

# THE AME JUDICIAL COUNCIL



**Judge Starr L. Battle**

**Western NC Conference Lay Organization**

**January 11, 2024**

**10:00 AM**



## **OBJECTIVES OF WORKSHOP**

- Identify the role/jurisdiction of the AME Judicial Council
- Identify the current members of the AME Judicial Council
- Qualifications of the member of the Judicial Council
- Locate the Judicial Council page references in the Bible & AME BOD 2021
- Review types of cases that can be submitted to the AME Judicial Council



## SCRIPTURE REFERENCES

- Exodus 18:21-22
- Judges 2: 16-19
- Judges 3, 4 & 5
- Acts 19:38

# WHO ARE WE?



As the denomination's highest judicial body or "court," the Judicial Council's nine members is comprised of (5) laypersons and (4) clergy, who are elected by the General Conference. The Council considers whether actions of the various church entities adhere to the rules outlined in the Book of Discipline.

- *Section III, subsection D*



# ESTABLISHMENT



Prior to the establishment of the Judicial Council, the Council of Bishop functioned as the Judicial Council, if any matter arose, wherein they ruled on the legality of issues and were the final interpreters of the BOD. This action cause some contention.

Special session of the 33<sup>rd</sup> General Conference in 1948 introduced legislation to establish a Judicial Council, in the AME Church

At the 1952 General Conference, the Judicial Council legislation was codified and the first judges were elected.

# ESTABLISHMENT



According to Bishop Phillip R. Cousin Sr., the 3<sup>rd</sup> district was instrumental in establishing the permanent Judicial Council.

There was some administration issues with, Bishop Sims, who served as President of the Council of Bishops.

Among other issues, there were concerns of embezzlement involving Bishop Decatur Ward Nicholas in 1956- 60s.

# DUE PROCESS

## DUE PROCESS

### DEFINITION

Due process is a fundamental principle of law designed to protect the rights of individuals from arbitrary and unjust actions of the government.

Before any person can be deprived of life, liberty, or property, they must be given notice of the charges against them and an opportunity to be heard in an impartial tribunal.

### EXAMPLES

- **Miranda Rights:** For due process, most nations insist that people should be informed of their rights. If not, then due process is violated. A great example of this is Miranda rights in the USA.
- **Right to an Attorney:** In order for due process to be executed, most nations allow people to have an attorney represent them in court.

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An allegation is made, and one must be given an opportunity to defend him/herself. Therefore, evidence can be shown in their defense.



# WHO ARE WE?



**Judge Tania Wright**



**Judge Derek Anderson**



**Judge Eduardo Curry**



**Judge Thomas Bess**



**Judge Warren Hope Dawson**



**Judge Jonathan Augustine**



**Judge Oscar Jerome Green**



**Judge Thabile Ngubeni**



**Judge Starr Battle**

## Alternates

*Ms. Monice Crawford (I)  
Rev. Jeffery Cooper II (c)  
Rev. Jimmie Williams III (c)*



*AME Church official website*





# THE CURRENT COURT



**\*\*Excludes Judge O. Jerome Green**

# SISTER DENOMINATIONS



AME Zion est. 1988



JUDICIAL COUNCIL

**ATTORNEY BERNARD SNELL**  
PRESIDENT, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**REV. RUSSELL D. FULLER, SR.**  
VICE PRESIDENT, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**ATTORNEY SHIRLEY C. BYERS**  
CLERK, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**DR. LYNDA BROWN-WRIGHT**  
MEMBER, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**REV. ROLAND JOHNSON**  
MEMBER, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**DR. TERRI D. OYER**  
MEMBER, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**KEVIN J. AGEE**  
PRESIDING ELDER  
MEMBER, JUDICIAL COUNCIL



