



The Constitution and Canons
of the
Missionary Diocese of All Saints

Adopted at the Inaugural Synod - April 27, 2011 - Ocean City, Maryland

CONSTITUTION of the MISSIONARY DIOCESE OF ALL SAINTS

PREAMBLE

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

We, the Bishops, Priests, Deacons, and Laity of the Missionary Diocese of All Saints, now assembled in Synod, make the following Solemn Declaration: We declare this Diocese to be a mission of the One, Holy, Catholic, and Apostolic Church established to fulfill, through the guidance and power of the Holy Spirit, the Great Commission and Great Commandment of our Lord and Savior Jesus Christ. We hold the one Faith revealed by God and defined in the Creeds of the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the ministry of the same Apostolic Orders; and worship one God and Father through the same Lord Jesus Christ, by the same Holy and Divine Spirit Who is given to them who believe, to guide them into all truth. We are determined by the help of God to hold and maintain the Doctrine, Sacraments, Worship, and Discipline of Christ as the Lord has commanded in His Holy Word, and as the Church planted by God in this nation has received and set forth in her several Books of Common Prayer, and to transmit the same unimpaired to our posterity.

We uphold the Evangelical Faith and Catholic Order which is the inheritance of the Anglican Way. Our fellowship works, prays, and witnesses for reform and renewal of the Church with no compromise of truth and no limitation of love. Our fellowship includes faithful Anglicans spanning many parishes, convocations, societies, and structures with the mission to witness to the faith and order of the undivided Church.

To that end, therefore, we do ordain and establish this Constitution of the Church in the Missionary Diocese of All Saints.

ARTICLE 1

ANGLICAN IDENTITY

Section 1. The Missionary Diocese of All Saints (*hereinafter MDAS*) is a Diocese of the Anglican Church in North America (*hereinafter ACNA*), a Fellowship within the One, Holy, Catholic, and Apostolic Church, consisting of those duly constituted Dioceses, Clusters, Networks in communion with its Archbishop and such Anglican Provinces that have recognized the ACNA as upholding and propagating the historic Faith and Order as set forth in the Old and New Testaments and expressed in the Book of Common Prayer.

Section 2. We affirm the Declaration of Common Faith and Purpose of Forward in Faith North America (which is appended to the Constitution and Canons of the MDAS), the Global Anglican Future Conference (GAFCON) Statement, the Jerusalem Declaration issued June 29, 2008, and the seven elements identified as characteristic of the Anglican Way and essential for membership in the ACNA, as set forth in Article I of the Constitution of the ACNA. We receive the Thirty-Nine Articles of Religion of 1571, as expressing the Anglican response to certain doctrinal issues controverted at that time, and as expressing fundamental principles of authentic Anglican belief. We also affirm the historic Faith and Order regarding the seven sacraments: Baptism, Confirmation, Holy Communion, Anointing of the Sick, Reconciliation, Matrimony, Holy Orders.

Section 3. We accept the mission of the ACNA as set forth in Article III, Section 1 of the Constitution of the ACNA and commit to do the work of the ACNA as set forth in Article III, Section 2 of the Constitution of the ACNA.

Section 4. The MDAS has no geographical boundaries. Parishes and Missions may be admitted into union with the Diocese upon permission granted by the Bishop, provided that they meet all other requirements set forth in the Constitution and Canons of the Diocese.

ARTICLE 2

DIOCESAN GOVERNANCE

Section 1. The authority of the Diocese is vested in and shall be exercised by the Diocesan Bishop; a Bishop Coadjutor, if there be one; the Suffragan Bishop(s), if there be any; the Diocesan Synod; and the Standing Committee.

Section 2. The Bishop is the Ecclesiastical Authority of the Diocese, and as ordinary he shall have original jurisdiction in all ecclesiastical causes and in religious or benevolent organizations within the Diocese, except as shall be reserved by civil or canon law to other authority.

Section 3. Consistent with canonical and civil law the Bishop shall have the ultimate responsibility and authority to arbitrate and adjudicate, within the limits of this Constitution and canonical provisions, all controversies within the Diocese including, but not limited to, disputes between members of the Clergy, between a Parish or Mission and its governing body (typically the Vestry) or Rector, or between a Vestry and its Rector.

Section 4. The Bishop may on occasion authorize a representative or representatives to act in his stead, provided that such authorization is not in conflict with the Provincial or Diocesan Constitution and Canons.

Section 5. In the event of the death of the Diocesan Bishop or his inability to exercise his authority, then in accordance with the Provincial Canons, that authority shall pass to the Bishop Coadjutor, if there is one, or the Suffragan Bishop, if there is one canonically authorized to act, or to the Standing Committee, in that order.

ARTICLE 3

DIOCESAN SYNOD

The annual Synod of this Diocese shall assemble at a place, time, and date set by the Synod or by the Bishop and Standing Committee.

The Bishop, or a majority of all members of the Standing Committee, may call a special Diocesan Synod upon thirty (30) days notice thereof. When there is no Bishop, the Standing Committee shall have power to call a special meeting of the Synod, giving thirty (30) days notice thereof. At this special meeting of the Synod, the only business to be transacted shall be specified in the call.

The Bishop, Bishop Coadjutor, Suffragan Bishop(s), Assistant Bishop(s); and all Priests and Deacons canonically resident in the Diocese, and not under Ecclesiastical discipline, and who have not in contemplation of removal from this Diocese, applied for their Letter Dimissory; and Lay Delegates chosen by and representing their Parishes are members of this Synod.

ARTICLE 4

QUORUM

At a meeting of the Diocesan Synod a quorum necessary to transact business shall consist of one-third (1/3) of the Clergy entitled to seats therein and Lay Delegates from one-third (1/3) of the Parishes and Missions in union with the Synod; but a smaller number shall have the power to adjourn from day to day until a quorum is obtained.

ARTICLE 5

PRESIDENT OF SYNOD

At every meeting of the Synod, the Bishop shall be presiding officer. In the Bishop's absence or inability to act, the Bishop Coadjutor, if there be one, shall be presiding officer. In the absence or inability to act of both the Bishop and the Bishop Coadjutor, the Suffragan Bishops, if there be any, in the order of seniority within the Diocese shall be presiding officer. In the absence or inability to act of any Bishop, the President of the Standing Committee shall be presiding officer.

