

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

James Rish,

Appellant,

v.

Presbytery of South Louisiana,

Appellee.

Decision and Order on  
Challenge to Preliminary Order

Remedial Appeal

225-03

**Arrival Statement**

This challenge arises from an appeal before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) from a decision of the Permanent Judicial Commission of the Synod of the Sun (SPJC). The case arises from a complaint filed by the Rev. James Rish (Appellant), a former minister of the Presbyterian Church (U.S.A.), against the Presbytery of South Louisiana (Appellee), of which he was once but is no longer a member.

The notice of appeal was transmitted to the Moderator and Clerk (officers) of this Commission on September 21, 2020. The officers reviewed the appeal under the provisions of D-8.0301. On September 22, 2020, the officers issued a Preliminary Order dismissing the appeal for not being timely filed in accordance with D-8.0301c. On October 5, 2020, Appellant notified the Office of the Stated Clerk of the General Assembly of his intent to challenge the officers' order of dismissal.

**Jurisdictional Statement**

This Commission finds that it has jurisdiction to consider the challenge to the Preliminary Order of the GAPJC officers, that Appellant has standing to challenge the Preliminary Order, and that the challenge to the Preliminary Order was properly and timely filed in accordance with D-8.0302a.

**Appearances**

Appellant appeared on his own behalf. Appellee was represented by Ruling Elder Nanette H. Cagney, the Rev. Jerry Egbert, and Ruling Elder Donna Stogner as committee of counsel.

## History

The matter before this Commission is a challenge to the September 22, 2020, Preliminary Order, which found that the Appellant's appeal of the SPJC decision was not timely filed and therefore dismissed the appeal.

On June 23, 2020, the SPJC issued its decision. The certificate of service indicates the decision was transmitted by Federal Express to the Stated Clerk of the Synod of the Sun with directions to send the decision to the parties.

On September 17, 2020, Appellant filed an appeal entitled "Rev. Rish v. Synod of the Sun...an Appeal" eighty-seven days after the decision of the SPJC.

D-8.0201 requires that a written notice of appeal shall be filed "within forty-five days after a copy of the judgment has been delivered by certified delivery or personal service to the party appealing."

Appellant acknowledges that the appeal was not timely filed. In his challenge, he stated that he relied on the words of the Stated Clerk of the Synod of the Sun. In his filing with this Commission, Appellant stated that when he asked the Stated Clerk in a telephone call about any time limit for an appeal, the Clerk said, "I think it is 3 months."

## Challenge to the Preliminary Order

*Appellant challenged the finding of the Preliminary Order that the appeal was not timely filed.*

The challenge to the Preliminary Order is not sustained.

## Decision

The appeal was not timely filed pursuant to D-8.0201. The deadline for filing an appeal is set by the plain language of the *Book of Order*. Appellant's claim that it was his understanding that the time limitation for an appeal is ninety days does not alter the fact that the constitutional deadline for appeals is forty-five days. His reliance solely on the alleged statement by a stated clerk is not sufficient. Even assuming the Stated Clerk told Appellant the time limitation was ninety days or "3 months," Appellant had a duty to consult the *Book of Order* to verify the information, especially when the information was non-definitive.

D-8.0302c provides that if any of the criteria in D-8.0301 "has been answered in the negative, the permanent judicial commission shall dismiss the appeal." The appeal was not timely filed and is hereby dismissed.

## **Order**

IT IS THEREFORE ORDERED that the Preliminary Order by the Moderator and Clerk of this Commission is upheld, and the case is dismissed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Sun report this Decision to the Synod of the Sun at the first meeting after receipt, that the Synod of the Sun 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 South Louisiana report this Decision to the Presbytery of South Louisiana at the first meeting after receipt, that the Presbytery of South Louisiana 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.

## **Absences and Non-Appearances**

Commissioner Vincent A. Thomas did not participate in the hearing and deliberations. Commissioner Paul K. Hooker participated in the hearing and initial deliberations but was not present for the decision. The commissioner position from the Synod of Alaska-Northwest was vacant.

## Concurring Opinion

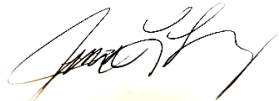
We concur in the Commission’s decision on the narrow issue before us, but we wish to address troubling issues that deserve comment.

The Synod Permanent Judicial Commission (SPJC) decision of June 23, 2020, which Rev. Rish sought to appeal to this Commission, did not adequately explain the rationale for the SPJC’s conclusions. A synod commission should provide an adequate rationale that permits appellants to consider and frame appeals in cogent ways, and enables this Commission to fully carry out its appellate role. The importance of a synod permanent judicial commission providing a clear rationale for a final, “ripe for appeal” decision was recently underscored in *Jones v. Mission Presbytery*, 2019, 224-05, a case that arose in the same synod as the case now before this Commission. Synod PJs are again reminded of this requirement for a rationale in cases decided under D-6.0306.

This Commission’s decision today reveals the complications that arose when, as the Appellant alleges, he received a non-definitive response from a Synod official about the timing for filing an appeal of a Synod PJC decision. While we agree that Appellant himself was responsible for knowing and meeting the *Book of Order* filing requirements, we wish to caution officials of the church to be mindful to provide full and accurate information on judicial processes when requested, particularly for parties representing themselves who lack extensive experience in the church’s judicial process.



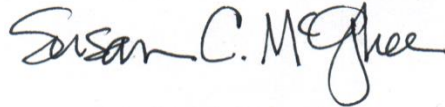
W. Lawrence Hollar



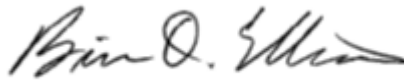
June L. Lorenzo

## Certificates

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 Remedial Appeal 225-03, James Rish, Appellant, v. Presbytery of South Louisiana, Appellee, deliberating by videoconference under the provisions of 6.02.90e of its Manual of Operations, made and announced in Louisville, Kentucky, this 27<sup>th</sup> day of February, 2021.



Susan C. McGhee, Moderator  
General Assembly Permanent Judicial Commission

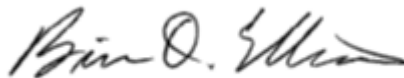


Brian D. Ellison, Clerk  
General Assembly Permanent Judicial Commission

I certify that I did transmit a certified copy of the foregoing, directing Flor Vélez-Díaz to deposit it in the mail in Louisville, Kentucky, for the following:

James Rish, Appellant  
Committee of Counsel, Appellee  
Stated Clerk, Presbytery of South Louisiana  
Stated Clerk, Synod of the Sun  
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by electronic mail to Flor Vélez-Díaz, on this, the 27<sup>th</sup> day of February, 2021.

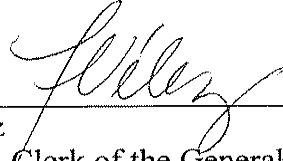


Brian D. Ellison, Clerk  
General Assembly Permanent Judicial Commission

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General

Assembly, by video conference on February 27, 2021, in Remedial Appeal 225-03, James Rish, Appellant, v. Presbytery of South Louisiana, Appellee, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, Kentucky, February 27, 2021.



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Flor Vélez-Díaz  
Assistant Stated Clerk of the General Assembly,  
Presbyterian Church (U.S.A.)  
and Manager of Judicial Process and Social Witness