

**PRESBYTERIAN CHURCH IN AMERICA
STANDING JUDICIAL COMMISSION**

CASE No. 2023-19

TE JARED HUFFMAN

v.

TENNESSEE VALLEY PRESBYTERY

RULING ON APPEAL

March 8, 2024

This case came before the SJC styled as an appeal after TE Huffman had initially filed an appeal with the Stated Clerk of Tennessee Valley Presbytery on September 6, 2023. The case had originated January 17, 2023 when the Tennessee Valley Presbytery (“TVP”) in a called meeting empowered its Moderator to appoint an ad-interim committee to demand satisfactory explanations concerning reports affecting the Christian character of TE Huffman per *BCO* 31-2. TE Huffman had previously disclosed patterns of sin to the Session of Restoration Southside Church where he had served. The work of the ad-interim committee and a subsequent judicial commission with TE Huffman led to his making a confession which, after interaction with the commission, was finalized on June 2, 2023 and reported to TVP at its stated meeting on August 8, 2023. TE Huffman’s confession was prepared under provisions governing the conduct of a *BCO* 38-1 case without process which were amended by action of the 50th General Assembly on June 13, 2023. Prior to June 13, 2023, *BCO* 38-1 stipulated that the accused had the right of *complaint* against the court’s judgment. On June 13, 2023, *BCO* 38-1 was amended to say that “a censured person has the right to *appeal* (*BCO* 42)” (emphasis added).

Although TE Huffman filed notice with the Stated Clerk of TVP of his “appeal” to *the Presbytery* on September 6, 2023, there was confusion as to the proper process. There is no indication in the Record of the Case that TVP acted on the appeal. TE Huffman subsequently filed an appeal with the SJC on September 26, 2023.

In view of the fact that this Case originated and was near completion under the terms of *BCO* 38-1 as it existed prior to amendment by the 50th General

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Assembly, it would be unfair to retroactively impose the amended terms on TE Huffman. Accordingly, we find that the Case is judicially out of order and remand the same to TVP for adjudication as a complaint as was proper under the then extant rule. As TVP has not ruled on the complaint (previously mischaracterized as an appeal) presented to it on September 6, the matter is remanded to the Presbytery. The clock is reset for Presbytery, as instructed, to consider the complaint at its next stated meeting. If the presbytery fails to consider the complaint at its next stated meeting, the complaint can be brought to the next higher court (SJC). Also, if the presbytery denies the complaint, it can be carried to the next higher court. The remainder of the (Old *BCO 43-2*) section then applies:

(excerpt from old *BCO 43-2*) ... Written notice [of complaint] thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court's decision. Notification of the last court's decision shall be deemed to have occurred on the day of mailing (if certified, registered, or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

The proposed ruling was drafted and approved by the Panel, which included TE Waters (chair), RE Eggert, and RE Bise with alternates RE White and TE Lucas. The SJC approved the final Ruling by vote of **19-1**, with 3 absent and 1 recused.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	Recused
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	<i>Dissent</i>	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>
M. Duncan	<i>Concur</i>	Lucas	Absent	Wilson	<i>Concur</i>

RE Neikirk indicated he recused because he was given facts in the Case by a person related to a party before the Case became public.

IV. PROPOSED MANUAL CHANGES

The Standing Judicial Commission submits to the 51st General Assembly the following proposed amendments (underscoring for additions; ~~striketrough~~ for deletions) to the *Operating Manual of the Standing Judicial Commission (OMSJC)* for adoption. Changes relate to six areas.

1. Amend OMSJC 8.4 (a) and (b) to provide a standard size for footnote text and to permit tables of contents and cover pages for briefs:

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than 12 point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced. All briefs shall also be filed by electronic means with the Stated Clerk. The text of footnotes shall be no smaller than 10 point type and shall be single spaced.
- b. The preliminary brief filed by a party shall not exceed 12 pages in length. Any supplemental brief filed by a party shall not exceed 6 pages in length. Briefs may include a cover page and table of contents which shall not count toward the page limitation.

RATIONALE - The proposed change to subsection (a) provides a uniform standard for formatting footnotes. The proposed change to subsection (b) allows for and encourages useful organizational additions to briefs which do not count against the page limit.

