of the Sovereign Grace Churches* or the Sovereign Grace Partnership Agreement.

- Does the Court reaffirm its original decision that _____ (name of eldership being charged) has been found and remains guilty of covering up scandal for each other, have together embraced heterodoxy, or together failed to uphold due process (BCO-18.2.9.4.a)?
- Does the Court reaffirm its original decision that this Panel properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to publicly censure _____ (name of eldership being charged)?
- Does the Court reaffirm that it identified what was required for sufficient repentance and change and that _____ (name of eldership being charged) did not meet the requirements?

42.11 Appeal of a Regional Assembly of Elders' Decision for Disavowal of an Eldership

These issues are for when an eldership appeals the decision of its Regional Assembly of Elders for disavowal of the eldership (BCO-18.2.10.2.c).

- On what basis does this Court have the authority to act in this matter?
- Should the decision by the Regional Assembly of Elders dated _____ (date of decision) for disavowal of the _____ (name of eldership) be upheld, or should the decision be overturned?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been properly censured according to the *Book of Church Order of the Sovereign Grace Churches*?
- Has _____ (name of eldership being charged) failed to change its offending behavior in a credible and timely fashion as required by the decision for public censure?
- Has the Regional Assembly of Elders properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions for disavowal of _____ (name of eldership being charged)?

If the Court decides to uphold the disavowal of the eldership, and if it is appropriate to provide opportunity for the eldership to apply for restoration, then the following issue may be addressed:

- Should this Court decide to uphold the disavowal of _____ (name of eldership) but provide that opportunity be made for the eldership to apply for restoration, what would be the specific requirements and time frame required for restoration?

(The Court identifies what will be required for sufficient repentance and change, including the time frame required.)

42.12 Charges Against a Region

Note: These issues are for when ten members of the Council of Elders bring charges against a Region that could lead to censure or removal from Sovereign Grace (BCO-19.2.3; BCO-19.2.3.2). If the Court of Appeal renders a judgment for censure, then the Council of Elders will finalize or overturn the decision by a simple majority vote (BCO-19.2.3.4). If the judgment is for removal, a two-thirds majority vote by the Council of Elders will finalize the decision of the Sovereign Grace Court of Appeal (BCO-19.2.3.5). If the judgment of the Court of Appeal is not upheld by a two-thirds majority, it will immediately initiate a simple majority vote by the Council of Elders on whether to censure the Region (BCO-19.2.3.6).

42.12.1 Public Censure of a Region

- On what basis does this Court have the authority to act in this matter?
- Should _____ (name of Region being charged) be publicly censured?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of eldership being charged) been found guilty of any of the following circumstances requiring public censure (BCO-19.2.3.1)?
 - Persistent deviation from the Sovereign Grace *Statement of Faith*;
 - Persistent divisive behavior (e.g., making or condoning charges against Sovereign Grace members outside of the appropriate judicatories);
 - Unrepentant sin on the part of the elders;
 - Persistent failure to uphold the *Book of Church Order of the Sovereign Grace Churches* or the Sovereign Grace Partnership Agreement.
- Has _____ (name of Region being charged) been found guilty of covering up scandal for each other, have together embraced heterodoxy, or together have failed to uphold due process (BCO-18.2.9.4.a)?
- What elders and elderships within this Region have registered their dissent against the position or action of the Region and are therefore exempted from censure?
- Has this Court properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to publicly censure _____ (name of Region being charged)?

- If a decision is made to publicly censure _____ (name of Region being charged), what would be the specific requirements and time frame required for the removal of censure?

(The Court identifies what will be required for sufficient repentance and change, including the time frame required. The decision to censure must be approved by a simple majority vote of the Council of Elders, as required in BCO-19.2.3.4. Should the Court propose a process for removal of censure, this should be included in the decision that is considered by the Council of Elders for its approval.)

42.12.2 Removal of Censure of a Region

Note: The process for removal of censure of an eldership is described under BCO-18.2.9.7. Additional direction for restoration of office is given in BCO-17.12.2, noting in the fourth paragraph that the presiding adjudicatory (including the Court of Appeal) responsible for judging on removal from office will set the date for the restoration hearing as part of their original decision. Since the Court of Appeal has authority for removal or censure of a Region (BCO-19.2.3) with the final decision by the Council of Elders (BCO-19.2.3.4), then it may be presumed that the Court would have the authority and responsibility to hear the case for removal of censure. To clarify this presumption, the Court should identify this process in its decision to censure in the last bullet above and have that approved by the Council of Elders.

- On what basis does this Court have the authority to act in this matter?
- Should the censure of _____ (name of Region censured) be removed?

In order to address this issue, the following sub-issue must be addressed:

- Has _____ (name of Region censured) met the specific requirements for the removal of censure?

The Court reviews the requirements set forth in the previous decision and determines if sufficient repentance and change has taken place.

42.12.3 Disavowal of a Region

These issues are for when a Sovereign Grace Court of Appeal determines that a censured Region has not changed its offending behavior, it can declare the disavowal of that Region (BCO-19.2.3). If the judgment is for disavowal, a two-thirds majority vote by the Council of Elders will finalize the decision of the Sovereign Grace Court of Appeal (BCO-19.2.3.5). If the judgment of the Court of Appeal is not upheld by a two-thirds majority, it will immediately initiate a simple majority vote by the Council of Elders on whether to censure the Region (BCO-19.2.3.6).

- On what basis does this Court have the authority to act in this matter?

- Should this Court declare that _____ (name of Region being charged) be disavowed, that is, revoke its approval and recognition of the ordination of the elders in question?

In order to address this issue, the following sub-issues must be addressed:

- Has _____ (name of Region being charged) been properly censured according to the *Book of Church Order of the Sovereign Grace Churches*?
- Has _____ (name of Region being charged) failed to change its offending behavior in a credible and timely fashion as required by the decision for public censure?
- What elders and elderships within this Region have registered their dissent against the position or action of the Region and are therefore exempted from removal?
- Has this Court properly followed the *Book of Church Order of the Sovereign Grace Churches* in its actions to declare disavowal of _____ (name of Region being charged)?

If the Court declares disavowal of the Region, and if it is appropriate to provide opportunity for the Region or its elders to apply for restoration, then the following issue may be addressed:

- Should this Court declare disavowal of _____ (name of Region) and recommend that the opportunity be made for the Region or its elders to apply for restoration, what would be the specific requirements and time frame required for restoration?

(The Court identifies what will be required for sufficient repentance and change, including the time frame required. The decision to remove a region must be approved by a two-thirds majority vote of the Council of Elders, as required in BCO-19.2.3.5. Should the Court propose a process for removal of censure, this should be included in the decision that is considered by the Council of Elders for its approval.)

42.13 Sentencing of Disciplined Elder

- On what basis does this Panel have the authority to act in this matter?
- If a decision is made to discipline _____ (name of elder), which form(s) of discipline should the church eldership exercise (BCO-17.11.3)?
 - Private rebuke?
 - Public rebuke?
 - Removal from office and revocation of ordination?

- Excommunication?
- Should this Court decide to remove _____ (name of elder) as an ordained elder in Sovereign Grace and provide opportunity for him to apply for restoration as an elder again, what would be the specific requirements and time period to apply for restoration?
(The Panel identifies the terms and conditions necessary to apply for restoration and the time frame in which these should be completed.)

43 Other Issues and Consultation

43.1 Other Issues & Adjudication Agreements

Other issues may be considered by a Panel if agreed upon by the parties or required by the *Book of Church Order of the Sovereign Grace Churches*.

Where the *Book of Church Order of the Sovereign Grace Churches* or *Rules of Procedure for Adjudications for the Sovereign Grace Churches* do not specifically prescribe remedy for resolving certain disputes, parties may agree to have a Panel decide such issues by signing an adjudication, or mediation/adjudication agreement that specifically provides a system for addressing other issues. However, the parties may be responsible for any additional costs and fees incurred for such issues.

43.2 Issues Regarding Restitution

What restitution, if any, is owed by either party in this dispute to the other?

A Panel may require that an entity of Sovereign Grace make restitution. Note, however, that a Panel may be limited in requiring restitution from a church to someone because of the church's right to self-governance. In such cases, the Panel may decide that church is advised to make restitution, or in the failure thereof, such church might face removal from Sovereign Grace churches.

43.3 Other Issues

Those serving as adjudicators within Sovereign Grace should contact either the Chairman of the Sovereign Grace Court of Appeal or the Chair of the Sovereign Grace Polity Committee for consultation if they are not sure how to proceed.

PART TWO - Appendix II: Overview of the Adjudication Hearing

44 Moderator of Just Cause

The Moderator of Just Cause represents either the local church eldership, the Regional Judicial Review Committee, or the Sovereign Grace Court of Appeal based on the jurisdiction as outlined in the *Book of Church Order of the Sovereign Grace Churches*.

44.1 Procedures for charges brought against an elder.

44.1.1 Once appointed, the Moderator of Just Cause vets the charges per BCO-17.5.

44.1.2 Using *Rules of Procedure* 40.1, the Moderator of Just Cause must write a decision regarding whether or not there is sufficient weight of just cause for a trial.

44.1.3 It is essential that the Moderator of Just Cause understand the limits on his role. He is not to adjudicate the guilt or innocence of the Defendant but only the merit of the charges meeting biblical standards and BCO standards.