ARTICLE 6

RULES OF SYNOD

At the meeting of the Synod, the Clergy and Laity shall deliberate as one body. Each bishop, priest, or deacon present and each Lay Delegate present shall be entitled to one (1) vote. Unless a vote by Orders is determined, required, or otherwise provided by the Constitution or Canons, a majority of the aggregate votes shall be decisive. Whenever a vote by Orders is determined, required or otherwise provided, a concurrent majority in both Orders shall be necessary. Upon demand of any seven (7) members of the Synod representing not less than three (3) Parishes or Missions of the Diocese, the vote shall be taken by Orders.

The Synod may adopt rules of procedure to regulate and expedite the orderly disposition of its business, including elections.

ARTICLE 7

THE STANDING COMMITTEE

For purposes of the Standing Committee, the Missionary Diocese of All Saints shall be divided into three (3) Administrative Regions. These Regions shall be known as “MDAS Convocation of the East”, “MDAS Convocation of the Central United States” and “MDAS Convocation of the West.” Each Region shall elect one Vicar General that shall serve at the pleasure of the Bishop Ordinary. Each region shall also elect in accordance with the Canons of this Diocese one Clergy and one Lay Person to serve on the Standing Committee.

The Standing Committee shall consist of three Vicars General, three Clergy and three Laity from the Administrative Regions within the Missionary Diocese of All Saints. The Bishop Ordinary, any Bishop Coadjutor, any Suffragan Bishops, and the Canon Ordinary are de facto members of the Standing Committee.

The Standing Committee shall also consist of a Treasurer, a Secretary, and a Chancellor chosen in accordance with the Canons of this Diocese. As confirmed communicants of the Diocese, the Treasurer, the Secretary and the Chancellor can be chosen either from the elected members of the Standing Committee or from outside the said Standing Committee.

1 Lay Persons eligible to serve shall be Confirmed Communicants in good standing in this Diocese
2 at least eighteen (18) years of age and who shall possess such other qualifications as may be
3 prescribed by Canon.

4 A Vicar General, once elected, shall serve until he retires or steps down, or until the Bishop
5 Ordinary decides that a new Vicar General should be elected. The Vicar General shall serve as a
6 representative of the Bishop in each of the Administrative Regions, shall serve by administering
7 said Region and shall serve at the pleasure of the Bishop Ordinary.

8 When there is a Bishop in charge of the Diocese, the Standing Committee shall be his Council of
9 Advice. If there be no Bishop canonically authorized to act, the Standing Committee shall be the
10 Ecclesiastical Authority of the Diocese. [1]
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11 Vacancies occurring prior to the expiration of the term of any member of the Standing Committee
12 shall be filled by the Bishop with the advice of the remaining members of the Standing Committee.

13 Starting in 2020, the Standing Committee shall meet at least quarterly.

14 **ARTICLE 8**

15 **ELECTION OF BISHOPS AND CALLING OF AN ASSISTANT BISHOP**

16 The election of a Bishop, a Bishop Coadjutor, or a Suffragan Bishop for this Diocese shall take
17 place at a duly called Synod for that purpose. A concurrent majority of the two Orders shall be
18 necessary to a choice if two-thirds (2/3) of all the Clergy entitled to vote and Lay Delegates from
19 two-thirds (2/3) of the Parishes and Missions entitled to representation are present and voting;
20 otherwise, two-thirds (2/3) of the votes in each order present shall be necessary to a choice. In any
21 event, the election may not occur unless a quorum be and remain present.

22 The Bishop may call an Assistant Bishop in accordance with the Constitution and Canons of the
23 ACNA.

24 **ARTICLE 9**

25 **CANONS**

26 Diocesan Canons consistent with this Constitution and the Constitution and Canons of the ACNA
27 may be adopted, altered, amended, or repealed by the Diocesan Synod.

ARTICLE 10

CONSTITUTION AND CANONS OF THE ANGLICAN CHURCH IN NORTH AMERICA

The Missionary Diocese of All Saints hereby recognizes the authority of the Constitution and Canons of the Anglican Church in North America as adopted, June 22-23, 2009 in Bedford, Texas and as subsequently amended.

ARTICLE 11

AMENDMENTS TO THE CONSTITUTION

Section 1. Any proposed alteration, amendment, or repeal of this Constitution shall first be submitted in writing to the Bishop and shall be reported by him to the Synod.

Section 2. If approved by the Synod at its first reading, the proposed amendment shall be published in the minutes and held until the next Synod. Upon final consideration by the next Synod it shall be adopted if approved by a majority of both Orders, voting separately.

Section 3. Amendments to the Constitution shall take effect with the adjournment of the Synod by which they are finally adopted.

We certify that the foregoing is the text of the Constitution of the Missionary Diocese of All Saints of the Anglican Church in North America adopted and ratified with amendments by the Diocesan Synod at its meeting at Ocean City, Maryland, on the 27th day of April in the Year of our Lord 2011.

The Rt. Rev. William I. Ilgenfritz^[L]
Bishop of the Missionary Diocese of All Saints

The Rt. Rev. Richard W. Lipka^[L]
Suffragan Bishop of the Missionary Diocese of All Saints

I certify that the text of the Constitution set out above is the text of the Constitution of the Missionary Diocese of All Saints ratified by the Diocesan Synod at its meeting in Ocean City, Maryland on the 27th day of April in the Year of our Lord 2011.

Mrs. Regina Trollinger^[L]
Acting Secretary

I certify that the text of the Constitution set out above is the text of the Constitution of the Missionary Diocese of All Saints ratified by the Diocesan Synod at its meeting in Ocean City, Maryland on the 27th day of April in the Year of our Lord 2011; and amended at Diocesan Synod at its meeting in Ocean City, Maryland on the 25th day of March in the Year of our Lord 2017.

Mrs. Leslie Hanna^[L]
Secretary

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CANONS of the MISSIONARY DIOCESE OF ALL SAINTS

Title I Organization and Administration of the Diocese

Canon 1 Of The Diocese

Section 1 - Concerning Membership

The Missionary Diocese of All Saints (*hereinafter the MDAS*) is comprised of the parishes, missions, religious orders, communities, societies, clergy, and laity gathered for mission under the oversight of its Bishop and are members of the Anglican Church in North America (*hereinafter the ACNA*) a jurisdiction of the One, Holy, Catholic and Apostolic Church.

Section 2 - Concerning Membership in Forward in Faith North America

Member parishes, other diocesan organizations or ministries as listed in Section 1, and clergy of the MDAS shall also be members of Forward in Faith North America (*hereinafter FiFNA*), having made application and signed the “Declaration of Common Faith and Purpose” (which is appended to the Constitution and Canons of the MDAS).

