

## **MINUTES**

### **White & Dykman Subcommittee of the Standing Commission on Structure, Governance, Constitution and Canons**

**Marriott Grand Chateau  
Las Vegas, Nevada**

**September 10-12, 2016**

PRESENT: Diane Sammons (Chair), Dorsey Henderson, Larry Hitt, Steve Hutchinson, Sally Johnson, Tom Little. Also, for portions of the meeting: Gay Jennings, President of the House of Deputies, and Polly Getz, Chair of the Standing Commission on Governance, Structure, Constitution and Canons (SCGSCC).

EXCUSED: Bill Cathcart, Joan Geiszler-Ludlum, Mark Duffy (Archivist).

Diane Sammons called the meeting to order at 3:05pm. The Agenda was reviewed and accepted. She appointed Tom Little to serve as Secretary *pro tempore*.

Check-Ins. Members checked in with each other and share recent personal and professional events and developments. Prayers were offered for Tom's brother, Jim, and Dorsey's sister, Joan, who are undergoing cancer treatments.

There was then discussion about whether conference panels are redundant. There was some split of opinion on this, but the majority felt that the panels serve a reasonably beneficial purpose. Sally Johnson offered that the hope was/is that the conference panel is where many if not most serious claims may be resolved; a somewhat but not fully formal opportunity to talk things through. Sally noted that conference panels can issue orders, which can be appealed.

Polly is now on Executive Council, filling an unexpired, vacant seat. She is assigned to the Committee on Governance and Administration for Ministry; this will enable her to serve as a vital link between Council and the work of SCGSCC - and between them and this group – which is a subcommittee of SCGSCC.

Diane Sammons asked a question about a 1997 White & Dykman Supplement that does not seem to exist. She has seen this mentioned but the Archivist states that it has never been submitted. The Archives Web site also does not show that the 2006 revisions to the Constitution and Articles I, II and V of the Canons is not posted there.

<http://www.episcopalarchives.org/learn/digital-archives/governance-documents-of-the-church>.

As Approved October 4, 2016 (Corrected)

Minutes: The Minutes of the May 13, 2016 video conference meeting were approved by unanimous vote and will be posted on the Extranet and General Convention sites.

The subcommittee members moved to a discussion of where we are re: Title IV. It is critical that the members complete their review of Sally Johnson's working draft of the 1994 revisions to Title IV (as posted in the first part of August 2016) and be prepared to discuss the overall format, and the substance of the analysis and commentary, to give Sally what she needs to prepare a revised draft. That is the main purpose of this meeting. Tom Little has been doing a line by line edit of Sally's working draft; he posted a portion of that earlier in the week and will share more of that tomorrow.

There was discussion of how to perhaps innovate the standard White & Dykman format for the digital age and to make the product more useful for readers.

The format Sally has used in the working draft of the 1994 changes is what we agreed to.

Title III looms as well. Ellen Brueckner (Iowa) will be helpful in helping with Title III, whenever that project gets underway.

The case law summaries are almost done.

The meeting adjourned at 5:15 p.m., to reconvene at 11:00 a.m. the next day, to allow members to complete their review of the 1994 Title IV working draft.

### **Sunday, September 11, 2016**

The Subcommittee reconvened at 11:00 a.m. after a period of reading and analysis of the Sally Johnson working draft.

There was a general discussion about the following aspects of the working draft, ranging from substantive questions to format and typos:

- Use of Minutes from the 1991-1994 meetings of the Standing Commission on the Constitution and Canons (SCCC) – which prepared the Title IV revisions presented to the 1994 General Convention. Are these Minutes available, and how detailed are they? Should we try to cite to pertinent excerpts? Should we post links to those Minutes? These Minutes may be hard to track down back in the past. Diane is inclined not to go that deep into the record, if only to manage the scope of this effort. Steve suggests a preamble telling the reader the scope and depth of this effort, and giving links or a bibliography to identify additional sources and resources.
- In preparing the working draft, Sally used the 1994 SCCC Blue Book Report to General Convention; the 1994 canons; the report from the 1994 General Convention cognate committee on canons (hereinafter, the 1994 legislative committee on canons, which revised the SCCC proposal and took it successfully to the floor of the two Houses), and the 1994 General Convention Journal.