44.2 Procedures for the resignation of an elder.

44.2.1 Should an elder agree to resign from his position, either confessing to serious sin, significant doctrinal differences, or personal reasons, the Chairman of the Judicial Review Committee shall appoint a Moderator of Just Cause from his Committee to review the situation and any resignation agreement in order to determine whether a trial is necessary.

44.2.1.1 Should the Moderator of Just Cause determine that the process and agreement are fair and freely agreed upon, he will write a formal decision in accordance with *Rules of Procedure* 40.2, sending it to the resigning elder, the local eldership, the Regional Assembly of Elders, and the Director of Church Development regarding his decision that no trial is necessary.

44.2.1.2 This should be done in cooperation with the local eldership.

44.2.1.3 Should the Moderator find the agreement to be unfair or not mutually agreed upon, he should notify both parties, the Chairman of the Judicial Review Committee, and the Regional Leader.

44.2.1.4 The parties should be referred to mediation to resolve the issues in contention. The moderator should be a mutually agreed upon elder within Sovereign Grace.

44.2.1.5 If the resignation cannot be mutually and fairly agreed upon, the matter must be referred to the Judicial Review Committee for adjudication.

44.2.1.6 In either case, a formal written decision should be produced in accordance with the *Rules of Procedure* 40.2 and sent to both parties, the Chairman of the Judicial Review Committee, and the Regional Leader.

- 44.2.2 It is essential that the Moderator of Just Cause understand the limits of his role. He is not to weigh in on the details of the case but only on whether the agreement is fair and mutually agreed upon.
- 44.2.3 In his work, the Moderator of Just Cause will have the freedom to engage as many of those involved as is necessary for him to reach his decision.
- 44.2.4 No public communication related to the resignation will occur until the Moderator of Just Cause comes to his decision. This applies to communication from the resigning elder as well as the eldership from which he is resigning.

45 Adjudication Process

The adjudication process can be summarized in four phases:

45.1 Pre-Adjudication

- Define the issues. (see Party's Information on Issues and Remedies form below)
- Complete agreements.
- May ask parties for briefs.
- Schedule the hearing and prepare the location.
- Prepare the parties. (see Memo and Instructions to Witnesses for the Hearing forms below)
- Prepare the adjudicators.

45.2 Adjudication Hearing

- Introduction.
- Greetings and introductions.
- Review agenda.
- Statement of ground rules.
- Opening devotions.
- Oath (optional).
- Statement of issues to be decided.
- Opening statements.
- Presentation of initiating party's evidence, including witnesses if any, and cross-examination.
- Presentation of responding party's evidence, including witnesses if any, and cross-examination.
- Final questioning by adjudicators.
- Adjudicators may make appeal to parties to make their own decision.

- Closing statements (summary) by parties.
- Closing statements by adjudicators.
- The arbitrator officially closes the hearing and states that no more evidence will be allowed (unless specific items have been requested by the Panel).
- Closing prayer.
- Decision is written and delivered to parties.

45.3 Sentencing Hearing (if applicable)

- Introduction.
- Review agenda.
- Statement of ground rules.
- Opening devotions.
- Oath (optional).
- Statement of issues to be decided.
- Opening statements.
- Presentation of initiating party's evidence, including witnesses if any, and cross-examination.
- Presentation of responding party's evidence, including witnesses if any, and cross-examination.
- Final questioning by adjudicators.
- Adjudicators may make appeal to parties to make their own decision.
- Closing statements (summary) by parties.
- Closing statements by adjudicators.
- The arbitrator officially closes the hearing and states that no more evidence will be allowed (unless specific items have been requested by the Panel).
- Closing prayer.
- Decision is written and delivered to parties.

45.4 Post Adjudication

- Evaluation of adjudicators and the process (not available in Sovereign Grace system).
- Subsequent check-up with the parties.
- Adjudicators clarify questions regarding the decision.
- Possible appeal by one of the parties.

46 The Hearing Agenda

46.1 Opening of Hearing (by the moderator)

- The adjudicator (or moderator of a Panel) officially opens the hearing.
- Greetings and introductions.
- Review agenda.
- Statement of ground rules.
- Opening devotions.

46.2 Formal Beginning to the Adjudication

- Oath (optional).
- Statement of issues to be decided.
- Opening statements by the parties.

46.3 Testimony

- Presentation of initiating party's evidence (Plaintiff), including witnesses if any, and cross-examination.
- Presentation of responding party's evidence (Defendant), including witnesses if any, and cross-examination.
- Final questioning by adjudicators.
- Adjudicators may make appeal to parties to make their own decision.

46.4 Closing of Hearing

- Closing statements (summary) by parties.
- Closing statements by adjudicators.
- The adjudicator (or moderator of a Panel) officially closes the hearing and states that no more evidence will be allowed (unless specific items have been requested by the adjudicator or Panel).
- Closing prayer.
- Decision is written and delivered to parties.

47 Opening the Hearing

Sample Opening Statement for a Sovereign Grace Panel (Local Elder Panel, Regional Judicial Review Committee Panel, Sovereign Grace Court of Appeal).

[This is presented by the moderator on behalf of the Panel. The moderator leads the hearing throughout, but Panel members may make comments and ask questions. Although it is preferable not to have witnesses present during the hearing, the moderator may ask the witnesses to be present during these opening statements to hear all necessary instructions, and then dismiss them until they are requested, before continuing the hearing.]

- 47.1 Good morning. I am _____, and I have been appointed to serve as the moderator of this Panel. On behalf of the Panel, I welcome you.
- 47.2 I call to order this hearing between _____ as Plaintiff and _____ as Defendant.
- 47.3 The *Book of Church Order of the Sovereign Grace Churches*, together with the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*, sets forth the authority and procedures for today's hearing. You are here as Christian brothers [and sisters] to present your case to a Panel of fellow believers who will make a binding decision on the issues that have been identified. It is our hope today that as you present your cases, you will each focus on your personal responsibility in the conflict and make every effort to be reconciled to each other. Although the Panel will decide the substantive issues for you, it cannot make a decision that you will confess any wrongs, grant any forgiveness, or reconcile your personal relationship.
- 47.4 The Panel members will now introduce themselves. [Panel members introduce themselves by name.] As you know, each of us as your Panel members have been selected to serve on your Panel according to the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*. The court reporter will now introduce himself [or herself]. [Court reporter introduces himself (or herself) by name]. Please note that the court reporter is here to record this hearing. According to the *Book of Church Order of the Sovereign Grace Churches* only the Panel and adjudicatories which review this case on appeal may have access to the recordings or to any transcript kept by the court reporter. Parties are prohibited from making any electronic recording or having a court reporter present to make a personal transcript of the hearing. You may make your own personal notes. Would each party please introduce himself [or herself] and your advisor to the Panel, giving names and occupational backgrounds? [Pause for their introductions.]
- 47.5 [If witnesses are present...] Parties will introduce their respective witnesses at the time they present their testimony. Witnesses are welcome to remain to hear these opening statements and ground rules, and then will be dismissed until it is time to give their individual testimonies.
- 47.6 Let me briefly remind you of each of our roles today. In the hearing, each party must represent himself [or herself]. Your advisor may not speak on your behalf. Sovereign Grace, through the *Book of Church Order*, [or _____ Church, through its bylaws,] has empowered this Panel to make a binding decision for you as parties. The Panel's role is to remain impartial toward each party, but we will judge your words and actions against God's standards as found in Scripture and according to the *Book of Church Order* [or bylaws].
- 47.7 [If a Panel member is an attorney, explain that as a reconciler he or she is not acting as a legal advisor for either party.]
- 47.8 I will now review the agenda and process we will follow in today's hearing. [Refer to agenda you have written on a flip chart or written agenda you hand out. See "Agenda" in Case Forms.]

- 47.9 As you can see, we have already completed our introductions, and now we are reviewing the process on our agenda. Next, I will give some special instructions and explain the ground rules, and we will open with devotions. The issues to be decided will be read, after which each of you will have an opportunity to give a brief opening statement. Beginning with the Plaintiff, each party will then present his [or her] claims, defenses, and witnesses. As each of you presents your case, the other party will be given an opportunity to ask questions of you and your witnesses. The Panel members will also ask questions as they assess and clarify the situation. As the Panel evaluates what is presented, the members may review relevant biblical and confessional principles with you.
- 47.10 As this hearing progresses, you may wish to meet privately with each other as parties to attempt to work out your own decision. Even if you only work on some of the issues, we will encourage you to do so. We especially encourage you to confess your wrongs to each other and offer forgiveness for your personal offenses. [Note to Panel: It is important to remember that pursuing a private resolution may not be wise in an adjudication that involves abuse by one party toward another. In cases involving abuse, it may be advisable for the Panel to restrict communications between the parties for the protection and welfare of the abused, even when the abuse is only alleged.]
- 47.11 If no resolution is reached by the two of you that satisfies the Panel, the Panel will ask its final questions and you will each present your closing statements. We will then give you final instructions, explaining what will happen next in the process. After that, the hearing will close in prayer. Within 30 days [10 days for an eldership Panel] after the close of the hearing, the Panel will issue its written decision, which shall provide the Panel's reasoning for the decision.
- 47.12 Today's hearing will continue until finished or until _____ (time). If we are not finished by that time, the hearing will continue on _____ (day) at _____ (time).
- 47.13 There will be no caucusing or private meetings between individual parties and the Panel or its members.
- 47.14 [If witnesses are present...] Witnesses will not be allowed to attend the hearing except when individual witnesses are presenting their testimony. We appreciate the witnesses being here, and we will attempt to keep you informed when you may be called for testimony. If witnesses have particular scheduling problems, please inform the party who asked you to be here, and the party can request the Panel to accommodate any scheduling difficulties.
- 47.15 I remind you that this process is binding, and you are expected to attend the entire hearing. Should a party decide to leave in the middle of the process or not show up for a continuance of the hearing, the hearing will continue in that party's absence, and both parties will continue to be bound by the decision.
- 47.16 The members of this Panel cannot be called to testify in regard to this hearing in any judicial or adversarial proceeding.
- 47.17 Here are a few ground rules to guide your conduct today.