Canon 2 Of Religious Orders and Other Christian Communities

Section 1 - Concerning Religious Orders

1. A Religious Order of the MDAS is defined as a society of Christians (Members of FiFNA) who voluntarily commit themselves for life or a term of years: to holding their possessions in common or in trust; to a celibate life in community; and obedience to their Rule and Constitution.

2. To be officially recognized, a Religious Order must have at least six (6) professed members and must be approved by the Bishop of the Diocese with the advice and consent of his Standing Committee.

3. Each Order shall have a Bishop Visitor or Protector, who shall not of necessity be the Bishop of MDAS. If, however, the Bishop Visitor or Protector is not the Bishop of the Diocese in which the Mother House of the Order is established, he shall not accept election without the consent of the Bishop of the Diocese. The Bishop Visitor or Protector shall be the guardian of the Constitution of the Order and shall serve as an arbiter in matters which the Order or its members cannot resolve through its normal processes.

1 4. Any persons under vows in a Religious Order, having exhausted the normal processes of
2 the Order, may petition the Bishop Visitor or Protector for dispensation from those vows. In the
3 event the petitioner is not satisfied with the ruling of the Bishop Visitor or Protector on such
4 petition, he may file a petition with the Bishop of the Missionary Diocese of All Saints, who shall
5 have the highest dispensing power for Religious Orders, and his ruling on the petition shall be final.

6 5. A Religious Order may establish a house in a Diocese only with the permission of the
7 Bishop of the MDAS. This permission once granted shall not be withdrawn by him or any
8 succeeding Bishop.

9 6. The Constitution of every Religious Order shall make provision for the legal ownership
10 and administration of the temporal possessions of the Order and in the event of the dissolution of
11 the Order, or should it otherwise cease to exist, to provide for the disposition of its assets according
12 to the laws governing non-profit religious organizations in the State wherein the Order is
13 incorporated.

14 7. It is recognized that a Religious Order is not a Parish, Mission, or Institution of the
15 Diocese of MDAS, and the canonical provisions thereof shall not apply to Religious Orders,
16 provided that if the Religious Order includes parishes, missions, and/or institutions, by a covenant
17 between the Diocese and the Order, those parishes, missions, and/or institutions so identified shall
18 be considered parishes, missions, and/or institutions in the Diocese and subject to the canons and
19 other provisions applying to parishes, missions, and/or institutions of the Diocese.

20 **Section 2 - *Concerning Christian Communities or Societies***

21 1. A Christian Community or Society of the MDAS under this Canon is defined as a
22 society of Christians (Members of FiFNA) who voluntarily commit themselves for life or a term of
23 years, in obedience to their Rule and Constitution.

24 2. To be officially recognized such a Christian Community or Society must have at least
25 six (6) full members in accordance with their Rule and Constitution and must be approved by the
26 Bishop of the Diocese with the advice and consent of his Standing Committee.

27 3. Each such Christian Community or Society shall have a Bishop Visitor or Protector,
28 who shall not necessarily be the Bishop of the Diocese in which the community or society is
29 established. If, however, the Bishop Visitor or Protector is not the Bishop of the Diocese in which
30 the Mother House of the Community or Society is established, he shall not accept election without
31 the consent of the Bishop of the MDAS. The Bishop Visitor or Protector shall be the guardian of
32 the Constitution of the Community or Society and shall serve as an arbiter in matters which the
33 Community or Society, or its members, cannot resolve through its normal processes.

34 4. Any persons under full commitment in such a Christian Community or Society, having
35 exhausted the normal processes of the Community or Society, may petition the Bishop Visitor or
36 Protector for dispensation from that full commitment. In the event the petitioner is not satisfied with
37 the ruling of the Bishop Visitor or Protector on such petition, he may file a petition with the Bishop
38 of the MDAS, who shall have the highest dispensing power for Christian Communities and
39 Societies, and his ruling on the petition shall be final.

40 5. Each such Christian Community or Society may establish a house in a Diocese only with
41 the permission of the Bishop of the MDAS.

42 6. The Constitution of every such Christian Community or Society shall make provision
43 for the legal ownership and administration of the temporal possessions of the Community or
44 Society and in the event of the dissolution of the Community or Society, or should it otherwise

1 cease to exist, to provide for the disposition of its assets according to the laws governing non-profit
2 religious organizations in the State wherein the Community or Society is incorporated.

3 7. It is recognized that each such Christian Community or Society is not a Parish, Mission,
4 or Institution of the Diocese of MDAS, and the canonical provisions thereof shall not apply to such
5 Christian Communities or Societies, provided that if the Christian Community or Society includes
6 parishes, missions, and/or institutions, by a covenant between the Diocese and the Christian
7 Community or Society, those parishes, missions, and/or institutions so identified shall be
8 considered parishes, missions, and/or institutions in the Diocese subject to the canons and other
9 provisions applying to parishes, missions, and/or institutions of the Diocese.

10 ***Canon 3***
11 ***Of Diocesan Governance***

12 ***Section 1 - Concerning the Bishop or Bishop Coadjutor***

13 The Bishop of the Diocese or Bishop Coadjutor shall be chosen and elected in conformity with the
14 Constitution and Canons of the ACNA, by the concurrence of a majority of the clerical and lay
15 delegates entitled to vote in Diocesan Synod casting votes by Orders. He shall be the chief pastor of
16 all the members of the Church in this Diocese and the President of the Diocesan Synod. He shall
17 make or provide for at least one Episcopal visitation to each parish and mission every two years,
18 shall have the right to summon and attend meetings of parishes and missions within his jurisdiction
19 and shall be ex officio a member of all diocesan committees and agencies.

20 ***Section 2 - Concerning Bishops Suffragan***

21 Bishops Suffragan may be elected and serve in accordance with the rules established in the
22 Constitution and Canons of the MDAS and the ACNA.

23 ***Section 3 - Concerning Assistant Bishops***

24 The Bishop of the Diocese may appoint any retired or resigned bishop of this Church or any bishop
25 without jurisdiction received into membership of this Church, being resident in the Diocese, as an
26 assistant bishop to perform such episcopal functions as shall be determined by the Bishop.