2. Briefs for matters initially determined to be Administratively Out of Order (AOO) and Judicially Out of Order (JOO)—Amend the sections

enumerated below be amended to permit parties to file briefs when cases are found to be Administratively or Judicially Out of Order

8. BRIEFS

8.1 Review Briefs

In the event that the Officers find that a case is not administratively in order (OMSJC 9.1(a)), or a Judicial Panel finds that a case is not judicially in order (OMSJC 9.1(b) & OMSJC 10.5-6), each party may file a review brief setting out the party's position regarding whether the case is in order. In such review brief the parties may allude to those documents that have been supplied by the lower court as the proposed Record of the Case and may additionally allude to any documents that were not submitted as part of the proposed Record of the Case but only if such documents bear on whether the case is in order. Review briefs shall be filed with and reviewed by the officers if no panel has been assigned and shall be filed with and reviewed by a panel if a panel has been assigned.

8.24 Preliminary Briefs

- a. Once the Record of the Case is established only one preliminary brief may be submitted through the Stated Clerk before the initial hearing by a Panel or the Full Commission, whichever is hearing the case. Any preliminary brief from a Complainant or Appellant shall be filed after the Panel has declared the case judicially in order and no later than 14 days after he receives the established (perfected) ROC. The Stated Clerk immediately shall mail a copy of this brief to the Respondent or Appellee. Any preliminary brief from a Respondent or Appellee must be filed no later than 14 days prior to the date set for the hearing of the case.
- b. Such a preliminary brief should include the party's position with regard to the following:
 - (1) A summary of the facts.
 - (2) A summary of the proceedings in the lower court(s).
 - (3) A statement of the issues.
 - (4) The proposed judgment and relief.
 - (5) Argument in support of judgment and relief.

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8.32 Supplemental Briefs

A supplemental brief may be filed only when the case initially has been heard by a panel. Within 14 days after a party has received a proposed and recommended decision of a Judicial Panel under *OMSJC* 17.5 of this Manual, that party may file with the Stated Clerk a supplemental brief which shall be limited to setting forth errors the party believes were made in the proposed and recommended decision of the Panel or Commission in accordance with *OMSJC* 17.9.a. In the event of a rehearing before the full Commission, each party may file a supplemental brief in accord with a briefing schedule to be established by the officers of the Commission.

8.43 No brief of a party shall make any reference to any fact not a part of the Record of the Case. The Panel or Commission may, at its discretion, strike all or part of a brief that makes such reference.

8.54

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than ~~12~~10 point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced.
- b. Any review brief shall not exceed two pages in length. The preliminary brief filed by a party shall not exceed ~~12~~10 pages in length. Any supplemental brief filed by a party shall not exceed 5 pages in length. c. Any brief timely filed which does not meet these standards of form shall be returned to the sending party with reasons. In this case a revised brief may be submitted provided that such brief is filed with the Stated Clerk within 5 days of notification that the brief does not meet the standard of form.

8.65 Failure to file a brief by a party shall not be considered to be an abandonment of the case.

ADMINISTRATIVE PROCEDURE 9.2

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9.2

- a. If a case is preliminarily ~~initially~~ found not to be administratively in order or not to be judicially in order, the Officers or a Panel shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall notify ~~contact~~ the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that the party bringing the appeal or complaint may file a review brief within 15 days of such notification. The Respondent may file a responsive review brief within 15 days of the first review brief.

- b. If a case cannot be put in order within the Rules of Discipline of the BCO and the requirements of this Manual, or In cases where the Officers or a Panel have made such a preliminary finding that the case is out of order, the Officers or Panel, as the case may be, shall, after the 30-day period described above has expired, and after reviewing any review brief(s), make a secondary determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Officers or Commission as the case may be. If the Officers' or Panel's secondary conclusion is that the case is not in order, no further action shall be taken in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case is out of order. That recommendation shall include a statement setting forth the ground(s) for the conclusion that the case is not in order and either an explanation as to why it cannot be put in order or that the parties have failed to timely put the case in order despite an opportunity to do so. Alternatively, the Officers or Panel may, based on the review brief(s), find that the case is administratively in order and proceed with the case, subject to the review of any jurisdictional question by the Full Commission.