- 47.17.1 First, I ask that you talk in a respectful manner as you talk about each other and to each other. As Paul urges us in Ephesians 4:29, “Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen.”
- 47.17.2 Second, we expect everyone to be honest and to give full and complete information on the issues we are discussing. As Jesus said in Matthew 5:37, “Simply let your ‘Yes’ be ‘Yes’ and your ‘No,’ ‘No.’” It is important that you speak as specifically as possible and avoid using broad generalizations.
- 47.17.3 Third, I ask that you not interrupt one another. If you hear something you disagree with, instead of interrupting, please write your concerns on the note pad in front of you so you can bring the matter up when it is your turn to speak. Panel members may interrupt someone to enforce ground rules, to clarify something, or because of time constraints.
- 47.17.4 Finally, anyone can request a break at any time. However, please refrain from disruptive departures, which are another form of interrupting. If you need a break, simply ask the Panel if we can adjourn for a little while. The restrooms are located _____, and there is a phone available _____.
- 47.18 Do you have any questions about today’s agenda or the process in general? [Pause for responses.]
- 47.19 Let’s take a moment to hear from God’s Word and ask his blessing on our meeting together. [Plan devotions that include a reading from Scripture and a prayer. You may want to ask Panel members other than the moderator to lead the devotions.]
- 47.20 [When devotions are completed, continue if witnesses are present:] The witnesses are now excused until we are ready for your testimony. [You may give specific instructions on estimated times.]

48 Formal Beginning of the Adjudication

[Once the opening has been completed, the hearing is ready for adjudication]

48.1 Sample Oath

[The Panel administers the oath to parties and witnesses if it chooses. A sample oath or vow that may be used (from Rule 21) is as follows]

Do you affirm that what you say will be the truth, as God requires?

48.2 Transition for statement of issues to be decided.

[Statement of issues is read in its entirety by the moderator]

The issues to be decided are...[moderator reads the statement of issues].

48.3 Transition for opening statements by the parties.

Each of you may provide a brief opening statement. Remember that your opening statement may not take longer than 30 minutes. We will begin with _____, the Plaintiff in this case. [When Plaintiff has concluded the

opening statement, transition to the Defendant with "We will now hear the opening statement from _____, the Defendant in this case."]

- Preferably prepared in advance (inform the parties before the hearing to prepare an opening statement).
- Brief (no longer than 30 minutes per BCO-17.10.6.2.)

49 Testimony

[Testimony includes oral testimony, evidence, witnesses (if any), and cross-examination]

49.1 Transition statement for presentation of testimony

49.1.1 We are now moving into the phase where each party will present his evidence, including oral testimony, records, and witnesses.

49.1.2 As you make your presentation, be aware that the Panel is looking for evidence that is both reliable and relevant.

Reliable evidence is that information which is most easily documented or proven. For example, eyewitness testimony and firsthand testimony are more reliable than second or third hand information.

Relevant evidence is that information which most directly applies to the issues being decided. Thus, it is important that you tell the Panel why this information is relevant to the issues in this case. Remember that this applies not only to written documents that you may present, but also to your oral testimony and to your witnesses' testimony.

49.1.3 Finally, we will not receive any written evidence into the record unless the other party has received a copy of it and has time to review it. If you have any written evidence to present and have not given it to the other party, please do so now. If necessary, we will take a recess to allow each party to review the evidence to be presented.

49.1.4 As the other party hears the testimony being presented, you may hear things with which you disagree or upon which you want to comment. Remember that we cannot allow interruptions. Please be sure to take notes you can use during your cross-examination following the testimony.

49.1.5 The Panel will afford an opportunity for cross-examination of each witness presented, after which the witness will be excused from the room.

49.1.6 The Panel has the freedom to ask questions during the testimony, during cross examination or at any other time that will serve to help them arrive at a clear and just decision.

49.2 Panel Instructions and Sample statement for receiving evidence

49.2.1 Has the other party received this evidence? [Wait for answer; if "no," require that copy be shared and provide time for him to review it.]

49.2.2 Do you [the other party] have any objections to this evidence being presented? [If no, consider the evidence and decide whether or not to receive it. If yes, ask

for explanation from the other party and response from the presenting party, and then decide whether or not to receive it.]

49.2.3 Receiving Evidence without Hesitation

We will receive this document as evidence and will record it as item number _____. [You may want to mark documents with a letter designating the party who presented it, followed by a number. For example: P-3 for Plaintiff, 3rd document; Or, D-2, for Defendant, 2nd document.] Please tell us how this evidence is relevant to the issues.

49.2.4 Receiving Evidence with Hesitation

[If you decide to receive the evidence, but want to communicate a concern that the evidence does not appear to be very relevant or reliable:] We will receive this document as evidence and will record it as item number _____. [You may want to mark documents with a letter designating the party who presented it, followed by a number. For example: P-3 for Plaintiff, 3rd document; Or, D-2, for Defendant, 2nd document.] We will give the evidence the weight it deserves. Please tell us why you believe this evidence is reliable and relevant to the issues.

49.2.5 Refusal to Receive Evidence

[If you decide not to receive the evidence (CAUTION: It is usually best to receive most evidence for personal satisfaction and because it may contain something that is important to the case. You likely will not know for sure until you have seen it.):] We will not receive that evidence into the record. Please continue with your next evidence.

49.2.6 Refusal to Receive Evidence on the Basis of Sufficient Evidence Already Received

[If you decide not to receive the evidence because you think you have received more than sufficient evidence on that particular point already:] We have received sufficient evidence for that particular point. Thus, unless you can persuade us that this information is distinctly different or proves a different point, we will not receive more of that type of evidence into the record.

49.2.7 Do you have any questions about presenting evidence? [Answer questions]

49.2.8 We will proceed with the initiating [or Plaintiff's] party's presentation of evidence.

49.3 Panel Instructions and Sample Statements for Cross-examination.

49.3.1 [When the initial party is finished with his/her testimony, or when a party's initial witness has finished his/her testimony, the moderator explains the process for cross-examination. During cross-examination, monitor power imbalances (I.e., when one party is clearly more comfortable with the hearing context, speaks more confidently, able to be more persuasive). This can create an unfair advantage or a "power imbalance."]

- 49.3.2 Thank you for your testimony. The other party may now begin cross-examination. During cross-examination you may ask questions of the person testifying and the person has an opportunity to answer.
- 49.3.3 I remind everyone again of our ground rules, especially to speak respectfully, be open and honest and not to interrupt.
- 49.3.4 Note that this is not a forum for debate but one to seek the truth. This is also not an opportunity for the one asking questions to make statements.
- 49.3.5 If the person asking questions begins to make statements or give testimony, I will interrupt you and ask you to return to asking questions. If the parties start to debate, I will interrupt you and ask you to simply ask or answer the questions. If you violate our ground rules, I will also interrupt and ask that you honor the rules.
- 49.3.6 Do you have any questions about cross-examination?
- 49.3.7 The other party may now begin cross-examination.
- 49.3.8 [Once cross-examination is completed the Defendant must now present his/her testimony, returning to the process to 49.1.1. After which the other party will have an opportunity for cross-examination. Only after both parties are afforded an opportunity to present their testimony and cross-examine the other's testimony should you move on to 50.]

50 Closing the Hearing

[When the process for receiving testimony and all questioning is completed, the hearing moves into the closing of hearing.]

50.1 Closing statements (summary) by parties

- Parties are limited to 60 minutes each (BCO-17.10.6.6), unless extended by a decision of the Panel.
- In exceptional cases with significant complexity, especially where time constraints are involved, closing statements may be given in written brief:
 - With copies to the Panel and the other party.
 - By deadline established by Panel.

50.2 Closing statement by Panel

See sample closing statement for the Panel.

- Explain decision process to parties, telling parties when decision will be completed and how it will be delivered.
 - For an eldership Panel, the decision will be issued within 10 days.
 - For a Regional Judicial Review Committee Panel or a Sovereign Grace Court of Appeal, the decision will be issued within 30 days.

