

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

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Presbyterian Church (U.S.A.) through the )  
Presbytery of Greater Atlanta, )  
Complainant/Appellee, )  
 )  
v. )  
 )  
Veronica L. Ransom, )  
Respondent/Appellant. )  
.....

**DECISION AND ORDER  
ON CHALLENGE  
TO PRELIMINARY QUESTIONS**

Disciplinary Case 219-02  
(formerly 218-17)

**Background**

This case arises from the Decision of the Permanent Judicial Commission of the Synod of South Atlantic (SPJC) to dismiss the appeal of elder Veronica L. Ransom (Ransom) from a conviction by the Permanent Judicial Commission of the Presbytery of Greater Atlanta (PPJC) on four disciplinary charges against her and a censure by rebuke issued in 2007. The SPJC affirmed the Decision of the PPJC on January 10, 2008, and Ransom received a copy of this Decision on January 14, 2008.

Ransom mailed a copy of her Notice of Appeal of the Decision of the SPJC to the Stated Clerk of the Synod of South Atlantic (Synod) on February 27, 2008, by certified mail, return receipt requested. The certified mail notice was marked as received on March 3, 2008.

The Executive Committee of the General Assembly Permanent Judicial Commission (GAPJC or this Commission), in a Preliminary Order dated April 8, 2008, found that this Commission has jurisdiction, that Ransom has standing to appeal, and that she stated one or more of the grounds for appeal under D-13.0106a, but that the Appeal was not properly and timely filed under D-13.0201, and should be dismissed.

Ransom challenged the finding of the Executive Committee that the Appeal was not properly and timely filed. A hearing before the GAPJC with respect to the standard for the timely and proper filing of an appeal was held on July 25, 2008.

**Appearances**

Ransom appeared and presented oral argument on her own behalf. Robert B. Eyre, Ransom's counsel, was not present. The Presbytery of Greater Atlanta (Presbytery) did not appear at the hearing, but relied on its brief.

## Decision

The standard for timely filing found in D-13.0201 was interpreted by this Commission in *Haggin v. Presbytery of the Redwoods, Minutes*, 1997, p. 134, to require that a notice of appeal be “filed with and *received by the stated clerk* of the governing body from which the appeal is taken” within the specified period for appeal. In *Hyung K. Yun, et al., v. Session of Korean United Presbyterian Church of New Jersey, Minutes*, 2008, p. , this Commission modified *Haggin* to hold that an appeal is timely filed if it is delivered by a “Permissible Means of Service,” and received by the appropriate body on or before the due date or on the next business day if the due date fell on a weekend or holiday. The *Haggin* case made the timeliness of an appeal dependent upon the availability of the Stated Clerk to receive the notice. The *Yun* case did not address this issue, but found that it would be “unreasonable and unjust to require an appellant to file before the expiration of the constitutional due date” when the due date was on a weekend or holiday.

Ransom mailed her Notice of Appeal via a “Permissible Means of Service” on the 44<sup>th</sup> day of her appeal period. The Notice of Appeal was delivered to the Synod office by U.S. mail on the 4<sup>th</sup> day following the expiration of the time for filing an appeal and was physically received by the stated clerk the next day.

Making the timely filing of documents dependent on the actions and schedules of others, including the U.S. Postal Service or commercial delivery services, leaves an appellant vulnerable to missing a deadline even when the document was sent before the expiration of the filing deadline and introduces unnecessary uncertainty into our church's judicial process. Such a practice undermines the goals of the Rules of Discipline.

In addressing this case, this Commission noted that there is considerable inconsistency in how the Rules of Discipline treat filing.<sup>1</sup> Common understandings of what it means to file a

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<sup>1</sup> For example, provisions, such as D-7.0501, D-7.0602, D-8.0201, D-10.0303, D-11.0602, D-13.0201 and D-13.0306, generally establish deadlines for filing or taking actions in judicial process based on the date of *receipt* of other papers. Other provisions trigger responsive deadlines based on other criteria. D-6.0103a(3)(a) permits parties to request a stay of a judicial decision or action by delivering the request for a stay in person or by certified mail. However, a respondent who wishes to oppose a stay of enforcement must act from the date the stay is “filed,” as required in D-6.0103d, which is presumably the date three or more members of a permanent judicial commission agree to the stay and the stay is deemed to be “entered” (D-6.0103a(3)(d)). Another example of inconsistent or ambiguous language is found in D-6.0307a, which requires responding governing bodies to list the papers and materials pertinent to a remedial case. D-6.0307b allows a complainant to request additional papers “fifteen days thereafter.” It is unclear whether the additional papers must be requested after the governing body assembles its initial list of pertinent papers or after the complainant receives the list. D-8.0303a and D-8.0303b, and D-13.0303a and D-13.0303b contain similarly confusing and ambiguous provisions. Although there are numerous references to “filing” and “filing with the stated clerk” in the Rules of Discipline, there are no provisions that require stated clerks or similar officers to act in a consistent manner with respect to receiving and logging papers in judicial process, notifying parties when records and papers have been deemed “filed” or when orders and decisions have been deemed “entered.” These inconsistencies require constitutional correction.