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- c. ~~If the parties fail to put the case in order within 30 days after notification under this Section of the Manual, In cases where it is determined that the case should be heard by the Full Commission and the Commission makes a preliminary finding that the case is out of order, the Commission shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall notify the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that they may file a review brief within 30 days of such notification. After the 30-day period described above has expired, and after reviewing any review brief(s), the Commission shall make a final determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Commission.~~
- d. ~~Then the Officers of the Commission may make a determination that the case not be found in order and take no further action in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case was not found in order.~~
- e. ~~That recommendation shall include a brief statement of the grounds for the determination that the case is not in order and either an explanation as to why it cannot be put in order or a report that the parties have failed to do so.~~

10.6 If the Judicial Panel determines that a case is not judicially in order, the Panel through the Stated Clerk shall notify the parties and give them an opportunity to cure the defect, if it can be cured within the Rules of Discipline of the *BCO* and the requirements of this Manual. If the defect is cured within 30 days from receipt of such notice, the Panel shall proceed to hear and adjudicate the case. Except as noted below, if significant defects are not cured within 30 days from the receipt of notice then the Panel may make a determination that the case not be found in order and take no further action in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case was not found

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in order. If, however, the defect is due to the neglect or failure of the lower court to provide a Record of the Case that is “complete and sufficiently documented” as defined in *BCO* 32-18, 42-5, and *OMSJC* 7, then the Panel shall apply *BCO* 42-7 or 43-6 as appropriate. If the decision of the Panel is not confirmed by the Commission, the Commission may return the case to the Panel, or may appoint a new Panel in accordance with *RAO* 17.3 to hear and adjudicate the case, or may decide to hear the case as the Full Commission.

RATIONALE - The proposed changes provide parties the opportunity to file briefs when cases are found to be Administratively Out of Order or Judicially Out of Order and provide the Commission information from both parties before making a final ruling.

3. Amend the sections listed below to eliminate mailed (hard copy) filings in favor of exclusive electronic (e.g., email) filings:

OMSJC 4.2

The call of a special meeting shall specify the business to be considered at the meeting, and no other business may be considered except by an affirmative vote of three-fourths of those members present and voting, which in no case shall be less than 13 affirmative votes of members of the Commission. Further, no action may be taken on any case not specified in the call. The Officers may amend the call for the consideration of additional business if notice thereof is sent by ~~mail or~~ electronic means to the Commission members no less than 14 days before the date of the meeting.

OMSJC 7.4.c and 7.4.d

- c. If a party objects to the Record as being incorrect or incomplete, such party shall notify: (i) the Stated Clerk, (ii) the Panel Chairman or the Chairman of the Commission if the case is to be heard by the Commission, and (iii) the other party, by ~~mail or~~ electronic means within 15 days of the date of receiving of such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment from each. Any party so objecting shall specify, in writing, the alleged defect(s) and proposed remedy(ies). Failure to lodge a timely objection to

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the Record of the Case shall constitute acceptance of the Record of the Case by the parties.

- d. If the other party shall accede to the objection, it shall be so stipulated in writing and made a part of the Record of the Case. Such stipulation shall be filed by ~~mail or~~ electronic means with the Stated Clerk and the Panel Chairman, or the Chairman of the Commission if the case is to be heard by the Commission, not more than 30 days after the date the last party received such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment.

OMSJC 10.7.b

- b. Notify all parties of such time and place of hearing ~~by letter with return receipt requested or~~ by electronic means. ~~If by letter, such notice shall be mailed not less than 40 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 40 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party. Such 40 day period may be shortened if the parties to the case agree in writing.

OMSJC 10.10

- 10.10 AFTER THE ORAL ARGUMENTS. A Judicial Panel immediately after hearing the oral arguments of the parties, shall go into closed session and discuss the issues in the case. In that discussion, the Panel may (1) frame the issues, (2) vote on a judgment and (3) announce these to the parties. Or, the Panel may take all these matters under advisement and reconvene within the next 20 days, as often as necessary, to frame the issues and render a judgment. This "reconvening" may be held by telephone conference call. The Chairman of the Panel shall designate a Panel member voting with the majority to prepare a written decision. This decision shall be ~~mailed or~~ sent by electronic means to the Stated Clerk of the General Assembly within 40 days from the date the Panel heard the oral arguments. Any Panel member may file, within

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said 40 day period, a concurring or dissenting opinion which shall be appended to the decision.

