

**Committee on Appeals
for the Northeastern Jurisdiction
of the United Methodist Church**

**RULES OF PROCEDURE
2017-2020**

1. PRELIMINARY PROVISIONS

Rule 101. Authority

- (a) The manner of taking and hearing an appeal, including who may appeal and the time limitations for notices, shall be governed by the current provisions of The Book of Discipline (BoD) of The United Methodist Church (UMC).
- (b) The Northeastern Jurisdiction (NEJ) Appeals Committee has authority to adopt its own rules of procedure. BoD ¶ 2716.1 (2012¹). Accordingly, these Rules of Procedure may be amended by the Committee, as needed, so long such does not affect a party during the pendency of an appeal.

Rule 102. Communications

Except as provided herein, all communications with the Committee on Appeals by litigants shall be in writing with the Committee President, with a copy to opposing counsel. Transmission of such writings (whether general communication, briefs, or other materials) should, if at all possible, be by electronic means. If not possible, other acceptable forms of transmission may be by facsimile or hard copy.

2. TIME FOR AND PROCEDURES RELATED TO FILING NOTICES OF APPEALS

Rule 201. Notice of Appeal

- (a) Within thirty (30) days following conclusion of a trial, written notification of intent to appeal shall be made pursuant to the relevant provisions of the current BoD. BoD ¶¶ 2715.1, 2716.2 (2012).
- (b) As soon as possible, but not longer than fifteen (15) days following receipt of a Notice of Appeal, the Presiding Officer of the trial court shall:
 - (1) Notify the Committee Secretary about the appeal by providing him or her with the Appellant's Notice of Appeal.

¹ All BoD citations will be updated with 2016 paragraph numbers, as soon as possible after publication of the 2016 BoD.

- (2) Certify that the record of the trial court is a complete and accurate record of the proceeding; and
- (3) Arrange with the President of the Committee to transfer the official, certified trial record to the Committee. The Presiding Officer may delegate this function to the trial court secretary.
- (c) The Secretary of the Committee shall immediately, but in all cases within 5 days, notify the President of the Committee and the NEJ Secretary that a notice of appeal has been received.
- (d) Within thirty (30) days following receipt of a Notice of Appeal by the Committee Secretary, the Committee shall meet on a date and time determined and called by the President. BoD ¶¶ 2716.3 (2012). At that meeting, the Committee shall determine a date, time, and location for the appeals hearing; identify an attorney for the Committee; and determine a briefing schedule.
- (e) The President of the Committee shall notify the parties and the resident bishop of the conference from which the appeal is taken about the date, time, and place for the hearing; the briefing schedule; and the manner of submission of briefs.

3. BRIEFS

Rule 301. Conformance with Requirements

Briefs and service thereof shall conform with the requirements of these rules.

Rule 302. Form

All briefs shall be typewritten on 8.5 x 11 paper.

Rule 303. Time for Filing

Written briefs of the litigants shall be filed in accordance with the briefing schedule set by the Committee.

Rule 304. Filing and Service

Briefs shall be served and filed electronically according to the instructions given by the President of the Committee. If a brief is submitted on paper, ten (10) copies shall be provided by certified mail, return receipt provided, to the address designated by the President.

Each brief shall include a certificate of service, verifying that a copy of the brief and any attachments were provided to opposing counsel and specifying the method and date of service.

Rule 305. Caption

Each brief shall clearly indicate the names and addresses (including emails) of the submitting party and his or her counsel; the names and addresses (including emails) of opposing party and his or her counsel; the annual conference having original jurisdiction; the date of the trial; the date of the brief; and the manner of transmission, *i.e.*, “electronic” or “certified mail.”

Rule 306. Content

The brief of each party shall consist of separately titled sections addressing the following matters:

- (a) The procedural history of the case that includes the procedural steps of the case and how the Appeals Committee has jurisdiction.
- (b) The questions presented to the Committee for decision, which questions should be consistent with the original grounds for appeal reflected in the notice of appeal.
- (c) Argument(s) supporting the position(s) taken by the party submitting the brief concerning the question(s) presented.
- (d) A short conclusion stating the precise relief requested.

The brief should include citations to relevant paragraphs of the applicable BoD, decisions of the Judicial Council, and the trial court transcript, whenever those sources are relied upon or referenced. Any source material not readily available by simple internet search should be attached to the brief.

Rule 306. Length

There shall be no limit on the length of the written brief. However, all parties are strongly encouraged to keep briefs to a reasonable length.

4. AMICUS SUBMISSIONS

Rule 401. Acceptance and Compliance with other Rules

Amicus Briefs will be accepted by the Committee, if filed in accordance with Rule 402 and otherwise complies with Rules 301-306.

Rule 402. Filing Date for Amicus Briefs and Compliance with other Rules

Amicus briefs shall be filed no later than fifteen (15) days after the filing of the brief on behalf of the party to the appeal whose position the amicus brief supports.

Rule 403. Oral Argument by Amici

Oral argument by Amici will generally not be allowed. Applications to allow oral argument by amici, however, shall be made in writing to the Committee Secretary no later than thirty (30) days in advance of the hearing. Such applications shall be made after the corresponding amicus brief has been filed, which application shall include the basis for the request.

5. HEARINGS

Rule 501. Oral Hearings

Oral argument by the parties on the issues presented in the briefs shall be required. BoD ¶ 2715.7 (2012). The Committee shall determine the time allotted to each party for argument on a case by case basis. The person bringing the appeal shall be heard first and last, assuming that time was reserved for rebuttal. Members of the Committee may interrupt either party with questions.

Rule 502. Persons Permitted to Attend Hearings

- (a) Members of the Committee (including alternates not recused), counsel for the Committee, counsel and assistant counsel for the parties, and the appellant shall have a right to be present.
- (b) In addition to the individuals described in Rule 502(a), the hearing shall be open to the public, space permitting.
- (c) The hearing shall be open in the same sense that trials are open in The UMC. BoD ¶ 2708.12 (2012). The same limitations specified in ¶ 2708.12 shall apply to the hearing, except that the President of the Committee shall make the decisions assigned in that paragraph to the Presiding Officer.

6. COMMITTEE DECISION

Rule 601. Deliberation

Only members of the Committee shall participate in deliberations. Alternate Committee members not recused may attend the deliberations without voice or vote. Counsel for the Committee shall be allowed to attend the deliberations in order to provide legal advice and assist in writing the opinion but may not participate in any discussion or vote.

Rule 602. Decision

The Appeals Committee decision requires a majority vote. BoD ¶ 2715.8 (2012).

Rule 603. Opinion

The majority shall decide on the person(s) to draft the opinion containing the majority decision, with assistance from Counsel for the Committee. The draft opinion shall be approved by the members of the committee who made that decision. The opinion shall be written in a format similar to that used by the Judicial Council.

Rule 604. Notice of Decision

Notice of the Committee's decision in the case, together with a copy of the opinion, shall be provided to the parties, and to others having an appropriate concern, including the NEJ Secretary, within twenty (20) days of the hearing. The Notice and Opinion shall be in writing and may be communicated by electronic format.

ADOPTED BY THE NEJ COMMITTEE ON APPEALS, September 30, 2016.