27 ***Section 4 - Concerning Diocesan Synod***

28 1. The Diocese shall be governed by Synods that meet annually. The Synods shall be on a
29 three-year cycle. The first and second years shall be years of Regional Synods. The Regional
30 Synods shall meet separately in the three Administrative Regions, the date and place established by
31 each Administrative Region. No Regional Synod, however, shall conflict with another Regional
32 Synod in date, time, or place. The Bishop shall attend each Regional Synod if possible. In the third
33 year, a General Synod shall be held wherein all Administrative Regions shall attend. The General
34 Synod regularly called shall take place in and shall be hosted by one of the three Administrative
35 Regions, alternating between the Regions so that each Administrative Region shall host a General
36 Synod once every nine years. For special reasons at other times at the call of the Bishop and the
37 Standing Committee, or, during the vacancy of the See, by the Standing Committee, a Special

1 Synod may be called.

2 All Synods shall be comprised of the clergy in good standing and by a minimum of two lay
3 delegates selected by each parish and mission listed on the most recent Annual Report. Additional
4 delegates per parish will be entitled based on the number of confirmed adult communicants in good
5 standing reported on the Annual Parochial Report for the year ending December 31 next preceding
6 the Diocesan Synod according to the following table:

7	101 through 200 - 1 additional delegate
8	201 through 300 - 2 additional delegates
9	301 through 400 - 3 additional delegates
10	401 through 500 - 4 additional delegates
11	501 through 600 - 5 additional delegates
12	601 through 700 - 6 additional delegates
13	701 through 800 - 7 additional delegates
14	801 through 900 - 8 additional delegates
15	901 through 1000 - 9 additional delegates
16	1001 and over - 10 additional delegates

17 2. The selection of the Lay Delegates shall be certified in writing by the Secretary or Clerk
18 of the Vestry or Rector's Council of the Parish or Mission; but, in the absence of the Secretary or
19 Clerk, such certificates of selection may be signed by one of the Wardens or by the Rector or Vicar
20 of such Parish or Mission. The "Certificate of Election of Lay Delegates" shall show upon its face
21 that their selection as Delegates has been made pursuant to this Canon.

22 3. Each Parish and Mission shall select Alternate Lay Delegates equal in number to the
23 number of Lay Delegates to which entitled. In the absence of a Lay Delegate, an Alternate Lay
24 Delegate from the same Parish or Mission shall have all rights and privileges of a Lay Delegate.
25 The selection of Alternate Lay Delegates shall be certified in the same manner as provided for Lay
26 Delegates.

27 4. The manner of selecting Lay Delegates and Alternates is determined by parish or
28 mission bylaws.

29 5. The Rectors of Parishes and Vicars of Missions shall have authority to fill such
30 vacancies as may occur in the list of Alternate Lay Delegates between the time of such selection
31 and any meetings of The Synod.

32 6. Immediately before the meeting of each Synod, the Bishop, or in case of his death or
33 inability to act, the Standing Committee, shall prepare a list of the Clergy canonically resident in the
34 Diocese, excluding those who have been suspended from the Ministry. The list shall be filed with
35 the Secretary of the Synod on the first day of its meeting and shall be prefixed to the Journal.

36 7. All clergy certified under Sec. 4.6 are voting members of this Synod.

37 8. Minutes of the Diocesan Synod shall be published and distributed to all clergy, parishes,
38 and missions of the Diocese within sixty days of the adjournment of the Synod.

39 9. At any Special, Regional, or General Diocesan Synod, proxies and absentee ballots shall
40 be allowed. Telephone, video, and/or other electronic conferencing may also be allowed at any
41 Special or General Diocesan Synod if the Bishop Ordinary gives his express consent, or, if there be
42 no Bishop Ordinary, with the express consent of the Standing Committee. Telephone, video, and
43 other electronic conferencing may also be allowed at any Regional Diocesan Synod with the
44 express consent of the Vicar General for that particular region. In these cases, those present via
45 proxy or absentee ballot, or via electronic conferencing will be counted as part of the quorum.

1 **Section 5 - Concerning the Standing Committee**

2 Between Synods, the administrative authority of the Diocese shall reside in the Bishop and the
3 Standing Committee. The membership of the Standing Committee shall consist of the Bishop; the
4 Bishop Coadjutor, if there be one; the Bishops Suffragan, if there be any; three Vicars General,
5 three clergymen, and three lay communicants, one from each of the three Administrative Regions
6 of the Diocese elected by said Region; a Canon Ordinary; a Treasurer; a Secretary; and a
7 Chancellor, who shall be communicant members of the Diocese appointed by the Bishop. There
8 shall also be a President of the Standing Committee elected by said Committee. The Standing
9 Committee shall meet at least quarterly, or at the call of the Bishop, or during a vacancy of the See,
10 by the Coadjutor Bishop or the senior Suffragan Bishop or by the Standing Committee's own
11 resolution. The President of the Standing Committee shall be elected by that body from among its
12 members who are Priests. The Secretary of the Standing Committee shall be appointed by the
13 Bishop Ordinary, if there be one, with the advice and consent of the Standing Committee. But if
14 there be no Bishop Ordinary, the Secretary shall be elected by said Committee. The members of the
15 Standing Committee shall have seat, voice, and vote in the Special, Regional, and General
16 Diocesan Synods. Except for the Vicars General, the elected members of the Standing Committee
17 shall serve three-year terms and may be nominated and serve for succeeding terms. The Treasurer,
18 Secretary, and Chancellor serve three-year terms and may be appointed by the Bishop for
19 succeeding terms. ^[1] The Vicars General and the Canon Ordinary serve at the pleasure of the
20 Bishop Ordinary.

21 **Section 6 - Concerning Finance and Budget**

22 1. The Standing Committee, with the assistance of the Finance Committee, shall develop
23 ^[1]the program and budget of the Diocese based on commitments of the Parishes, Missions, and
24 other monies raised. The program and budget shall be presented annually to the Diocese for
25 adoption. The Finance Committee shall consult with any Parish or Mission that is not able to meet
26 the requested support of the Church.

27 2. The standard of financial support in this Diocese is the biblical tithe.

28 **Section 7 - Concerning Delegates to Provincial Council and Provincial Assembly**

29 1. The Diocesan Standing Committee shall elect one Bishop, one member of the Clergy, and
30 two laypersons to serve as representatives to the Provincial Council of the ACNA. The Diocesan
31 Standing Committee shall also elect one additional layperson and one additional member of the
32 clergy as alternates for the Provincial Council to serve if one of the primary representatives cannot
33 attend. Said Provincial Council representatives shall be elected from candidates proposed by each
34 of the three Convocations of MDAS. The term of office of the said delegates shall be five years.
35 The Diocesan Standing Committee may select a replacement to serve for the unexpired term of any
36 representative who does not serve the full term of office. A retiring representative is eligible for
37 reelection.