JUDICIAL COUNCIL

**REV. DR. JAMES T. MORRIS**  
MEMBER, JUDICIAL COUNCIL

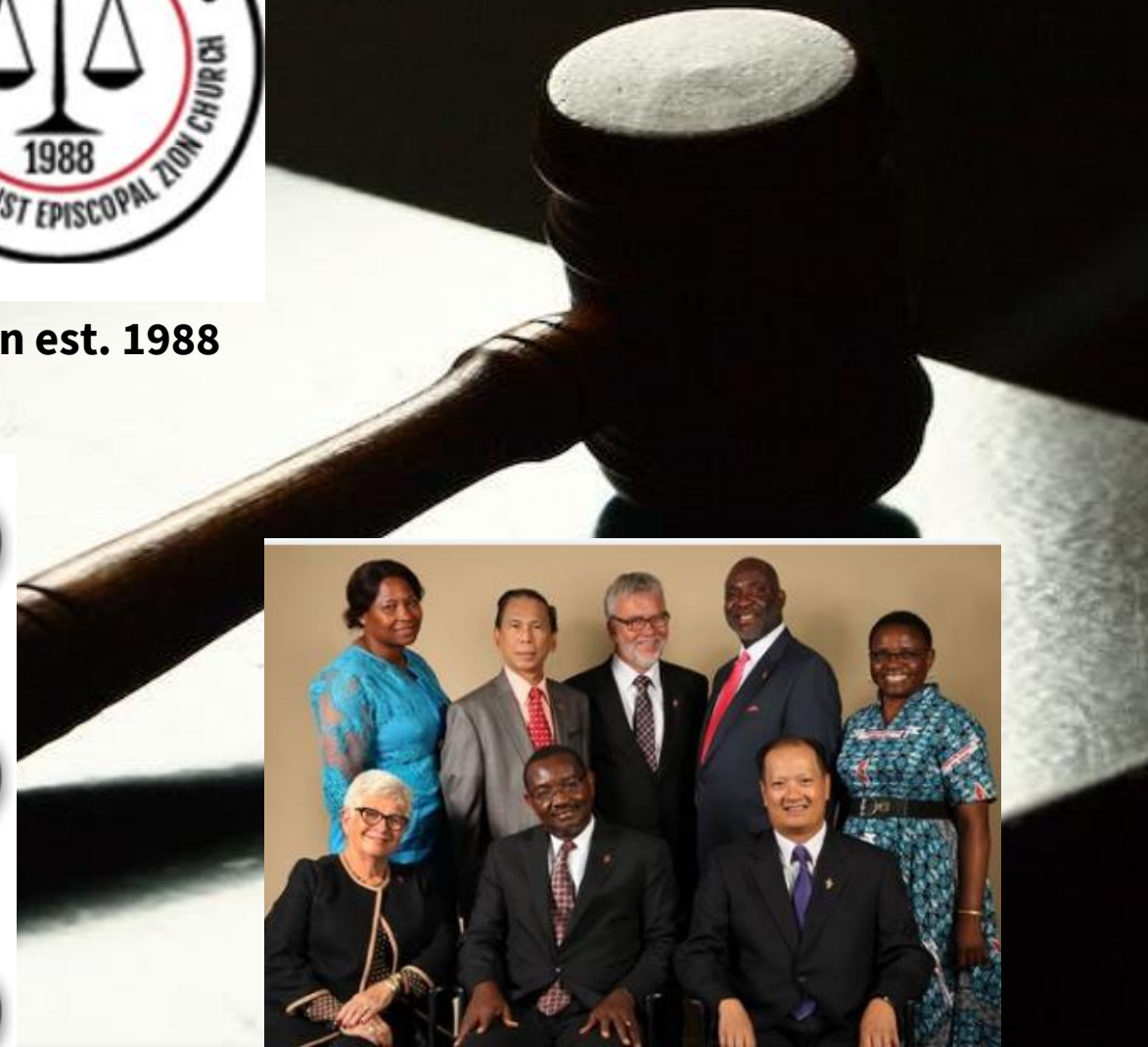


JUDICIAL COUNCIL

**ATTORNEY J. RICHET PEARSON**  
MEMBER, JUDICIAL COUNCIL

CME Church

est. 1946



UMC Church



## **Section XVI. Subsection A. JURISDICTION**

- The jurisdiction of the Judicial Council relates to and restricted to . . . all final appeals from any adverse decision by any bishop, board commission, group, pastor, or any other regularly constituted party or body empowered to make a decision that affects the right of any member or Church body of the AME Church.





## **Section XVI. Subsection A. JURISDICTION**

- The Judicial Council is amendable to the General Conference and any ruling or decision of the Judicial Council may be modified or reversed by the General Conference, in a special or regular session.





