

CHAPTER V

D-5.0000

PERMANENT JUDICIAL COMMISSIONS

D-5.0100

1. Service on Permanent Judicial Commissions

D-5.0101  
Election

The General Assembly, each synod or cooperating synods, and each presbytery shall elect a permanent judicial commission from the ministers of the Word and Sacrament and ruling elders subject to its jurisdiction. Each commission shall be composed of ministers of the Word and Sacrament and ruling elders in numbers as nearly equal as possible. When the commission consists of an odd number of members, the additional member may be either a minister of the Word and Sacrament or a ruling elder. The General Assembly commission shall be composed of one member from each of its constituent synods. The synod commission shall be composed of no fewer than eleven members distributed equally, insofar as possible, among the constituent presbyteries. In those synods with fewer than eleven presbyteries, each presbytery shall have at least one member. When two or more synods form a shared permanent judicial commission, the commission shall be composed of no fewer than twelve members, with each synod electing members proportional to the number of the presbyteries in each synod, insofar as possible. The cooperating synods shall designate between them one stated clerk to process the cases filed with the shared permanent judicial commission. The presbytery commission shall be composed of no fewer than seven members, with no more than one of its ruling elder members from any one of its constituent churches. Two of the members of the presbytery commission shall be designated to review any petition for review of the procedures of the investigating committee while the investigation in a disciplinary case is in process (D-10.0204) and to review any petition for review of the decision not to file charges (D-10.0303). These two members shall not take part in any subsequent trial. A session shall refer either form of petition to the presbytery commission.

D-5.0102  
Term

The term of each member of a permanent judicial commission shall be six years, with the exception that membership on the Permanent Judicial Commission of the General Assembly shall end when that member transfers membership to a church or presbytery outside the synod from which nominated. In each even-numbered year, the General Assembly shall elect members for a term of six years to fill the vacancies then occurring. Their terms of office will begin with the dissolution of the General Assembly at which they are elected.

D-5.0103  
Classes

In synods and presbyteries, commissioners shall be elected in three classes, with no more than one half of the members to be in one class. When established for the first time, one class shall serve for two years, the second class for four years, and the third class for six years.

D-5.0104  
Vacancy

Any vacancy due to resignation, death, or any other cause may be filled by the electing council, which may elect a person to fill the unexpired term at any meeting thereof.

D-5.0105  
Eligibility

No person who has served on a permanent judicial commission for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term. No person shall serve on more than one permanent judicial commission at the same time. No person shall serve on the Permanent Judicial Commission of the General Assembly who is a member of any other entity elected by the General Assembly until that person shall have resigned such membership. The moderator, stated clerk, or any member of the staff of a council or the staff of any of its entities shall not serve on its permanent judicial commission.

D-5.0106  
Commission  
Expenses

All necessary expenses of a permanent judicial commission shall be paid by the electing council or councils. Cooperating synods shall pay the necessary expenses of a shared permanent judicial commission equally; however, each synod shall pay the necessary expenses for processing a particular judicial case arising within its bounds.

**D-5.0200**                    **2. Meetings**

D-5.0201  
Officers

Each permanent judicial commission shall meet and elect from its members a moderator and a clerk.

D-5.0202  
Bases of Power

In the cases transmitted to it, the permanent judicial commission shall have only the powers prescribed by and conduct its proceedings according to the Constitution of the Presbyterian Church (U.S.A.).

D-5.0203  
Meetings

The meetings of the permanent judicial commission shall be held at such times and places as the electing council or councils shall direct, or, if no directions are given, at such times and places as the commission shall determine.

D-5.0204  
Quorum

The quorum of a permanent judicial commission shall be a majority of the members, except that the quorum of a presbytery commission for a disciplinary case shall be a majority of the membership other than the two members assigned responsibilities under D-10.0204 or D-10.0303. The quorum of a session for judicial process shall be the moderator of the session and a majority of the ruling elder members.

D-5.0205  
Who Shall Not  
Participate

When a church or lower council is a party to a case, members of a permanent judicial commission who are members of that church, or of that lower council, or of churches within that lower council shall not participate in the trial or appeal of that case.

- D-5.0206  
Lack of Quorum
- If, through absence, disqualification, or disability, a sufficient number of the members of a permanent judicial commission are not present to constitute a quorum, the permanent judicial commission shall recess until a quorum can be obtained.
- Inability to Reach a Quorum
- a. The permanent judicial commission shall report its inability to reach a quorum to the stated clerk designated for processing the cases.
- Roster of Former Members
- b. The designated stated clerk shall keep a current roster of those members of the permanent judicial commission whose terms have expired within the past six years. The names shall be arranged alphabetically within classes beginning with the most recent class. Whenever the permanent judicial commission reports its inability to obtain a quorum, the stated clerk shall immediately select, by rotation from that roster, a sufficient number of former members of the permanent judicial commission to constitute a quorum. The stated clerk shall report the roster annually to the council or councils.
- Participant Expenses
- c. If a permanent judicial commission is unable to try a case for lack of a quorum, the council in whose geographic boundary the case arose shall reimburse the expenses reasonably incurred by those persons required to be present.