38 2. The Diocesan Standing Committee shall elect two members of the Clergy and two
39 laypersons as representatives to the Provincial Assembly of the ACNA. The Diocesan Standing
40 Committee shall also elect one additional layperson and one additional member of the clergy for
41 each additional one thousand Average Sunday Attendance (ASA) of the Diocese. The Diocesan

1 Standing Committee shall also elect one youth representative to the Provincial Assembly, in
2 addition to its other representation in the Provincial Assembly. Youth representatives must be at
3 least sixteen, but not older than twenty-six years of age-at the time of the convening of the
4 Provincial Assembly. The representatives shall serve until their successors are chosen and certified.
5 Additionally, the Diocesan Standing Committee shall elect one additional layperson, one additional
6 youth representative and one additional member of the clergy as alternates for the Provincial
7 Assembly to serve if one of the primary representatives cannot attend. All said Provincial Assembly
8 representatives shall be elected from candidates proposed by each of the three Convocations of
9 MDAS. The Bishop(s) of the Diocese shall also serve as Diocesan representative(s) to the
10 Provincial Assembly.

11 ***Canon 4***
12 ***Of Parishes and Missions***

13 ***Section 1 - Concerning Parish Mission***

14 The fundamental agency of the mission of the Diocese to extend the Kingdom of God is the local
15 parish. The chief agents of this mission are the people of God.

16 ***Section 2 - Concerning the Definition of Parish/ Mission***

17 A Parish of the Diocese is defined as having an Average Sunday Attendance (*ASA*) of 50 and is
18 financially self-sustaining. A Mission has an ASA less than 50 and may or may not be financially
19 self-sustaining.

20 ***Section 3 - Concerning Affiliation***

21 Every parish of this Diocese is a member of the ACNA by union with this Diocese.

22 ***Section 4 - Concerning Organization***

23 Every parish shall be established in accordance with the laws of the State or jurisdiction where
24 situated, shall handle its own finances, and shall carry appropriate insurance coverage for general
25 liability, officers and directors liability, financial personnel bonding, and fire, and other insurance
26 for damage to improved real property.

27 ***Section 5 - Concerning Parish Clergy***

28 No parish Clergy may serve without being licensed by the diocesan Bishop.

29 ***Section 6 - Concerning Governing Boards***

30 There shall be a governing board of each parish, often known as the vestry, which is chosen and
31 serves according to applicable laws, diocesan canon, and the parish by-laws. The Presbyter in
32 charge of the parish shall always be a member of the governing board and its presiding officer
33 except as provided by diocesan canon. The governing board is responsible for the temporalities of

1 the parish and, except where otherwise provided by canon, supports the clergy in the spiritual
2 leadership of the parish.

3 **Section 7 - *Concerning Property Ownership***

4 All parish property, real and personal, owned by a member parish of the Diocese is and shall be
5 solely and exclusively owned by the parish and shall not be subject to any trust in favor of the
6 Diocese or Province or other claim of ownership arising out of the canon law of the ACNA; neither
7 may this Diocese assert any such claim over the property of any of its parishes without the express
8 written consent of the parish. Where property is held in a different manner by this Diocese or
9 grouping, such ownership shall be preserved.

10 **Section 8 - *Concerning Church Planting***

11 A parish, with the consent of the Bishop, should plant new churches whenever possible. In such
12 case the parish shall provide spiritual cover and temporal assistance to the newly planted parish
13 until it is self-sustaining. A newly planted parish is self-sustaining when it is able to call and
14 provide for its own Clergy and is acceptable to the Bishop.

15 **Section 9 - *Concerning Annual Reports***

16 On or before March 1 of each year the rector and governing board of the parish shall prepare and
17 forward to the Bishop a report, in a form specified from time to time by the Standing Committee,
18 reflecting the status and growth of the parish in terms of average Sunday attendance, tithes, and
19 offerings, baptisms, confirmations, and receptions, marriages, burials, and other important
20 categories of information concerning the preceding calendar year, including new initiatives for
21 mission and ministry.

22 **Section 10 - *Concerning Transfer or Withdrawal***

23 Parishes reserve the right to seek transfer between Dioceses of the ACNA with the permission of
24 the Bishops involved. Parishes also reserve the right to disaffiliate from the MDAS after
25 consultation with their Bishop. A parish joining or transferring into a Diocese becomes subject to
26 the constitution and canons of that Diocese.

27 **Section 11 - *Concerning Finances***

28 1. The biblical tithe is the minimum standard of giving to support the Mission of the Church and
29 should be taught and encouraged at every level in the Diocese.

30 2. Financial responsibility and accountability are the obligations of the Church at every level. The
31 Diocese, Parishes, and Missions shall provide standards for record keeping, audits, insurance,
32 investments, and the bonding of financial officers.

1
2 ***Canon 5***
3 ***Of the Laity***

4 ***Section 1 - Concerning Membership in the Church***

5 Membership requires that a person has received the Sacrament of Baptism with water in the Name
6 of the Father, and of the Son, and of the Holy Spirit and that such a person be received by a parish
7 of the MDAS in compliance with the Constitution and Canons of the Diocese. Such a person is a
8 baptized member of the Church and so recorded in the Parish Register. A confirmed member is a
9 baptized member who has been confirmed or received by a Bishop of the ACNA and so recorded in
10 the Parish Register.

11 ***Section 2 - Concerning Ministry***

12 The people of God are the chief agents of the Mission of the Church to extend the Kingdom of God
13 by so presenting Jesus Christ in the power of the Holy Spirit that people everywhere will come to
14 put their trust in God through Him, know Him as Savior, and serve Him as Lord in the fellowship
15 of the Church. The effective ministry of the Church is the responsibility of the laity no less than it is
16 the responsibility of Bishops and other Clergy. It is incumbent for every lay member of the Church
17 to become an effective minister of the gospel of Jesus Christ, one who is spiritually qualified,
18 gifted, called, and mature in the faith. The Diocese may establish standards for the ministry of the
19 laity.