- In Sovereign Grace System, briefly explain the sentencing and appeals process.
- 50.3 Adjudicator or Panel moderator officially closes the hearing
- The facilitator officially closes the hearing and states that no more evidence will be allowed (unless specific items have been requested by the Panel).
- 50.4 Closing prayer
- 50.5 Decision is issued
- Decision is written and delivered to parties within the time required by the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*.
- 50.6 Sample Closing Statement for a Panel or Court of Appeal
- 50.7 Having heard your testimonies, the Panel [Court] will take all the information it has and make a decision on the issues defined at the beginning of the hearing. Within ____ days [if applicable add: after the receipt of your final briefs], the Panel [Court] will issue its written decision, which shall include the reasoning for the decision.
- 50.8 The decision shall not be publicized in any manner before the written decision is issued. A copy of the decision will be forwarded to each party in the case. No one is to publicize the decision until all time for appeals has expired and/or until all appeals have been completed. When the time for all appeals has expired and/or all appeals have been completed, if the Defendant is found guilty of the charges, the case will be made known to the local elders, the Regional Leader, the Chairman of the Regional Judicial Review Committee and to the Leadership Team of Sovereign Grace Churches. Further, except in the case of a private rebuke, the Panel [Court] shall make a summary of the decision for distribution to the local church, the Regional Assembly of Elders and for any Sovereign Grace elders who request it per the specific instructions of the *Book of Church Order of the Sovereign Grace Churches*. [In cases warranting it, if the Panel or Court determines to make the following decision, it should also be stated here:] However, the identity of the Plaintiff [and/or certain key witnesses] should not be disclosed to the wider public.
- 50.9 [For Panel:] The decision of this Panel shall be binding upon the parties of this case, subject to appeal. Within 30 days after receiving a copy of the Panel's decision, either party may request that the decision be reconsidered in an appeal.
- 50.9.1 [For eldership Panels:] Such an appeal must be made to the Regional Judicial Review Committee. You will find information regarding appeals in the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*.
- 50.9.2 [For Regional Judicial Review Committee Panels:] Such an appeal must be made to the Sovereign Grace Court of Appeal. [If the Regional Judicial Review Committee Panel served as a first level of appeal and not as the original trial:] However, the Sovereign Grace Court of Appeal is not obligated to hear the appeal. Should you appeal the decision, we recommend that you state the specific reasons why you believe the decision of this Panel should be appealed.

You will find information regarding appeals in the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*.

50.10 [For Court:]

50.10.1 [In most cases:] The decision of this Court shall be binding upon the parties of this case. There is no further appeal available to either party.

50.10.2 [For decisions regarding censure or removal of a region:]

50.10.2.1 [If the decision of the Court is “Not Guilty,”] The decision of this Court shall be binding upon the parties of this case. There is no further appeal available to either party.

50.10.2.2 [If the decision of this Court is for “Censure,”] The decision of this Court is subject to final approval or overturning by a simple majority vote of the Council of Elders.

50.10.2.3 [If the decision of this Court is for “Removal,”] The decision of this Court is subject to final approval or overturning by a two-third’s majority vote of the Council of Elders. If the Court’s decision is not upheld by a two-third’s majority, it will immediately initiate a simple majority vote by the Council of Elders on whether to censure the Region.

50.11 This hearing is now closed. The Panel [Court] will not accept any more evidence.

50.12 We will now close this hearing with prayer.

51 Writing a Decision

51.1 Check List for Writing a Decision

Use the forms, “Decision of the Panel” or “Decision of Court of Appeal” from the Sovereign Grace Case Forms to write the decision. As you write or review a decision, answer the following questions:

51.1.1 Are the arrangements of the hearing documented? Specifically identify:

- Names of the Plaintiff and the Defendant.
- Hearing dates.
- Location of the hearing.
- Number of witnesses.
- Names of Panel [Court] members (and who served as moderator).
- Note if any party was absent during part or all of the hearing; if so, indicate that proper notice of the hearing was given and that it continued pursuant to the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches* (note the specific reference, e.g., BCO-17.10 and Rule 31).

- 51.1.2 Are the issues to be decided clearly stated in the decision?
- 51.1.3 Has the Panel [Court] specified the facts, the Panel's [Court's] conclusions, and the decisions of the Panel [Court] for each issue?
 - Stating one issue at a time, indicate under each issue:
 - The facts most pertinent to the issues;
 - The Panel's [Court's] conclusions (or reasons) for its decisions based on the facts;
 - The final decision for that issue.
- 51.1.4 Did the Panel [Court] make any decisions that were outside of its authority?
- 51.1.5 If any specific actions are required of the parties:
 - Does the Panel [Court] have the authority to make such requirements?
 - Are the actions specifically described?
 - Are the actions realistic?
 - Are there specific dates by which each action must be completed?
 - What are the specific consequences or procedures established for non-compliance?
- 51.1.6 For local eldership Panel and Regional Judicial Review Committee Panel decisions:
 - Are there specific directions on how the decision might be appealed?
- 51.1.7 For Court of Appeal decisions:
 - Is there specific instruction that this decision is final and not subject to further review?
- 51.1.8 Have you written a Summary of the Decision for distribution to the church at the discretion of the elders (BCO-17.14)? (This step is to be completed only following sentencing.)
- 51.1.9 Have all Panel members signed the decision? (Not required by *Book of Church Order*.)
- 51.2 Additional guidelines for writing decisions
 - 51.2.1 Pray for God's guidance and help throughout the writing process.
 - 51.2.2 Issue the decision within the required number of days of the last day of the hearing.
 - 51.2.3 When stating the facts determined by the Panel and its conclusions (reasons) for its decision:
 - Specify facts that are consistent with the evidence and applicable articles, bylaws, and other rules or laws.

- Avoid using evidence that is weak or insufficient (e.g., hearsay evidence).
- Use only those facts that are pertinent to the decision.
- It is not necessary to list every fact in the case; avoid making long lists of facts or listing minor details.
- Include scriptural references for your reasons.
- Ask yourself, “If an appeal Panel or Court reads this decision, would it conclude that the stated facts and reasons support the decision?”

51.2.4 Compare your decisions against the authority given your Panel or Court:

- Does the Panel [Court] have the authority in the *Book of Church Order of the Sovereign Grace Churches* or rules to make each decision?
- If there is any question on this area, seek advice:
 - From the Chairman of the Sovereign Grace Court of Appeal
 - From the Chairman of the Polity Committee.
- Has the Panel [Court] made any unenforceable decisions?
 - The Panel [Court] cannot force anyone to make a confession.
 - The Panel [Court] cannot force anyone to forgive.
 - The Panel [Court] cannot force anyone to love or reconcile.

51.2.5 Mail a copy of the decision to both parties in the case.

52 Overview of the Sentence Hearing

This section provides a brief overview of the various stages of the sentencing hearing and explains the responsibilities that follow. It is meant to serve as a resource for judicial panels that are adjudicating charges against an elder and should be referenced by the Panel after a finding of guilt but before the appropriate sentence has been determined and imposed.

52.1 Timing of the Hearing

The sentencing hearing should be scheduled as soon as possible once the Panel has concluded that the Defendant is guilty of one or more charges against him and the verdict has been delivered to the parties.

The sentencing hearing must be held between 2-4 weeks from the date that it reached its verdict (BCO-17.11.1)

A sentencing hearing may also be required when an elder confesses to sin which calls into question moral qualification, deviation from the Sovereign Grace *Statement of Faith* or *Book of Church Order of the Sovereign Grace Churches*, and/or pastoral mishandling of sexual misconduct (BCO-17.3.10). No sentencing hearing is required when there is an agreement between all parties regarding the appropriate sentence. In the absence of such an agreement, a sentencing hearing should be scheduled as soon as

possible once a written, signed confession has been submitted to the Chairman of the Judicial Review Committee.

52.2 Preparing for the Hearing

The Panel is responsible for helping the parties prepare for the sentencing hearing, including but not limited to:

- Explaining that the parties are still under a duty of confidentiality (BCO-17.4)
- Requiring the Plaintiff to declare what sentence the Plaintiff is seeking (though the Panel is free to impose a different sentence)
- Directing the parties' attention to the factors that are relevant to sentencing (BCO-17.11.3)
- Explaining that the burden of proving the Defendant's repentance lies on the Defendant on the standard of reasonable grounds (BCO-14.5; BCO-17.3.4.1.a)
- Setting deadlines for the submission of written materials, including summaries of evidence that the parties intend to submit that are relevant to sentencing

52.3 Format of the Hearing

The Panel has discretion to determine the format of the hearing, including whether it takes place in-person or by video conference (BCO-17.11.1), and how long the hearing will be. However, it must ensure the following:

- The parties are entitled to have one or two advisors present during the sentencing hearing (BCO-17.10.3)
- A proper record of the sentencing hearing must be made. Although it is highly recommended that a court reporter be present, this is not required as long as an audio recording of the hearing is made (BCO-17.10.4)

52.4 Responsibilities During the Hearing

The Panel has the following responsibilities during the sentencing hearing:

- Instructing parties to uphold their commitments to confidentiality and godly speech (BCO-17.10.1)
- Ensuring that the parties only submit evidence that pertains to the factors that are relevant to determining an appropriate sentence (BCO-17.11.3)
- Ensuring that the parties have the same right to cross-examination as they had during the trial (BCO-17.10.5)

52.5 Determining the Appropriate Sentence

Following the sentencing hearing, the Panel must impose one or more of the sentences stipulated in the *Book of Church Order of the Sovereign Grace Churches* (BCO-17.11.2). There are both primary and secondary factors for the Panel to consider in reaching its decision (BCO-17.11.3).

