"To do justice to one another raises the standard of human excellence everywhere."

*BPOE Ritual of Special Services*

Issued by Law Subcommittee of Grand Lodge Advisory Committee

Compiled by Robert M. Goolrick

Copyright © 2014
Benevolent and Protective Order of Elks of the United States of America, Inc.
GUIDE TO THE COURTS OF THE ORDER

"One who seeks justice in our courts should familiarize himself with the Laws of the Order; for, he who seeks justice must himself follow the Laws."

[Grand Forum Case No. 786]

This Guide is issued by the Law Subcommittee of the Grand Lodge Advisory Committee for the instruction of Presiding Justices, Officers, and Members of Local Lodges, and Grand Lodge officials and others who have need for this information.

This Guide was compiled by Robert M. Goolrick who was a member of the Committee on Judiciary in 2002–2007 and a Grand Forum Justice in 2007–2014.

This Guide is dedicated to Past Grand Exalted Ruler Peter T. Affatato, whose knowledge of the Laws of the Order and insightful guidance have always been invaluable.

— 2014 —

Law Subcommittee of Grand Lodge Advisory Committee

James L. Nichelson, PGER, Chairman
Robert Grafton, PGER
John T. Traynor, PGER
Peter T. Affatato, PGER
Robert J. Sabin, PGER
Lester C. Hess, Jr., PGER
C. Valentine Bates, PGER
James M. McQuillan, PGER
Thomas S. Brazier, PGER
Millard C. Pickering, PGER
# TABLE OF CONTENTS

## I. INTRODUCTION

## II. REFERENCES TO LAWS OF THE ORDER

## III. LOCAL FORUM CASES

A. Purpose

B. Presiding Justice
   1. Appointment and duties
   2. Disqualification of Presiding Justice

C. Local Forum members

D. Subjects of Local Forum proceeding

E. Time limitations for bringing charges

F. Notices to parties

G. Notice of intent to file complaint

H. Mediation

I. Filing complaint

J. Form of complaint

K. Preliminary hearing

L. Motion by accused to make charges more specific

M. Motion by accused to dismiss complaint

N. Discovery of information

O. Prosecution of case

P. Trial

Q. Oaths for witnesses

R. Testimony of witnesses

S. Evidence

T. Objections necessary

U. Deliberation by Local Forum

V. Decision and sentence

W. Record of proceedings

X. Costs of Local Forum proceedings

## IV. APPEAL OF LOCAL FORUM DECISION

A. Appeal by accused or accuser

B. Standards of review

C. Disposition by Grand Forum

D. Appeal by Grand Exalted Ruler

## V. EXPULSION OF MEMBER FOR CRIMINAL CONVICTION

A. Conviction while a member

B. Conviction before membership
VI. LODGE ACTIONS AGAINST OFFICERS OR MEMBERS .... 33
A. Lodge action against officer ...................... 33
  1. Removal from office for misconduct or abuses .... 33
  2. Removal from office for absences .............. 34
  3. Appeal to Grand Forum by removed officer ...... 35
B. Lodge action against member for indebtedness ..... 35
  1. Dropping member from rolls for indebtedness . 35
  2. Appeal to Grand Forum by dropped member .... 36

VII. CLUB SUPERVISING BODY SUSPENSION ORDERS ...... 37
A. Authority of supervising body .................... 37
B. Appeal to Lodge ................................ 40
C. Appeal to Grand Forum .......................... 40

VIII. EXECUTIVE ORDERS AGAINST OFFICERS AND MEMBERS ... 42
A. Disqualification and suspension .................. 42
  1. Statutory basis ................................ 42
  2. Application of Statute ......................... 42
B. Appeal to Grand Forum ......................... 43
  1. Procedure for appeal .......................... 43
  2. Trial of appeal ............................... 44
  3. Standards of review ........................... 45

IX. EXECUTIVE ORDERS AGAINST LODGES .................. 47

X. ORIGINAL ACTIONS BEFORE GRAND FORUM .......... 49

XI. OTHER GRAND FORUM PROCEDURES .................. 51
A. Stay of penalty ................................ 51
B. Record before Grand Forum ...................... 51
C. Briefs to Grand Forum ........................... 52
D. Summary Judgment ............................... 52
E. Request for rehearing of Grand Forum decision . 53
F. Interlocutory appeals; certification .............. 53
G. Pardons for expelled or suspended members ..... 54

APPENDICES:
A. Forms for Forum Proceedings .................... 58
 B. Local Forum Process Guidelines ................. 71
 C. List of Grand Forum Decisions in Guide .......... 73

PART I
INTRODUCTION

At initiation, each new member of our Order takes the obligation:

“I will never apply to the courts for redress in any matter concerning the Order without first appealing to the councils of the Order.”

The charge of the Esteemed Loyal Knight, whose motto is Justice, informs each new member:

“But the Order of Elks not only exacts from you the strict performance of the duties of membership; it likewise bestows upon you cherished rights and privileges which its whole power and authority will insure and protect. Should you feel at any time that these rights have been invaded, the courts of the Order are open to you. The decision of its highest tribunal should be accepted as final.”

The courts of the Order are the Forums, namely (1) the Local Forum of each Lodge, and (2) the Grand Forum of the Order. The Grand Forum is the highest tribunal of the Order.

These Forums offer redress to members for breaches by others of the standards and rules of responsibility, conduct, and decorum required of members of the Order.

Just as do civil courts, these Forums facilitate the orderly resolution of disputes without the need to resort to “frontier justice.” They allow for the settlement of differences by peaceable means.

The Local Forum is available to a member to bring a complaint against another member of the Order to ask that the accused member be penalized for conduct that is not in conformance with the requirements of our Order.

If a decision against the accused is made by the Local Forum, the decision may be appealed to the Grand Forum for its review. This assures that an accused member may have a conviction reviewed a second time by the Grand Forum for compliance with requirements of due process of law.

As the highest court of the Order, the decision of the Grand Forum is the final resolution of a case.

In addition to appeals from Local Forum decisions, there are also other actions against a member that under certain circumstances may be appealed to Grand Forum, namely (1) Lodge proceeding to remove a Lodge officer from office, or suspend a member for indebtedness; (2) suspension of a member from Club privileges by the managing body of the Club facility of a Lodge if there is a showing of denial of due process; or (3) Executive Order of the Grand Exalted Ruler to remove a Lodge officer from office, disqualify a member from holding a Lodge office, suspend such officer or member from Club privileges, or suspend or terminate membership for a violation of a previous Executive Order. Each of those actions will be discussed separately.

Also discussed will be jurisdiction of the Grand Forum of actions against Lodges, which can be either (1) Executive Order of the Grand Exalted Ruler to revoke or suspend a Lodge charter or apply other remedies, or (2) original action against a Lodge brought to the Grand Forum by a member or by another Lodge.
PART II
REFERENCES TO LAWS OF THE ORDER

It is stated in the Constitution of the Order, Article I, Section 1:

“This Constitution, the Statutes enacted by the Grand Lodge not in conflict therewith, and the Ritual, shall be the Supreme Law of the Order.”

The Laws of the Order are set forth in the following documents:

- Constitution of the Order (cited as Const. Art., Sec.)
- Statutes of the Order (cited as GLS § or simply §)
- Rituals of the Order (cited as Ritual)

(NOTE: “The Appendix at the back of the Elks Statutes Annotated does not comprise the Laws of the Order.” [GF 1001]).

In addition, reference is to be made to rules of practice and procedure adopted by the Grand Forum pursuant to Constitution Art. VI, Sec. 8 and GLS §7.120, as follows (published as part of Statutes Annotated):

- Grand Forum Rules (cited as GFR)
- Local Forum Rules (cited as LFR)

In interpreting and applying the Laws of the Order, the primary source of reference is the decisions of the Grand Forum (cited as GF followed by case number). Since its inception, the Grand Forum has issued over 1,200 written decisions. Grand Forum decisions will customarily include an opinion setting forth the reasons for the decision. Grand Forum decisions are published as an appendix in the annual proceedings of the Grand Lodge.

Secondary reference can be made to the Opinions of the Committee on Judiciary (“COJ”) published as annotations in Statutes Annotated. Those Opinions can be relied upon when not in conflict with Grand Forum decisions.

Forms that may be used in Local Forum proceedings are published as exhibits to the Forum Rules in Statutes Annotated. For the convenience of readers, those forms are reproduced as Appendix A to this Guide.

The information in this Guide is current through August 31, 2014. Of course, there may be subsequent changes in Laws, Rules, and Grand Forum decisions which will need to be addressed in the future.
PART III
LOCAL FORUM CASES

A. PURPOSE.
The Local Forum allows a member to present a grievance against another member for breach of membership duties and obligations. The Local Forum is described in Chapter 8 of Statutes Annotated. Appendix III to Statutes Annotated sets forth a useful “Local Forum Process Guideline” which is reproduced as Appendix B to this Guide.

This Part III will discuss all aspects of proceedings before the Local Forum of a Lodge, from the beginning of the proceeding through its conclusion.

GLS §8.010 states:
A Local Forum shall have jurisdiction over all cases involving an offense committed against the Laws of the Order by an affiliated or unaffiliated Member of the Lodge. The Local Forum shall decide all cases and prescribe the penalty.

The Local Forum shall consist of the Presiding Justice, as provided for in Section 13.020, and four members as hereinafter provided.

B. PRESIDING JUSTICE.
1. Appointment and duties
The Presiding Justice is the highest legal officer in the Lodge. This is an important position, and care should be taken that this position is occupied by a conscientious and qualified person.

GLS §13.020 provides:
The Exalted Ruler, at the first meeting after his installation, shall appoint a lawyer, if available, and if not available, he may appoint a lawyer who is a Member of another Lodge, as the Presiding Justice of the Local Forum. An Exalted Ruler may appoint multiple Presiding Justices and thereafter assign a specific Presiding Justice to each case as needed. [GLS §13.020].

If for any reason the appointment has not already been made when a Local Forum proceeding is commenced, it should be done promptly. An Exalted Ruler was guilty of neglect of office when he failed to use due diligence to appoint a Presiding Justice at the time it was needed, resulting in delay in a Local Forum proceeding. [GF 1224].

The Grand Forum has held that, although preferable, it is not absolutely required that the Presiding Justice must be a lawyer. The Grand Forum states that GLS §13.020 is directory, not mandatory, and a non-lawyer may be appointed if a lawyer from the same or another Lodge is not reasonably available. [GF 873, 846, 456]. If it becomes necessary to appoint a non-lawyer as Presiding Justice, it should be a person “who has the necessary qualifications required for the efficient performance of his duties as Presiding Justice of the Local Forum.” [GF 456].

Local Forum proceedings are under the general supervision of the Presiding Justice. The Presiding Justice is a voting member of the Local Forum which makes decisions in a case, and the Presiding Justice also has other duties and responsibilities over and above those of other Local Forum members.
It is the function of the Presiding Justice to assure that proper statutory procedures are followed and the case is framed properly, thereby assuring due process to all concerned parties. [GF 1083].

2. Disqualification of Presiding Justice

It is the duty of the Presiding Justice to act with impartiality and not engage in conduct which is contrary to a fair and impartial determination of the issues in a Local Forum proceeding. The Presiding Justice should not have or display a bias for or prejudice against any party either by words or actions [GF 1309, 1082, 1118], and cannot assert personal opinions concerning pending matters. [GF 997, 790].

Even if the Presiding Justice does not show bias or prejudice, nevertheless if he has a pre-existing relationship with a party, he should recuse himself from the case. [GF 1118, 1060, 801, 781, 758]. The relationship could be by family relationship to a party, or a business relationship. For example, the Presiding Justice was disqualified where he and defense counsel shared the same law office [GF 1060]; where the Presiding Justice represented the accused as attorney in an unrelated matter [GF 801]; where the Presiding Justice had represented the accused in a prior Local Forum proceeding [GF 1165]; and where the Presiding Justice renders professional services to the accused’s family members [GF 676].

If those standards are not adhered to by the Presiding Justice, then it is probable that any decision made by him, or by the Local Forum, will be reversed and set aside by the Grand Forum on appeal, as has happened many times. [GF 1118, 1082, 997, 790, 781].

C. LOCAL FORUM MEMBERS.

Once a formal complaint to the Local Forum has been properly filed (in the manner that will be discussed below), it is the duty of the Exalted Ruler to appoint four Local Forum members to serve in the case.

If the Exalted Ruler is the accuser or accused, or is a probable material witness, he will be disqualified from making appointments or otherwise serving in connection with the Local Forum proceeding, with his duties for that purpose to devolve upon other disinterested Chair Officers in order of rank. [GF 1212, 512]. (For similar rule for the Secretary, see section F below.)

GLS §8.040 prescribes the manner of appointing the members of the Local Forum, as follows:

At the next regular meeting after the filing of a complaint a Local Forum shall be appointed in the following manner:

a. Under the order of “New Business,” the Local Forum Box (see Section 1.210) shall be opened by the Exalted Ruler as custodian of the key, and the Lodge Secretary shall draw therefrom twenty-five slips of paper each listing the name of a Member in good standing. The Secretary shall record the names so drawn in the minutes of the meeting, numbering them consecutively.

 Officers of the Lodge and members of the managing body of the club, and other members unable to serve for good reason shall be excused from service on the Local Forum, in which case the Secretary shall draw additional names from the Box until sufficient names are drawn and numbered as specified above.
b. The Secretary shall send a list of names drawn to the Accused and the Accuser within three days after the names are drawn.

c. The Accused and the Accuser each has the right to strike six names from the list by written notice to the Secretary to be received by the Secretary within seven days after the date when the names were mailed. Failure to strike shall be considered as a waiver.

d. Under the order of “New Business” at the next regular meeting after seven days have expired, the Exalted Ruler shall appoint four of the unchallenged names as members of the Local Forum. The Secretary shall immediately notify the members of their appointment.

e. Members appointed to the Local Forum shall serve unless excused for cause by the Presiding Justice.

f. Any vacancy occurring in a Local Forum shall be filled by the Exalted Ruler from the remaining unchallenged names on the list in the order in which they were drawn.

g. If, after all challenges filed and excuses allowed, an insufficient number of names remain from which to appoint the Local Forum, ten additional names shall be drawn. The Accused and Accuser may at that meeting each challenge three of the ten members. Unchallenged members shall then be subject to appointment in the order in which their names were drawn.

h. No challenge shall be allowed by reason of any informality in procedure in preparing the Local Forum Box or in drawing the names therefrom.

i. After the appointment of the Local Forum, all names drawn from the Local Forum Box shall be returned to it.

The Local Forum box should be kept current by the Trustees and Secretary in the manner prescribed in GLS §1.210. In the event it is not current at the time a Local Forum proceeding has been commenced, it should immediately be brought current to ensure that only names of members in good standing are in the box.

It is mandatory that Local Forum members be appointed in accordance with the requirements of the Statute, and it must be so documented in the Lodge minutes. [GF 1097, 1009, 922].

There must be a separate Local Forum panel drawn and appointed for each complaint. [GF 1170]. But if two or more complaints are consolidated by the Presiding Justice, only one Local Forum panel should be drawn and appointed to hear the consolidated complaints. [GF 1172]. (See III(J) regarding consolidation of complaints).

The members of the Local Forum must be appointed in the order in which the unchallenged names were drawn. [GF 1211, 1170]. A conviction will be reversed by Grand Forum for failure to appoint Local Forum members in the order in which the unchallenged names are drawn. [GF 1262].

Where the accused was not allowed adequate opportunity to strike names from the list of Local Forum prospects drawn, he was improperly deprived of his right. [GF 1009, 846, 829].

The failure of a party to object to members on the list of the Local Forum constitutes a waiver of the right to thereafter object to the appointment of an unchallenged member. [GF 883].
As stated in GLS §8.040(e), the Presiding Justice may excuse a Local Forum member for cause. The Grand Forum has stated, “Until trial, a Local Forum Justice may excuse a member from serving on the Local Forum at anytime for cause, should he/she become aware of a juror’s bias or prejudice.” [GF 1097]. When it appears after the appointment of the Local Forum that a conflict of interest of an appointed Local Forum member transpires or is first discovered, that member should be disqualified and it is error for him to serve at the trial. [GF 1138, 781].

There is no provision permitting appointment of alternate members to a Local Forum. [GF 679]. In the event a vacancy arises for any reason after the appointment of the four Local Forum members, the Exalted Ruler shall simply appoint as a replacement the next unchallenged name on the list. [GF 1170].

For necessity of timely objections to appointment of Local Forum, refer to section T below. As to Local Forum deliberation and decision, see sections U and V below.

**D. SUBJECTS OF LOCAL FORUM PROCEEDING.**

The subject of complaint must be breach of duties that a member owes to his Lodge and fellow members. The Local Forum is not designed to accommodate personal grievances, such as financial debts and the like. The Order will not entertain charges between members arising out of transactions or matters for which there is no nexus to the Order where conduct did not take place in the Lodge or club or during a program or other matter sponsored by the Order. [GF 691].

The violations that may be brought to a Local Forum are set forth in GLS §9.060 and §9.070.

§9.060 prescribes five violations for which expulsion from the Order is *mandatory* upon a finding of violation.

§9.070 prescribes ten violations for which the penalties are *variable*, depending upon the particular violation. Included in §9.070 are two categories which cover duties of a general nature, namely: “Violation of Obligation” (§9.070(h)), and “Conduct Unbecoming An Elk” (§9.070(j)). Violation of one or both of those provisions are most often cited in Local Forum filings.

A Local Forum complaint must cite the violation of one or more of the statutory duties. The listed violations are each separate offenses which must be alleged in the complaint and proven at trial. [GF 995, 711]. But a single act of misconduct could constitute both violation of obligation and conduct unbecoming an Elk. [GF 560].

The Laws of the Order solely govern, and it is not necessary to allege that conduct would violate any State law. [GF 892, 720].

A Local Forum complaint is not precluded because the same conduct has been penalized by Executive Order of the Grand Exalted Ruler. The two proceedings are separate and distinct actions. An Executive Order is an administrative action, whereas the action of a Local Forum is judicial in nature. [GF 898, 714].
Similarly, a member can be charged in a Local Forum proceeding in addition to being suspended from club privileges by the supervising body under §16.040 for the same conduct. A violation can be tried and punished before either or both of the supervising body and the Local Forum. [GF 1044, 899, 860].

This Guide will not discuss in detail the substance of the various violations that may be brought to the Local Forum. For those, reference is made to §9.060 and §9.070, quoted above, and the annotations in Statutes Annotated. The focus here rather will be on procedural aspects of proceedings.

E. TIME LIMITATIONS FOR BRINGING CHARGES

GLS §9.190 states that no charge shall be prosecuted after four years have elapsed from the date of the commission of any alleged offense, or from the date of a criminal conviction. §9.180 states the same provision for a charge attacking election to membership in the Lodge, not to be allowable after four years after initiation. [GF 1037].

Neither section, however, shall apply to charges based upon false statements made in an application for membership, nor to constitutional qualifications for membership. For those charges, there is no statute of limitations.

In the case of criminal conviction, the date of commission is when a plea was entered or conviction made final, which is only when any appeal has been concluded. [GF 675].

The four years limitation period is counted back from the date of filing of notice of intent of the charge. [GF 1152].