20 ***Section 3 - Concerning Duties of the Laity***

21 It shall be the duty of every member of the Diocese:

- 22 1. To worship God, the Father, and the Son, and the Holy Spirit, every Lord's Day in a
23 Church unless reasonably prevented;
- 24 2. To engage regularly in the reading and study of Holy Scripture and the Doctrine of the
25 Church as found in Article I of the Constitution of the ACNA;
- 26 3. To observe their baptismal vows, to lead an upright and sober life, and not give scandal
27 to the Church;
- 28 4. To present their children and those they have led to the Lord for baptism and
29 confirmation;
- 30 5. To give regular financial support to the Church, with the biblical tithe as the minimum
31 standard of giving;
- 32 6. To practice forgiveness daily according to our Lord's teaching;
- 33 7. To receive worthily the Sacrament of Holy Communion as often as reasonable;
- 34 8. To observe the feasts and fasts of the Church set forth in the Anglican formularies, as
35 authorized by the Bishop of the Diocese;
- 36 9. To continue his or her instruction in the Faith so as to remain an effective minister for
37 the Lord Jesus Christ;
- 38 10. To devote themselves to the ministry of Christ among those who do not know Him,
39 utilizing the gifts that the Holy Spirit gives them, for the effective extension of Christ's Kingdom.

1 **Section 4 - Concerning Deaconesses**

2 1. A woman of devout character and proved fitness may be set apart to the lay order of
3 Deaconess by any Bishop of this Diocese.

4 2. The duty of a Deaconess is to assist the Minister in the care of the poor and sick, the
5 religious training of the young and others, and the work of moral reformation, but shall not include
6 the performance of any liturgical function as reserved to those in Holy Orders.

7 3. No one shall be appointed Deaconess until she shall be at least twenty-three years of
8 age; nor until she shall have laid before the Bishop testimonials certifying that she is a
9 communicant of this Diocese in good standing, and that she possesses such characteristics as, in the
10 judgment of the persons testifying, fit her for at least one of the duties above defined. The
11 testimonial of fitness shall be signed by two Presbyters of this Diocese by twelve lay communicants
12 of the same, six of whom shall be women. The Bishop shall also satisfy himself that the applicant
13 has had an adequate preparation for her work, both technical and religious, which preparation shall
14 have covered the period of two years.

15 4. No Deaconess shall accept work in this Diocese without the express authority, in
16 writing, of the Bishop of this Diocese; nor shall she undertake work in a Parish without the like
17 authority from the Rector of the Parish.

18 5. When not connected with a Parish, the Deaconess shall be under the direct oversight of
19 the Bishop of this Diocese or his delegate.

20 6. A Deaconess may at any time resign her office to the Ecclesiastical Authority of this
21 Diocese in which she is canonically resident, but she may not be suspended or removed from office
22 except by the Bishop for cause, with the consent of the Standing Committee, and after a hearing
23 before the Bishop and Standing Committee.

24 7. No woman shall be recognized as a Deaconess until she has been set apart for that office
25 by an appropriate service, to be prescribed by the Diocesan Bishop.

26 **Title II**

27 **Worship and the Administration of Sacraments**

28 (*see canons of the ACNA*)

29 **Title III**

30 **Of Ministers, Their Recruitment, Preparation, Ordination,
31 Office, Practice and Transfer**

32 (*see canons of the ACNA*)

33 **Canon 1**

34 ***Of Holy Orders in the Missionary Diocese of All Saints***

35 The MDAS affirms what traditional Anglicanism has always held, namely the normality of the
36 threefold pastoral ministry of Bishop, Presbyter, Deacon. Only males may be admitted to the office
37 of Bishop, Presbyter, or Deacon in this Diocese, and allowed to exercise any of these offices, who
38 have been called, examined, and ordained according to an authorized ordinal of the ACNA or
39 ordained in some church whose Orders are recognized and accepted.

1
2 **TITLE IV**
3 **Ecclesiastical Discipline**

4 ***Canon 1***
5 ***Ecclesiastical Discipline***

6 All clergy under the authority of the Bishop who exercise ministry in the Diocese shall be subject to
7 the disciplinary provisions of Title IV of the Provincial Canons and to the provisions of these
8 Diocesan Canons.

9 ***Canon 2***
10 ***The Rights of the Respondent***

11 Any member of the clergy against whom disciplinary measures are initiated shall be presumed
12 innocent until he has been determined guilty according to the provisions and procedures described
13 herein. All disciplinary procedures shall be undertaken speedily in a manner consistent with
14 principles of fairness, due process, and natural justice.

15 ***Canon 3***
16 ***The Canonical Investigator***

17 The Standing Committee of the Diocese shall appoint a canonical investigator to ascertain the merit
18 of any accusations made against clergy of the Diocese and to make a recommendation to the
19 Standing Committee as to whether further juridical process should be pursued.

20 ***Canon 4***
21 ***The Ecclesiastical Trial Court of the Diocese***

22 ***Section 1 - Ecclesiastical Trial Court Established, Composition, Number of Members, Mode of***
23 ***Election and Term of Office***

24 There shall be an Ecclesiastical Trial Court (“Court”) of the Diocese consisting of five members
25 elected by the Synod of the Diocese upon the nomination of the Standing Committee for a term of
26 three years. Two members shall be chosen from the laity and three from the clergy. No member
27 may serve more than two consecutive terms. Staggered terms may be provided.

28 ***Section 2 - Court Advisor***

29 The Bishop may appoint an attorney at law to advise the Court as to its procedures.

30 ***Section 3 - Court Officers and Recorder of Proceedings***

31 The Court shall elect its President and Secretary from its members and shall appoint a recorder of
32 proceedings, which recorder may be a court reporting agency not affiliated with the Diocese.

1 **Section 4 - *Quorum and Composition of Court***

2 A panel of no fewer than five members of the Court shall be necessary for the conduct of a trial or
3 for a judgment. Any panel of the Court shall comprise an odd number of members with one more
4 clergy than laity.

5 **Section 5 - *Judgment of the Court***

6 An affirmative vote of sixty percent of the members of a panel of the Court shall be required for
7 any judgment.

8 ***Canon 5***

9 ***The Trial Attorney***

10 The Bishop shall appoint a Trial Attorney who shall have the responsibility of preparing all
11 presentments and presenting the evidence to the Court.

12 ***Canon 6***

13 ***Attorney for the Respondent***

14 The Respondent shall have the right to an attorney. The Standing Committee may, in its discretion,
15 authorize the payment in whole or in part of the legal fees incurred by a Respondent.