document in other secular or ecclesiastical settings add to this ambiguity. A better interpretation is that a document is deemed “filed” when the person or party sends it by a “Permissible Means of Service.” Holding to any other interpretation continues confusion and is manifestly unjust.<sup>2</sup>

Therefore, for the purposes of D-8.0201 and D-13.0201, this Commission holds that any paper or item sent by a “Permissible Means of Service,” as defined below, shall be deemed “filed,” if sent, correctly addressed to the opposing party or parties and to the appropriate ecclesiastical officer(s), on or before the due date, regardless of when it is received. “Permissible Means of Service” means sent by certified mail or personal delivery. Parties may use commercial couriers as a means of personal delivery. Parties may use facsimile or other electronic methods to file papers in judicial process as long as they also comply with the above.

This holding applies only to D-8.0201 and D-13.0201 and does not address other filing requirements. Parties should request proof of receipt of the documents they file to avoid later questions about the date of receipt by opposing parties or church officers.<sup>3</sup>

Any portion of *Haggin* or *Yun* that is inconsistent with this holding is overruled. Consistent with *Yun*, if a filing deadline falls on a Sunday or postal holiday, the final day for filing shall be the next business day. Since Ransom filed her Notice of Appeal by certified mail before the expiration of the 45-day appeal period, her Appeal is deemed to have been timely filed.

The Presbytery also raised the issue of whether Ransom’s Appeal was properly filed because she misidentified the proper appellee and, consequently, did not serve the Presbytery with a copy of her Notice of Appeal as mandated in D-13.201b and 13.0202b&f. This mistake is not uncommon in judicial process. The Presbytery did not argue that it was prejudiced by Ransom’s failure to serve it. Ransom addressed these matters in oral argument before this Commission. Under the specific circumstances of this case, this Commission finds the lack of service is not sufficient grounds for dismissal. The Presbytery fully and timely responded to Ransom’s Appeal. Nevertheless, parties to judicial process are cautioned to comply with D-13.201b and D-13.0202b&f and to be mindful to identify properly the parties on appeal.

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<sup>2</sup> This interpretation would suggest that, when a due date is triggered by another party’s filing – such as the requirements in D-6.0103d, D-8.0304, D-8.0305, D-13.0304 or D-13.0305 – to respond within a specified period after a paper is filed by the opposing party, the time for responding should begin to run from the date of receipt by the responding party. This approach would afford all parties the full amount of time prescribed for filing papers in judicial process. This interpretation is consistent with other provisions for calculating the time in which to act, for example, D-7.0501, D-7.0602, D-8.0201, D-10.0303, D-11.0602, D-13.0201 and D-13.0306.

<sup>3</sup> Filing in church judicial process is complicated because not all governing bodies have permanent physical offices where papers may be brought and file-stamped as they are in secular courts and because many clerks are employed on a part-time or even volunteer basis. The use of easily verifiable dates of receipt from certified mail or commercial couriers would add greater certainty to the church judicial process and aid parties to determine more easily and accurately when papers are due.

## **Order**

IT IS THEREFORE ORDERED that the Preliminary Order of the Executive Committee is not sustained and that all jurisdictional questions be answered in the affirmative. Accordingly, a briefing schedule and a time and place for a hearing on Ransom's Appeal from the SPJC Decision will be established by this Commission and will be sent to the parties.

## **Absences and Non-participants**

William Scheu was recused and did not participate in this case. Clifford Looney was absent and did not participate in this case.

## **Certificate**

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Disciplinary Case 219-02 (formerly 218-17), Veronica L. Ransom, Appellant, v. Presbyterian Church (U.S.A.) through the Presbytery of Greater Atlanta, Appellee, made and announced at Louisville, Kentucky, on July 27, 2008.

Dated this 27<sup>th</sup> day of July, 2008.

Fred L. Denson, Moderator  
Gregory A. Goodwiller, Clerk