F. NOTICES TO PARTIES

Notice is a requirement in a number of aspects of Local Forum proceedings. GLS §8.200 provides:

The Secretary of the Lodge shall act as clerk of the Local Forum and shall serve any pleading, process, notice, order or other document, and service thereof shall be deemed complete upon delivering a copy thereof as follows:

a. Personally to the party to be served therewith.

b. By depositing such pleading, notice or other paper in the United States certified mail, return receipt requested, in a sealed envelope, postage prepaid, addressed to the person upon whom it is to be served, at his address of record.

Service by mail is complete upon mailing the notice. [GFR 1:7-4; GF 1004]. Mailing of a notice creates a presumption of service, which can only be overcome by clear and convincing evidence to the contrary. [GF 975, 641, 640, 637].

Failure or neglect by the accused to accept mail does not overcome the presumption of service of the complaint. [GF 641, 640, 637].

If the Lodge Secretary is the accuser or accused, or is a probable material witness, the Exalted Ruler must appoint another impartial member temporarily to perform the duties of the Secretary in the particular case. [§8.210; GF 1211, 512].
G. NOTICE OF INTENT TO FILE COMPLAINT.

A Local Forum proceeding begins with a notice of intent to file a complaint. GLS§ 8.015 sets forth the requirement for a notice of intent, as follows:

A written “Notice of Intent” to file a complaint shall be served upon the Secretary prior to the filing of any Complaint. The Member preferring the charges shall be the “Accuser,” and the Member charged shall be the “Accused.” The Notice of Intent will contain the name of the Accused and the Accuser, and a brief factual statement of the conduct upon which the alleged offense is predicated. The Accuser shall sign and verify the Notice of Intent under the Obligation of the Order. …

Once the notice of intent is filed, it becomes the responsibility of the Secretary to promptly serve a copy of the notice of intent on the accused and notify the Mediator of the filing of the notice of intent. (See subsection F above for procedures for service of notice of intent.)

The form of notice of intent is set forth in Exhibit “A” to Forum Rules in the Statutes Annotated. (See Appendix A.)

The notice of intent should be prepared and documented in the same manner as a formal complaint. If the notice of intent fails to include all charges that the accuser desires to present to the Local Forum, the accuser may lose the opportunity to present those charges in a later complaint. [GF 910; see also GF 1082]. But the notice of intent need set forth only a brief statement of the conduct on which the alleged offense is based. The complaint may not be dismissed if it involves the same general facts contained in the notice of intent and the same dispute or offense arising from those facts. [GF 1303].

“The notice of intent provided by Section 8.015 of the Laws of the Order must be complied with, cannot be waived, is mandatory, requiring compliance, reversal, and possibly a new trial.” [GF 888]. Unless the notice of intent is complied with, the complaint must be dismissed and the Local Forum acquires no jurisdiction in the case. [GF 888, 886, 877, 873, 849, 846].

H. MEDIATION

GLS§ 8.015 requires that, following the filing of a notice of intent, the parties must attend mediation before a Lodge mediator. [GLS §8.015].

GLS §13.020 states, “The Exalted Ruler, at the first meeting after his installation, shall appoint … a Mediator from his or another Lodge…” An Exalted Ruler may appoint multiple Mediators and thereafter assign a specific Mediator to each case as needed. [GLS §13.020].

If for any reason the appointment has not already been made when a notice of intent is filed, it should be done promptly.

The mediator may not be the same person as the Presiding Justice. [GF 1083, 967, 938].

The Grand Forum has said, “The intent of the Statute, 8.015, is to provide a separate and well-defined procedure to be followed whereby there is an opportunity for the parties to attempt to resolve their disputes without the necessity of proceeding with a formal Local forum proceeding.” [GF 889, 873].
GLS §8.015 prescribes the mediation procedures, as follows:

Upon receipt of the Notice of Intent, a mediation session shall commence as follows:

a. The Secretary shall promptly serve a copy of the Notice of Intent on the Accused and, within two (2) business days of receipt, notify the Mediator of the filing of the Notice of Intent. If the Mediator cannot be contacted within two (2) days, the Exalted Ruler shall appoint another Member to act as Mediator for the purpose of this hearing only.

b. The Mediator shall immediately contact the Accused and Accuser and arrange an informal mediation session within five (5) business days of the filing of the Notice of Intent.

c. The Mediation session shall only be attended by the Mediator, the Accused, the Accuser, and, if desired, a Member designated by each as counsel. By July 2014 amendment to GLS §8.015(c), a Mediator, in his absolute discretion, may allow other persons to attend and participate in a mediation session if it is believed the other person has meaningful information that will assist in resolving the case. No person attending a mediation session shall disclose to anyone any matter discussed during the mediation.

d. No record of the mediation session shall be made except as hereinafter provided. No reference to the proceedings, nor any statement or occurrence at said proceeding, shall be introduced for any purpose in any subsequent Local Forum proceeding against the Accused based upon the same or similar charges.

e. At the conclusion of the mediation, a simple written mediation statement shall be prepared by the Mediator and filed with the Secretary. The statement shall state either,

(1) that the Accused and Accuser have resolved their differences and provide a brief description of how the dispute was resolved, or

(2) that the Accused and Accuser were unable to resolve the dispute. The statement will be signed by the Mediator, the Accused and the Accuser.

f. The time for mediation may be continued, as necessary, by the Mediator but only with the consent of the Accused and Accuser.

g. If the Mediator is unable to resolve the dispute, a written Complaint may be filed as provided in Section 8.030 within ten (10) business days of the filing of the statement required in subdivision (e) of this Section.

h. If the Accuser does not appear without good cause at the mediation session, then, in that event, the Complaint cannot be filed as provided in Section 8.030 and the Accuser cannot again file a Notice of Intent stating the same alleged offense. The Presiding Justice shall determine if the Accuser’s failure to appear is excused for good cause.

i. Any other procedural issues concerning this Section may be raised by written application to the Presiding Justice.

Mediation is mandatory, and unless complied with, the Local Forum is without jurisdiction and may not act further in the case. [GF 1096, 940, 933, 846].
The parties must be given notice of the time and place of a mediation session. Where it was not shown by the record that the accuser received notice of the mediation session, the case will be remanded. [GF 1117].

No one other than the mediator, the parties, and their counsel may attend a mediation session. [GF 1103].

Mediation must be conducted in the physical presence of all parties and may not be conducted by telephonic conference call. [GF 967].

Group mediation of multiple cases at the same time is not permissible. [GF 1096].

As stated in §8.015(h), if the accuser “does not appear without good cause at the mediation session, then, in that event the Complaint cannot be filed…."

The Grand Forum has said: “Absence from the scheduled Mediation by either the Accused or the Accuser will be deemed lack of good faith and if the Accuser, it will prohibit the Member from signing a Complaint to continue the process. Absence of the Accused will be just the opposite and will permit the Complaint to be filed.” [GF 1069].

The Grand Forum has held, accordingly, that a complaint must be dismissed where the accuser does not appear for mediation. [GF 1103, 1069, 940].

The Grand Forum holds that a mediation session is adequate if the parties appear for mediation and a mediation statement is signed and filed. Thus, if the accuser is present during mediation which does not result in a settlement, he will be permitted to file a complaint. [GF 1159; to similar effect, see also GF 1168, 1163].

At the conclusion of the mediation session, a mediation statement signed by the mediator and all parties must be prepared and filed with the Lodge Secretary. [§8.015(e); GF 1097, 905]. The form of mediation statement is set forth in Exhibit “B” to the Forum Rules in the Statutes Annotated. (See Appendix A.)

If the mediation statement is not signed by the mediator and the parties in attendance, it is error which will nullify subsequent proceedings. [GF 1097, 1096, 1009].

Disclosure to other persons which does not go beyond the contents of the mediation statement is not prohibited by GLS § 8.015c. [GF 1251].

GLS §8.015 by its terms contemplates that mediation will be conducted before the filing of a complaint. The failure to hold mediation before filing a complaint cannot be cured by a later mediation, even though agreed by the accused, because “when a dispute has progressed to this point in time, the probability of the matter being successfully resolved between the parties through mediation has been severely diminished, thereby in fact defeating the purpose and intent of the Statute.” [GF 873; but see GF 889 allowing post-complaint mediation in special circumstances].

Once mediation has been successful, and the accuser has received his remedy, no new complaint covering the same issue is valid. [GF 1198, 1001]. Grand Forum has no jurisdiction of an appeal sought to be made by a party alleging duress and misrepresentation in obtaining his consent to a mediation agreement. [GF 1290, 1218].

The Presiding Justice may enter a final decision upon the stipulation of the Accused and Accuser after mediation or after the filing of a complaint. [§8.050].
I. FILING COMPLAINT:

GLS § 8.015(g) states that “a written Complaint may be filed as provided in Section 8.030 within ten (10) business days” after the mediation statement has been filed with the Lodge Secretary. The complaint must be dismissed if it is not properly filed within the ten business days allowed [GF 1013], not counting weekend or holiday days [GF 911].

GLS § 8.030 prescribes the manner of filing the complaint, as follows:

Every action against a Member charging an offense against the Laws of the Order is instituted by filing three copies of a complaint thereof with the Secretary of the Lodge of which the Accused is a Member. The complaint shall be entitled “____________________ Lodge No. __________ vs. __________________.” The Member preferring the charges shall be the “Accuser” and the Member charged shall be the “Accused.”

A check or money order in the amount of $100 shall be paid by the accuser to the Secretary at the time of the filing of the complaint as a deposit against the costs of the Lodge. The accuser will be entitled to receive refund of the deposit if the decision of the Local Forum is in favor of the accuser. [§8.020].

A failure to pay the deposit against costs prescribed by GLS §8.020 when timely filing a Local Forum complaint does not by itself invalidate the complaint. The Accuser must be given notice by the Lodge Secretary and opportunity to pay the deposit against costs before a timely-filed complaint can be dismissed. [GF 1211].

When a complaint is filed, it becomes the responsibility of the Secretary to serve a copy upon the accused, and also to notify the Exalted Ruler and the Presiding Justice. [GLS §8.020]. (See section F above for service procedures for complaint.)

A complaint is not properly filed if it is delivered only to a Lodge officer other than the Secretary. [GF 715].

It must be sufficiently shown that the complaint was properly served upon the accused. [GF 835, 781]. But mailing of the complaint to the accused creates a presumption of service, which can only be overcome by clear and convincing evidence to the contrary. [GF 640].

“Only a Member in good standing may file a complaint.” [§8.020]. An unaffiliated Elk has no right to institute a Local Forum proceeding [§14.120; GF 1100], nor does a member who is under suspension. [COJ Op. 4 to Sec. 83, 1981 Stats. Annot.].

A complaint must be filed under the name of a member, and may not be filed in the name of “Board of Trustees.” [GF 784].

A complaint can be filed by the Esteemed Loyal Knight, who “is charged with the duties of (1) prosecuting alleged offenders and (2) if necessary instituting complaints in proper cases. Neither duty disqualifies him from performing the other.” [COJ Op. 7 to Sec. 88, 1981 Stats. Annot.; COJ Ops. 3, 6, and 7 to Sec. 83, 1981 Stats. Annot.; COJ Op. 01 to §8.090].
Since improper conduct of a member impacts the reputation of the Lodge and the image of its members in the community, any member has standing to bring a Local Forum complaint alleging conduct unbecoming an Elk. It is not necessary that the accuser personally witness the conduct complained of. [GF 1159].

The jurisdiction of the Local Lodge extends to any member of the Lodge in which the proceeding is begun. [§8.010]. An unaffiliated Elk for this purpose is considered to be a member of the Lodge with which he was last affiliated. [§9.080].

The Local Forum does not have jurisdiction over a complaint against a member of a different Lodge. But a Local Forum proceeding can be initiated by a member of another Lodge against a member of the Lodge in which the proceeding is initiated. [GF 1200; COJ Op. 02 to §8.020; COJ Op. 1 to Sec. 83, 1981 Stats. Annot.].

The accuser may, at any time up to the start of a trial, withdraw the complaint by filing a written motion to withdraw the complaint with the Secretary or Presiding Justice. [§8.020].

Where the accused files a complaint against the accuser or any other Member of the Order (whether in the same or another Lodge) during the pendency of the original proceeding, action on the second complaint must be stayed until final disposition of the original complaint. [§8.020; GF 1200, 1069, 899]. This does not apply to stay a Local Forum proceeding where the other matter involves only a complaint made to the managing body under §16.040. [GF 1005D]. The stay does not preclude the accuser from filing an additional Local Forum complaint against the accused or another member.

J. FORM OF COMPLAINT

GLS §8.030 prescribes the form of the complaint, as follows:

Every complaint must be in writing and may be upon information and belief. The facts and circumstances, with the date, place and particulars of occurrence of the alleged offense, must be specified in concise terms with reasonable certainty. The Accuser shall sign and verify the complaint under the obligation of the Order.

The form of complaint is set forth in Exhibit “C” to the Forum Rules in the Statutes Annotated. (See Appendix A.) Addition of exhibits to written allegations does not render a complaint defective. [GF 968].

Not more than one accused person may be charged in a single complaint. [LFR 2.2].

Different offenses may be charged in the same complaint, with each offense stated in a separate count, only if they are of the same or similar character, or are based upon the same conduct or on a series of acts connected together or constituting parts of single scheme or plan. [LFR 2.3].

The Presiding Justice may consolidate for trial two or more complaints charging related offenses based on the same conduct, provided such consolidation will not prevent a fair determination of the guilt or innocence of each accused of each offense. [LFR 2.4]. (See III(C) regarding appointing Local Forum for consolidated complaints).
A complaint not signed and verified under the obligation of the Order is insufficient and is subject to dismissal. [GF 1104, 1013, 740, 725, 702]. But the accuser should be given opportunity to cure the defect of lack of signature or verification. [GF 995, 846]. Failure to verify a complaint may be cured by amendment even during progress of the trial and before submission of the case to the Local Forum. [GF 323]. A Grand Forum reversal of a conviction for lack of a verified complaint is without prejudice to amendment of the complaint or filing a new complaint. [GF 911, 417].

A member may verify a complaint based upon information and belief, without having personal knowledge of the contents. [GF 1159].

A complaint must state the facts and circumstances with date, place, and particulars of the occurrence of the alleged offense in concise terms with reasonable certainty, or it will be dismissed. [GF 985, 787A, 776, 747, 709, 677]. The failure of the accused to move to dismiss or make more specific waivers objections to specificity. [GF 301, 294].

It is not necessary that a complaint allege that a violation of obligation was “willful” where the allegations themselves portray willful conduct. [GF 726, 560; see also GF 1191-B, where allegations found insufficient].

A complaint cannot be based on statements or actions of the accused at a mediation session. [§8.015(d); GF 1008].

Nor can a complaint properly make a charge for an act which occurred subsequent to the notice of intent and was not part of the mediation process. [GF 910].

As described in section N below, a complaint can be amended by the accuser to cure insufficiency or uncertainty if the Presiding Justice enters an order to make the complaint more specific. [§8.070(b)]. Also, before the Presiding Justice rules on a motion to dismiss a complaint which otherwise alleges conduct that constitutes an offense against the Laws of the Order, the complaint can be amended by the accuser on his own to correct technical error, such as an incorrect citation of the statutes involved. [GF 684]. But the Grand Forum has held that, “There is no authority to amend a Complaint at time of trial which has the effect of charging new offenses or to cure a defective complaint.” [GF 775].

K. PRELIMINARY HEARING.

Once a formal complaint is filed, the Presiding Justice shall conduct a preliminary hearing at which he will receive the plea of the accused. [§8.050]. At the preliminary hearing, the accused may file a plea of guilty or not guilty, and is allowed to present motions to dismiss or make more specific (as discussed in the following sections). [§8.060]. The preliminary hearing is conducted by the Presiding Justice without the attendance of other Local Forum members. [§8.050].

By GLS §8.050, the preliminary hearing is be held at a place designated by the Presiding Justice between five to ten days after the appointment of the Local Forum. The Presiding Justice has discretion to vary the time of the preliminary hearing so long as it does not unduly prejudice the rights of the accused, the Grand Forum noting, “Justices of our Order must timely set matters before them, in light of the realistic and practical problems that surround volunteer organizations.” [GF 1121].
The Lodge Secretary shall give notice to the accused and the accuser of the time and place of the preliminary hearing. [§8.050]. Failure to give to both the accuser and the accused written notice of time, date, and place of the preliminary hearing is grounds for reversal. [§8.050; GF 1005B, 996, 944C, 944E, 784, 685]. The notice must state specifically the purpose of the hearing. [GF 775].

A preliminary hearing is mandatory and failure to conduct the hearing is reversible error. [GF 886, 733, 731, 682].

Neither the accuser nor the accused is required by Statute to attend the preliminary hearing if they choose not to do so. [§8.050; GF 1005B, 996, 944E, 944C, 751, 748]. Failure to appear is not grounds for dismissal of the complaint. [GF 748].

If the accused does not enter a plea, the Presiding Justice is to enter a not guilty plea on his behalf. [§8.080; GF 751].

If the accused pleads guilty to an offense in violation of §9.070, for which penalties are variable, the Presiding Justice must fix a time for testimony to be taken before the Local Forum, which is to determine the penalty to be imposed. [§8.080]. But if the plea is guilty to an offense in violation of §9.060, requiring mandatory expulsion, the Presiding Justice should enter an order of expulsion without further proceedings. [GF 1150].

L. MOTION BY ACCUSED TO MAKE CHARGES MORE SPECIFIC.

GLS §8.060 states: “The motion to make more specific may be filed when the allegations contained in the complaint are stated uncertainly, and the Accused is not sufficiently informed to enable him to properly defend himself.” The motion must be filed not later than the time of the preliminary hearing.

The form of motion is set forth in Exhibit “D” to the Forum Rules in the Statutes Annotated. (See Appendix A). The motion should be made in writing [LFR 3.1], and filed with the Lodge Secretary with a copy sent to the Presiding Justice and the accuser.

It will be up to the Presiding Justice to rule whether the allegations in the complaint are stated uncertainly or inadequately. If the Presiding Justice rules against the motion, then the case will go forward based on the complaint as filed, and the accused will be required within 7 days to enter his plea. [§8.070b].

The Presiding Justice is required to grant a motion for greater specificity where the charges are plainly insufficient for proper notice to the accused. [GF 863].

If the Presiding Justice rules that the complaint is not sufficiently certain, an order to make more specific may be entered against the accuser, in which case it will be up to the accuser to amend the complaint to cure the insufficiency or uncertainty. [§8.070b].

The accuser must be given an opportunity to amend the complaint to cure insufficiencies in specifications or other technical errors, and it is erroneous for the Presiding Justice to dismiss a complaint without first allowing that opportunity. [GF 1177, 1166, 1008, 1001, 998, 997].
Where an order to make more specific is entered, an amended complaint must be filed by the accuser within seven days after the order of the Presiding Justice, or the complaint must be dismissed. [§8.070(b); GF 1029, 979, 944C, 649]. Failure to allow the accuser time to amend the complaint is error. [GF 801].

When an amended complaint is filed, the accused must be given the opportunity to enter a plea or to file motions against the amended complaint which must be considered by the Presiding Justice. [GF 1104, 911]. The accused is allowed ten days to respond to the amended complaint by plea or motion. [§8.070(b)].

A complaint cannot be amended at trial to cure insufficient specifications. [GF 775].

M. MOTION BY ACCUSED TO DISMISS COMPLAINT.

GLS §8.060 states: “A motion to dismiss may be filed when the allegations contained in the complaint would not, if proven, constitute an offense.”

