

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

**DECISION**

<b>Mairi Hair/James McCallum</b>	)	
<b>Complainants/Appellants</b>	)	
	)	
<b>v.</b>	)	
	)	<b>REMEDIAL CASE 214-1</b>
	)	
<b>Session, First Presbyterian Church, Stamford, CT</b>	)	
<b>Respondent/Appellee</b>	)	
	)	

This remedial case came to the General Assembly Permanent Judicial Commission on appeal from a decision of the Permanent Judicial Commission of the Synod of the Northeast (SPJC). This Commission finds that it has jurisdiction; that the Appellants have standing to appeal; that the appeal was properly and timely filed; and that the Appellants state one or more of the grounds for appeal found in D-8.0105.

**History**

This case concerns the examination for installation of an elder (Elder), conducted by the Session of First Presbyterian Church, Stamford, Connecticut (Church) on May 27, 1998, and again on January 18, 2000 upon remand by SPJC through the Permanent Judicial Commission of the Presbytery of Southern New England (PPJC).

The Elder acknowledged his homosexual orientation at a meeting of Presbytery subsequent to his ordination in 1994 and prior to his election to a new term of service by the congregation of the Church on May 17, 1998.

Following the initial examination, the Session approved the examination of the full slate of officers-elect and a service of installation was scheduled for June 14, 1998. A stay of enforcement was sought by the Appellants and was granted by the PPJC on June 3, 1998. Due to this and subsequent stays, the Elder's installation has not taken place.

A complaint was filed with the Presbytery of Southern New England on June 9, 1998, alleging deficiencies in the examination and error in its approval. Following the trial in February 1999, the PPJC upheld the Session's action. An appeal was lodged with the Synod. In October 1999, the SPJC sustained the appeal in part with remand to the PPJC to instruct the Session to reopen and complete the examination of the Elder.

After additional questioning, the Session again approved the examination. Upon review of the Session report, the PPJC upheld the Session's action. Appeal to the SPJC resulted in a ruling that sustained the judgment of the PPJC. Appellants filed the present appeal on November 20, 2000.

### **Discussion**

Appellants allege two specifications of error (restated here for brevity):

*I. The SPJC erred when it failed to rule that the examination and re-examination of the Elder disqualifies him from active service on Session under G-6.0108b and G-6.0106b.*

*II. In the alternative, the SPJC erred when it failed to rule that the examination of the Elder is still incomplete and inconclusive as to his eligibility for installation under G-6.0108b and G-6.0106b.*

In the course of the hearing on appeal before this Commission, counsel for the Appellee acknowledged that, subsequent to the filing of this appeal, the congregation of the Church elected and the Session installed a new class of elders filling all positions on the Session. In *Gallman v. Session of Oak Grove Presbyterian Church* (1996, 167, 12.044), this Commission held that the

election and installation of a full complement of new officers effectively dissolves the former positions and renders claims to those positions moot. We find this controlling in the instant case. Upon the election and installation of a full complement of elders, the Elder ceased to be eligible for installation, and questions pertaining to the process of the Elder's examination for service are moot. Since the Elder is no longer a candidate for active service on the Session, the specifications of error are no longer relevant to the disposition of this case.

### **Order**

Therefore, it is hereby ORDERED that the case be dismissed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Northeast 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.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Southern New England 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.

IT IS FURTHER ORDERED that the Clerk of Session of First Presbyterian Church, Stamford, CT, at its first meeting after receipt, 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.

Leon Fanniel, Mildred Morales, and Christopher Yim, members of this Commission, were not present for the hearing and took no part in the deliberation or decision.

Dated this 2<sup>nd</sup> day of December, 2001.