16 ***Canon 7***

17 ***Court Rules and Procedures***

18 The rules governing proceedings in the Court are set forth in Appendix B to these Diocesan
19 Canons.

20 ***Canon 8***

21 ***Clergy Under Ecclesiastical Authority in Another Jurisdiction***

22 Regardless of whether any member of the clergy under the authority of the Bishop is also under the
23 authority of another bishop, whenever it is believed that such a member of the clergy may have
24 committed a canonical offense in this Diocese, the same shall be reported by the Bishop to the other
25 bishop or Archbishop who also has ecclesiastical authority over such member of the clergy. Such
26 member of the clergy shall be subject to disciplinary proceedings in this Diocese in accordance with
27 Title IV of the Diocesan canons.

28 ***Canon 9***

29 ***Of Sentences***

30 Upon any conviction, the Bishop shall pronounce sentence as outlined in Title IV, Canon 8 of the
31 Provincial Canons, which shall include the implied authority of the Bishop to prohibit the convicted
32 member of the clergy from serving in the Diocese.

1 **TITLE V**
2 **Enactment, Amendment, and Repeal of Canons**

3 ***Canon 1***
4 ***Of Enactment, Amendment, and Repeal***

5 ***Section 1 - Concerning New Canons***

6 No new canon shall be enacted or existing canon amended or repealed, except by majority vote of
7 the Standing Committee and ratification of such action by majority vote of the Diocesan Synod.

8 ***Section 2 - Concerning the Repealing of Canons***

9 Whenever a canon, which repeals another canon or part thereof, shall itself be repealed, such
10 previous canon or part thereof shall not thereby be revived or re-enacted without express provision
11 to that effect.

12 ***Section 3 - Concerning the Form of Amendment***

13 The following form shall be used in all cases of enactment or amendment of existing canons:
14 “*Title __, Canon __, Section __ is hereby [enacted] [amended] to read as follows:*
15 *[Here insert the new reading].*”

16 In the event of the insertion of a new canon, or of a new section, or clause in a canon, the
17 numbering of the canons or divisions of a canon which follow shall be changed accordingly.

18 ***Section 4 - Concerning the Form of Repeal***

19 The following form shall be used in all cases for the repeal of a canon:
20 “*Title __, Canon __, Section __ [or Canon __ in its entirety] is hereby repealed.*”

21 In the event of the repeal of a canon, or of a section, or clause in a canon, the numbering of the
22 canons or divisions of a canon which follow shall be changed accordingly.

23 ***Section 5 - Concerning Effective Dates***

24 Any amendment to these canons, or repeal thereof, shall not become effective until ninety (90) days
25 following ratification by the Diocesan Synod. In the case of the adoption of the initial set of canons
26 by the inaugural Synod, such canons shall become effective immediately upon their ratification by
27 majority vote of the Synod.

We certify that the foregoing is the text of the Canons of the Missionary Diocese of All Saints of the Anglican Church in North America adopted and ratified with amendments by the Diocesan Synod at its meeting at Ocean City, Maryland, on the 27th day of April in the Year of our Lord 2011.

The Rt. Rev. William I. Ilgenfritz^[L]
Bishop of the Missionary Diocese of All Saints

The Rt. Rev. Richard W. Lipka^[L]
Suffragan Bishop of the Missionary Diocese of All Saints

I certify that the foregoing is the text of the Canons of the Missionary Diocese of All Saints of the Anglican Church in North America adopted and ratified with amendments by the Diocesan Synod at its meeting at Ocean City, Maryland, on the 27th day of April in the Year of our Lord 2011.

Mrs. Regina Trollinger^[L]
Secretary

I certify that the text of these Canons set out above is the text of the Canons of the Missionary Diocese of All Saints ratified by the Diocesan Synod at its meeting in Ocean City, Maryland on the 27th day of April in the Year of our Lord 2011; and amended at Diocesan Synod at its meeting in Belleville, Illinois on the 20th day of July in the Year of our Lord 2013.

The Ven. Jon Mark Lipka^[L]
Secretary

I certify that the text of these Canons set out above is the text of the Canons of the Missionary Diocese of All Saints ratified by the Diocesan Synod at its meeting in Ocean City, Maryland on the 27th day of April in the Year of our Lord 2011; and amended at Diocesan Synod at its meeting in Ocean City, Maryland on the 24th & 25th day of March in the Year of our Lord 2017.



Mrs. Leslie Hanna^[L]
Secretary

APPENDIX A

Forward in Faith North America Declaration of Common Faith and Purpose

4 In the Name of the Holy and Undivided Trinity: the Father, the Son and the Holy Spirit.
5 Amen.

6 I,_____, a Lay Member/Deacon/Priest/Bishop of the one, holy, catholic and apostolic Church,
7 affirm the following so that faithful witness to apostolic Faith and catholic Order may be continued
8 within the Churches of Anglican heritage:

9 1. I believe our Lord Jesus Christ, has given His Church an Order which claims the loyalty of
10 faithful Christians above and beyond any deviation sanctioned by any humanly-invented institution,
11 whether secular or ecclesiastical.

12 2. I accept the Holy Scriptures of the Old and New Testament as "containing all things necessary to
13 salvation," and as being the rule and ultimate standard of faith and morals.

14 3. I accept the Apostles' Creed as the Baptismal Symbol; and the Nicene Creed as the sufficient
15 statement of the Christian faith.

16 4. I accept the historic episcopate, locally adapted in the methods of its administration to the
17 varying needs of the nations and peoples called of God into the Unity of His Church. I affirm the
18 Christian ministerial priesthood as male and that the churches of the Anglican Communion have no
19 authority to change the historic tradition of the male priesthood. I pray that God grants me the
20 strength and ability to uphold the Church's Order, both materially and spiritually as concerns the
21 ministerial priesthood of His holy Church. Accordingly, I will reject any and all actions that might
22 signify acceptance of a deviation from the Church's Order regarding the Christian ministerial
23 priesthood.

24 5. I recognize the seven Sacraments ordained of the One, Holy, Catholic, and Apostolic Church -
25 Baptism and the Supper of the Lord - ministered with unfailing use of Christ's words of institution,
26 and of the elements ordained by Him, Confirmation, Matrimony, Ordination, Reconciliation of a
27 Penitent, and Unction of the Sick.

28 6. I believe that, in the Sacrament and mystery of the Holy Eucharist, Jesus Christ is truly, really
29 and substantially present in the Body and Blood in the outward and visible sign of Bread and Wine.
30 (cf. 1 Cor. 10:16-17, 11:23-29, John 6:32-71).

31 7. I affirm our Lord's teaching that the Sacrament of Holy Matrimony is in its nature the exclusive,
32 permanent and lifelong union of one man and one woman. I affirm that God created only two
33 complementary sexes of human beings – male and female. I also affirm that a person's God-given
34 sex is immutable and therefore, cannot be changed.