While the Panel has broad discretion to determine the appropriate sentence, the presence or absence of repentance limits its discretion in the following ways:

- If the Panel is satisfied on reasonable grounds that the convicted elder is repentant, it cannot sentence him to church discipline. It must sentence him to a private rebuke, a public rebuke, and/or removal from office (BCO-17.11.3.1)
- If the Panel is not satisfied on reasonable grounds that the convicted elder is repentant, it cannot sentence him to a private rebuke. It must sentence him to a public rebuke, removal from office, and/or church discipline (BCO-17.11.3.2)

A binding decision on the appropriate sentence should be reached no more than three days following the completion of the sentencing hearing (BCO-17.11.4.1).

52.6 Communication of the Sentencing Decision

Once the Panel has reached its decision on the appropriate sentence, the decision must be submitted in writing to all parties by registered mail (BCO-17.11.4.1).

The decision may also be submitted to any other individual or group that the Panel determines is entitled to receive a copy of the decision (BCO-17.11.2). However, this must only be done following the expiry of the appeal period of seven days (BCO-17.11.4.3). If an appeal is brought within seven days, the Panel will not communicate the decision to any other individual or group.

If an appeal is not brought within seven days, the Panel will send the entire and unedited written decision to the local elders, the Regional Leader, the Chairman of the Regional Judicial Review Committee, and the Leadership Team of Sovereign Grace Churches. Except in the case of a private rebuke, the Panel will also prepare an appropriate summary of the decision which may be distributed to the local church (at the discretion of the local eldership) and the Regional Assembly of Elders (BCO-17.14).

Once the Panel has fulfilled its communication responsibilities, both the trial and the sentencing hearing are complete, and the Panel's responsibilities have come to an end (BCO-17.11.4.2).

PART TWO - Appendix III: Model Case Forms

53 Introduction

The forms in this manual are designed to be used with the adjudication processes of the *Book of Church Order of the Sovereign Grace Churches* and the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*. These forms are to be used by Moderators (for determining just cause), local church eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Courts of Appeal when utilizing the adjudicatory processes.

These forms are derived from the Model Case Forms of Peacemaker™ Ministries, Copyright© 1993 by Ken Sande. Peacemaker Ministries has granted permission to Sovereign Grace churches to use the Model Case Forms in their adjudication processes. Individual forms in this manual may be reproduced for use in actual adjudication cases. No other reproductions are allowed without permission in writing from the author, except in the case of brief quotations embodied in critical articles or reviews. Requests should be directed to Peacemaker Ministries, P.O. Box 81130, Billings, MT 59108, phone (406) 256-1583.

Some of the forms in this manual are more important than others. The forms in this manual are provided primarily for informational purposes or administrative convenience. You should feel free to use only those forms that are of value to you in your particular situation. In general, these forms may be used as follows.

53.1 Case Administration

The administration forms are for internal use only. They may be used to keep track of various steps and activities during the dispute resolution process. These forms include: Case Information and the Document Log.

53.2 Intake

A Party's Information on Issues and Remedies form should be completed by each party before the first Panel hearing. If necessary, have the parties sign a Release of Information form to acquire information from a confidential source such as a financial institution or counselor. Parties should also be provided with a copy of the *Rules of Procedure for Adjudications for the Sovereign Grace Churches*.

53.3 For Local Church Eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Court of Appeal

53.3.1 If the issues to be resolved have not already been clearly identified, the Moderator for Just Cause, Panel, or Court should complete the form, Statement of Issues and Remedies. (The "issues to be decided" part of this form must be completed in detail because a Panel may decide only those issues that are clearly set forth in the Statement of Issues and Remedies. It must also be given to the parties well in advance of the hearing for preparing their cases.)

53.3.2 After the parties have been notified who will serve as Moderator for Just Cause, Panel members or Court members, the Scheduling for a Hearing form may be used to help determine convenient meeting times. The Notice of Hearing form

may be used to announce the date and location of the hearing. The hearing process may then begin. The Moderator, Panel, or Court should use the Record of Hearing form to keep a record of their meetings. This will be especially helpful as the decision is written, and it may be helpful for any appeal process where the decision is reconsidered.

53.3.3 Panels or Courts may wish to use the Instructions to Witnesses for the Hearing form to help prepare witnesses for the hearing. There is space on the form to add additional Scripture readings if desired. The Panel or Court may use the Agenda for Panel or Court Hearing in explaining the process to the parties and to use for reference.

53.3.4 The Moderator for Just Cause may use the Decision of the Moderator form to document his decision. The Panel may use the Decision of Panel form to document its decision. The Court may use the Decision of the Sovereign Grace Court of Appeal form to document its decision. If more room is needed than on the two pages, simply insert pages between the first and last page.

53.4 Adjudication Agreement

This form may be used when involving as parties insurers or other parties not bound by the BCO who desire that certain issues be resolved through the Sovereign Grace adjudication process. Note that this agreement requires an attachment of the issues to be resolved. Use the Statement of Issues and Remedies form from page 12 for this purpose.

Note that this form includes a conciliation clause at the end that references the *Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation*, a division of Peacemaker Ministries. This is necessary because a dispute against a Sovereign Grace entity on this agreement cannot be resolved by a mediation or arbitration handled by the Sovereign Grace system.

Case Information

Name _____ Occupation _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Pastor _____ Church _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Advisor _____ Church _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Name _____ Occupation _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Pastor _____ Church _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Advisor _____ Church _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Adjudicator _____ Occupation _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Adjudicator _____ Occupation _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Adjudicator _____ Occupation _____ Email _____

Phone: Daytime _____ Home _____ Cell _____

Address _____

Document Log

Description	Date Received	Date sent to reconcilers / By	Date sent to parties / By

Plaintiff's Description of Evidence for Charges against an Elder

The *Book of Church Order of the Sovereign Grace Churches* identifies what is necessary in order for a charge to be admitted and a trial called. Please read the following provisions in preparing your evidence for submission to the Moderator for Just Cause.

- The Priority of Privacy (BCO-17.8.1)
 - In most situations, the Plaintiff and Defendant should resolve the incident privately or among the local eldership.
 - Before this process escalates to the point of making an official charge, it is incumbent on the Plaintiff and the elder to make all efforts to handle the situation face-to-face over a sufficient period of time. If an individual or party knows of the private offense of an elder, they should first approach the man in private, graciously bring their observation or charge, and call for repentance. If he fails to repent or persists in his sin, the charge should be brought to the attention of his eldership. In this case, we heed the wisdom of Paul that “love bears all things, believes all things, hopes all things, endures all things” (1 Cor. 13:7). We owe to one another the judgment of charity, assuming the best and seeking to resolve disputes and differences in a godly, humble, and patient manner. The process below occurs when such efforts have not satisfied the Plaintiff. [See BCO-17.8.1 and following.]
- Sufficient Weight for a Trial (BCO-17.3.7)
 - For a charge to be admitted and a trial called, there should be sufficient grounds regarding the seriousness of the offense. An admitted charge should represent a serious breach of sound doctrine (as defined by the Sovereign Grace *Statement of Faith*) or the character qualifications for office (1 Tim. 3:1-8; Titus 1:5-9; cf. BCO-2.2).
 - Thus, charges cannot be made because a member disagrees with the decisions or the “style” of the elder, with the doctrine of Sovereign Grace, or with doctrines not explicitly or implicitly addressed in the Sovereign Grace *Statement of Faith*. Such differences are part of every relationships and of normal church life and do not constitute a basis for charges against an elder.
 - Further, a charge must have sufficient evidence to be legitimate. Simple hearsay, where the Plaintiff was not directly involved in a situation and only became aware of it through the reports of others, may warrant further investigation but is generally not sufficient by itself to warrant a charge.
- Just Cause – Requirements for Admitting a Charge (BCO-17.5)
 - A decision will be made by a Moderator about whether this charge calls for a trial, dismissal, personal reconciliation, (e.g., Matt. 18:15-20), or some other process. The Moderator is a member of the Regional Judicial Review Committee who reviews charges before they are adjudicated by a Panel.

- First, the local elders who received the charge should immediately forward it on to the Regional Judicial Review Committee, who will assign it to one of their number for review. This Moderator will contact the Plaintiff. The Plaintiff shall submit in writing to the Moderator a description of all the evidence that the Plaintiff plans to bring forward in support of the charge. The written description should include information regarding witnesses: their name(s), local church affiliation, description of their role in the hearing, a brief description of what they will share, and an estimation of how much time each will need to give their testimony. The written description should also include the names and local church affiliation of any advisors to be present during the hearing.
- At this point, the Moderator may dismiss the charge on the grounds that it lacks sufficient weight for a trial. The Moderator will respond in writing (electronic communication is not sufficient) to the Plaintiff and the local eldership with a biblical and clear rationale about why he has decided in this way. The Moderator shall then guide the person bringing the charge in the use of other biblical processes for pursuing relational reconciliation and the resolution of material issues. If the Moderator decides that the charge has merit and should go to trial, he shall advise the Plaintiff on procedural matters such as how to precisely formulate the charge and present the relevant evidence.
- After reading the above sections from the *Book of Church Order of the Sovereign Grace Churches*, please provide the following information in order for the Moderator to make a decision on whether there is sufficient evidence to call for a trial.
- The charge should detail the following (BCO-17.3.8.1):
 - The alleged offense:
 - Relevant Scriptures:
 - Relevant sections of the Sovereign Grace *Statement of Faith* or *Book of Church Order of the Sovereign Grace Churches*;
 - Any effort(s) made by the Plaintiff to make the elder aware of this deficiency and the response to those efforts;
 - Why the charge carries sufficient weight for a trial.
- Description of all the evidence that Plaintiff plans to bring forward in support of the charge:
 - Information regarding witnesses. Include name, local church affiliation (note qualifications in BCO-17.3.5), description of each one's role in the hearing, a brief description of what each will share, and an estimation of how much time each will need to give testimony.
 - Names and local church affiliation of any advisors to be present during the hearing:
 - You may enclose additional information or documents with this form.