A motion to dismiss may be filed at any time after the filing of the complaint, and may be acted upon by the Presiding Justice without awaiting completion of any other procedures in the case. The motion can be filed at any time during the Local Forum proceeding.

The form of motion is set forth in Exhibit “E” to the Forum Rules in Statutes Annotated. (See Appendix A.) The motion should be made in writing [GF 1096; LFR 3.1], and filed with the Lodge Secretary with a copy sent to the Presiding Justice and the accuser.

The Presiding Justice may not on his own initiative dismiss a complaint without a properly prepared and submitted motion to dismiss. [GF 1234, 1083, 1075].

The accuser must be given notice and opportunity to respond to a motion to dismiss. [GF 1239, 1190C, 1165, 1081].

The Presiding Justice alone decides upon a motion to dismiss, without participation of other Local Forum members. [GF 851A, 668].

In considering a motion to dismiss the complaint, the Presiding Justice must assume that all facts alleged in the complaint are true. A motion to dismiss can be sustained only when it appears that, after admitting all the facts alleged or that can by reasonable and fair intendment be implied from them, the complaint still fails to state a cause of action, and deficiencies cannot be cured by amendment. [§8.060; GF 1190A, 1165, 1123, 1118, 1109, 1012].

A motion to dismiss only reaches the sufficiency of the complaint and any attempt to hold an evidentiary hearing, or to take testimony of witnesses, or to consider any facts outside the complaint, is inappropriate and requires reversal. [GF 1245, 1165, 1123, 1109, 1080, 1060]. But, where a complaint is based on an alleged violation of the express terms of a written document, that document is deemed to be incorporated into the complaint and may be considered on a motion to dismiss. [GF 1251].

Dismissal of a complaint cannot be based on an allegation of “prosecutorial misconduct” since it did not relate to the sufficiency of the charges in the complaint. [GF 1253].
In July 2013, a statutory amendment was adopted which will allow the Presiding Justice to grant a summary decision upon motion by a party who can show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. The motion can be submitted at any time after the filing of the complaint, and the opposing party will have ten days to file an opposition to the motion. Parties may file authenticated documents and sworn affidavits in support of or in opposition to the motion. The procedures are set forth in GLS §8.075.

The Presiding Justice errs in dismissing a complaint where he concludes as a factual matter that the accused was not guilty of the charges brought by the accuser [GF 1101], or where he concludes erroneously that the conduct alleged in the complaint would not, if proven, constitute an offense [GF 1093, 1016, 734, 690].

But where the facts alleged in the complaint could not constitute a statutory violation, then the Presiding Justice acts properly in dismissing the complaint as insufficient. [GF 1045, 952, 949, 945B, 876, 819].

Where a complaint is found to lack specificity, or is defective in form only, the complaint should not be dismissed without first giving the accuser leave to file an amended complaint to cure the deficiencies. [GF 1177, 1166, 1109, 1012, 1001, 998]. But an accuser may not amend the complaint after a motion to dismiss has been granted on the ground the facts stated therein, if proven, would not constitute an offense under the Laws of the Order. [GF 644].

An order of dismissal must be reported at the next regular Lodge meeting. [§8.070(b)].

Dismissal of a complaint can be appealed by the accuser to the Grand Forum, as discussed in Part IV.

N. DISCOVERY OF INFORMATION.

Under general law, parties to a case usually are allowed to obtain mandatory discovery of information from the opposing party, or from other persons, which is relevant to the case.

The Statutes of the Order do not make specific provision for pre-trial discovery procedures to obtain evidence from the opposing party or other persons. (Of course, as set forth in subpart L above, the accuser can be ordered to expand his complaint to make it more specific.)

The Grand Forum has held that a Presiding Justice has no authority to order a party to disclose, in advance of trial, the identities and summary of testimony of witnesses. [GF 818].

But the Grand Forum has also held that, when necessary in the interests of due process, the Courts of the Order have authority to order that a party in a Local Forum proceeding be given access to such Lodge records as are relevant and material to presenting his case. [GF 1159, 1123]. Accordingly, an order to produce such records would be appropriate. [GF 1109, 1082]. But the Presiding Justice can properly deny access to Lodge records which he reasonably determines are not relevant and material to the case at hand. [GF 1159].
O. PROSECUTION OF CASE.

GLS §8.090 provides:

The Esteemed Loyal Knight shall conduct the prosecution of the case. He may be assisted by others who are Members of the Order. The Esteemed Loyal Knight may be assisted by counsel, who must be a Member of the Order unless otherwise ordered by the Presiding Justice. Should the Esteemed Loyal Knight be disqualified, the Exalted Ruler shall appoint a Member to prosecute the charge.

Another member cannot be appointed to prosecute the charge where the Loyal Knight was not disqualified. [GF 858, 792]. When another member has been appointed due to disqualification of the Loyal Knight, the appointed member is to continue to serve until the case is completed. [GF 1286].

GLS §8.090 allows the Loyal Knight to be assisted by other members of the Order or by counsel. There may be ambiguity as to the extent of such assistance, and as to what degree of participation is required of the Loyal Knight himself. The Grand Forum has commented: “The Loyal Knight may have assistance, but to so have assistance does not mean that another member take over the prosecution.” [GF 792]. Where the record did not show that the Loyal Knight was even present at the trial, it was improper for the prosecution to be conducted solely by another member. [GF 1137].

A prosecutor who had been charged in a prior Local Forum complaint by the present accused, which was one of acts referred to in the present case, is disqualified from prosecution for conflict of interest and as being a potential witness. [GF 1138, 792].

An accuser should not participate in a Local Forum trial except as a witness. [GF 748, 480]. However, participation by the Accuser in motions and, hearings before trial is not prohibited, although it is subject to control of the Presiding Justice to prevent duplication and irrelevant and immaterial information. [GF 1294].

The Loyal Knight has no authority to initiate or agree to dismissal of charges of the complaint without the consent of the Accuser. [GF 1294].

P. TRIAL

When a plea of not guilty is entered, the Presiding Justice, within ten days thereafter, shall set a date and time for trial of the case to commence, which must be within thirty days after entry of the plea. Written notice of the trial date must be given to the parties not later than five days after setting the trial date and not less than ten days before the trial date. The Presiding Justice shall have authority to extend the commencement date of the trial for good cause. [GLS §8.080].

GLS §8.100 specifies the trial procedure as follows:

Unless otherwise directed by the Presiding Justice the trial shall proceed in the following manner:

a. The Esteemed Loyal Knight, or his counsel shall offer the evidence in support of the charges.

b. The Accused or his counsel may present the defense, examine and cross examine witnesses and offer evidence in support of the defense.
c. The parties may then offer rebutting testimony only, unless the Presiding Justice, for good reason in the furtherance of justice, permits them to offer additional direct evidence.

d. At the conclusion of the testimony the Esteemed Loyal Knight or other counsel for the Accuser and the defense counsel may make final arguments or may elect to submit the case without argument. The Esteemed Loyal Knight or other counsel for the Accuser, shall have the right to open and close.”

GLS §8.090 provides:
The Accused shall be entitled to be personally present at all proceedings until the case is submitted for decision. He may be represented by counsel, who must be a Member of the Order unless otherwise ordered by the Presiding Justice.

Although there is no absolute right to be represented by non-Elk counsel [GF 844], nevertheless the Presiding Justice should allow the accused to be represented by non-Elk counsel when it was shown that a member was not readily available to serve as counsel in the case [GF 781, 677].

However, the accused cannot be represented by an unaffiliated Elk. [GF 1060].

The accused must be given sufficient notice of trial, or it is error which nullifies the trial. [GF 775].

Failure of the accused to appear at trial does not prohibit the holding of the trial as long as the charges are supported by competent evidence. Absence of the accused must not prejudice any decision by the Local Forum. [GF 926, 751, 749].

An accuser is not required to attend trial, and unless he was subpoenaed, the accused cannot complain of denial of the right to cross examine the accuser. [GF 873].

A Local Forum trial must be conducted in a manner to assure all parties their constitutional and statutory rights, including the right to call witnesses. The trial must be recessed if witnesses for either party become unavailable due to the late hour of the trial. [GF 1172].

Elks who are members in good standing should be allowed to witness the proceedings of the Local Forum. [GF 1052, 745]. But non-members cannot be permitted to view and hear the trial. [GF 798].

Q. OATHS FOR WITNESSES

GLS §8.110 requires an oath to witnesses, as follows:

Witnesses who are Members of the Order shall testify under the Obligation of the Order. Witnesses who are not Members, if willing, shall be sworn. If such witness declines to be sworn, a record of such fact shall be made in the minutes of the trial, and the testimony of such witness shall be heard.

LFR 4.6.1 further provides, “All witnesses shall be sworn prior to giving testimony, which said oath shall be administered to each witness individually. The trial record must affirmatively show compliance with this Rule.”

The form of oath for witnesses is shown in Exhibit “F-1” to the Forum Rules in Statutes Annotated. (See Appendix A).

Witnesses must be sworn in the form of oath prescribed by LFR 4.6.1, and it is error to use a different form of oath. [GF 1170].
The trial record must show that each witness was properly sworn, and testimony of all unsworn witnesses must be discarded. [GF 1087, 1050, 902, 863, 831, 821].

The Presiding Justice’s admonition or instructions to witnesses that they will be testifying under the Obligation of the Order, without the actual administration of the oath, is not sufficient. [GF 831, 800, 751].

The Grand Forum has stated, “We hold that proper trial procedure requires that the oath be administered to each witness by the Presiding Justice.” [GF 708].

R. TESTIMONY OF WITNESSES

Each side is entitled to call witnesses to testify on their behalf.

Although witnesses in a Local Forum proceeding usually are members of the Order, nevertheless a witness who is not a member may testify at trial. [GF 693].

It is not permissible for witnesses to testify by telephone [GF 1009], or by written affidavit [GF 783, 663, 249].

GLS §8.090 authorizes the Presiding Justice to issue subpoenas to witnesses residing within the jurisdiction of the Lodge, as follows:

The Presiding Justice shall have the power to issue subpoenas and other process to compel attendance of witnesses and the production of evidence. Either party shall be entitled to subpoenas to compel attendance at the trial of any witnesses residing within the jurisdiction of the Lodge. Subpoenas must be issued by the Presiding Justice and shall be personally served upon a witness. Any Member not a party to the case may serve a subpoena.

Members of the Order who are served with a subpoena in a Local Forum case are under obligation to obey the subpoena and attend the trial and give testimony. In the initiation ritual, a new member takes the obligation that “I will obey any lawful summons sent me by any competent authority of the Order.” Failure to fulfill that obligation can result in penalty under §8.090, as follows:

Willful disobedience by a Member of any order or process issued by the Presiding Justice or Local Forum shall constitute a contempt of the Local Forum punishable, at the discretion of the Local Forum, by a suspension for not more than three months.

Objection to failure by the Presiding Justice to issue a subpoena for a witness must be made before the conclusion of the trial. [GF 560].

Another statutory section, GLS §8.120, provides a procedure to obtain written testimony of a material witness residing outside the jurisdiction of the Lodge, if the Presiding Justice determines the testimony is not cumulative and if not presented would prevent the Local Forum from having all pertinent facts. The parties may agree upon the testimony of the witness and reduce it to writing, to be filed with the Secretary to become part of the record of the case. Alternatively, the deposition of the witness can be taken upon written interrogatories which may be propounded by both parties. The deposition is to be taken before a member of the Order and at a time and place designated by the Presiding Justice. The interrogatories are to be answered by the witness and a record made of the answers, to be then returned to the Secretary. The deposition can be introduced in evidence at trial by either party.
S. EVIDENCE

GLS §8.130 states:

The Presiding Justice shall rule upon the competency, materiality or relevancy of evidence offered. Technical objections to the form of questions shall not be entertained.

Evidence must be competent as judged by ordinary legal standards. [GF 260]. Where the record fails to provide any competent and admissible evidence to sustain the finding of guilty of the charge, the conviction will not stand. [GF 1131].

A conviction based solely on hearsay evidence, or opinions and speculation, cannot be sustained. [GF 1286, 807, 787B, 783, 751, 750, 747, 260].

Evidence should be material and relevant to the specific charge of the complaint. [GF 562].

It is error to deny to the accused opportunity for adequate cross examination of witnesses. [GF 1082, 1060].

When a party fails to call a witness whom it would be natural under the circumstances to call in support of his case, the “missing witness” presumption allows the inference that the testimony, if produced, would be unfavorable to that party. [GF 1199].

Additional testimony or other evidence should not be allowed after the Local Forum has retired into executive session. [GF 751].

An admission or confession of the accused in a court of the land, or elsewhere, may be received, if in writing. [§8.130].

It is not a defense to allegations of misconduct that other members are guilty of the same transgressions. Each member will be judged individually on the facts and circumstances particularly involved in the proceeding against him. [GF 1121, 672].

T. OBJECTIONS NECESSARY

The general rule in law is that a party must first make procedural objections to the trial tribunal so that any errors can be considered and acted upon promptly and correction made if need be. The rule in the Courts of the Order is the same.

An appellant to the Grand Forum cannot raise on appeal pre-trial error which was not raised in the Local Forum proceeding. [GF 1121, 995, 892, 858].

Objections raising questions of procedure must be made at or before the time of trial, and not in the first instance on appeal. [GF 882, 842, 661, 656, 640, 637].

Objection to appointment of the Local Forum must be made prior to commencement of trial. [GF 883, 882, 875, 844, 802, 774]. The same is true for objection to the Presiding Justice [GF 875, 873, 775], or for objection to the appointment of a substitute prosecutor [GF 858].
U. DELIBERATION BY LOCAL FORUM

As stated in §8.040(e), “Members appointed to the Local Forum shall serve unless excused for cause by the Presiding Justice.” If a member who has been appointed to the Local Forum fails to attend the trial, after proper notice, he can be subject to penalty under §8.090, the same as a witness. (See section S above.)

LFR 4.6.3 states, “All Local Forum members shall be sworn prior to the commencement of the Local Forum trial. The trial record must affirmatively show compliance with this Rule.” The form of oath for Local Forum members is shown in Exhibit “F-2” to the Forum Rules in Statutes Annotated. (See Appendix A).

Local Forum members must be sworn in the form of oath prescribed by LFR 4.6.3, and it is error to use a different form of oath. [GF 1170].

If the trial record does not affirmatively show that the members of the Local Forum were sworn, the decision of the Local Forum will be reversed. [GF 1156, 1153, 1131, 1115].

GLS §8.130 states, “All members of the Local Forum must be present during the trial.”

If all members of the Local Forum are not present during trial, a conviction by the Local Forum will be reversed. [GF 1115, 1062, 1009, 960, 687]. If a Local Forum member does not appear for trial, the proper procedure is to continue the trial to a subsequent date to ensure attendance of all Local Forum members. [GF 1115, 1062].

The Presiding Justice cannot dismiss a complaint for lack of attendance of Local Forum members at trial. [GF 883].

The parties cannot stipulate to proceed with trial when a member of the Local Forum is absent. [GF 1115].

The Presiding Justice cannot appoint a replacement for an appointed Local Forum member who is absent. [GF 1009]. That can be done only by the Exalted Ruler under §8.040(f).

The Presiding Justice, together with other members of the Local Forum, must participate in Local Forum deliberations and vote, or the Local Forum decision will be reversed. [GF 1103, 1062, 992, 963, 960, 831].

V. DECISION AND SENTENCE.

GLS 8.140 states:

Upon conclusion of the testimony, the Local Forum without adjournment shall go into executive session and decide the guilt or innocence of the Accused by secret ballot. The votes of three members of the Local Forum shall be required to decide the case and determine the sentence. If the Accused is found guilty the sentence shall be imposed by the Local Forum. The decision shall be signed by the Presiding Justice, reported to and entered in the minutes of the Lodge by the Secretary at the first regular Lodge meeting after the conclusion of the trial. The report of the decision and sentence fixed by the Local Forum shall constitute the pronouncement of sentence.
Conviction and sentence must be based upon competent evidence as judged by ordinary legal standards. [GF 661].

The Local Forum must make specific findings as to provisions of law found to be violated and of acts the accused has been found guilty of committing. [GF 831].

The Local Forum cannot find the accused guilty of an offense which is not charged in the complaint. [GF 775; GF Dec. 20 to Sec. 83, 1981 Stats. Annot.].

The penalty which can be set by a Local Forum is set forth in the Statutes, depending upon the nature of the offense found. The offenses defined in §9.060 require expulsion from the Order. The offenses defined in §9.070 range from a minimum suspension from membership from 1 month to 3 years, or expulsion from the Order.

The Local Forum has no authority to go beyond the statutory penalties. The Local Forum has no authority to impose a fine [GF 757]; to order restitution [GF 745]; to issue a reprimand [GF 1170]; or to remove a Lodge officer from his office [GF 1306, 995].

A sentence must be definite and cannot be open ended. [GF 1171, 194]. A sentence cannot be made conditional on future behavior. [GF 1172].

The Local Forum cannot order multiple sentences to run consecutively. [GF 823, 802, 757]. An accused cannot be sentenced for multiple charges arising out of the same offense. [GF 828, 641]. The test to be applied to determine whether there is more than one offense is whether each provision requires proof of a fact which the others do not. [GF 641].

The Grand Forum can and must revise any penalty that does not comply with the Statutes. It will increase a penalty that is less than the statutory minimum, or reduce any penalty that exceeds the statutory maximum. [§7.090; GF 1125, 713, 670]. But the Grand Forum has no authority to change a legal sentence properly imposed by the Local Forum. [GF 1142, 1125, 1078, 1038].

GLS §8.150 provides that it is the duty of the Exalted Ruler and the Lodge to enforce the sentence imposed (unless upon appeal the sentence be stayed or suspended by order of a Grand Justice).

If a member is expelled, his membership card must be confiscated. If he is suspended, he must surrender his membership card to the Secretary, and may not participate in the Lodge or club during his period of suspension (but is still obligated to pay dues). [§8.190].

W. RECORD OF PROCEEDINGS; DUTIES OF LODGE SECRETARY.

In a Local Forum trial, the Presiding Justice shall appoint a stenographer to take testimony produced at trial or shall cause a recording device to be used. [§8.090].

If a Local Forum verdict of guilty is appealed by the accused to the Grand Forum, the testimony introduced at trial shall be transcribed and together with all exhibits offered in evidence shall be sent to the Grand Secretary as part of the record of the proceedings. [§8.090]. The recorded testimony must be transcribed within thirty days after the notice of appeal, and must be certified by the Presiding Justice. [§8.240a].
For an appeal, the Lodge Secretary is required to send to the Grand Secretary a copy of all pleadings and minutes of the case, including the transcribed testimony. [§8.240a]. On appeal from an order of dismissal by the Presiding Justice, the record to be submitted must consist of a copy of the pleadings, minutes, and order of dismissal. [§8.240b]. The record shall be transmitted by the Lodge Secretary to the Grand Secretary within thirty days after copy of the notice of appeal is received by the Lodge Secretary, and must be certified as to accuracy by the Lodge Secretary. [GFR 2:8].

Testimony of witnesses and proceedings of Local Forum must be taken down verbatim or by recorder and transcribed to produce a clear and accurate report of the testimony produced at trial. [GF 1103]. If the transcript is not certified as to accuracy by the Presiding Justice, the transcript will not be accepted for appeal to Grand Forum. [GF 1096].