## **B. COMPOSITION OF THE JUDICIAL COUNCIL**

- (5) shall be laypersons & (4) Elders (clergy)
- At least (3) of whom shall be lawyers and/or judges with a valid license to practice law in a state or territory
- Full membership in the AME Church



## **C. ELECTIONS AND TERM LIMITS**

- Members shall be selected for a term of 8 years and shall serve the same from the date of their election
- Members & Alternates members shall be elected at the same time and manner as the General Officers
- Prior to being elected, persons must be certified in the same manner as candidates for Bishop or General Officer



## **D. ALTERNATES**

- All vacancies of the Judicial Council shall be filled by alternate members in order of election
- All alternate members shall not receive travel nor per diem allowances, unless called to fill vacancy
- If there is a vacancy, it shall be the duty of the President & Secretary to notify the alternate entitled to fill the position. Certification is completed by the Secretary of the General Conference before a Notary



## **E. QUORUM/ G. ORGANIZATION & PROCEDURE**

- (5) Members are needed for a matters to have the attention
- The Council shall provide it own method of organization (President, V. President, Sect) elected by the members
- Record of the proceedings is kept in triplicate.
- Decisions are complied by the Judicial Council Secretary before the General Conference
- Printed copies are made available at print & distribution costs.





## **Subsection H. MEETING**

- The Judicial Council shall meet at the time and place of the General Conference and remain in session until the close of the meeting.
- The Council will also meet at such time & place that is deem necessary
- A single judicial session cannot be longer than (1) week.



## **Subsection I. DUTIES**

- Hear & determine any appeal from a Bishop's decision on a question or ruling made in an annual conference on some positive law that affects some substantial right of the person making the appeal.
- The person making the appeal should submit the questions in writing to the Secretary of the Council and the Secretary will notify the bishop within 5 days of receipt of the communication
- The Judicial Council may affirm, modify, or reverse a decision or ruling made by a bishop, subject to the approval of the General Conference.



## **Subsection I. DUTIES**

The Judicial Council does not have the right to interfere with the right of the bishop to appoint, assign, transfer or remove pastors, nor to interfere with the rights of bishop to administer the BOD.

May hear & determine an appeal of a bishop when taken from the decision of the trial court in his case.

Will hear any appeal of a bishop from a decision of Episcopal Committee, except assignments.



## **Subsection I. DUTIES**

- The Judicial Council shall decide all final appeals, except appeals to the General Conference when in regular or special session
- Members of the AME Church are required to seek final determination of any dispute arising btw. said members of the Church and/or any department by exhausting all legal remedies provided in the BOD before utilizing civil proceeding
- The Council is not required, as an appellate body to become involved in a civil action and litigation brought by any member or department.





## **Subsection I. DUTIES**

- If a passed legislation appeared to be subject to more than (1) interpretation, or when a paragraph or wording in the BOD seems to have a doubtful meaning or application.
- Any authority in the Church or any member in good & regular standing shall have the right to appeal to the Judicial Council, including conference & connectional board actions or bishop's ruling based on legislation that appear to have more than (1) interpretation for a declaratory decision.



## **Subsection I. DUTIES**

- Declaratory decisions shall be final, subject to the approval of the General Conference
- All persons or bodies who have interest that would be affected by the declaration shall be parties in the proceedings. All parties shall have the privilege of filing briefs and present arguments and evidence
- The Council may invite opinions or writing or by affidavits that may assist in the deliberations. There shall be no trial or retrial



## **Subsection I. DUTIES**

- The Council on appeal of 1 of the bishop, shall review any decision made in the Council of Bishops to remove a bishop from the district to which the bishop was assigned by the General Conference. The Bishop will address the council within 10 days about his/her intention
- A bishop shall have the right of appeal to the Council in the case of an adverse decision by a trial court provided that within 10 days after conviction the bishop notifies the secretary of the Council and of the trial court of the intention of the appeal



## **Subsection I. DUTIES**

- A traveling elder have the right to appeal in case of an adverse decision by the trial court, provided that within 30 days after conviction, the Elder must notify the Secretary of the Judicial Council of the intention to appeal
- The right to appeal is exclusively granted to any member of the AME Church
- Any member of the Judicial Council who has advised, aided, or participated in any cause that may come for consideration





## **Subsection I. DUTIES**

- A member of the Judicial Council cannot provide pro bono or fee-for-services representation in any matter where such matter that may lead to an appeal before the body.
- The judgment of any matter by the Council can only be stayed as to the execution requires 2/3 majority of the annual conference or the General Conference in regular or special session
- Any bishop or other members of the AME Church who wishes to address the Council relative to any matter being determine must be made in writing