- Please return to the Moderator at:

Party's Information on Issues and Remedies

In preparation for the Panel's work, please provide the information requested below. Before you complete this section, please read all six questions so that you can see how to organize your answers.

- Briefly describe your problem or dispute. Those bringing charges against another should first review BCO-16 for cases involving excommunication or BCO-17 (introductory paragraphs), BCO-17.1, BCO-17.2.1, and BCO-17.2.5. Describe the specific offenses and charges (BCO-17.3.8). Those defending against the charges should briefly describe responses to those charges.
- What have you done to try to resolve this problem or dispute? (Note especially the requirements for meeting together in BCO-17.8.1 when charges are brought against an elder.)
- What issues or questions do you want to have resolved or answered?
- What do you want the Panel to do? (What are your hopes and expectations in the adjudication process?)
- What do you want from the other party? What claim or remedy do you seek? (Include dollar amount of restitution, if any.)
- Is there any other information we should know?

Submitted by _____, Party Date _____

Please return to the Moderator of the Panel or Court at:

Release of Information

For the records of: _____
(Name, Printed) (Birth date)

I hereby grant permission for the full and complete exchange of information between (name & address):

and

I understand that this information may include financial information, observations, diagnoses, counsel, recommendations and/or treatment recommended or received.

I further understand that I may revoke this authorization at any time with a written request, which shall not affect any other confidentiality agreements I make in regard to this matter. Otherwise, this consent will automatically expire _____ days from the date listed below.

Signature: _____

Address: _____

Date: _____

Witness: _____

Date: _____

Scheduling for a Hearing

Case _____ Your name _____

Role in Case: ☐Adjudicator ☐Party ☐Witness for _____ ☐Other _____

We are selecting dates and times for the adjudication meetings and would like to receive your input so that the schedule will be as convenient as possible for everyone involved. Please return this form to _____ by _____.

If we do not hear from you by this date, we will assume that you are available at any time.

☐ Special instructions:

If you are a party, please indicate how long you believe it will take to present your side of this case: ☐ _____ to _____ hours ☐ _____ to _____ days ☐ I am uncertain

Please indicate here any days or times that you are usually not available, or that you would prefer for meetings.

	Times not available	Times preferred	Times not available	Times preferred
Mon	_____	_____	Fri	_____
Tues	_____	_____	Sat	_____
Wed	_____	_____	Sun	_____
Thurs	_____	_____		

Please give the reasons for any times that you cannot meet.

☐ We will probably need to schedule entire days for these meetings; therefore, using the charts below, please cross out the dates on which you cannot meet (leaving open as many dates as possible). You may also circle any dates on which you would prefer to meet. (Unavailable days have already been marked off.)

☐ We will probably be able to schedule meetings lasting only a few hours at a time; therefore, using the charts below, please cross out the dates and times when you cannot meet (leaving open as many dates as possible). You may also circle any dates and times when you would prefer to meet. (Unavailable days have already been marked off.)

Month _____

Dates	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
8-12a	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am
1-5p	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm
7-10p	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev

Month _____

Dates	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
8-12a	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am
1-5p	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm
7-10p	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev

Month _____

Dates	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
8-12a	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am	am
1-5p	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm	pm
7-10p	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev	ev

Statement of Issues and Remedies

(Prepared by the Moderator for Just Cause, by the Panel, or by the Court)

- This dispute involves the following parties and situation:
- The issues to be resolved or the questions to be answered by the Moderator for Just Cause, Panel or Court are:
- The claims and remedies that the parties seek are:

Defined by the Moderator for Just Cause or Panel or Court on: _____

by the Moderator for Just Cause, Panel or Court Members: _____

Sample Memo
(Prepared by the Panel, or by the Court)

[This sample memo assumes the case is for the appeal of removal of an elder as heard by a Regional Judicial Review Committee Panel. It should be adjusted accordingly for different case and panel types.]

Date: 00/00/00

TO: Bob Johnson, Plaintiff
John Smith, Defendant

RE: Case for Appeal of Removal of Bob Johnson, Defendant, as Elder of First Church, as charged by John Smith, Plaintiff

FROM: Regional Judicial Review Committee Panel

Dear brothers in Christ,

This memo is help you both prepare for the matter identified above.

An appeal has been made to the Regional Judicial Review Committee to review the decision of First Church local eldership Panel. The Regional Judicial Review Committee Panel will hear the case according to the *Book of Church Order of the Sovereign Grace Churches* (BCO) and the *Sovereign Grace Rules for Parties in Adjudication*. The Panel will render its decision based on the attached "Statement of Issues."

The following men have been selected as adjudicators to serve on your Panel:

- Joe Jones
- Lee Davis
- Harold Davidson

Joe Jones has been appointed by the Panel as moderator for this Panel.

Please be aware that the Panel members may not communicate with any party outside the presence of the other party, except for making arrangements for the hearing. Please refrain from making any contact with the moderator or other Panel members except for making arrangements for the hearing. If you have questions on the process or on your preparations, please ask the Regional Leader or his appointee, unless a preliminary hearing is called to handle questions and exchange evidence in the presence of both parties.

The Panel recommends you consider the following in your preparations:

- Pray for God's guidance and help for both parties and the Panel.
- Review the relevant sections of the BCO that guide your hearing process. Be sure to include BCO 17 and 18.
- Study the *Sovereign Grace Rules for Parties in Adjudications* to make sure you comply with the rules and understand the process and of all your rights.
- Ask for one or two people to advise you in your preparations. You may have one or two advisors attend the hearing with you, but you must notify the adjudicators in advance of your intent to have one or two advisors. Remember that advisors who attend the hearing must be members in good standing of a Sovereign Grace church unless you get prior permission from the adjudicators for someone who is not a member of a Sovereign Grace church.
- Review the statement of issues carefully. Since this determines on what the decisions will be based, your testimony should relate specifically to these issue statements.
- Make a time-line of relevant events to help you remember the order in which things occurred. This will help you organize the presentation of your testimony.
- List the key points you want to make for each issue statement listed.
- Remember that the Panel will be evaluating evidence as to whether it is both reliable and relevant.
 - Evidence that is reliable: easily documented or proven from first-hand accounts. For example:
 - Second or third hand evidence is not as reliable as first-hand testimony.
 - Written letters from persons who are not present cannot be questioned and therefore are usually not as reliable as live witnesses that can be questioned.
 - Evidence that is relevant: relates directly to the issues to be decided.
 - Some evidence presented by parties may be important to them but not relevant to the issues on which the Panel will issue its decision.
- Prepare copies of all the documents you intend to submit for evidence. Remember to provide a complete copy of all written evidence to the other party no later than one month in advance of the hearing. The adjudicators will not receive your written evidence until the other party has received and reviewed your evidence. Provide sufficient copies for all adjudicators and the court reporter.
- Witnesses serve as part of your evidence. Think through what witnesses you want to call. Ask each witness to be available for the hearing. Submit your requested list of witnesses to the other party and to the Panel, with sufficient time for the Panel to respond to your request for witnesses.
- Prepare your witnesses. Provide each one with a copy of the Statement of Issues. Remind them that when they testify in the hearing, they may be asked questions of

the other party and/or the adjudicators. Tell them that they will only be present during their testimony and related questioning.

- Prepare an opening statement, not to exceed 30 minutes for each party.
- Anticipate and prepare questions you may want to ask the other party or the other party's witnesses.

Be assured that our Panel is praying for this hearing and for both of you as parties.

Now may our Lord Jesus Christ himself, and God our Father, who loved us and gave us eternal comfort and good hope through grace, comfort your hearts and establish them in every good work and word (2 Thessalonians 2:16).

Notice of Hearing

Names of Parties _____

☐ Original Notice ☐ Revised Notice

Please take notice that a hearing in this matter will be held as follows:

Type of Panel:

☐ Local Church Eldership Panel ☐ Moderator (to determine if there is Just Cause)

☐ Regional Judicial Review Committee Panel ☐ Sovereign Grace Court of Appeal

☐ Other _____

Location _____

Date _____

Time _____

Before _____

_____, Adjudicator(s)

Please attend promptly with your witnesses and be prepared to present your proofs.

Moderator (Just Cause) or Panel (Court) Moderator _____ Date _____

Notice: The Adjudicators have arranged their schedule and reserved the above date to meet the convenience of the parties. Therefore, every effort should be made to appear at the time and date scheduled. In the event that unforeseen circumstances make it impossible to attend the hearing as scheduled, the parties are to request a postponement no less than 48 hours before the time and date set for hearing. All requests for postponements must be communicated to the Moderator.