An untranscribed tape recording is not sufficient as a transcript. [GF 1026].

Minutes or notes of proceeding are not an allowable substitute. [§§8.090; GF 1103, 1087, 652, 648]. This is true even if minutes are taken by the Lodge Secretary and certified as accurate by the Presiding Justice. [GF 652, 648].

If a written transcript of testimony is not taken and provided by the Lodge Secretary, the Grand Forum will reverse a Local Forum conviction and either remand the case for retrial [GF 1232, 1096, 1026, 927, 844], or dismiss the case [GF 1103, 969, 904].

But the Lodge Secretary has no duty to have a transcript prepared until he receives notice of appeal [GF 823], together with $250 deposit for cost of transcription as discussed in Part IV(A).

If either the accused or accuser desires to have a copy of the transcript for their own use, they must order a copy from the transcriber of the testimony or arrange to have the Lodge Secretary make a copy for them. In either case, the party requesting a copy of the transcript will be responsible to pay the costs of copying same, separate from the cost of the original transcript.

The Lodge Secretary must be aware of the following additional responsibilities upon conclusion of any Local Forum proceeding, whether or not an appeal is taken:

1. Under GLS § 12.050j, the Lodge Secretary has the duty to “Report all expulsions and suspensions to the Grand Secretary.”

2. The Lodge Secretary is required to send to the Grand Secretary a brief summary of each Local Forum proceeding, including the names of the parties, summary of the nature of the charges, and the disposition of the case. [LFR 5.1].

3. Where an accused member has been acquitted by a Local Forum, it is the duty of the Lodge Secretary to send to the Grand Exalted Ruler a copy of all pleadings and minutes of the trial. [§8.170].
X. COSTS OF LOCAL FORUM PROCEEDINGS.

There can be expenses associated with a Local Forum case. GLS §8.140 states:

All reasonable costs and expenses incurred by the Lodge in connection with the Local Forum shall be assessed to the non-prevailing party, at the discretion of the Presiding Justice.

There is no statutory definition of what may be included in the reasonable costs and expenses which may be assessed. The Grand Forum holds that under GLS §8.140, assessment for costs and expenses in connection with the Local Forum is to be based on actual out of pocket expenses to the Lodge. [GF 1161].

In an order by a Grand Forum Justice, it was ruled that a fee charged by a prosecuting attorney for a Local Forum case was not an allowable expense under §8.140. [GF 1142].

Costs and expenses to be assessed must be necessary as well as reasonable in amount. [GF 1179].

The cost to record the record the testimony at the trial is a proper expense which may be assessed. However, there is no need to transcribe the testimony in written form unless an appeal is taken to the Grand Forum; and if no appeal is taken, costs or expenses for transcribing the recorded testimony cannot be assessed to a party. [GF 1179].

Costs and expenses can be assessed against the Accuser as the non-prevailing party when the Local Forum decision is in favor of the Accused. [GF 1179].

In some circumstances, the Grand Forum holds that costs and expenses must be borne by the Lodge where the procedures in the Local Forum proceeding failed to comply with statutory requirements. [GF 1172, 1171, 1170, 1165, 978, 969].

For costs and expenses for an appeal to the Grand Forum, see Part IV(A).
PART IV

APPEAL OF LOCAL FORUM DECISION

A. APPEAL BY ACCUSED OR ACCUSER.

By GLS §8.220, appeals from decisions of Local Forums can be taken to the Grand Forum by:

a. A Member found guilty and sentenced.

b. The Accuser when an order to dismiss has been granted by the Presiding Justice.

c. The Grand Exalted Ruler from any judgment [discussed in subsection D below].

An appeal from a Local Forum is begun with a notice of appeal. The form of notice of appeal is set forth in Exhibit “G” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.) The “Respondent” to be identified in the notice of appeal must be the opposing party (accuser or accused) in the Local Forum case. It cannot be the Lodge itself, or the Exalted Ruler, Secretary, or other Lodge officer who was not a party to the case.

The notice of appeal must be sent by the appealing party both to the Grand Secretary (as Clerk of the Grand Forum) and to the Lodge Secretary, within thirty days after judgment of guilty, or order of dismissal, is entered in the minutes of the Lodge. [§8.230]. A notice of appeal is “sent” when it is mailed. [GF 985.]

At the same time, the appealing party must send a copy of the notice of appeal to the opposing party or parties in the Local Forum proceedings. [§8.230]. The notice of appeal shall contain a certificate of service of a copy thereof upon all parties. [GFR 2:7].

The time for appeal cannot be extended. [§8.230; GF 1052, 1024, 1017, 987B]. If an appeal is not timely sent to the Grand Secretary, the appeal must be dismissed by the Grand Forum. [GF 984, 856, 839, 811, 803, 798]. “The Grand Forum can only acquire jurisdiction over a matter before a Local Forum when that matter is properly appealed in a timely fashion to the Grand Forum as required by the Laws of the Order.” [GF 1017. Accord, GF 1052, 798, 762]. It is not sufficient to send the notice of appeal only to the Lodge Secretary, without also timely sending the notice to the Grand Secretary. In that case, the notice of appeal will not be considered to be timely filed, and the appeal will be dismissed by the Grand Forum. [GF 1017, 984, 811, 803, 798].

Similarly, failure to timely send a copy of the notice of appeal to the opposing party or parties in the Local Forum proceedings will nullify the appeal and it will be dismissed. [GF 728, 719, 694].

The duties of the Lodge Secretary upon receiving a notice of appeal are set forth in §8.240 and GFR 2:8, providing that the Secretary shall send to the Grand Secretary a copy of pleadings, minutes, order of dismissal if any, and recorded testimony.
Notice of appeal by the accused from a Local Forum conviction of guilty shall be accompanied by $250 payment to the Lodge as deposit to cover the costs of transcription of the recorded testimony, and the balance of that cost shall be paid within 30 days after completion of the transcript. [§8.230(a); §8.240(a)]. If the appealing party does not pay the deposit and balance after receiving notice to do so, the Grand Forum may dismiss the appeal [§8.240(a); GF 1022, 1011, 999, 994, 893, 696], and can order suspension of his membership to continue until the full costs are paid by him [GF 1044, 969, 938].

When an accuser appeals from a dismissal of his complaint by the Presiding Justice, no advance deposit for costs is required from the accuser. However, an accuser who appeals still has responsibility to pay the costs of the appeal. [§8.240(b); GF 1100, 1005A], and his appeal can be dismissed by the Grand Forum for failure or refusal to pay those costs [GF 760].

The Grand Forum holds that the costs of appeal can be assessed against the non-prevailing party [GF 1198], or against the Lodge itself where the procedures followed were improper [GF 1211, 1172].

There is no provision in the Statutes for an accuser to appeal from a Local Forum acquittal of the accused, and such attempted appeals ordinarily will be dismissed by the Grand Forum. [GF 1122, 1017, 987B, 976, 964A, 943]. However, the Grand Forum has also stated, “Where an accused has been found not guilty by a Local Forum and the accuser appeals to the Grand Forum alleging gross irregularities in the trial below which could render that trial a nullity, the Grand Forum will examine the record to ascertain whether substantial justice has been administered.” [GF 697]. In another case, an acquittal was reversed where one of the Local Forum members was absent and the verdict was rendered by the remaining members. [GF 1115]. But it must appear on the face of the record that there were errors of procedure, or failure to comply with statutory requirements, of such magnitude that the accuser was deprived of due process in presenting his complaint against the accused. [GF 1169].

*For interlocutory appeal from an intermediate step in a Local Forum proceeding, see Part XI(F).*

**B. STANDARDS OF REVIEW.**

On an appeal, the Grand Forum considers only the record from the Local Forum decision as supplied by the Lodge Secretary, and briefs of the parties. *(See Part XI (B) and XI(C) for description of the record on appeal and filing of briefs).*

“The Local Forum shall be the sole judge of the facts proven.” [§8.130; GF 672].

The scope of review by the Grand Forum is stated in Const. Art. VI, Sec. 6:

The Appellate Forum shall review and determine errors of law occurring upon the trial, including the question of whether there was any legal evidence to sustain the findings of facts, and shall affirm or reverse the decision, or remand the same for a new trial or other proceedings in accordance with the opinion.
Many Grand Forum appeals involve claimed errors of law. When the Grand Forum concludes that procedural errors were so substantial as to deny the accused a fair trial, or there was otherwise a denial of due process during the conduct of the proceeding, conviction by the Local Forum will be reversed and set aside. [GF 1172, 1153, 1137, 1087, 1082, 1050].

Likewise, if the Grand Forum concludes that the charges made in the complaint do not constitute an offense under the Laws of the Order, a conviction will be reversed and the complaint dismissed. [GF 821, 775].

With respect to the merits of the case, the issue before the Grand Forum is only whether there was “any legal evidence” to sustain a Local Forum conviction. [Const. Art. VI, Sec. 6; GF 294, 194].

Legal evidence means competent and admissible evidence as judged by ordinary legal standards. [GF 970, 848, 747, 672, 661].

The question of the weight of the evidence cannot be considered by the Grand Forum when sitting as an appellate court. [GF 1159, 934, 840, 294, 194; GFR 2.20(1)]. The Grand Forum holds it cannot “substitute our judgment for that of the Local Forum.” [GF 1159].

But the sufficiency of the evidence to support a finding is a matter of law to be determined by the Grand Forum. [GF 1250].

The burden is on the accuser to support his charge by presenting competent and admissible evidence. [GF 807, 708, 693, 691].

Some competent and admissible evidence must be found in the record in support of the charge to sustain a finding against the accused. [GF 693, 562].

If there is some competent and admissible evidence as judged by ordinary legal standards to sustain the verdict, it will be upheld. [GF 1130, 1125, 1018, 970, 926, 848].

Conversely, a Local Forum conviction cannot be sustained where there is a lack of competent and admissible evidence to support the charge. [GF 1286, 1250, 1131, 915, 858, 835, 813, 807].

C. DISPOSITION BY GRAND FORUM.

On an appeal by an accused found guilty by a Local Forum, the Grand Forum is authorized to affirm the decision, or to reverse the decision and either (1) set it aside or (2) remand the matter for retrial with instructions. The Grand Forum can also increase a sentence if less than the statutory minimum, or reduce a sentence if it exceeds the statutory maximum. [§7.090].

When a Local Forum decision and sentence is reversed by the Grand Forum, the disposition of the case will depend upon the grounds of the Grand Forum ruling.
When the reversal is due to procedural irregularities that occurred before or during the Local Forum trial, the usual remedy is remand to the Lodge for a new trial to be held before the Local Forum in accordance with the provisions of Chapter 8 of the Statutes of the Order. For retrial of the case, a new Local Forum must be appointed, with the members of the preceding Local Forum (except the Presiding Justice) to be ineligible for appointment to the new Local Forum. [§8.160].

In some cases, rather than remand a case for retrial, the Grand Forum may dismiss the complaint in its entirety, for example: where the complaint was not filed by a proper party [GF 784]; where there was failure to file a notice of intent [GF 886]; failure to provide sufficient specificity in the complaint [GF 1029, 787B]; or failure to follow instructions of the Grand Forum on a prior remand [GF 969].

The Grand Forum also states that it is fully warranted in reversing a conviction by a Local Forum, and in dismissing the complaint with prejudice, based on procedural irregularities, when it is apparent that substantial justice has not been done and where no useful purpose would be served by subjecting the accused to a second trial. [GF 1156, 1153, 1103, 816, 747, 702]. When that is the result, retrial in the Local Forum would not be permissible.

When the Grand Forum concludes that the complaint did not state a valid cause of action for violation of the Laws of the Order, notwithstanding that the Local Forum made a finding of guilt, the Grand Forum will reverse and dismiss the complaint in its entirety without provision for retrial. [GF 1104, 1097, 1006, 992, 963, 858].

Where the Grand Forum finds there was not sufficient competent evidence on which the Local Forum could find the accused guilty, the conviction will be reversed, and the case will be dismissed with no provision for retrial. [GF 1170, 1131, 995, 932, 915, 835].

When a Local Forum conviction is reversed, the accused member is automatically restored to all rights and privileges of membership in the Order, subject to any further decision by the Local Forum if the case is remanded for a new trial.

The Grand Forum has continuing supervisory authority over a Local Forum proceeding. [GF 1323]. Failure or refusal to obey a process or order of the Grand Forum may constitute contempt punishable by suspension of membership for a period not to exceed three years. [§7.150].

**D. APPEAL BY GRAND EXALTED RULER.**

The Grand Exalted Ruler can appeal from a decision in any Local Forum proceeding in any Lodge. [Const. VI(6); §8.220(c)]. This authority may be exercised where a Local Forum decision is considered by the Grand Exalted Ruler to be contrary to the best interests of the Order.
Retrial on appeal by the Grand Exalted Ruler does not violate any legal principle of “double jeopardy.” The rights and liabilities of members of the Order are governed solely by the Constitution and Statutes of the Order. [GF 898, 749, 657]. The accused may be found guilty in the retrial notwithstanding he had been acquitted by the Local Forum. [GF 961, 753].

The time for appeal by the Grand Exalted Ruler is different than for a party to the proceeding. The Grand Exalted Ruler may file notice of appeal within thirty days after receipt of written notice of the judgment of the Local Forum but in no case more than 240 days from the date the judgment was entered upon the minutes of the Lodge. A copy of the notice of appeal must be sent to the parties in the Local Forum proceeding. [§8.230(c)].

The accused is entitled to make motions, for example, to dismiss or make more specific, within fifteen days after service of the notice of appeal. [§7.030]. After ruling on motions (unless dispositive), the Grand Forum Justice is to set a trial date within not more than ninety days. [§7.050].

On an appeal by the Grand Exalted Ruler, the case will be retried on its merits before a single Justice of the Grand Forum who is designated by the Chief Justice. [§8.240(c)]. However, the decision of the appeal will be made by the Grand Forum en banc based on the transcribed testimony at the trial. [GFR 4:9].

The Grand Forum alone will determine the guilt or innocence of the accused. The Grand Forum is the judge of the facts in the trial. [GF 764].

A complete new trial de novo before the Grand Forum Justice is ordinarily required. [GF 657]. But the case can be decided upon the record of the trial before the Local Forum where the Grand Forum determines that there is no additional relevant evidence to be presented by either side, and a party is entitled to judgment as a matter of law. [GF 1073, 1040, 888]. (See Part XI(D) regarding procedure for summary judgment.)

The same trial procedures as are applicable to a Local Forum case will apply to the trial of the appeal by the Grand Exalted Ruler. [§7.080].

The burden is on the Grand Exalted Ruler to prove the allegations of the original complaint, and if not proven the action of the Local Forum will be upheld. [GF 903A/B, 888].

Failure or refusal by the accused to appear for the trial after due notice does not nullify proceeding to trial so long as proceeding without him does not prejudice the decision. [GF 749].

Where the Grand Forum on retrial reverses the Local Forum and finds the accused guilty, the Grand Forum will determine the sentence to be applied. [GF 1040]. No further proceedings before a Local Forum are necessary or permissible.

The Grand Exalted Ruler can appeal from a Local Forum conviction of guilty where the Local Forum did not set an appropriate sentence, and the Grand Forum can impose the appropriate sentence. [GF 814, 754, 713].
PART V

EXPULSION OF MEMBER FOR CRIMINAL CONVICTION

Criminal conviction of a member is of particular importance in the Order so will be covered separately here.

A. CONVICTION WHILE A MEMBER

GLS §9.060d states that a member shall be expelled from the Order upon being found guilty by a Local Forum of, “Having plead guilty, entered a plea of nolo contendere or been finally convicted of a felony (Section 1.030) or a misdemeanor involving moral turpitude (Section 1.110).”

Expulsion under that section would require the same Local Forum complaint and procedures as for any other offense, and the provisions described previously for Local Forum proceedings would be applicable.

But another section, GLS §9.090, prescribes a short form of proceedings for expulsion of a member who has “been finally convicted of or entered a plea of guilty or nolo contendere to a felony or misdemeanor involving moral turpitude.” Under that section, upon being informed of the conviction, the Lodge Secretary is to follow these procedures:

The Secretary of the Lodge shall thereupon obtain and file in his office a certified transcript of the final judgment or the entry of such pleas and sentence imposed. He shall then immediately give thirty days’ notice to the Member by personal service or by Certified Mail, Return Receipt Requested, in a sealed envelope, postage prepaid, addressed to the person upon whom it is to be served, at his address of record. The Secretary shall report the final conviction or entry of the plea to the Presiding Justice, who shall enter an order expelling the Member from the Order. This order shall be entered in the minutes of the Lodge and shall have the same force and effect as a final decision and sentence of the Local Forum.

No formal complaint is required for proceeding under §9.090 because the 30-days letter is sufficient notice. [GF 906].

But notice to the accused member is required. An order of expulsion under §9.090 was vacated where there was no showing that notice was given to the accused by personal service or certified mail. [GF 907].

If the accused member does not contest the notice (in the manner hereafter described), the Presiding Justice must enter an order of expulsion, and the Grand Forum has no jurisdiction over an appeal from that order. [GF 852, 830]. The formal order of expulsion must be entered by the Presiding Justice. [GF 907]. The order cannot be entered by the Exalted Ruler or the Secretary. [GF 853].

GLS §9.090 does not prescribe a procedure for the accused member to contest the notice from the Secretary. However, LFR 2.5.2 says, “Said Member may, within the 30-day period stated in Sec. 9.090, Laws of the Order, file a written demand for Hearing before the Local Forum.” If such demand is filed by the accused member, then “the matter shall proceed before the Local Forum as in other cases when a Complaint has been filed.” [LFR 2.5.3].
When a demand for hearing is filed, no expulsion can be effective until completion of that hearing before the Local Forum. [GF 853].

Where no hearing before the Local Forum was accorded notwithstanding the accused requested a hearing, expulsion of the member by the Presiding Justice is improper and must be reversed. [GF 1289, 906, 853].

In a Local Forum hearing under §9.090, the issues are: (1) Was the person charged in the criminal complaint the same person as the member? (2) If so, was the member finally convicted? (3) If so, was the conviction for a felony or a misdemeanor involving moral turpitude? [GF 906, 879; GFR 2:5-9].

The Local Forum cannot inquire into the guilt or innocence of the accused for the offense of which he stands convicted. [GF 510, 332].

Where the accused plead nolo contendere and was found guilty of a felony but the court suspended imposition of sentence and placed the accused on probation with special conditions, that did not relieve the accused from charges under §9.090, as it is the anti-social conduct of the member that the Statute seeks to condemn. It is immaterial that the State law may not consider the accused to be a convicted felon. [GF 864].

Where the criminal conviction or plea was for a misdemeanor, the issue whether it involved moral turpitude is a question of law. [GF 879].

“The phrase ‘moral turpitude’ means moral turpitude as recognized by civil law. Crimes are divided according to their nature into crimes of ‘mala in se’ and ‘mala prohibitia.’ The former comprises those acts which are inherently immoral and wrong such as murder, rape, arson, burglary, theft, etc. and are crimes of ‘moral turpitude.’ The latter are made crimes because they are prohibited by statute such as driving offenses, licensing violations, etc. and therefore are generally not crimes of moral turpitude.” [GF Dec. 33 to Sec. 83, 1981 Stats. Annot.; COJ Opinion 01 to GLS §1.110].