## **Subsection I. DUTIES**

- Individuals should not threaten or perform a vindictive action against the Council
- Charges, appeals from subordinate bodies or request for declaratory ruling to the General Conference must be filed to the Secretary of the Judicial Council 60 days prior to convening of the General Conference
- Upon receipt of the charge, appeal from subordinate bodies, or request for declaratory rulings that may tend to affect the moral, religious, or official standing of any individual or group involved, the Secretary of Judicial Council will place the charge on the calendar of the Council



## **Subsection I. DUTIES**

- At the seat of the General Conference the Judicial Council shall be empowered to sit as a trial court for the purpose of hearing all such charges for the purpose of hearing all such charges, requests, or appeals against any bishop or general officer of the AME Church and render judgment
- Shall have authority to make rules & prescribe such form of governing each charge & trial, including appeals of any bishop, general officer, minister, or member of the AME Church



## **Section II. CHARGES**

- Disobedience of the BOD
- Immorality
- Illegal handling of local, conference, connectional and other church funds
- Habitual neglect of duty as an officer or member of the AME Church
- Maladministration in an office
- Exacting or receiving money for appointment or simony: the buying or selling of church office
- Levying unauthorized assessment and levying and collecting of assessments for personal gain
- Conviction of a crime
- Sowing Dissention
- Sexual misconduct
- Improper Electioneering





## **Section VIII. Subsection A. APPEALS**

- Notice of appeal must be given to the presiding officer within 30 days after the adjournment of the proceedings from which the appeal is taken and the presiding officer shall schedule a time & place for the hearing.



## **Section VIII. Subsection B. F. APPEALS**

### Order of Appeal

- Layperson: Trial Ct ➤ Quarterly Conference
- Ministers: Trial Court ➤ Annual Conf. ➤ Judicial Council
- Bishops: Trial Court ➤ Judicial Court



## **Section VIII Subsection C. APPEALS**

### *Effects of Appeal*

- Judgment of a trial court is effective throughout the whole Church until it is reversed or otherwise changed by the appellate body.
- Right to Appeal does not extend for any person who refuse to be present in person or through counsel at trial unless good cause is displayed
- Appeal is not affected by death of any party, counsel or witness



## APPEALS

- Forfeiture exist if the appellate:
  - Commits an offense
- Disobeys the order from the trial body
  - Withdraws from the Church
  - Commence a civil suit against the Church
- Fails to appear through counsel or in person for appeal
- Commits a chargeable offense as provided by the BOD





## **Section VIII. Subsection D. APPEALS**

### *Hearers of Appeal*

- Bishops- condemned by trial and by review of the Episcopal Committee shall have the right to appeal to the General Conference as a body, sitting court to determine guilt or innocence.
- GOs- Lay- appeal to Quarterly Conference if charges are found sufficient to cause suspension by the board that he/she serves shall have the right to appeal to the General Conference
- Clergy-found guilty by trial and be suspended by the board of which he/she is an officer, then have the right to appeal to the General Conference



## **Section VIII. Subsection D. APPEALS**

### *Hearers of Appeal*

- Itinerant Preacher- Elder & Deacon convicted by Trial Committee of Annual Conference, they have a right to appeal to the Annual Conference which can be confirm or reverse decision.
- Local Preacher-have right to appeal to the trial review Annual Conference
- Lay- may appeal to the Quarterly Conference



## **Section XVI. Subsection F. COMPENSATION**

- The CFO/Treasurer of the AME Church is authorized to pay each member per diem sustentation of \$60.00 and travel mileage reimbursement of \$.35 per mile 1 way in the continental US

# THANK YOU



Western North Carolina Lay  
Organization Presents:

## AME CHURCH JUDICIAL COUNCIL

*The highest judicatory  
body of the AME Church.*

### Join Us As We Discuss

- ✓ Who the council are
- ✓ What they do
- ✓ And why

**SATURDAY, JANUARY 13, 2024**

10:00 am

PRESENTATION WILL OCCUR DURING THE  
LAY ORGANIZATION JANUARY MEETING



**STARR L. BATTLE, JD, MA**

JUDGE, AME JUDICIAL COUNCIL  
DEPUTY CLERK, NC OFFICE OF  
ADMINISTRATIVE HEARINGS



**BARBARA R. MYERS**  
WNCCLO PRESIDENT





# Questions



**Judge Starr L. Battle**