OMSJC 10.11.a

10.11.a When a Judicial Panel has reached a decision in a case, the Chairman or Secretary of the Judicial Panel shall prepare a full report of the case and ~~mail or~~ send by electronic means the same to the Stated Clerk, who shall forward, immediately, a copy of the full report to each member of the Commission. This report shall include the following

OMSJC 11.3.b

b. Notify the parties of such time and place of hearing ~~by letter with return receipt requested or by~~ electronic means. ~~If by letter, such notice shall be mailed not less than 30 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 30 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party.

OMSJC 12.10, 13.7, and 14.7

12.10 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision

13.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

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- 14.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

***OMSJC* 17.6, 17.7.a, 17.7.d**

- 17.6 If no member of the Judicial Panel shall request a rehearing but a party shall have timely requested under Section 17.5 a rehearing by the full Commission, the Stated Clerk shall ~~mail or~~ send by electronic means a ballot to each Commission member which shall have a place for each member to indicate his vote in favor of or against such party's request. Each member shall complete and file such ballot with the Stated Clerk within 15 days of the receipt of the ~~mailing or~~ electronic notice. If any member fails to file such ballot by ~~mail or~~ electronic means within said 15 days, or shall file the ballot without completing it, that member's vote shall be recorded as a vote against the request for such a rehearing.

- 17.7 d. Where seven members of the Standing Judicial Commission shall file by ~~mail or~~ electronic means written request for such rehearing within 15 days of the receipt of the proposed decision under Section 17.5.

***OMSJC* 17.8.h(4) and (5)**

- (4) the Stated Clerk shall ~~mail~~ send the proposal by electronic means to each member of the Commission at least 10 days before the date set for such telephone conference call;
- (5) the Stated Clerk shall in the same ~~mail~~ communication send to each Commission member a written ballot;

OMSJC 18.6

- 18.6 The minutes of the meetings of the SJC must be approved by ~~mail or~~ electronic ballot within 20 days after receipt of such minutes. If any member fails to file with the Stated Clerk the ballot within 20 days, that member's vote shall be recorded as approval of the minutes.

OMSJC 18.8.a

- a. Any party may upon a showing of good cause waive his right to appear before the higher court and present oral argument. This waiver shall be accomplished by a written notice to the higher court, ~~mailed~~ sent by electronic means not less than 14 days prior to the scheduled hearing, stating the reasons for the waiver. A party's waiver has no effect upon the other party's right of appearance.

OMSJC 18.10

- 18.10 FILING, NOTICE, AND THE COMPUTATION OF DATES. When a provision of the Manual requires a computation of time under Section 18.9, above, such period of time shall be computed with the following construction of certain terms used herein, to-wit:
- a. A ~~mailing by~~ communication from the Commission or Panel shall be computed from the day after the document is sent electronically posted or delivered to an overnight carrier.
- b. Documents required or permitted to be filed by a party shall be filed with the Stated Clerk. Such filing shall be sent via electronic means and shall not be timely unless the documents are received by electronic means in the office of the Stated Clerk by 11:59 PM (Eastern Time) on the deadline date within the time fixed for such filing, except that papers shall be deemed filed on the day of mailing if sent by certified, registered, priority, or express mail of the United States Postal Service or any delivery service where verifying receipt is utilized. Neither facsimiles nor E-mail will be allowed for

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~~purposes of filing.~~ Interested parties should be aware that responsibility for such filings rests with them and that ~~delays~~ problems in delivery or non-delivery are the sole responsibility of the filing party. An electronic confirmation of receipt shall be conclusive evidence of delivery.

- c. "Notice," "notification," "from receipt," "after the receipt" shall be the local date on which the party received the electronic delivery, as ordinarily confirmed by a return email when the papers are actually delivered to the party. For all papers requiring such, the Commission shall be responsible for obtaining verification of date of delivery. However, compliance with such requirements shall be deemed to have been fulfilled in any of the following instances, to wit:
- (1) If a party changes his/her contact or email address without notifying the Office of the Stated Clerk.
 - (2) If a party cannot be located after diligent inquiry.
 - (3) If a party refuses to accept delivery of materials or notice, or refuses to confirm receipt of an electronic communication.
 - (4) If materials or notice are returned to the sender with an electronic notice of being undeliverable or by the carrier with a notation that delivery could not be accomplished.