The Grand Forum holds that under the laws of the Order, any form of larceny, theft, fraud, embezzlement, or bribery is an offense involving moral turpitude and expulsion is required. [GF 920, 879, 874, 688]. The Grand Forum has also said that a misdemeanor involves moral turpitude “where it involves conduct of a base, degrading and immoral nature.” [GF 510].

The Grand Forum has appellate jurisdiction under §7.020(c) of an order of expulsion after a Local Forum hearing in the same manner as appeal of any other Local Forum decision.

B. CONVICTION BEFORE MEMBERSHIP.

If an applicant falsely omits disclosure of a prior criminal conviction in his application for membership, and is voted into membership, he will be subject to charges under GLS §9.060(b). [GF 608]. That section requires expulsion for, “Any willful material misrepresentation with respect to initiation or admission.”
An applicant for membership who answers “no” to the question in the application whether the applicant has ever pleaded guilty or been convicted of a felony, or a misdemeanor involving moral turpitude, when in fact the evidence reveals such conviction, is guilty of violation of GLS §9.060(b) requiring a verdict of guilty and expulsion from the Order. [GF 1162, 1073, 944A, 935, 843]. It is not a meritorious defense that the proposer and investigating committee knew about the prior conviction. [GF 944A, 935].

The GLS §9.090 short form proceeding for expulsion of a member for criminal conviction, described in Part V(A) above, applies also to a member who falsely failed to disclose on his application a prior criminal conviction or plea of guilty or nolo contendere to a felony or misdemeanor involving moral turpitude. Upon being informed of such a conviction, the Lodge Secretary is to follow the same procedures described in Part V(A) for criminal conviction of a member.

If the applicant fully discloses a prior criminal conviction, the Lodge must determine whether he meets the prescribed standards of eligibility set forth in Const. Art. VII, Sec. 4 and GLS §14.010. [See COJ Op. 14 to §14.010].
* PART VI *

**LODGE ACTIONS AGAINST OFFICERS OR MEMBERS**

**A. LODGE ACTION AGAINST OFFICER.**

1. **Removal from office for misconduct or abuses**

   GLS §12.141 allows a Lodge to remove an officer for “immoral conduct, abuses in office, or actions which may dishonor the Order.”

   The Grand Forum has outlined the requirements to be followed in removing an Officer as follows [GF 1092]:

   1. A written complaint must be filed with the Lodge Secretary setting forth specific facts.

   2. At the next Lodge meeting, the Exalted Ruler shall set a hearing date at the next regularly scheduled Lodge meeting to consider the complaint.

   3. The accused officer shall be given 5 days written notice of the specific charges and date of hearing.

   4. At the initial hearing, formal charges shall be read and presented to the Lodge without argument for or against the charges.

   5. A vote of the members present to proceed with formal hearing shall be taken with two-thirds of those voting required to proceed to a formal hearing.

   6. If the formal hearing is approved, the Exalted Ruler shall immediately set a hearing date at a regular Lodge session not more than 30 days thereafter.

   7. The Secretary shall give written notice not less than 5 days prior to the hearing date to the accused and to the Lodge membership stating a vote will be taken at the formal hearing to remove or not remove the accused officer.

   8. The accused officer has the right to be present at the formal hearing and defend against the complaint.

   9. Two-thirds of those voting shall be required to remove the accused officer.

   The complaint must set forth with reasonable particularity the acts constituting the alleged violation. [GF 683].

   The Secretary must give notice to the officer not less than five days before the initial hearing of the specific charges and the date of the initial hearing. Failure to provide the accused officer with five days prior notice of the initial hearing is a violation of due process for which Lodge action must be reversed. [GF 1189, 1092, 683].
At the meeting for the initial hearing, the charges in their entirety must be read to the members present so they may know the particulars of the complaint. [GF 1158]. At that meeting, there is to be only a vote to decide whether to proceed to a formal hearing (i.e., impeachment), without argument for or against the charges. [GF 683].

If the Exalted Ruler at the initial hearing fails to set a specific formal hearing date within the next thirty days for the Lodge to vote on removal, that is error requiring reversal of any subsequent Lodge action. [GF 1158, 1092].

Failure to allow the accused officer full opportunity to defend himself against the allegations of misconduct at the formal hearing is a violation of the accused officer’s due process rights. [GF 1158].

All votes under §12.141 are to be taken in open meeting by voting sign of an Elk. [Statutes Annotated, App. I(D)(2); GF 1158]. But the Lodge, by majority vote, can choose to have a particular vote taken by secret ballot. [GLS §15.080].

Notices served in connection with a proceeding under §12.141 are to be served personally or by regular mail to the address of record of the accused officer. [GLS §16.130].

A written complaint for removal of an officer under §12.141 is not immediately a Lodge record subject to inspection by members. Until formal charges are read and presented to the Lodge, the complaint can be withdrawn by the complaining member. [GF 1181].

2. Removal from office for absences

GLS §12.140 allows a Lodge to remove an officer who “is absent from meetings of the Lodge, or duty, during two consecutive months without good cause.” Under this section, the Lodge is to give at least five days notice to the officer to appear at the next regular Lodge meeting and give good cause, if any, why he should not be replaced. This section requires only a single Lodge meeting for the action of the Lodge.

If the officer cannot show good cause for his absence, or why he should not be replaced, the Lodge shall vacate the office. [GF 1004].

There is no prescribed definition for good cause, so it is up to the Lodge to determine whether or not to accept the explanation.

There is no requirement for advance notice to Lodge members that removal will be considered at the Lodge meeting.

Removal of the accused officer requires the affirmative vote of a majority of those voting at the meeting. The vote is to be taken in open meeting by voting sign of an Elk. [Statutes Annotated, App. I(A)(11)]. But the Lodge by majority vote can choose to have a particular vote taken by secret ballot. [GLS §15.080].

Notices served in connection with a proceeding under §12.140 are to be served personally or by regular mail to the address of record of the accused officer. [§16.130].
3. Appeal to Grand Forum by removed officer

The Grand Forum has jurisdiction of an appeal by a removed officer “for review of compliance with the procedural provisions of Sections 12.140 and §12.141 in applicable cases.” [GLS §7.020(c)].

The Grand Forum cannot review the propriety of the Lodge vote for removal. The Grand Forum is only charged with the responsibility of seeing that the procedural provisions of the Statute are complied with and there has not been a failure of due process. [GF 1319, 1158, 1092, 896, 837].

If the Grand Forum finds failure to comply with the procedural requirements and failure of due process, it will set aside the Lodge removal of the officer and restore him to office. [GF 1158, 683].

The Statutes do not specify the time for filing an appeal under §12.140 or §12.141. The Grand Forum has dismissed an appeal which was filed sixty days after the Lodge voted to remove the officer. [GF 686]. To assure that an appeal will not be denied for untimely filing, the notice of appeal should be sent to the Grand Secretary and the Lodge Secretary within thirty days after the date of the Lodge action (the same as required for appeal from a Local Forum decision).

The form of notice of appeal from a Lodge action is set forth in Exhibit “H” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.)

Notice of appeal must be sent both to the Grand Secretary and the Lodge Secretary.

No deposit for costs or fees is required for an appeal by an officer from his removal from office by the Lodge.

B. Lodge action against member for indebtedness.

1. Dropping member from rolls for indebtedness.

GLS §14.170 allows a Lodge to drop a member from the Lodge rolls for unpaid indebtedness to the Lodge or Club.

This provision does not apply to nonpayment of annual dues (which separately requires suspension of membership privileges under §14.160), but rather to additional obligations such as money owed for use of club or dining facilities, or for any other money owed to the club or Lodge. It can also be used where it is alleged that a member owes for unaccounted expense advances or misuse of Lodge funds.

The Lodge Secretary is to report the alleged indebtedness at a Lodge meeting, and the Exalted Ruler is then to set a hearing and Lodge vote on the matter not less than thirty nor more than sixty days thereafter. The Secretary must provide the accused member with thirty days written notice of the scheduled hearing. At the hearing, evidence may be presented and the member may be dropped from the rolls by vote of two-thirds of members present at the meeting.
The vote is to be taken in open meeting by voting sign of an Elk. [Statutes Annotated, App. I(E)(8)]. But the Lodge, by majority vote, can choose to have a particular vote taken by secret ballot. [GLS §15.080].

Notices served in connection with a proceeding under §14.170 are to be served personally or by regular mail to the address of record of the member. [§16.130].

The Lodge action will be reversed where there was failure to give thirty days prior written notice of the meeting at which the Lodge voted to drop the member. [GF 1041].

A dropped member can only be reinstated by making payment of his indebtedness in addition to the reinstatement fee provided in the Lodge By-Laws. [§14.170].

2. Appeal to Grand Forum by dropped member.

A member who is dropped from the rolls may lodge an appeal to the Grand Forum within thirty days after the Lodge vote. [§14.170].

The form of notice of appeal from a Lodge action is set forth in Exhibit “H” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.)

Notice of appeal must be sent both to the Grand Secretary and the Lodge Secretary.

No deposit for costs or fees is required for an appeal by a member who is dropped from the Lodge rolls for indebtedness.

There must be competent and admissible evidence in the record that the member was in fact indebted to the Lodge, or else the Lodge action will be reversed by the Grand Forum. [GF 891].
PART VII

CLUB MANAGING BODY SUSPENSION ORDERS

A. AUTHORITY OF MANAGING BODY.

Each Lodge is to have a managing body for “the Club, social parlor, or other facility established in connection with the Lodge.” [§16.040].

The composition of that body must be established by a Lodge in its By-Laws in one of the forms prescribed by §16.040, pars. a, b, or c.

GLS §16.040 further provides:

The supervising or managing body of the Club, social parlor or other facility shall have power to suspend a Member from Club, social parlor, or other facility privileges for a period not exceeding one (1) year, for violation of rules duly adopted by the Lodge and approved by the Committee on Judiciary for such Club, social parlor or other facility, or Conduct Unbecoming An Elk on such premises, after ten days written notice to the Member served personally or by regular first-class mail and after a hearing before the supervising or managing body.

A complaint can be made by any member having knowledge of the alleged violations. The managing body itself can initiate charges where an allegation of violation is made by a non-Elk. [GF 1135, 1110].

To be grounds for a managing body suspension, conduct unbecoming an Elk must be on the premises of the Club, social parlor, or other facility. [GF 1280, 1188, 1140, 897; COJ Opinion 14 to GLS §16.040]. A suspension proceeding cannot be based on alleged misconduct on the Lodge floor [GF 897], or conduct that takes place completely outside the Club premises [GF 1140]. For alleged misconduct that does not occur on Club premises, the proper remedy is by complaint to the Local Forum.

The Grand Forum [in GF 978 and 1002] has set forth the necessary procedures to follow for a managing body suspension proceeding as follows.

1. A Hearing is held after giving the Member ten days written notice served either personally or by regular first class mail. Said notice should specifically state the charges.

2. The Hearing is before the managing or supervisory body.

3. At the Hearing before the managing or supervisory body, the Member must be given his or her due process of law which will include but not be limited to the managing or supervising body of the Lodge strictly following the provisions of Section 16.040 if there is an intention to suspend a Member from privileges of the Club or home.

4. The managing or supervisory body would then decide whether or not suspension is appropriate. A notice of suspension in writing must be served personally or by registered first class mail to the Member.
5. The Member may Appeal the Suspension to the Lodge if done so within ten days of receipt of the Notice of Suspension by filing a Notice of Appeal either by personal service or first class mail to the Lodge Secretary.

6. If the Member Appeals a Suspension to the Lodge, the suspension is stayed until the appeal to the Lodge has been completed.

7. After a Notice of Appeal has been filed with the Secretary, the Secretary reports the Appeal to the Exalted Ruler and to the Lodge at the next regular meeting.

8. The Exalted Ruler at that meeting shall then order a hearing of appeal, the hearing to be held at a regular meeting of the Lodge within 45 days.

9. Notice in writing must be sent to all Lodge Members not less than ten days prior to the Hearing on Appeal.

10. At the Hearing, the managing or supervisory body of the Club must present the evidence and the Appealing Member then has an opportunity to defend or refute the charges.

11. After the Hearing portion is completed, a Motion to Modify or reverse the action of the supervisory or managing body must pass by an affirmative secret ballot of two-thirds vote of the Members present. The Secretary should be prepared to distribute paper ballots in the event a motion is made.

12. If no motion is made, the decision of the supervisory or managing body is affirmed.

(These procedures are reproduced in Appendix II to Statutes Annotated.)

The managing body is required to strictly follow the procedures of Section §16.040 if there is an intention to suspend a member from privileges of the club or home. [GF 1145, 1110, 1046, 1042, 1039, 1036]. The managing body cannot vote to suspend a member without first giving that member a full and fair hearing. [GF 1213, 1145].

A claim of emergency circumstances will not excuse a failure of compliance with those procedures. “No matter how pressing an emergency may appear, the provisions of that section must be strictly followed.” [GF 1036; see also GF 1046].

Numerous Grand Forum decisions have held that the requirement of ten days written notice to a member before the hearing of the managing body is essential to due process. The failure to provide written notice of not less than the full ten days constitutes a violation of due process and will require reversal of the suspension decision. Such failure renders all subsequent proceedings a nullity. [GF 1248, 1240, 1193, 1187, 1145, 1046, 1042, 1039]. Oral notice is not sufficient. [GF 1276, 986].

A change in the scheduled date for the hearing of the managing body cannot be made without sending a new written notice to the accused member at least ten days prior to the rescheduled date. [GF 1318, 1240].
Notices served in connection with a suspension proceeding under §16.040 are to be served personally or by regular mail to the address of record of the officer. [§16.130].

“The notice to the Member facing a House Committee hearing must be specific.” [GF 1192]. The member must know the charges with sufficient specificity to defend himself. [GF 1242, 1228, 1146]. A charge was insufficient that on a specified date House Rules were allegedly breached by “‘Conduct unbecoming an Elk’ -- Numerous allegations including but not limited to contumacy, intimidation, bullying, coercion and willfully making unjustified or untruthful charges against a member.” [GF 1146].

Suspension of Club privileges cannot be based upon a ground not cited in the notice of hearing. [GF 1192].

The hearing must be open to all members without exception. [GF 1280].

In the disciplinary hearing, the material witnesses on a factual issue must appear to testify in person and be subject to cross-examination by the accused member. The absence of any material witness to testify in person against Appellant violates his due process rights. [GF 1244, 1242].

The managing body upon conclusion of the hearing, and without adjournment, can go into closed executive session to discuss, deliberate, consider, and vote upon the matter in issue. But following such closed session the managing body in open session must announce their votes, both in total and by each member of the managing body, and render their final decision and penalty if any. [GF 1244, modifying GF 1110].

If the alleged violation involves the Exalted Ruler or a member of the managing body, that person must be disqualified from participation in the matter until final disposition of the alleged violation. Further, the Exalted Ruler in such event cannot appoint or remove members of a House Committee pending final disposition. [GLS §16.040]

Similarly, if a member of the managing body is a witness to the conduct for which complaint is made, or a family member is a complainant or witness, the managing body member should recuse himself. [GF 1242; COJ Opinion 22 to GLS §16.040].

The managing body can only suspend Club privileges, and not Lodge membership. [GF 1240, 1135].

The managing body cannot impose sanctions which either require or prohibit actions to be taken or not taken in the future. The suspension order cannot include provision for future suspension of club and social privileges for violation of the provisions of the order. [GF 1244]. The managing body has no authority to impose a period of probation. [GF 1046].

Suspension of the Club privileges of a visiting Elk from another Lodge requires compliance with GLS §16.040 procedures the same as for a member of the home lodge. [GF 1182].
B. APPEAL TO LODGE.

GLS §16.040 states that a member who is suspended by the managing body can appeal to the Lodge. The suspended member must file notice of appeal with the Lodge Secretary, by personal service or mail, not later than ten days after receipt of notice of suspension. The notice of appeal is to be reported by the Secretary at the next regular Lodge meeting. At that time, the Exalted Ruler is to order a hearing on the appeal to be held at a regular Lodge meeting not later than forty-five days thereafter.

While the order is on appeal to the Lodge, the suspension order is automatically stayed pending disposition of the appeal by the Lodge, and the member retains Club privileges until the Lodge makes a decision. It is improper for the managing body to order suspension of club privileges either prior to its hearing date or during the pendency of an appeal to the Lodge. [GF 1228].

Notice in writing of the Lodge meeting to hear the appeal must be given by the Secretary to all members not less than ten days prior to the date specified for the hearing. Notice less than ten days before the hearing requires reversal of the suspension order. [GF 897].

At the Lodge meeting, the managing body must present the evidence against the member who is suspended, and the appealing member then has an opportunity to defend or rebut the charge. [GF 978].

A motion may be made by any member, including the suspended member, to modify or reverse a managing body suspension, but if no such motion is made and passed the suspension stands. [GF 845]. The vote required to modify or reverse the managing body is two-thirds of the members present, voting by secret ballot. No action is necessary to affirm the decision of the managing body.

The Grand Forum has held that bringing a complaint in a Local Forum against the managing body members for denial of due process is not an appropriate way to proceed, and has affirmed dismissal of such complaints. The Grand Forum has stated: “The Local Forum is not an appropriate vehicle for a Lodge member to exercise his or her disagreement with the official actions of a House Committee.” [GF 959. In accord GF 1143, 1072, 1069, 771].

C. APPEAL TO GRAND FORUM.

There is no provision in the Grand Lodge Constitution or Statutes providing for an appeal to the Grand Forum from a suspension of club privileges by a managing body. [GF 897].

Because of the absence of specific statutory authority, the Grand Forum has said many times that it has no jurisdiction to review the propriety of a suspension order properly made under §16.040. [See, e.g., GF 1110, 1106, 1047, 1025, 1002, 978].

But the Grand Forum has held that it can and will intervene and grant relief upon proper petition if it clearly appears that in a club suspension proceeding a member has been deprived of a substantial right of membership without due process of law. [GF 1110, 1046, 1042, 1036, 1002, 978].
A member suspended from Club privileges may appeal to the Grand Forum, based on the contention that the managing body and/or Lodge proceedings deprived him of due process.[GF 1244, 1002]. If due process is found to be lacking, the Grand Forum will not sustain the suspension order.

The Grand Forum cannot and will not consider the sufficiency of the grounds on which the suspension was based; that can only be raised in an appeal to the Lodge. [GF 1240].

The member cannot appeal both to the Lodge and the Grand Forum at the same time, and if an unresolved appeal to the Lodge is pending the Grand Forum will dismiss an appeal to the Grand Forum. [GFR 2:22, GF 1226].

Due process of law implies the right of the accused to receive notice of the hearing, to be present before the tribunal, to be heard by testimony, and to have the right if possible of controverting the proof which bears on the question of right in the matter involved. [GF 1048, 1047, 1046, 1042, 1036, 1035].

Upon reversal of a suspension order for lack of jurisdiction in the managing body (i.e., the conduct complained of did not occur on the Club premises), the Grand Forum will vacate the suspension order without allowance for further proceedings by the managing body. [GF 1188, 1140, 897].

When reversal of a suspension order is for lack of due process in the proceeding (e.g., failure to give notice and hearing), the Grand Forum will similarly vacate the suspension order, but the matter can be remanded to the managing body for further proceedings to be conducted with the necessary due process. [GF 1157, 1146, 1145, 1046, 986]. In some cases, however, the Grand Forum directs that the proceeding be terminated without allowing any further action by the managing body. [GF 1213, 978].