- Use of those Minutes. Should we try to cite to pertinent excerpts? Should we post links to those Minutes?
- Sally worked with the committee report prepared by the 1994 legislative committee on canons - and this can be used in this editing process.
- Sally points out that the draft does not address amendments offered in the 1994 legislative committee on canons, but not adopted.
- The draft does not mention 1994 floor amendments, but we don't think there were any; or floor debate in the two Houses.
- Members should refer to the Journal of the 1994 Convention.
- Use of initial capitalizations, e.g., bishop vs. Bishop; charge vs. Charge.
- Form of citation to Blue Book reports
- Verb tenses when writing the history of and commenting on prior T. IV changes. E.G., "after which amendment the provision "reads" vs. "read."
- "Voice."
- How to refer to "cognate canons committee(s)."
- Seek guidance from Mark Duffy on formatting issues? What is or should be the role of Mark/Archives in editing and proofing a final draft?
- Remember that many users of W&D will open the book and look to a specific section, i.e., they will not have read it from start to finish.
- Do we need an introduction or preamble?
- This process is identifying areas where the current canon likely needs attention or revision. Polly is tracking this work for sharing with SCGSCC and GAM.
- Need a short explanation of "cognate legislative committee."
- Steve pointed out that some terms and phrases commonly used in W&D have changed.
- Dorsey will be looking at this from the perspective of the experiences of a sitting diocesan bishop and from the perspective of having been involved in prior and pending T. IV proceedings.

The members then proceed to discuss sections of the working draft commentary, including:

- IV.3(a), the paragraph beginning "As further discussed regarding Section XXX." How should this anecdotal or experiential information be presented, cited, and presented? There is agreement that the substance of this comment is accurate. Sally will rework the paragraph.

There was serious discussion of the readiness of the subcommittee to complete the work assigned to this meeting in view of the extraordinary work Sally put into the working draft. There was a groundswell of gratitude for Sally's work and diligence, and commitment all around to raise the bar for the rest of the group to keep this work going at a good pace.

The balance of the day was spent in close editorial and analytical work on the working draft. The Secretary is keeping separate notes on the specific edits and revisions that were discussed.

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## **Monday, September 12, 2016**

Called to order at 9:08 a.m.

Much of the subcommittee's time this day was devoted to further close editorial and analytical work on the working draft, starting with Canon IV.7. The Secretary is keeping separate notes on the specific edits and revisions that were discussed.

Consensus: when the revised, clean draft is done, the subcommittee will share it with a few veteran and newer Chancellors to get their reaction.

The subcommittee completed its walk-through of the working draft; made further edits; and agreed to drafting sub-assignments.

The subcommittee agreed to the following schedule of task completions and conference calls.

Monday, September 19, 2016 – Tom will circulate initial draft of the Minutes of this meeting.

Tuesday, October 4, 2016 at 4:30 EST (Sally and Steve, excused).

Wednesday, November 3, 2016 at 4:30 EST.

Other internal deadlines for our work:

- a) Complete the work on Canons 11, 12, and 13 of the 1994 draft (Sally) - September 30.
- b) Next Draft of the entire 1994 working draft- (Tom) - October 25.
- c) Everyone to post next round of edits to the 1994 draft in advance of the November 3 meeting.

The subcommittee then heard from Dorsey who presented his case study on the Province III Court of Review's Bragg decision from 2003. When was the alleged conduct committed? The appellate decision includes no information about the nature of the conduct or when it occurred.

TASK: Dorsey will seek these details, if available, from the Archives.

There was a brief discussion about the form of referencing Canons: e.g., IV.4.15(b).

The subcommittee then adjourned, led in prayer by Dorsey, at 3:17 pm.

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Respectfully submitted,

Tom Little, Secretary *pro tempore*

### Task List

TASK: try to find 1992-1994 SCCC Minutes and 1994 Committee 5 Minutes. Larry Hitt assigned to this.

TASK - Ask Archives to post the 1991 Canons on the Archives Web site. Also the 1994 SCCC Blue Book Report (on the C & C portion of the Archives Web site).

TASK: C.I. Jones case summary and explication, for IV.14.10, and one or two other places. Bill Cathcart and Diane Sammons will work on this.

TASK: See that the case studies specify which version of the Canons was applicable to the facts of the case.

TASK: Find the T. IV references to the Presiding Bishop's Chancellor.

TASK: Pre-1994 – find references to the nature of the proceedings as not criminal, not civil, etc. Diane will do this.

TASK: Explain what the Church Insurance Company (CIC) is. Tom.

TASK: Speak with David Beers about the three-bishop informal panels. Dorsey.

TASK: Speak with David Beers to see if any of the more informal disciplinary matters initiated or handled by the Presiding Bishop were “negotiated” or just imposed. Dorsey.

TASK: Page 36, second portion of the working draft: Check the 1994 House of Bishop Minutes for mention of the Bishop Wantland amendment. Tom.

TASK: Introduction to Appendix A. Steve.

TASK: Steve also will prepare something on the FRE, FRCP and FRAP.

TASK: get some names of reviewers to review portions. Possibly a few veteran and newer Chancellors?

TASK: Identify the preface we want to use. Sally and Diane.

TASK: check the cross referencing to canons; standardize the references; does each cross reference actually work? Joan.