OMSJC 18.10(d)

The Judicial Panel, or the Commission if the case is to be heard by the Commission, may extend any of the deadline dates if it determines that so doing is in the interest of justice.

RATIONALE - Filings made by electronic means (email) have obtained widespread acceptance in the most courts. Many courts only accept electronic filings. The current system imposes burdens on the parties to determine if a filing is timely based on the type of mail carrier or delivery service used, and burdens on the Stated Clerk's Office to determine receipt by a party of a mailed filing or document. Standardizing the sending of all filings and documents under the OMSJC by electronic means will provided needed certainty and efficiency.

4. Amend *OMSJC* 17.1 to add new subsections 17.1(e) and (f) as follows:

***OMSJC* 17.1**

e. Any Amends. (Directions as to what the lower court must do, or undo, in light of the Judgment. Cf. *BCO* 42-9; 43-10; 40-5).

f. A direction that the full decision (*OMSJC* 17.1(a-f)) shall be recorded in the minutes of the lower court(s), as well as a statement of how an affected lower court has complied with any amends therein.

RATIONALE - The amendments provide a mechanism by which the General Assembly may know that lower courts have considered and complied with the Court's decisions and judgments.

5. Amend *OMSJC* 7.2 to add new subsection 7.2 (c) and (d) as follows:

- c. The Clerk shall work with the Office of Stated Clerk of the General Assembly to provide an inventory of documents for the Record.
- d. The Clerk shall provide a summary timeline of the Case. This will include dates that important documents were filed, dates parties received important notifications, significant actions of the original and higher courts related to the matter and dates thereof in the following format.

MM/DD/YY Session action.
MM/DD/YY John Doe filed complaint with Session.
MM/DD/YY Session called meeting; complaint was considered and denied.
MM/DD/YY Complainant received notification that his complaint was denied.
MM/DD/YY Complainant carried/filed that complaint with Presbytery.
MM/DD/YY Presbytery stated meeting; complaint was considered and denied.
MM/DD/YY Complaint notified Presbytery Clerk he had carried/filed it with the SJC.

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RATIONALE - The amendments provide additional detail to enhance the Court's understanding of actions in the lower court and assist the administrative staff in organizing the Record of the Case.

6. Amend OMSJC Section 9.1 as follows:

1. When a judicial case is submitted to the Commission, the Officers shall make an initial determination as to whether the case is administratively in order.

a. A case is administratively in order if the relevant provisions of BCO 41, 42, and 43 have been followed, including but not limited to:

(1) an Appeal must include specification(s) of error set forth concisely in numbered paragraphs for each error alleged to support the Appeal (BCO 42-3, -8; cf. BCO, Forms For Judicial Business Appendix G, V Appeal). If an Appeal fails this qualification, putting the case in order (OMSJC 9.2 a.) shall include only formatting, not substantive, changes.

(2) a Complaint must include a statement of the action(s) or delinquency(s) complained of and the reasons supporting said complaint set forth concisely in numbered paragraphs (BCO 43-2; BCO, Forms for Judicial Business Appendix G, VI Complaint). If a Complaint fails this qualification, putting the case in order (OMSJC 9.2 a.) shall include only formatting, not substantive, changes.

b. If a majority of the Officers cannot agree whether the matter is in order, then it shall be submitted to the full Commission at its next meeting.

~~b. A case is judicially in order when a Panel or the Commission determine that the relevant provisions of BCO 41, 42, and 43 have been followed and the documents~~

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~~for the Record of the Case are in order in accordance with
OMSJC 7.2.~~

RATIONALE - The additions provide guidance and definition for administrative decisions by reference to the elements of Appeals and Complaints described in the Book of Church Order.

V. OFFICERS

The Commission unanimously elected the following Officers for 2024-2025:

RE Jack Wilson, Chairman
RE Sam Duncan, Vice Chairman
TE Fred Greco, Secretary
TE Hoochan Paul Lee, Assistant Secretary