If the Grand Forum reverses a suspension order, it may also order that costs of appeal must be paid by the Lodge. [GF 978].

An appeal to the Grand Forum from a managing body suspension order claiming violation of due process must be sent to the Grand Secretary and the Lodge Secretary within thirty days after the suspension becomes final. [GF 986, GFR 2:22].

The form of notice of appeal from a managing body suspension order is set forth in Exhibit “I” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.)

The “Respondent” to be identified in the notice of appeal should be the particular managing body (using its proper name). The notice of appeal must be sent both to the Grand Secretary and the Lodge Secretary, and a copy must be served upon the respondent managing body.

No deposit for costs or fees is required for an appeal from a club suspension by a member who alleges a violation of due process of law.
* PART VIII *

EXECUTIVE ORDERS AGAINST OFFICERS
AND MEMBERS

A. DISQUALIFICATION AND SUSPENSION.

1. Statutory basis

GLS §9.010 states: “The Grand Exalted Ruler, by written Executive Order specifying the grounds, may remove any Lodge Officer who neglects the duties of his office, is guilty of contumacy or of conduct Injurious to the Order.” It is not required that the Member still be an officer at the time of issuance of the Executive Order, but only at the time of the violation alleged. [GF 990-B].

§9.010 also allows for removal of an officer of a separate corporation formed pursuant to §16.030 for any club, home real property, or other facility owned by the Lodge.

GLS §9.011 states: “The Grand Exalted Ruler, by written Executive Order specifying the grounds, may suspend a Member from being a Lodge Officer and from club privileges when that Member has neglected the duties of an office, or is guilty of Contumacy or Conduct Injurious to the Order.” On its face, that provision appears to be applicable to any member and not just those who held an office at the time of the violation alleged.

The discussion hereafter is applicable to both §9.010 and §9.011.

The Executive Order may provide for suspension from club privileges for a period not to exceed three years and/or ineligibility to hold office for a period not to exceed three years.

The Grand Exalted Ruler is not required to give a hearing or other opportunity to respond to the allegations prior to issuance of an Executive Order of removal. [GF 901, 427].

An Executive Order under §9.010 or §9.011 cannot suspend membership but rather only Club privileges. [GF 1254, 1221, 1102].

By GLS §9.012, the Grand Exalted Ruler, by written Executive Order specifying the grounds, may suspend any member from membership for violating an existing Executive Order, or may expel the member for a willful violation of an existing Executive Order. The order for suspension or expulsion may be appealed to the Grand Forum within 30 days of its receipt.

An Executive Order to an officer or member is to be served upon him personally or by certified mail return receipt, except that an order issued under §9.010 may also be served by regular mail supported by a certificate of mailing.

2. Application of statute

Conduct injurious to the Order need not be connected with an official function of the Lodge or Order, but may occur entirely independent of an official Elks function. [GF 539].
The issuance of an Executive Order is not precluded because there has been a prior Local Forum trial of the same member for the same conduct. It makes no difference whether the accused was convicted or acquitted by the Local Forum. [GF 1134, 729, 714]. The authority vested in the Grand Exalted Ruler to issue an Executive Order, and the authority vested in the Local Forum, are separate and distinct from each other. Action by either authority does not constitute a bar prohibiting action by the other. [GF 1134, 898]. Also the fact that the Lodge may remove an officer under §12.130 or §12.141 does not preclude the same action by the Grand Exalted Ruler. [GF 1105, 1067].

It is not a defense to allegations of misconduct or neglect that current or officers in the same or other Lodges in the Order are guilty of the same transgressions. Each officer, when entrusted with the duties of office, is charged with responsibilities of the office, and will be judged individually when allegations of misconduct or neglect of duties are involved. [GF 1119, 1088, 1071, 1067, 955]. Nor does reliance on the erroneous advice of other persons provide a defense for neglect of duties. [GF 955].

But the Grand Forum has stated that equal protection of law is implicit in GLS §9.010 and §9.011. Where there are multiple members who are equally responsible for the conduct in question, and who have acted together, it is not proper to place the sole blame on only one of those members. [GF 1065, 654].

Neither good intentions nor ignorance of the Laws of the Order will excuse improper performance of the duties of office. [GF 990B, 779].

However, the Grand Forum generally requires that the conduct of the officer must have been “willful” to sustain an Executive Order of removal. Willful behavior has been defined as “the intentional violation of a known duty; willful acts occur where one intends a result, which actually comes to pass. It is intentional, it is not accidental, and is not involuntary.” [GF 1066. Accord, GF 1217, 1199, 1116, 1074, 990A, 865].

Where the evidence does not show willful conduct (e.g., only shows a non-willful error in judgment, mistake, or unintentional misunderstanding on the part of an officer), it is insufficient to support a finding of contumacy or neglect of duties justifying removal from office where there is no showing of conduct injurious to the Order. [GF 1217, 1199, 1116, 1074, 990A, 865].

There is also provision in §9.070(g) that a willful violation of §16.050 (requiring a Grand Lodge permit for specified financial transactions) by any member of a Lodge is an offense against the Laws of the Order and shall be grounds for his immediate removal by the Grand Exalted Ruler from any office or committee.

**B. APPEAL TO GRAND FORUM.**

1. **Procedure for appeal**

§9.010 and §9.011 say that, “Within ten (10) days of its receipt the Order may be appealed to the Grand Forum by filing a notice of appeal with the Grand Secretary.” A copy of the notice of appeal must also be sent to the Grand Exalted Ruler.
If the notice of appeal is not filed within ten days after receipt of the Executive Order, then the appeal will be dismissed for lack of jurisdiction in the Grand Forum. [See GF 1203, 1099, 833.]

The ten days period to file an appeal is counted beginning with the next day after receipt by the suspended member of the Executive Order. [GFR 1:5-1]. The notice of appeal is timely if mailed on or before the due date (with adequate proof of such mailing). [GF 1227].

GLS §9.012 allows thirty days after receipt for appeal of an Executive Order suspending or expelling a member for violation of a prior Executive Order.

The form of notice of appeal from an Executive Order is set forth in Exhibit “J” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.”. (See Appendix A.)

A notice of appeal must be accompanied by $1,000 deposit for costs of recording and transcribing the testimony at trial. [§7.070; GFR 4:4]. The appeal may be dismissed if the appellant fails to pay the required deposit for costs after notice that the deposit must be paid. [GF 1249, 794]. Upon conclusion of the case, the full costs will be assessed against the non-prevailing party, which may result in an additional amount to be paid if that is the removed officer. [§7.070; GF 779, 777]. If the removed officer does not pay the balance of the costs assessed, the Grand Forum may order that his membership in the Order be suspended until the amount is paid. [GF 1201].

2. Trial of appeal

The trial of an appeal from an Executive Order will be held before a single Justice of the Grand Forum who is designated by the Chief Justice. [§7.030]. However, the decision of the appeal will be made by the Grand Forum en banc based on the transcribed testimony at the trial. [§7.070; GFR 4:9]. The removed officer is entitled to a de novo trial. [§7.020(b)(1); GF 884, 654].

Motions to dismiss or make more specific shall be filed within fifteen days after the filing of the notice of appeal. [§7.040]. (See GFR 1:8-1 and 1:8-2 regarding procedures for motions.)

After ruling on motions (unless dispositive), the Grand Justice is to set a trial date within not more than ninety days. [§7.050].

The order of proceeding for the trial of an appeal from an Executive Order is set forth in §7.070.

The trial procedures on appeal of an Executive Order are generally the same as applicable for a Local Forum proceeding. [§7.080]. Therefore, the discussion above in Part III (especially sections L through T) should be referred to for appeal of an Executive Order. Grand Forum Rules allow for issuance of subpoenas for witnesses and documents [GFR 4:7-3], and for taking testimony by electronic means (telephonic or visual) at the discretion of the presiding Grand Justice [GFR 4:7-2].
The Grand Exalted Ruler, by his representative, must present evidence in support of the Executive Order, and the appealing member is entitled to present evidence on his behalf.

The appealing member is entitled to rebut that evidence, and present any other evidence he desires. He may be represented by counsel, who must be a member of the Order unless otherwise ordered by the Chief Justice. [§7.070].

The “four corners” of the Executive Order establish the basis for the relevance of evidence offered in a trial. The Grand Forum will not accept evidence for a charge for which was not listed as a factual basis in the Executive Order. [GF 1129].

Counsel for the Grand Exalted Ruler is entitled to call the appealing member as a witness since this is in the nature of a civil case. [GF 901].

Letters of non-appearing witnesses are not admissible in evidence because it would violate the constitutional requirement of confrontation and cross-examination. [GF 663].

When a party fails to call a witness whom it would be natural under the circumstances to call in support of his case, the “missing witness” presumption allows the inference that the testimony, if produced, would be unfavorable to that party. [GF 1199].

The case cannot be decided based upon the record of any prior Local Forum proceeding. But instead of having a trial, the parties by agreement can submit the case on a written stipulation of facts. [GF 1084]. Also, the Grand Forum can decide the case by summary judgment without trial de novo where when there is no genuine issue as to any material fact, and the facts show a party is entitled to judgment as a matter of law. [GFR 1.8-1; GF 1073, 1070]. (See Part XI(D) regarding procedure for summary judgment.)

3. Standards of review

The manner in which the Grand Exalted Ruler exercises his discretionary authority is subject to review by the Grand Forum. [GF 665, 660]

It is the duty of the Grand Forum on appeal from an Executive Order to weigh the evidence at trial to determine whether the Executive Order can be sustained. [GF 1134, 1119, 1113, 1105, 1088].

The Grand Exalted Ruler has the burden to present evidence sufficient to show a factual basis for the action taken in the Executive Order. [GF 1199, 1129]. The standard of proof to be applied is “clear and convincing” evidence to establish one or more material allegations. The evidence must be sufficient to persuade the trier of fact it is highly probable that the matter asserted is true. This is a higher burden than “preponderance of the evidence,” but less than “beyond a reasonable doubt.” [GF 1230].

If no evidence is offered in support of an allegation, the allegation will not be considered by the Grand Forum in determining the validity of the Executive Order. [GF 1129].
The extent of authority of the Grand Forum on appeal from an order of the Grand Exalted Ruler removing a Lodge Officer is to determine whether the Order was issued in accordance with the Law, and whether or not there was an abuse of discretion (by acting arbitrarily or capriciously). [GF 1134, 1113, 1105, 1088].

An Executive Order of the Grand Exalted Ruler will be sustained on appeal where one or more of the grounds stated in the Executive Order are proven (even if some of the other allegations are not proven). [GF 1223, 1173, 1129, 1119, 1107, 1102, 1074].

An Executive Order is not issued in accordance with the Law unless it contains sufficient reasonable specifications both of the statutory violations alleged and the bases of the Order. [GF 1129, 669, 665, 663, 619]. Mere recital of statutory reasons is not sufficient. [GF 1252, 710]. An Executive Order that does not set forth adequate an specification of grounds is not issued in accordance with law. [GF 710, 619]. An Executive Order saying only it was issued for “conduct injurious to his Lodge” is insufficient specification of grounds and is not in accordance with Law and constitutional due process requirements embedded in our Laws. [GF 619].

But insufficiency of specifications in an Executive Order of removal will not be considered where it is raised for the first time at trial and the appealing member did not timely file a motion to dismiss or make more specific under §7.040. [GF 1134].

When the evidence shows that the Executive Order was issued in accordance with law, and the Grand Exalted Ruler did not act arbitrarily or capriciously, the order of removal must be sustained. [GF 1209, 1207, 1201, 1134, 1129, 1119].

In July 2013, the Grand Forum, reversing previous policy, ruled that penalties imposed by an Executive Order which are materially disproportionate to the severity of the offense are deemed to be arbitrary and capricious. In such case, the Grand Forum may reduce the penalties. [GF 1269].

But an Executive Order will not be sustained in the absence of factual proof supporting the exercise of discretionary authority. [GF 1252, 1227, 1199, 1116, 990A, 865, 660, 654].

Where an Executive Order is not sustained, the Grand Forum will restore the suspended member to all rights and privileges of membership in the Order, including the right to hold office. [GF 1217, 1199, 1116]. In some (but not all) cases, the Grand Forum also orders the officer restored to the office from which he was removed. [GF 1225, 654].
EXECUTIVE ORDERS AGAINST LODGES

GLS §9.130 defines offenses by a Lodge. GLS §9.160 specifies penalties which may be imposed upon a Lodge. Those penalties include: reprimand or censure; fines; probation under specified conditions; or suspension or revocation of the Lodge charter. The Grand Exalted Ruler has authority to order those penalties, except that for suspension or revocation of a Lodge charter the consent of a majority of the Grand Trustees is also required. If a Lodge charter is suspended or revoked, §9.170 provides that, upon the final adjudication by the Courts of the Order, the Grand Exalted Ruler may appoint trustees to take over the Lodge property.

An Executive Order for probation, suspension, or revocation becomes effective upon being served upon the Exalted Ruler or any other officer of the Lodge. [GLS §9.160].

The timely filing of request for appeal stays execution of any portion of the Executive Order that relates to the appointment of trustees, except as otherwise ordered by the Grand Forum upon a showing of necessity of immediate execution of the Executive Order.

§9.160 provides that, “The Order may be appealed to the Grand Forum by a majority of the Officers of the Lodge filing a written request therefore with the Grand Secretary within ten days after the service of the Executive Order.” The form of notice of appeal is set forth in Exhibit “J” to the Forum Rules in Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.) A copy of the notice of appeal must also be sent to the Grand Exalted Ruler.

The notice of appeal must be accompanied by $1,000 deposit for costs of transcription of the testimony. [§7.070; GF 1099]. Upon conclusion of the case, the full costs will be assessed against the non-prevailing party, which may result in an additional amount to be paid if that is the appellant. [§7.070; GF 779, 777, 765].

If a notice of appeal is not timely filed within the ten days allowed, the appeal will be dismissed. [GF 1099, 833]. The appeal may also be dismissed if the appellant fails to pay the required deposit for costs after receiving notice that the deposit must be paid. [GF 794]. (See Part VIII(B)(1) above as to time of filing.)

The notice of appeal must be signed by a majority of the Lodge officers, which includes both elected and appointed officers (a minimum of thirteen) designated in Constitution Art. VII, Sec. 2. If the notice of appeal is not signed by a majority of the officers, “the Grand Forum has no jurisdiction over said matter except to dismiss the same” [GF 650], and the appeal will be dismissed by the Grand Forum [GF 1247, 1208, 1099, 1010, 881, 794, 752]. A recital that the appeal was approved by a majority of the officers is not effective to comply
with the signature requirement; rather the actual signatures are required. [GF 1160]. Nor can a notice of appeal be amended to supply officers’ signatures after the ten days time period for appeal has expired. [GF 1160].

The notice of appeal by a Lodge is invalid when executed by officers who have not been properly installed as shown in Lodge minutes or records. [GF 1063].

When a proper appeal is made, the Grand Forum is required to consider the matter de novo upon the merits. [GF 884, 654]. The procedures that apply for an appeal by a Lodge are the same as for appeal of an Executive Order removing an officer, as described in Part VIII above.

On appeal, the Grand Forum will examine the facts to see if they support the Grand Exalted Ruler in the exercise of his discretionary power to issue the Executive Order. [GF 1085].

The extent of the authority of the Grand Forum on appeal from an Executive Order against a Lodge is (a) to determine whether the Order was issued in accordance with the Law, and (b) whether or not there was an abuse of discretion. If the Executive Order has not been issued arbitrarily or capriciously, the Executive Order must be sustained. [GF 1085, 887, 881, 765].

It is not a defense to an Executive Order against a Lodge that other Lodges of the Order may have engaged in the same conduct or may fall under the same circumstances. [GF 765].

An Executive Order against a Lodge will be sustained on appeal where one or more of the allegations are proven, even if other allegations are not proven. [GF 1119, 1085].

The powers of the Grand Exalted Ruler under §9.160 are broad, and include implied powers that are necessary or incidental to make the express powers effective; thus, the Grand Exalted Ruler may properly appoint a special committee to have authority for the operation and management of a Lodge placed on probation. [GF 887].

In July 2013, a statutory amendment was adopted to allow a Lodge to appeal to the Grand Forum from the appointment of a Special Representative under GLS §4.510. To appeal, a majority of the Officers of the Lodge must file a written request with the Grand Secretary within ten days after service of the Executive Order. [GLS §4.510].
* PART X *

ORIGINAL ACTIONS BEFORE GRAND FORUM

GLS §7.020(a), subsections (1) and (2), grant the Grand Forum “original jurisdiction” over “Complaints against a Lodge by another Lodge,” or “Complaints against a Lodge by a Member of the Order.”

An original complaint against a Lodge is to be filed with the Grand Secretary, with a copy to be served upon the Lodge against which the complaint is filed. [§7.030; GFR 3:2]. The complaint must specify in concise terms with reasonable certainty the facts and circumstances, with the date, place, and particulars of the alleged offense. [GFR 3:2-2].

The form for an original complaint is set forth in Exhibit “K” to the Forum Rules in the Statutes Annotated, and must be accompanied by the Information Sheet set forth in Exhibit “L.” (See Appendix A.)

An original complaint will require a trial before a single Justice of the Grand Forum who is designated by the Chief Justice. The procedures for the trial are set forth in GLS §7.060. Any motions made by the parties must be filed within fifteen days after service of the complaint. [§7.030]. (See GFR 1:8-1 and 1:8-2 regarding procedures for motions.)

The Lodge or Member who files the Complaint will be responsible to obtain and pay the cost of a court reporter to record the testimony at the trial. [GFR 3:2-3]. The Grand Forum Justice will not schedule the case for trial until proof of compliance with that requirement is provided.

Decision of the case is made initially by the designated Grand Justice who presides at the trial. That decision is subject to rehearing by the entire Grand Forum on motion of the non-prevailing party made within thirty days after the decision was rendered. If a motion for rehearing is made, the testimony must be transcribed, with the cost of transcription to be paid by the party requesting rehearing. The procedures to be followed by the parties in the rehearing are set forth in GLS §7.060 and GFR 3:8.

Summary judgment can be granted by the Grand Forum without trial where there is no genuine issue as to any material fact and a party is entitled to judgment as matter of law. [GFR 1:8-1; GF 1200, 1194.] See Part XI(D) regarding procedures for summary judgment.

The offenses that can be committed by a Lodge are set forth in GLS §9.130, paragraphs (a) through (k). If the complaint does not allege violation of one of those provisions of §9.130 [GF 929, 908], or is not sufficiently specific as to such charges [GF 1059], the complainant has not stated a legal cause of action against a Lodge, and the Grand Forum is without jurisdiction to proceed and will dismiss the complaint.

The Grand Forum does not have original jurisdiction to decide questions arising out of alleged irregularities in nomination or election of Lodge officers,
and under GLS §3.100 such questions must be submitted to the Grand Exalted Ruler. [GF 576]. Also, the Grand Forum does not have original jurisdiction over (a) actions to contest Club managing body suspensions [GF 1005E], or (b) an action by a member to recover payment for breach of contract for services provided to a Lodge [GF 1184].

The Grand Forum has held, “The Grand Forum does not have original jurisdiction in a petition of a member against the Officers and Committees of a Lodge, but which is not against the Lodge itself.” [GF 1030, 1019, 1005E]. Rather, such charges must be made to the Local Forum of the Lodge. [GF 1256, 521].

