

THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)

PRESBYTERIAN CHURCH (U.S.A.))
By **Presbytery of RIVERSIDE**)
Appellee)
)
v.) **DISCIPLINARY CASE 208-2**
)
Lorna HADDOX)
Accused/Appellant)

This is a disciplinary case that has come before this Commission on appeal by Lorna Haddox, minister, from a decision of the Permanent Judicial Commission of the Synod of Southern California and Hawaii (Synod PJC).

Pursuant to the Book of Order, D-13.1200a, this Commission finds it has jurisdiction, that the Appellant has standing to appeal, that the appeal papers were properly and timely filed, and that the appeal is in order.

HISTORY

Lorna Haddox was the stated supply pastor at Victoria Presbyterian Church in Riverside, California. On June 6, 1994, the Presbytery of Riverside Permanent Judicial Commission (Presbytery PJC) found her guilty of sexual intimacy with a married man who was not her husband, and of sexual malfeasance by having sexual contact with a married man with whom she had a ministerial relationship. This conduct took place one year prior to the trial. On June 11, 1994, she received Notice of Censure, temporarily excluding her from the exercise of ordained office, pursuant to D-10.0300, for a period of thirty six (36) months or for a shorter period, with a minimum of twenty-four (24) months, under the following conditions:

- ! immediate participation in individual therapy at Ms. Haddox's expense with a therapist approved by the Presbytery's Committee on Ministry;
- ! submit quarterly reports regarding attendance and progress in therapy;
- ! establish and maintain a pastor/mentor relationship with a member of the clergy assigned by the Committee on Ministry.

On July 11, 1994, the Appellant appealed to the Synod PJC based on the following:

- ! the evidence did not support the decision;
- ! the trial was not fair in that Appellant was unable to present three witnesses;
- ! the trial was not fair because Appellant was not given an opportunity to present evidence regarding mitigation;
- ! the censure was unduly harsh.

On January 28, 1995, the Synod PJC rendered the following decision:

After careful reading of all pertinent papers submitted and discussion of same, it was the unanimous decision of the Permanent Judicial Commission of the Synod of Southern California and Hawaii that the appeal of Lorna Haddox be dismissed.

The Commission found no error in the handling of the case by the Permanent Judicial Commission of the Presbytery of Riverside and, therefore, found no basis for the appeal. . . .

This decision was rendered without having briefs of the parties and without giving notice to either party of a hearing. The decision did not state any specific grounds.

Appellant appealed the Synod PJC's decision to this Commission on March 17, 1995.

SPECIFICATIONS OF ERROR

Specification Number 1

Appellant was deprived of her due process rights when she was not adequately informed of the charges made against her.

This specification of error is not sustained.

This Commission finds that the Appellant was given notice of the charges and the amended charges prior to the date of the trial and that these charges were sufficiently specific for her to defend against them.

Specification Number 2

Appellant was denied her due process right to a fair trial when the Presbytery PJC refused to compel the prosecution to provide Appellant with statements of witnesses.

This specification is not sustained.

The Special Disciplinary Committee complied with the requirements of D-7.1600c(3) by furnishing the accused with a copy of “the names and addresses of all the witnesses then known, and a description of the records and documents that may be offered.” The Rules of Discipline do not require that statements of witnesses made to the special disciplinary committee be furnished to the accused.

Specification Number 3

Appellant was denied her due process rights to a fair trial when the Presbytery PJC refused to give her an adequate opportunity to call witnesses on her behalf and to enforce duly issued citations to members of the church.

This specification is not sustained.

There were three witnesses whom the Appellant wished to call but could not. The first was alleged to offer supporting testimony of which the Appellant should have been well aware.

The Appellant had sufficient time to present this witness during a proceeding which lasted more than a month. The other two witnesses, who were under the jurisdiction of the Presbyterian Church (U.S.A.), had received two citations issued in accordance with D-8.0800 but failed to appear. If Church members do not appear after a second citation, D-8.0800 does not provide for witnesses to be compelled to appear, but only for sanctions for such witnesses. Therefore, the action taken by the Presbytery PJC was correct in this instance.

Specification Number 4

Appellant was denied her due process rights in that she was not allowed to present mitigating evidence relating to the degree of censure and the appropriateness of the sanctions.

This specification is not sustained.

The Presbytery PJC, after hearing the testimony, made a decision about the degree of censure without any opportunity for further testimony. D-8.1200 j states that if the accused is found guilty the PJC may hear evidence to the extent of mitigation. This is not a due process right but a discretionary option that the commission may choose to exercise before determining the degree of censure. It should also be noted that a hearing was not requested before disposition.

Specification Number 5

Appellant alleges the following errors were committed by the Synod PJC:

- ! No event occurred which initiated the time for Appellant to file her opening brief.
- ! The Synod PJC failed to respond to Appellant's request to extend the time in which the Appellant could file her opening brief.

- ! The Synod PJC determined that Appellant abandoned her appeal in spite of repeated contacts by Appellant with the Stated Clerk.
- ! The Synod PJC failed to give Appellant notice of hearing.

This Commission cannot speak to this specification of error because of the Synod PJC's procedural lapses and irregularities. The Synod PJC did not communicate or respond to legitimate questions raised by Appellant prior to issuing its order, did not give notice of a hearing, and did not state the specific reasons for its dismissal of the appeal. This Commission has heard this appeal, considered it on its merit, and hereby disposes of this case.

ORDER

IT IS THEREFORE ORDERED that the decision of the Permanent Judicial Commission of the Presbytery of Riverside is affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Riverside report this decision to the Presbytery at its first meeting after receipt, that the Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly (D-8.1900); and

that the Stated Clerk of the Synod of Southern California and Hawaii report this decision to the Synod at its first meeting after receipt, that the Synod enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly. (D-8.1900)

Christine Levister, member of the Commission, did not take part in the hearing nor participate in the decision of this case. (D-4.0400b)

Dated this 29th day of October, 1995.