1 8. I believe all Seven Councils are ecumenical and catholic on the basis of the received Tradition
2 of the ancient Undivided Church of East and West.

3 9. I affirm that God, and not man, is the creator of human life. Believing that the unjustified
4 taking of life is sinful, I will promote and uphold the sanctity of life from conception to natural
5 death.

6 In making this Declaration, I accept all the responsibilities which pertain to the common witness of
7 all who participate in this endeavor, and I ask God's blessing upon our labors.

1 APPENDIX B

2 **ECCLESIASTICAL TRIAL COURT RULES OF**
3 **PROCEDURE**

4 ***Rule 1: Application and Scope of Rules***

5 These Rules govern procedure in the Ecclesiastical Trial Court (the “Court”) in all presentment
6 actions. They shall be construed and administered to secure the just, speedy, and inexpensive
7 determination of every such action.

8 ***Rule 2: Institution of Presentment Action***

9 **(a) Form.** A presentment proceeding authorized by the Court shall be instituted
10 by the service of a Summons, together with a copy of the Articles of Presentment. The
11 Summons and Articles of Presentment shall be signed by the President of the Court, identify
12 the Court and all the parties to the proceeding, be directed to the Respondent and state the name
13 and address of the Trial Attorney representing the Diocese. It shall state the time within which
14 the Respondent must file with the Court an Answer to the Articles of Presentment, and notify
15 the Respondent that failure to do so may result in a Judgment that an Offense was committed
16 by the Respondent and place the Respondent at risk for a Sentence to be pronounced at a later
17 date. The Court may allow the Summons to be amended.

18 **(b) Service.** The service of the Summons and Articles of Presentment shall be made
19 either by hand or certified mail with return receipt. The Respondent may waive personal service
20 in writing.

21 **(c) Proof of Service.** The person effecting service of the Summons and Articles of
22 Presentment shall make proof of service by affidavit or sworn statement to the Court. If service is
23 waived, the written waiver of service shall be filed with the Court.

24 ***Rule 3: Service and Filing of Pleadings and Other Papers***

25 Except as otherwise expressly provided in these Rules, every pleading, paper, motion and notice
26 subsequent to the Summons and Articles of Presentment required to be served on a party shall be
27 served upon either the party or the attorney that enters an appearance for the party, unless otherwise
28 ordered by the Court. Service shall be made by hand delivering a copy to the party or the party’s
29 attorney or by mailing it to the party’s or the attorney’s last known address. Service by mail is
30 complete upon mailing. The filing of papers with the Court shall be made by filing them with the
31 President of the Court unless otherwise directed by the Court. The parties may by agreement
32 approved by the Court also provide for service by other means such as electronic mail and/or
33 facsimile transmission.

Rule 4: General Rules of Pleading

(a) Articles of Presentment. The Articles of Presentment shall contain a short and plain statement of each Offense with express reference to applicable provisions of Canon 2 of Title IV of the Canons of the Province, and a plain and concise statement of the facts upon which each such allegation is made.

(b) Answer. The Answer shall state in short and plain terms the Respondent's response to each allegation of the Articles of Presentment, including any defense thereto, and shall admit or deny the factual allegations of the Articles of Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of any factual allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

(c) Style. Pleadings are to be plain and concise. No technical forms of pleadings or motions are required.

(d) Construction. All pleadings shall be so construed as to do substantial justice.

(e) Form of Pleadings. Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations in the Articles of Presentment and the Answer thereto shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

(f) Signature. All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

Rule 5: Defenses and Objections

(a) When Presented. Unless a different time period is prescribed, a Respondent shall serve an Answer to the Articles of Presentment upon the Trial Attorney and file it with the Court within 30 days after being served with a Summons and Articles of Presentment.

(b) How Presented. The following defenses may be asserted either in the Answer or by motion: (1) insufficiency of service or process; (2) lack of jurisdiction; (3) failure to state the factual basis of an Offense; and (4) expiration of the applicable period of limitations as stated in Canon 3 of Title IV of the Canons of the Province. The Respondent may also move for a more definite statement before filing an Answer if the Articles of Presentment are so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

Rule 6: Amended and Supplemental Pleadings

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

Rule 7: Voluntary Disclosures, Discovery

(a) Voluntary Disclosures. The parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

(b) The parties may conduct discovery through written or oral depositions or written interrogatories. The Court may limit the number, length and scope of depositions or interrogatories. The Respondent shall not be required to make any statement or admission against himself in any discovery procedure.

Rule 8: Taking of Testimony

In all Court proceedings, the testimony of witnesses shall be taken orally in open Court by the Recorder of proceedings, unless otherwise provided by the Court. Such testimony shall be given under oath or solemn affirmation.

Rule 9: Summary Judgment of Offense

(a) How Made. If the Respondent fails or refuses to Answer the Articles of Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Trial Attorney may, no sooner than thirty days after the Answer is due, move with or without supporting affidavits for Summary Judgment. A Respondent may also move, with or without supporting affidavits, for Summary Judgment on part or all of the allegations of the Articles of Presentment.

(b) Opposing Affidavits. Prior to the day of any hearing set by the Court on a Motion for Summary Judgment, the Respondent may submit affidavits in support of his response to the Motion.

(c) Proceedings Thereon. The court shall convene a hearing to consider any Motion for Summary Judgment and may, in the Court's discretion, receive oral testimony at any such hearing. If the Articles of Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed an Offense, the Court shall render Summary Judgment as sought by the Motion for Summary Judgment.

(d) Form of Affidavits. Supporting and opposing affidavits, and any oral testimony, shall be made on the basis of personal knowledge, shall state such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

(e) Defense Required. When a motion is made and supported as provided in this rule, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for trial.

Rule 10: Trials

Each Respondent is entitled to a speedy and just trial of the allegations set forth in the Articles of Presentment. Each Respondent is entitled to confront the evidence against him. The facts alleged in the Articles of Presentment must be proved by clear and convincing evidence and the Diocese bears the burden of going forward and of proof as to each and every allegation in the Articles of Presentment. Trials shall be governed by the Federal Rules of Evidence and, where applicable

1 under those rules, the rules of evidence of the state in which the Diocese has its principal office.

2 ***Rule 11: Judgment***

3 The Court shall render its Judgment no later than sixty days after the date of the conclusion of the
4 hearing upon a Motion for Summary Judgment or trial.