A Lodge violates §9.130(i) by refusing without good cause to select and assemble a Local Forum to consider a complaint filed by a member, and the Grand Forum can issue a mandate to compel the Lodge to proceed with the hearing and determination of the charges in the complaint. [GF 1196, 1194, 1190B, 1155, 298].

The provisions of GLS §7.020(a) are not often used in practice, and on those occasions where such complaints have been filed, they have usually been unsuccessful.

The problem that the Grand Forum has perceived is that such complaints require an investigation which the Grand Forum is not empowered to conduct; the penalties that can be imposed upon a Lodge are almost exclusively to be imposed by the Grand Exalted Ruler; the charges are better addressed to the Grand Exalted Ruler as more effective; and Grand Forum consideration would not be in the best interest of the Order. Therefore, the Grand Forum has generally declined jurisdiction over such original actions against Lodges. [GF 951, 929, 928. See also GF 768 (Grand Forum has no authority to order probation of Lodge)].

Under GLS §7.020(a)(3) and §9.080, the Grand Forum also has original jurisdiction over any complaint brought against an unaffiliated Elk whose Lodge of prior affiliation is no longer in existence. [See GF 852].
*PART XI*

OTHER GRAND FORUM PROCEDURES

In this Part XI, there will be discussed particular matters of procedures before the Grand Forum which are prescribed by Statutes or by Grand Forum Rules.

A. STAY OF PENALTY.

GLS §7.100 allows an appellant to request the Chief Justice of the Grand Forum to stay execution of a penalty assessed by a Local Forum, or the provisions of an Executive Order.

Under GFR 2:19(4), a request for stay can be made also in other cases, such as appeals from Lodge actions against officers or members, or from managing body suspension orders alleging denial of due process. [GF 1042, 1002].

The request should be sent to the Chief Justice with a copy sent to the Grand Secretary. For a Local Forum (or other Lodge) penalty, a copy of the request also must be served upon the Lodge Secretary. For an Executive Order penalty, a copy must be served upon the Grand Exalted Ruler. The party served with the request has ten days after receipt of the request to oppose the stay. The Chief Justice within five days thereafter shall grant or deny the request. [§7.100.].

An appellant who requests a stay should provide a statement of reasons to support the request.

B. RECORD BEFORE GRAND FORUM.

In any case before the Grand Forum, that body must arrive at its decision based on the information properly provided to it. That information is known as the “record” before the Grand Forum. [GFR 2:8]. “The Grand Forum has consistently held that the Grand Forum cannot pass upon an appeal without being furnished with a record of the Local Forum proceedings.” [GF 760].

What constitutes the record can vary according to the type of proceeding before the Grand Forum, but invariably will consist only of documents generated in the trial or other proceedings in the Local Lodge, and the briefs of the parties properly filed. (See Part XI(C) below).

Upon receiving a copy of notice of appeal to the Grand Forum, the Lodge Secretary, within thirty days thereafter, must transmit to the Grand Secretary the complete record of the proceedings in the Lodge, including pleadings, minutes, orders, transcript of any testimony taken, exhibits, and other relevant papers in the Lodge records. [§8.240; GFR 2:8]. The Lodge Secretary must certify to the accuracy of the submission, and must notify all parties in writing of the date on which the record of proceedings was sent to the Grand Secretary. [GFR 2:8].

If the Lodge Secretary fails to provide the necessary documents and information, the Grand Forum may rely wholly upon information and documents provided by the appealing party. [GF 1318, 1193, 1157].
The record before the Grand Forum does not include any other communications, unsolicited letters, or additional testimony or documents that are not part of the original record on appeal. [GF 1177, 1137, 1132, 1121, 1097, 892]. Any such submissions are inappropriate and will be disregarded by the Grand Forum. (However, a party can move the Grand Forum to re-open the record for taking additional evidence (see §7.110)).

C. BRIEFS TO GRAND FORUM.

In an appeal from a Local Forum conviction, or from other Lodge action, each party is entitled to file a brief to the Grand Forum. [§8.250]. The proper form of brief is set forth in GFR 2:13 to 2:16. The appellant’s brief is to be filed within fourteen days after the filing with the Grand Secretary by the Lodge Secretary of the record of the proceedings in the Lodge. The respondent may serve an answering brief within fourteen days after receipt of the appellant’s brief. Finally, the appellant may serve a reply brief within ten days after service of the respondent’s brief. The schedule for briefs, however, may be modified by the Grand Forum in a particular case. [GFR 2:17(4)].

Copies of all briefs are to be sent to the Grand Secretary and to the opposing party.

For all briefs (or any other documents) filed with Grand Secretary, the submission must be accompanied by a certificate that the submission has been sent to the opposing party. [GFR 1:7-3].

If either one or both of the parties fail to file briefs, the Grand Forum may proceed to consider the case on the record received from the Lodge Secretary and any brief received from a party. [GF 1115, 1044, 1038, 1009].

A party may make a request for oral argument, by filing a request with the Grand Secretary, which it will be within the discretion of the Grand Forum whether or not to grant. [GFR 2:21(1)]. Grand Forum cases are almost always decided without oral argument from the parties.

D. SUMMARY JUDGMENT.

Summary judgment is a method generally allowed in court cases to permit a judge to determine and decide a case before trial where there is no genuine issue as to any material fact and a party is entitled to judgment as matter of law. In a case where summary judgment is entered, the need for a full trial with witnesses and testimony is eliminated.

Grand Forum Rules allow for summary judgment. This procedure is particularly applicable in cases involving appeals from an Executive Order entered against a Lodge officer or member (see Part VIII) or against a Lodge (see Part IX); an original action against a Lodge (see Part X); or a decision of a Local Forum appealed by the Grand Exalted Rule (see Part IV, subsection D).
Summary judgment is not generally appropriate in cases involving the appellate jurisdiction of the Grand Forum (i.e., appeals from a Local Forum, Lodge removal of an officer, suspension of member for indebtedness, or suspension of club privileges). Those appeals are usually decided based upon the record and the briefs of the parties.

Grand Forum Rule 1:8-1 sets forth the procedures and bases for summary judgment. A party may file a written motion for summary judgment setting forth the grounds upon which it is made and the nature of the relief sought. There must also be filed a memorandum showing there is no genuine issue as to any material fact, and that the moving party is entitled to judgment as a matter of law. The opposing party may file an opposition to the motion. If the motion or response thereto relies on facts not of record or not subject of judicial notice, it shall be supported by affidavit made on personal knowledge setting forth any facts which are admissible in evidence to which the affiant is competent to testify, and which may have annexed thereto certified copies of papers or parts thereof referred to therein. Motions shall be deemed uncontested unless responsive papers are timely filed and served stating with particularity the basis of the opposition to the relief sought. [GFR 1:8-2].

The motion is submitted and decided by the Grand Forum without oral argument, unless otherwise ordered by the Grand Forum. If the documents of record, discovery materials, and affidavits show there is no genuine issue as to any material fact and that a party is entitled to judgment as matter of law, the Grand Forum can enter summary judgment in favor of that party.

E. REQUEST FOR REHEARING OF GRAND FORUM DECISION.

After the Grand Forum has issued its decision in a case before it, a party may apply for rehearing and recall of the decision by filing and serving a motion for such purpose, stating the ground relied upon and supported by a brief. The motion must be filed with the Grand Secretary within thirty days after entry of the decision, with a copy of the motion to be sent to the opposing party. The moving party must certify in its motion that it is submitted in good faith and not for purposes of delay. [GFR 2:21(3)].

The opposing party may file an answering brief within ten days of service of the motion, and the moving party may file a reply brief within ten days thereafter. The Grand Forum will then determine whether or not to grant rehearing.

A motion for rehearing will be denied: (a) if not filed within thirty days after the decision was entered, or (b) if no certificate of good faith is included in the filing. [GF 1065, 954].

F. INTERLOCUTORY APPEALS; CERTIFICATION.

*Interlocutory appeal* is taken from an intermediate step in a Lodge proceeding, rather than from a final verdict or order. An example would be denial by a Presiding Justice of a motion to disqualify the Presiding Justice, or of a motion by the accused to dismiss the complaint; or the Presiding Justice granting a
motion to dismiss one count of a complaint. If a party desires to appeal from that ruling, that would be an interlocutory appeal. [See GF 1186, 1029, and 790 where Grand Forum reversed Presiding Justice rulings on interlocutory appeal].

The Grand Forum Rules provide a means for interlocutory appeals but only with leave of the Grand Forum. GFR 2:1(c) states that an interlocutory appeal can be entertained when necessary to prevent irreparable injury, and on certification by the Grand Forum to the Local Forum. A request to the Grand Forum is to be made by a motion for leave to appeal from interlocutory order within ten days after the entry of the order from which appeal is taken, to be filed with the Grand Secretary with a copy sent to the opposing party and the Presiding Justice. [GFR 2:11 and 2:12]. The motion is to state the grounds upon which it is made and the nature of the relief sought. The adverse party to the motion shall have fifteen days after service of the motion to file an answer stating with particularity the basis of the opposition to the relief sought. [GFR 1:8-1 and 1:8-2].

Certification may be granted in “an action or proceeding pending in any Local Forum, Local Lodge or Department of the Order.” [GFR 5:2].

Certification can be granted by the Grand Forum on its own or upon motion of an interested party. The grounds and procedures for certification are set forth in GFR 5:1 to 5:6.

Certification will be granted only if the request presents a question or issue of general importance to the Order which has not been but should be settled by the Grand Forum; a conflict with any other decision of the Grand Forum; calls for the exercise of Grand Forum supervision; or the interest of justice requires. [GFR 5:3].

If certification is granted, the matter proceeds to hearing or appeal procedures in the same manner as for other Grand Forum cases.

The Grand Forum has declined to grant certification where the applicant had another available remedy [GF 1210, 942], or where it was considered that the issue should best be left to administrative consideration and determination [GF 1238]. But the Grand Forum has held that by certification it has authority to review and reverse denial by the Committee on Judiciary of a requested Lodge By-Laws amendment. [GF 1292].

G. PARDONS FOR EXPelled OR SUSPENDED MEMBERS.

A member who has been expelled from membership in the Order (by decision of a Local Forum or the Grand Forum, or by order of the Grand Exalted Ruler under §9.012) can only be restored to membership by pardon of the Grand Exalted Ruler. [§10.030].

Application for pardon must be made to the Board of Pardon Commissioners which has the responsibility to hear applications for pardons and make recommendation to the Grand Exalted Ruler. [Const. Art. VI, Sec.7; §10.020]. The Chief Justice of the Grand Forum is Chairman of the Board of Pardon Commissioners.
Chapter 10 of Statutes Annotated sets forth the procedures for an expelled member to apply for a pardon. The necessary steps are summarized as follows:

1. The expelled member must give to the Lodge Secretary written notice of intention to request a pardon at least thirty days before filing application, with copy to be sent to the Chairman of the Board of Pardon Commissioners.

2. The expelled member must fully complete the prescribed form of application for pardon and send to the Lodge Secretary with a copy sent to the Chairman of the Board of Pardon Commissioners. The prescribed form of application is available from the Chairman of the Board of Pardon Commissioners, and that form should be obtained and used by the applicant.

3. After it is received by the Lodge Secretary, the request for pardon is to be reported at the next regular Lodge meeting. The Exalted Ruler must then order a hearing to be held on the request for pardon at a regular Lodge meeting within the following 30 days.

4. The Lodge must send written notice of the hearing to all Lodge members not less than 10 days before the scheduled hearing.

5. At the Lodge meeting for the hearing, the request for pardon is to be considered. The expelled member can provide a written statement of the reasons he should be pardoned which should be put before the Lodge by the presiding officer. Members at the meeting may speak in support of, or in opposition to, the proposed request for pardon.

6. The request for pardon should be put to vote of the members present. The members may vote to support the request for pardon, or to oppose it. The number of votes for and against should be recorded.

7. The Lodge must send to the Chairman of the Board of Pardon Commissioners a report of the action taken by the Lodge upon the pardon application. A form for that report can be obtained from the Chairman of the Board of Pardon Commissioners.

The expelled member must follow all the steps outlined above, or else an application for pardon will not be considered to be complete and cannot be accepted. A report of action voted by the Lodge is mandatory, and without it the application will be dismissed.

By GLS §10.050, the action voted by the Lodge shall not be binding on the Board of Pardon Commissioners. But, as stated by the Committee on Judiciary “The recommendation of the Local Lodge is in no sense binding on the Board of Pardon Commissioners, but such a recommendation may carry considerable weight, and it is to be desired.” [COJ Op. 7 to Sec. 166, Stats. 1981].
The applicant and the Lodge will be notified of the time and place for the Board of Pardon Commissioners’ hearing on the application for pardon (which normally will be at the next Grand Lodge Session), and shall be entitled to appear before the Board of Pardon Commissioners and be heard in person. [§10.060]. It will be up to the applicant to present facts and circumstances supporting his application.

It is discretionary with the Board of Pardon Commissioners whether or not to recommend pardon, and with the Grand Exalted Ruler whether or not to grant pardon. There is no provision for appeal from any decision on application for pardon.

“The effect of a pardon being granted is that said member automatically and without further action, excepting only payment of dues, becomes again a member in good standing in his Lodge.” [COJ Op. 2 to Sec. 166, Stats. 1981].

If pardon is denied, another application will not be considered until the expiration of two years after denial of the pardon. [§10.070].

GLS §10.040 also allows a member to make application for “commutation,” which in legal terms is defined as the change of a punishment from a greater to a lesser one – for example, to reduce an expulsion to a suspension, or to shorten the term of a suspension. To apply for a commutation, a member must follow the same procedures described above for a pardon.

The Board of Pardon Commissioners cannot entertain an application for pardon or commutation for a removal from or ineligibility to hold a Lodge office, or a suspension from club privileges. The Board can only entertain an application of a member who has been expelled or suspended from membership in the Order. [Ruling of Pardon Board, 2012].
APPENDICES

A. Forms for Forum Proceedings
B. Local Forum Process Guidelines
C. List of Grand Forum Decisions (cited in Guide)
FORMS FOR FORUM PROCEEDINGS

The following are reproductions of the forms set forth in the Exhibits to the Forum Rules in Statutes Annotated. (The parenthetical references in the list below are to the main statutory provisions to which the Form relates.) Explanatory notes have been added to the Forms.

A. NOTICE OF INTENT TO FILE COMPLAINT [GLS § 8.015]

B. WRITTEN MEDIATION STATEMENT [GLS § 8.015]

C. COMPLAINT IN LOCAL FORUM [GLS § 8.020, 8.030]

D. MOTION TO MAKE MORE SPECIFIC  [GLS § 8.060, 8.070]

E. MOTION TO DISMISS  [GLS § 8.060, 8.070]

F-1. OATHS FOR WITNESSES  [GLS § 8.110]

F-2. OATH FOR LOCAL FORUM MEMBERS [LFR 4.6.3]

G. NOTICE OF APPEAL FROM LOCAL FORUM DECISION  
[GLS § 8.220, 8.230]

H. NOTICE OF APPEAL FROM LODGE ACTION  
[GLS § 12.140, 12.141; 14.170]

I. NOTICE OF APPEAL FROM CLUB SUSPENSION [GLS § 16.040]

J. NOTICE OF APPEAL FROM EXECUTIVE ORDER  

K. COMPLAINT IN ORIGINAL ACTION AGAINST LODGE  
[GLS § 7.020(a); GFR Part III]

L. INFORMATION SHEET FOR APPEAL TO GRAND FORUM
FORM OF NOTICE OF INTENT TO FILE COMPLAINT

__________________________________ LODGE NO. _______
BENEVOLENT AND PROTECTIVE ORDER OF ELKS U.S.A.

NOTICE OF INTENT TO FILE COMPLAINT
Pursuant to Sec. 8.015, Laws of the Order

__________________________________ Accuser vs. __________________________________ Accused

, Accuser, a Member in good standing in ________ Lodge No. ____, B.P.O. Elks, under the Obligation of the Order, hereby serves upon the Secretary and gives , a Member of ________ Lodge No. ____, B.P.O. Elks, notice of his/her intent to prefer charges by filing a Complaint against the Accused charging him/her with the offense(s) of

[here, set forth the text and section of the Statute allegedly violated, as for example: “Violation of his Obligation, Sec. 9.070(h), Laws of the Order ... in that he, the Accused did, on or about ...” (here specify the date, place and particulars constituting the offense to be charged).]

DATED: _______________________
(Signed) ______________________
Accuser

__________________________________, under the Obligation of the Order, says that he/she is the above named Accuser, that he/she has read the foregoing Notice of Intent to File Complaint, knows the contents thereof, and believes the same to be true.

(Signed) ______________________
Accuser

Note: The Notice of Intent is to be filed (three copies) by the Accuser with the Lodge Secretary.
FORM OF WRITTEN MEDIATION STATEMENT
REQUIRED BY SEC. 8.015(e.),
LAWS OF THE ORDER

____________________________________________________________________
LODGE NO. __________
BENEVOLENT AND PROTECTIVE ORDER OF ELKS U.S.A.

____________________________________________________________________

FORM OF MEDIATION STATEMENT
Pursuant to Sec. 8.015(e.),
Laws of the Order

______________________________________
Accuser

vs.

______________________________________
Accused

______________________________________

Accuser’s name and address:

2. Accused’s name and address:

3. Date Notice of Intent filed with Lodge Secretary:

4. Date Lodge Secretary served copy of Notice of Intent on Accused:

5. Date Mediator was notified of filing of Notice of Intent:

6. Date Mediator contacted Accused and Accuser:

7. Date Mediation actually held:

8. If Mediation continued, date continued to:

9. Results of mediation: _______________________________________________
   ____________________________________________________________________
   ____________________________________________________________________
   ____________________________________________________________________
   ____________________________________________________________________

Dated

______________________________________
Lodge Mediator

______________________________________
Accuser

______________________________________
Accused

Note: The mediation statement is to be filed by the Mediator with the Lodge Secretary.
FORM OF COMPLAINT IN LOCAL FORUM

LOCAL FORUM OF _______________ LODGE, NO. _______
BENEVOLENT AND PROTECTIVE ORDER OF ELKS U.S.A.

______________________________________
Accuser

vs.

COMPLAINT

______________________________________
Accused

______________________________________, Accuser, a Member in good standing in
______________________________ Lodge No. ________, B.P.O. Elks, under the
Obligation of the Order, hereby accuses ____________________, a Member
of ___________________________ Lodge No. ________, B.P.O. Elks, with the
offense(s) of

[here set forth the text and section of the Statute allegedly violated,
as for example: “Violation of his Obligation — Sec. 9.070(h),
Laws of the Order”]

in that the Accused did on or about

[here specify the date, place and particulars constituting the
offense charged]

DATED: _______________________

(Signed) _______________________

Accuser

___________________________, under the Obligation of the Order, says
that he/she is the above named Accuser, that he/she has read the foregoing
Complaint, knows the contents thereof, and believes the same to be true. I am
submitting to the Lodge Secretary a check or money order in the amount of
$100.00 as a deposit against the costs of the Lodge.

(Signed) _______________________

Accuser

Note: The complaint is to be filed (three copies) by the
Accuser with the Lodge Secretary.
EXHIBIT “D”

FORM OF MOTION TO MAKE MORE SPECIFIC

LOCAL FORUM OF ___________ LODGE, NO. ______
BENEVOLENT AND PROTECTIVE ORDER OF ELKS U.S.A.

