This is a disciplinary case which has come before this commission on appeal from a decision of the Permanent Judicial Commission of the Synod of the Trinity.

Pursuant to the Book of Order, D-13.1200a, this commission finds that the appeal has been timely filed, this commission has jurisdiction, the appellant has standing to file and the appeal is in order.

History

William B. Bryan was a member of the Shack Presbyterian Church in Morgantown, West Virginia. On March 6, 1993, he was charged with "disrupting the peace, purity and unity of worship and the congregation of the Shack Presbyterian Church" by the Special Disciplinary Committee of the Shack Presbyterian Church. The charges were the result of Bryan speaking out during the period in worship called "Joys and Concerns" on January 24, 1993, in what was deemed to be a disruptive manner by the elder worship leader, who was his ex-wife and married to the pastor of the church. A trial was held by the session on April 4, 1993.

Bryan entered a plea of guilty. His sense was that the pastor and other session members were also guilty. The plea was accepted as a simple plea of guilty and the session removed him
from membership of the Shack Presbyterian Church. Bryan appealed to the presbytery and then to the synod. Both upheld the findings and order of the session of the Shack Church. The matter was then appealed to this commission citing eight specifications of error.

**Specifications of Error**

The critical specification of error is that the session was not qualified to hear the case.

This specification is sustained.

When the session met to conduct the trial, it did not have a proper quorum. Two elders participated as the trial court, only one of whom was eligible. The other had recently been elected but had not yet been installed. Book of Order, G-14.0201a, last sentence, provides: "Terms of elders . . . shall expire when their successors have been ordained and installed."

Therefore the term of the retiring elder had not expired and the newly elected elder was not yet a member of session. There were only two members of the session who were not disqualified from hearing and deciding the case, and only one of them was present. Therefore, the session failed to have a quorum (Book of Order, G-10.0202). Moreover, most of the members of the session had been involved in the difficulties at the Shack Presbyterian Church. This made it difficult for them to be impartial triers of fact in this case.

Therefore everything which took place at the "trial," including the session's decision and censure, is null and void.

All other specifications of error are therefore moot.

**Order**

The decision of the Synod of the Trinity is reversed, and the decision of the session of the Shack Presbyterian Church is set aside (Book of Order, D-13.1300c). The effect of this decision is to restore Bryan to active membership in the church. Under the circumstances of this case and
in order to promote a genuine restoration to membership and reconciled relationships within the Shack Presbyterian Church, any further proceedings are to be handled by the Presbytery of West Virginia as follows: The presbytery is to appoint an administrative commission to assume original jurisdiction over this case, to appoint a special disciplinary committee composed of members not from the Shack Presbyterian Church, and to conduct the trial in the event that the special disciplinary committee decides to file charges. (Book of Order, G-11.0103s).

Further, the presbytery is urged to provide special care to the pastor and members of the Shack Presbyterian Church, including Bryan.

It is further ordered that the stated clerk of the Presbytery of West Virginia 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 stated clerk of the Synod of the Trinity 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 clerk of session of the Shack Presbyterian Church report this decision to the session at its first meeting after receipt, that the session 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 (Book of Order, D-8.1900).

Robert Hotchkiss and Owen Panner, members of the Permanent Judicial Commission, were not present and took no part in the proceedings.