Contact the Moderator at:

There should be no other communication between parties and the Panel members other than at oral hearings except as expressly provided in the *Book of Church Order of the Sovereign Grace Churches* or the *Sovereign Grace Rules for Parties in Adjudications*.

cc: Panel (Court) Members ☐

Record of Hearing
(For use by the Moderator for Just Cause, Panel, or Court)

Name of Plaintiff _____ Represented by _____
Name of Defendant _____ Represented by _____
Hearing number _____ held at _____ Date _____
Name of Moderator _____ Name of Panel (Court) Members _____

Appearances

Party _____ Advisor _____
Party _____ Advisor _____
Party _____ Advisor _____

Record

☐ Court Reporter ☐ Audio Recording (at discretion of Panel/court and for its own use)

Witnesses

Name	Address	Called by
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Exhibits

Brief description	No.	Submitted by	Return to
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Remarks

Concluding Arrangements

Hearing commenced at _____ ☐am ☐pm

Concluded at _____ at _____ ☐am ☐pm

Hearing number ____ set for _____ at _____ ☐am ☐pm

Location _____

Documents to be filed by: _____ (party) not later than _____ (date)
_____ (party) not later than _____ (date)

Reply documents by: _____ (party) not later than _____ (date)
_____ (party) not later than _____ (date)

Parties were instructed to send documents to the Panel/court members ☐

If not, specify other arrangement: _____

Final hearing declared closed by Panel on _____ at _____ ☐am ☐pm

Decision due date _____ Signature _____

Instructions to Witnesses for the Hearing

Thank you for your willingness to present your testimony in this case. The Panel (or Court) and the parties appreciate your sacrifice of time and effort to attend this hearing. Your testimony will help the Panel (or Court) in its work to ascertain the facts in this case so that, with the help of God, it can assist the parties in coming to peaceful resolution of their dispute or, if necessary, to render a final decision for the parties.

To keep order and encourage an atmosphere of trust and honesty, the Panel (or Court) respectively requests that all witnesses and parties observe the following ground rules:

- Be honest and truthful. “Let your ‘yes’ be ‘yes’ and your ‘no’ be ‘no’” (Matthew 5:37). Avoid generalizations. Please be specific and cite examples.
- Speak the truth in love (Ephesians 4:15).
- Do not interrupt another person who is talking. If you disagree with something said or have questions or comments, write down your thoughts (paper and pencil are provided) so you can address your concern later. Panel members may interrupt a witness or a party for such reasons as clarifications, questions, reminder of ground rules, time limitations, etc.
- Be respectful in your references of others (Ephesians 4:29). Please refrain from name calling.
- Keep hearing matters confidential. Avoid gossip or talking about parties outside of their presence (James 5:9). This hearing is your opportunity to say anything that needs to be said regarding this dispute. Testimony during this hearing is considered settlement negotiations and may not be used later in other actions including civil litigation.
- Witnesses may be respectively questioned by the moderator, Panel (court) members or any party during the hearing.

If time allows before your testimony, we encourage you to read the following Scripture passage: Philippians 2:1-18

Also, please take time to pray for God’s direction in your testimony, God’s guidance and wisdom for the Panel (Court) members, God’s strength and mercy for the parties, and healing for all those hurting from this conflict.

May God bless all our work together in this process for reconciliation and resolution.

Panel (Court) Moderator: _____

Other Panel (Court) Members: _____

Panel or Court Hearing Agenda

Date _____

Time _____

Opening of Hearing

- Official opening of the hearing
- Greetings and introductions
- Description of hearing agenda
- Statement of ground rules
- Special directions (restrooms, phones, etc.)
- Opening devotions

Testimony

- Oath
- Statement of issues to be decided
- Opening statement by each party
- Presentation of Plaintiff's testimony, including evidence and witnesses if any, with opportunity for other party to cross examine and respond
- Presentation of Defendant's testimony, including evidence and witnesses if any, with opportunity for other party to cross examine and respond
- Questioning by adjudicators

Closing of Hearing

- Closing statements (summary) by each party
- Closing statements of adjudicators
- Official closing of the hearing
- Closing prayer

Final decision made by adjudicators within _____ days after final hearing.

Adjudicator's Checklist

- ___ Bible
- ___ Most current edition of *Book of Church Order of the Sovereign Grace Churches* and applicable local church bylaws
- ___ Most current edition of *Rules of Procedure for Adjudications for the Sovereign Grace Churches*
- ___ Peacemaking Principles pamphlets
- ___ Case file, including any agreements signed, statement of issues, and client information forms*
- ___ Written agenda (could be handout or on flipchart)
- ___ Any necessary forms (e.g., Record of Hearing, Instructions to Witnesses, Decisions that are being appealed, etc.)
- ___ Check the room for set up and comfort:
 - ___ Clean and uncluttered
 - ___ Room temperature
 - ___ Lighting

* Make sure never to leave the case file unattended on the adjudication table!

Decision of Moderator for Just Cause

Names of Parties

Plaintiff _____

Defendant _____

Name of Moderator _____

Date description of evidence received by Moderator from Plaintiff: _____

I, the Moderator, having been selected by the Regional Judicial Review Committee in accordance with the current *Book of Church Order of the Sovereign Grace Churches*, and having reviewed the Plaintiff's description of the charges and evidence, including witnesses, decide on the issues as follows:

ISSUES TO BE DECIDED

- On what basis does this Moderator have the authority to act in this matter?
- Is there just cause for _____ (name of Plaintiff) to bring one or more charges against _____ (name of elder being charged) in a formal trial, or should the matter be dismissed, handled as a case for personal reconciliation, or some other process?

In order to address this issue, the following sub-issues must be addressed:

- Are there sufficient grounds regarding a serious breach of sound doctrine or the biblical qualifications for office of elder?
- Are there at least two or more credible witnesses to testify in such a trial?
- Is there sufficient evidence for the charge to be legitimate?

SUMMARY OF DECISION ON THE ISSUES

BASIS FOR DECISIONS

PROCESS FOR APPEAL

Plaintiff May Appeal (BCO-17.6)

If the Moderator decides not to admit the charge, the Plaintiff may then appeal this decision within 30 days. An appeal is made by writing a letter of no more than five pages to the Regional Judicial Review Committee about why the Moderator has wrongly rejected this charge. The original written charge, written description of supporting evidence, the written response to the charge by the Moderator, and the written appeal will be mailed to chairman of the Regional Judicial Review Committee. The member of the Regional Judicial Review Committee who served as the Moderator will be recused from deciding upon appeals related to the case.

The Judicial Review Committee will decide by majority vote if the decision of the Moderator is appropriate, if the charge should be heard, or if there is a third option for further action (such as mediation by a third-party, etc.). The response of the Judicial Review Committee will be mailed to the Plaintiff, postmarked within thirty days.

This concludes the decision of this Moderator.

Respectfully submitted,

Moderator for Just Cause

_____	_____	Date _____
Print or type	Signature	

Decision of Panel

Names of Parties

Plaintiff _____

Defendant _____

Panel Names: Moderator

Panel Member

Panel Member

Hearing Date _____ Time Commenced/Ended _____

Place _____

Witnesses that were present:

Advisors that were present:

For the Plaintiff

For the Defendant

We, the Panel members, having been selected in accordance with the current *Book of Church Order of the Sovereign Grace Churches*, and having heard the proofs and allegations of the Parties, decide on the issues attached as follows:

ISSUES TO BE DECIDED

SUMMARY OF DECISION ON THE ISSUES

BASIS FOR DECISIONS

PROCESS FOR APPEAL

Within 30 days after receiving a copy of the decision, either party may request that the decision be reconsidered in an appeal. The procedures and rules for requesting a reconsideration of this decision can be found in the current *Book of Church Order of the Sovereign Grace Churches*, which states in part:

[Quote from the BCO the appropriate appeal process for the Panel decision made. For example, quote the appropriate citations from BCO-2.6.2.9; BCO-16.2; BCO-17.6; BCO-17.8.7; BCO-17.9.3; BCO-17.13; BCO-18.2.2; BCO-18.2.3; BCO-18.2.4; BCO-18.2.5; BCO-18.2.6; BCO-18.2.9.6; BCO-19.2.1; BCO-19.2.2.)

This concludes the decision of this Panel.

Respectfully submitted,

Panel

Panel Moderator: _____ Date _____

Print or type

Signature

Panel Member: _____ Date _____

Print or type

Signature

Panel Member: _____ Date _____

Print or type

Signature

Decision of the Sovereign Grace Court of Appeal

Names of Parties

Plaintiff _____

Defendant _____

Court Names: Moderator

Court Member

Court Member

Hearing Date _____ Time Commenced/Ended _____

Place _____

Witnesses that were present:

Advisors that were present:

For the Plaintiff

For the Defendant

We, the members of this Sovereign Grace Court of Appeal, having been selected in accordance with the current *Book of Church Order of the Sovereign Grace Churches*, having heard the proofs and allegations of the Parties, and having reviewed the Decision of the Regional Judicial Review Committee Panel in this same case, decide on the issues attached as follows:

ISSUES TO BE DECIDED

SUMMARY OF DECISION ON THE ISSUES

BASIS FOR DECISIONS

In accord with the *Book of Church Order of the Sovereign Grace Churches*, this decision of this Court shall be binding upon the parties of this case. There is no further appeal available to either party.

This concludes the decision of this Sovereign Grace Court of Appeal.

Respectfully submitted,

Court of Appeal

Court Moderator:	_____	_____	Date _____
	Print or type	Signature	

Court Member:	_____	_____	Date _____
	Print or type	Signature	

Court Member:	_____	_____	Date _____
	Print or type	Signature	

Adjudication Agreement

We, the undersigned parties, are presently involved in a dispute with one another, and we hereby submit the issues described on the attached exhibit for adjudication before _____.

We have received and read the *Book of Church Order of the Sovereign Grace Churches* (BCO) and the *Sovereign Grace Rules for Parties in Adjudications*, which are incorporated into this agreement by reference and which we agree to follow. In particular, subject to the more detailed provisions of the *Book of Church Order* and the *Rules for Parties*, we acknowledge and agree that:

- One or more adjudicators will be selected as provided for in the *Book of Church Order* and *Rules for Parties*.
- We will abide by and perform any decision rendered by the adjudicator(s), and we agree that such a decision may be entered as a judgment of a court of competent jurisdiction. We realize that adjudication will be the exclusive remedy for this dispute subject to appeals as provided in the *Book of Church Order* and *Rules for Parties*, and that we may not later litigate these matters in civil court.
- We understand that the adjudicators, including those who happen to be attorneys, will not provide any of us with the kind of legal advice or representation we would receive from a privately retained attorney. Furthermore, no adjudicator, regardless of training or expertise, will be expected to provide any of us with the kind of advice or services that we would receive from an independent professional.
- We agree to protect the confidentiality of this process and will not discuss these matters with people who do not have a necessary interest in them. Furthermore, we agree to treat all dealings with the adjudicators in regard to this dispute as settlement negotiations, and we agree that all communications related to this process shall be inadmissible in a court of law or for legal discovery.
- This agreement may be executed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

We further agree that any claim or dispute arising from or related to this agreement shall be settled by mediation and, if necessary, legally binding arbitration in accordance with the *Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation*, a division of Peacemaker® Ministries (complete text of the Rules is available at peacemaker.net). Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The parties understand that these methods shall be the sole remedy for any controversy or claim arising out of this agreement and expressly waive their right to file a lawsuit in any civil court against one another for such disputes, except to enforce an arbitration decision.

Signed _____ Date _____

Signed _____ Date _____

Signed _____ Date _____

Signed _____ Date _____

Charge Form

Name of Accuser:

Name of Accused:

A charge against an elder must be submitted in writing by a member or fellow elder within Sovereign Grace (BCO-17.3.8). Such charges may only be made after private appeals have failed (BCO-17.2.1-2). Written charges must be submitted using this form and submitted to the accused elder, the accused elder's local eldership, and the Chairman of the Judicial Review Committee (BCO-17.2.3).

Please note that, in order for charges to be brought to trial, the allegations must call into question the elder's moral qualifications, represent a deviation from the Sovereign Grace *Statement of Faith* or *Book of Church Order of the Sovereign Grace Churches*, or alleged pastoral mishandling of sexual misconduct (BCO-17.1).

Once this form is submitted, no other charges will be considered without the express written consent of the Chairman of the Judicial Review Committee.

Guidelines for submitting this form:

- Include the biblical word for the offence, if applicable.
- If the exact date of the offence is unknown, an estimate will be sufficient.
- Please include any relevant references to Scripture, the *Statement of Faith*, and/or the *Book of Church Order of the Sovereign Grace Churches*.
- Please limit this form to a total of five pages (BCO-17.3.8.1)
- Please note that the Moderator may review, clarify, and if necessary, modify the charge form in consultation with you (BCO-17.5.1)

Example:

	Offence (with brief description)	Date of Offence	Relevant Scripture, <i>Statement of Faith</i> , and/or BCO References
1	Domineering leadership: the accused regularly holds people in the church to unbiblical moral standards and accuses them of sinning when they're merely falling short of his standards.	2020-Present	1 Peter 5:3 BCO-2.8.3.1

	Offence (with brief description)	Date of Offence	Relevant Scripture, <i>Statement of Faith</i> , and/or BCO References
1			
2			
3			
4			
5			

Please detail any effort(s) to make the accused elder aware of his deficiencies and his response to these efforts:

Please explain why there are reasonable grounds for these charges:

Signature

Date

Public Communication Checklist

The following checklist is intended to be used by the Chairman of the Regional Judicial Review Committee or their delegate when working with a local eldership communicating with the local congregation regarding an ongoing disciplinary situation. Whether the eldership is involving the JRC voluntarily (BCO-17.4.3.2) or under requirement (BCO-17.4.3.3), the following items should be considered.

Not all items will apply in all circumstances. Discernment will be required from the Chairman of the Regional Judicial Review Committee regarding the application of the items in this list or when the circumstances require a departure from this list.

Each public statement should:

- Announce that a charge has been brought while avoiding specificity.
- Maintain the innocence of the elder in question until a just trial declares him otherwise.
- Include only such information as is needed to lead the local church. Unnecessary details should be avoided.
- Maintain confidentiality as defined in BCO-17.4.1, 17.4.3.
- Inform the church of the overarching process including the current step of the adjudicatory process.
- Inform the church of any known time horizons.
- Maintain a tone of kindness, avoiding inflammatory words.
- Achieve brevity, as much as possible.
- Provide instructions on how to relate to the involved parties, including the accused elder's current status.
- Exhort the congregation to refrain from speculating on guilt or innocence or entertain sinful curiosity on the facts. They should leave those matters to the panel, trusting those God has called to play a role in the process.

If the Chairman of the Regional Judicial Review Committee requires counsel regarding any local statement, he is free to consult with other members of his Regional Judicial Review Committee members or members of the Sovereign Grace Court of Appeal.

PART TWO - Appendix IV: Revision History of the Rules of Procedure

Note on the First Edition: These rules and documents were developed and adapted from *Rules of Procedure for Christian Conciliation* developed by the Institute for Christian Conciliation, a division of Peacemaker Ministries. Used by permission from Peacemaker® Ministries. www.HisPeace.org. Original development made by Ambassadors of Reconciliation in February 2014. Subsequent changes were made by the Sovereign Grace Polity Committee.

2015—2nd edition changes impacted the following sections: References updated according to the *Book of Church Order of the Sovereign Grace Churches*, 3rd Edition; Added page numbers for all sample issue statements in Table of Contents for Appendix I; 3.1.8; 3.1.30; 34.8; 37.3.1; 39.2 (footnote); 40.1; 40.1 (footnote); 41.5 (footnote); 41.6 (footnote); 42.7 (footnote); 43.3; 46.4; 48.8; 49.2.4; 49.2.6; Appendix III: Plaintiff’s Description of Evidence for Charges against an Elder (footnote); Added “Sample Memo” form; Added “Adjudicator’s Checklist” form.

2018—3rd edition changes impacted the following sections: References updated according to the *Book of Church Order of the Sovereign Grace Churches* (7th ed.); also 3.1.20; 3.1.21-22; 3.1.30; 3.1.31; 7; 13; 31; 28.1; 34.8; 35; 40.2; 43.3, 44; 46; 46.2; 46.3; 47.3; 47.4; 47.5; 47.7.6; 47.7.7; 47.9; 47.9.1; 47.9.2; 47.9.3; 47.9.4; 47.9.5; 47.9.6; 47.9.7; 47.10; 49.1.8; 49.2.4; p. 81 7th bullet point.

2020—4th edition changes impacted the following sections: References updated according to the *Book of Church Order of the Sovereign Grace Churches* (2020 ed.); also 34.4.2, 8th bullet point; 40.2; 41.14; Clarifications & Addition of suggested questions 41.15; 41.16.

2021—2021 edition changes impacted the following sections: Switched from numbered edition to year edition. References updated according to the *Book of Church Order of the Sovereign Grace Churches* (2021 ed.)

2023—2023 edition changes impacted the following sections: 3.1.1-34, 9.1-2, 13.1.1-2, 13.6-7, 14, 25, 26, 29.1-3, 34.1, 34.4.2-3, 35, 39.2, 39.3, 41.5, 41.6, 41.9, 42.5, 42.6, 42.7, 45.1, 50.8, 51.1.8, and deletion of 51.2.6. Addition of sections 39.4, 41.17, 41.18, 42.12, 42.13 and section 52, “Overview of the Sentence Hearing”. Addition of “Charge Form”. Addition of “Public Communication Checklist”. Renumbering of all applicable sections. References updated throughout according to the *Book of Church Order of the Sovereign Grace Churches* (2023 ed.)

2024—2024 edition changes impacted the following sections: 41.2 (removed) and 42.4 (removed). References updated throughout according to the *Book of Church Order of the Sovereign Grace Churches* (2024 ed.)_

2026—2026 edition changes impacted the following sections: 35.13, 14, 41.5 (removed), 41.8 (new), and 41.18 (removed), 42.4 (removed), 42.6 (new), 42.7, 42.8 (new), and 42.12 (removed). References updated throughout according to the *Book of Church Order of the Sovereign Grace Churches* (2026 ed.)