_____________________________________
Accuser

MOTION TO MAKE

vs.

COMPLAINT MORE SPECIFIC

BY AMENDMENT

_____________________________________
Accused

, the Accused, moves for an order requiring the following allegations of the Complaint herein

[here specify the allegations by reference thereto, the defects complained of, and the details desired]

be made more definite and certain by amendment for the reason that the Complaint does not sufficiently inform the undersigned to enable me to properly defend myself.

DATED: _____________________

(Signed) ________________________ Accused

Note: The motion should be filed with the Lodge Secretary with copies sent to the Presiding Justice and the Accuser
EXHIBIT “E”

FORM OF MOTION TO DISMISS

LOCAL FORUM OF ______________ LODGE, NO. _____
BENEVOLENT AND PROTECTIVE ORDER OF ELKS U.S.A.

_____________________________________
Accuser

vs.

_____________________________________
MOTION TO DISMISS

_____________________________________
Accused

_____________________________________, the Accused, moves that the Complaint be
Dismissed on the following grounds:

[here set forth any grounds for dismissal]

DATED: _____________________________

(Signed) _____________________________

Accused

Note: The motion should be filed with the Lodge Secretary
with copies sent to the Presiding Justice and the Accuser
EXHIBIT “F-1”

FORM OF OATHS FOR WITNESSES

Oath to be administered to an Elk Member:

“Do you solemnly promise and swear, under your Obligation as an Elk, that the testimony you are about to give is the truth and nothing but the truth?”

Oath to be administered to a Non-Elk:

“Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?”

Affirmation for a Non-Elk who declines to take an oath:

“Do you affirm that the testimony you are about to give is the truth and nothing but the truth?”

EXHIBIT “F-2”

FORM OF OATH FOR LOCAL FORUM MEMBERS

“Do each of you, as a designated member of this Local Forum, solemnly promise and declare, under your Obligation as an Elk, that you will truly try and determine the matter before this Local Forum and will make determination herein for the good of the Order?”
EXHIBIT “G”

NOTICE OF APPEAL FROM DECISION
IN LOCAL FORUM

[Important: Complete and file Information Sheet
(Exhibit “L”) with your appeal]

Name Appellant

APPEAL FROM

vs.

LOCAL FORUM

Name Respondent

NOTICE IS GIVEN THAT ____________________, [Appellant-Accused] or [Appellant-Accuser] appeals to the Grand Forum of the Benevolent and Protective Order of Elks from the [verdict and sentence] or [the order dismissing the Complaint] of the Local Forum of ____________ Lodge No. ______ B.P.O. Elks, in accordance with Sec. 8.220, Laws of the Order.

This Appeal is being filed with the Grand Secretary by an Accused within 30 days after judgment is entered in the minutes of the Lodge, or by an Accuser within 30 days after the order to Dismiss the Complaint is reported to or entered in the minutes of the Lodge.

If applicable, I am submitting to the Lodge Secretary a check or money order payable to the Lodge in the amount of $250.00 as a deposit toward the costs of transcription of the recorded testimony, and will pay any balance of those costs upon receipt of notice thereof.

________________________________________
Appellant

I CERTIFY that a copy of this Notice of Appeal has been served upon the Secretary of ________________ Lodge No. ______ and upon the Respondent on ____________, _____.

________________________________________
Appellant

Note: The Respondent is the opposing party in the Local Forum. The original is to be sent to the Grand Secretary, with copies sent to the Lodge Secretary and the Respondent.
EXHIBIT “H”

NOTICE OF APPEAL FROM LODGE ACTION

[Important: Complete and file Information Sheet (Exhibit “L”) with your appeal]

Name Appellant

vs.

APPEAL FROM LODGE ACTION

Name Respondent

Lodge No. _____

NOTICE IS GIVEN THAT ____________, Appellant appeals to the Grand Forum of the Benevolent and Protective Order of Elks from the Lodge action shown below (select):

☐ (1) Removal from Office under Statutes 12.140 or 12.141; OR

☐ (2) Suspension of membership for indebtedness under Statutes 14.070.

taken by ____________ Lodge No. ______ B.P.O. Elks.

This Appeal is being filed with the Grand Secretary by the Appellant within 30 days after the effective date of the Lodge action.

______________________________

Appellant

I CERTIFY that a copy of this Notice of Appeal has been served upon the Secretary of ____________ Lodge No. ______ on ________, ____.

______________________________

Appellant

Note: The original is to be sent to the Grand Secretary, with copy sent to the Lodge Secretary. No deposit for costs is required.
EXHIBIT “I”

NOTICE OF APPEAL FROM CLUB SUSPENSION

[Important: Complete and file Information Sheet (Exhibit “L”) with your appeal]

Name: Appellant

Name: Respondent

NOTICE IS GIVEN THAT ________________, Appellant appeals to the Grand Forum of the Benevolent and Protective Order of Elks from the suspension of his/her Club privileges in _____________ Lodge No. _____ B.P.O. Elks in violation of his/her due process rights.

This Appeal is being filed with the Grand Secretary by the Appellant within 30 days after the effective date of the suspension.

I CERTIFY that a copy of this Notice of Appeal has been served upon the Secretary of _____________ Lodge No. _______ and upon the Respondent on ____________, __________.

Note: The Respondent is the Supervising Body of the Club. The original is to be sent to the Grand Secretary, with copies sent to the Lodge Secretary and the Chairman of the Respondent Supervising Body. No deposit for costs is required.
EXHIBIT “J”

NOTICE OF APPEAL FROM EXECUTIVE ORDER

[Important: Complete and file Information Sheet (Exhibit “L”) with your appeal]

______________________________________
Name Appellant

APPEAL FROM

vs.

EXECUTIVE ORDER NO.____

______________________________________
Grand Exalted Ruler Respondent

NOTICE IS GIVEN THAT ____________________________, Appellant, appeals to the Grand Forum of the Benevolent and Protective Order of Elks from Executive Order No. ____________.

This Appeal is being filed with the Grand Secretary within 10 days from the receipt of the Executive Order and attached hereto is check or money order in the amount of $500.00 as a deposit toward the costs of transcription.

______________________________________
Appellant

[Any additional signatures necessary should be shown on an attached page.]

I CERTIFY that a copy of this Notice of Appeal has been served upon the Grand Exalted Ruler and upon the Secretary of ________________ Lodge No. ______ on ____________, ______.

______________________________________
Appellant

Note: The original is to be sent to the Grand Secretary, with copy sent to the Grand Exalted Ruler. An appeal by a Lodge under GLS § 9.160 must be signed by a majority of the Lodge officers.
EXHIBIT “K”

FORM OF COMplaint IN
ORIGINAL ACTION AGAINST LODGE

[Important: Complete and file Information Sheet
(Exhibit “L”) with your Complaint]

GRAND FORUM
BENEVOLENT AND PROTECTIVE ORDER OF ELKS

Name

Complainant

vs.

Lodge No.

COMPLAINT IN
ORIGINAL ACTION

Name

Respondent

____________________________, Complainant (a Lodge of the Order) (a Member
in good standing in _____________ Lodge No. ________ B.P.O. Elks), under
the Obligation of the Order, hereby accuses ________________ Lodge No.
____, B.P.O. Elks, with the offense(s) of

[here set forth the text and section of the Statute allegedly violated,
as for example: “Violation of Sec. 9.130(i), Laws of the Order”]

in that the Respondent did on or about

[here specify the date, place and particulars constituting the
offense charged]

DATED: ______________________

(Signed)____________________

Complainant

________________________________, under the Obligation of the Order,
says that he/she is the above named Complainant, that he/she has read the
foregoing Complaint, knows the contents thereof, and believes the same to be
true. I understand that I will be responsible to obtain and pay the cost of a court
reporter to record the testimony at the trial.

(Signed)____________________

Complainant

Note: The complaint is to be filed by the Complainant with the Grand
Secretary, with copy sent to the Secretary of the Respondent Lodge.
EXHIBIT “L”

INFORMATION SHEET FOR
APPEAL TO GRAND FORUM

APPELLANT
Name:_____________________________________
Address:___________________________________
___________________________________________
___________________________________________
Telephone No. (______)______________________
E-mail:____________________________________
___________________________________________
___________________________________________
Lodge Name & No.

RESPONDENT
Name:_____________________________________
Address:___________________________________
___________________________________________
Telephone No. (______)______________________
E-mail:____________________________________
___________________________________________
Lodge Name & No.

TYPE OF APPEAL (mark applicable type):
☐ Local Forum verdict
☐ Dismissal of Complaint in Local Forum
☐ Suspension from Club privileges
☐ Lodge action
☐ Executive Order
☐ Original Complaint

INSTRUCTIONS TO APPELLANT: You MUST complete and send this sheet with your appeal to the Clerk of the Grand Forum. Also send a copy to other parties to whom the notice is sent.
## LOCAL FORUM PROCESS GUIDELINE (GLS – CHAPTER 8)

<table>
<thead>
<tr>
<th>Occurrence</th>
<th>Duties</th>
<th>Time frame</th>
<th>Notes</th>
<th>GLS Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offense</td>
<td>Start action</td>
<td>within 4 years of occurrence</td>
<td></td>
<td>GLS 9.190</td>
</tr>
<tr>
<td>Notice of Intent</td>
<td>Accuser–files Notice with Secretary</td>
<td></td>
<td>2nd Notice of Intent cannot be filed while 1st Notice is pending between Accused and Accuser</td>
<td>GLS 8.015 see GLS Ex. A</td>
</tr>
<tr>
<td></td>
<td>Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–serves the Accused</td>
<td>promptly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–notifies the Mediator</td>
<td>within 2 business days (if not done, ER appoints another mediator)</td>
<td>Accused and Accuser</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mediator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–contacts Accused and Accuser</td>
<td>within 5 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–arranges Mediation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–files Mediation Statement</td>
<td>at conclusion of Mediation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Complaint</td>
<td>Accuser–files Complaint with Secretary</td>
<td>within 10 days after Mediation Statement</td>
<td>file 3 copies of Complaint</td>
</tr>
<tr>
<td></td>
<td>Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–serves the Accused</td>
<td>promptly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–notify ER</td>
<td>promptly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–notify Presiding Justice</td>
<td>promptly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Forum Appointed</td>
<td>Local Forum appointed</td>
<td>at next regular meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–send list of Local Forum members to Accused &amp; Accuser</td>
<td>within 3 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accused &amp; Accuser</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–may strike 6 names each</td>
<td>within 7 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exalted Ruler</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>–appoints 4 unchallenged names on list</td>
<td>at next regular meeting</td>
<td>see 8.040 if insufficient number remain</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Preliminary Hearing</td>
<td>Presiding Justice</td>
<td>promptly</td>
<td></td>
</tr>
<tr>
<td></td>
<td>–sets time for Preliminary Hearing</td>
<td>within 5-10 days</td>
<td>Local Forum not present at Preliminary Hearing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>–holds Preliminary Hearing</td>
<td>at Hearing</td>
<td></td>
<td>GLS 8.060</td>
</tr>
<tr>
<td></td>
<td>–may dismiss, or accept plea</td>
<td></td>
<td>GLS 8.070</td>
<td></td>
</tr>
<tr>
<td>Preliminary Hearing (continued)</td>
<td>Secretary</td>
<td>Accused</td>
<td>Accuser</td>
<td>Presiding Justice</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------</td>
<td>---------</td>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>– notifies Accused &amp; Accuser of Preliminary Hearing</td>
<td>– notifies Accused &amp; Accuser of Preliminary Hearing</td>
<td>– may file a Motion to be More Specific</td>
<td>– enters Answer, pleading guilty or not guilty</td>
<td>– conducts prosecution</td>
</tr>
<tr>
<td>– promptly</td>
<td>– by time of the Preliminary Hearing</td>
<td>– any time up to return of verdict by Local Forum</td>
<td>– at Hearing</td>
<td>– open to all Members in good standing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LIST OF GRAND FORUM DECISIONS *(cited in Guide)*

<table>
<thead>
<tr>
<th>Number</th>
<th>First Party Name</th>
<th>Year</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>194</td>
<td>Los Angeles Lodge</td>
<td>1919</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>249</td>
<td>Conneaut Lodge</td>
<td>1922</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>260</td>
<td>Danville Lodge</td>
<td>1923</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>294</td>
<td>Atlanta Lodge</td>
<td>1925</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>298</td>
<td>DeLamater</td>
<td>1925</td>
<td>order Local Forum proceed</td>
</tr>
<tr>
<td>301</td>
<td>Santa Cruz Lodge</td>
<td>1926</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>323</td>
<td>Glendale Lodge</td>
<td>1928</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>332</td>
<td>Hattiesburg Lodge</td>
<td>1929</td>
<td>reverse acquittal</td>
</tr>
<tr>
<td>417</td>
<td>Wilkes-Barre Lodge</td>
<td>1947</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>427</td>
<td>Branscomb</td>
<td>1950</td>
<td>affirm EO officer</td>
</tr>
<tr>
<td>456</td>
<td>Allentown Lodge</td>
<td>1955</td>
<td>dismiss appeal</td>
</tr>
<tr>
<td>480</td>
<td>Rehrmann</td>
<td>1961</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>510</td>
<td>Wilson Lodge</td>
<td>1965</td>
<td>reverse acquittal</td>
</tr>
<tr>
<td>512</td>
<td>Randolph Lodge</td>
<td>1965</td>
<td>disqualify ER, Sec.</td>
</tr>
<tr>
<td>521</td>
<td>Dixon</td>
<td>1967</td>
<td>dismiss original action</td>
</tr>
<tr>
<td>539</td>
<td>Wood</td>
<td>1971</td>
<td>affirm EO officer</td>
</tr>
<tr>
<td>560</td>
<td>Parker</td>
<td>1973</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>562</td>
<td>Acheson</td>
<td>1974</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>576</td>
<td>Gould</td>
<td>1976</td>
<td>dismiss appeal</td>
</tr>
<tr>
<td>608</td>
<td>Kavanaugh</td>
<td>1979</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>619</td>
<td>Dennis</td>
<td>1980</td>
<td>reverse EO officer</td>
</tr>
<tr>
<td>637</td>
<td>Tuthill</td>
<td>1982</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>640</td>
<td>Tuthill</td>
<td>1982</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>641</td>
<td>Tuthill</td>
<td>1982</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>644</td>
<td>Ward</td>
<td>1982</td>
<td>affirm dismiss complaint</td>
</tr>
<tr>
<td>648</td>
<td>Fairbanks</td>
<td>1983</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>649</td>
<td>Hanevik</td>
<td>1982</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>650</td>
<td>Yazoo City Lodge</td>
<td>1982</td>
<td>dismiss appeal</td>
</tr>
<tr>
<td>651</td>
<td>Crawford</td>
<td>1983</td>
<td>reverse dismissal complaint</td>
</tr>
<tr>
<td>652</td>
<td>Presti</td>
<td>1982</td>
<td>reverse conviction</td>
</tr>
<tr>
<td>654</td>
<td>Ziemniak</td>
<td>1982</td>
<td>reverse EO officer</td>
</tr>
<tr>
<td>656</td>
<td>Murphy</td>
<td>1983</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>657</td>
<td>Arnold/Menlow</td>
<td>1983</td>
<td>reverse acquittal</td>
</tr>
<tr>
<td>660</td>
<td>Reyes</td>
<td>1983</td>
<td>reverse EO officer</td>
</tr>
<tr>
<td>661</td>
<td>Presti</td>
<td>1983</td>
<td>affirm conviction</td>
</tr>
<tr>
<td>663</td>
<td>Mahoney</td>
<td>1983</td>
<td>affirm EO officer</td>
</tr>
<tr>
<td>665</td>
<td>Gordon</td>
<td>1983</td>
<td>affirm EO officer</td>
</tr>
<tr>
<td>668</td>
<td>Gregory</td>
<td>1983</td>
<td>reverse dismissal complaint</td>
</tr>
<tr>
<td>669</td>
<td>Miller</td>
<td>1983</td>
<td>affirm EO officer</td>
</tr>
<tr>
<td>670</td>
<td>Hackett</td>
<td>1983</td>
<td>reverse LF penalty</td>
</tr>
<tr>
<td>672</td>
<td>Guist</td>
<td>1983</td>
<td>reverse conviction</td>
</tr>
</tbody>
</table>
674 Fling, 1983 (reverse 14.170 suspension)
675 St. John, 1984 (affirm expulsion 9.090)
676 Springer, 1984 (reverse conviction)
677 McGann, 1984 (reverse conviction)
679 Coleman, 1984 (reverse conviction)
682 Daraio, 1984 (reverse conviction)
683 Cox, 1984 (reverse 12.141 removal officer)
684 Pelt, 1985 (reverse dismissal complaint)
685 Gray, 1985 (reverse dismissal complaint)
686 Depue, 1984 (dismiss appeal untimely)
687 McCarthy, 1985 (reverse sentence)
688 Beauchene, 1985 (affirm 9.090 expulsion)
690 Briggs, 1985 (reverse dismissal complaint)
691 Chorney, 1985 (reverse conviction)
693 Presson, 1985 (affirm conviction)
694 Girompiny, 1985 (dismiss appeal untimely)
696 Melosky, 1985 (dismiss appeal)
697 Johnston, 1985 (affirm acquittal)
702 Johnson, 1985 (reverse conviction)
703 Stewart, 1985 (reverse conviction)
708 Leech, 1986 (reverse conviction)
709 Pearson, 1986 (affirm dismissal complaint)
711 Tucker, 1986 (affirm conviction)
713 Traynor Lodge, 1986 (reverse sentence)
714 Delucca, 1986 (affirm conviction)
715 Grant, 1986 (affirm conviction)
719 Ebert, 1986 (dismiss appeal)
720 Crosby, 1986 (reverse dismissal complaint)
724 Singewald, 1987 (affirm dismissal complaint)
725 Oliver, (affirm dismissal complaint)
726 Davis, 1987 (reverse dismissal complaint)
728 Stupple, 1987 (dismiss appeal)
729 Kaisner, 1987 (affirm EO officer)
731 James, 1987 (reverse conviction)
733 Smith, 1987 (reverse conviction)
734 Battaglia, 1987 (reverse dismissal complaint)
740 Stone, 1987 (affirm dismissal complaint)
742 Tyree, 1987 (affirm dismissal complaint)
743 Adams, 1987 (reverse dismissal complaint)
745 Paulaski, 1988 (reverse conviction)
747 Coleman/Parker, 1988 (reverse conviction)
748 Coleman/Reichman, 1988 (reverse dismissal)
749 Callicott GER, 1988 (reverse acquittal)
750 Brown, 1988 (reverse conviction)
Appendix C

751 Lance, 1988 (reverse conviction)
752 Davis, 1988 (dismiss appeal EO Lodge)
753 Callicott GER, 1988 (reverse acquittal)
754 Callicott GER, 1988 (modify sentence)
756 Dunaway, 1998 (reverse dismiss action)
757 Callicott GER, 1998 (reverse acquittal)
758 Clark, 1998 (reverse dismissal complaint)
760 Cody, 1988 (dismiss appeal)
762 Landers, 1998 (dismiss appeal untimely)
764 Sabin GER, 1989 (reverse acquittal)
765 Geneva Lodge, 1989 (affirm EO Lodge)
767 Catalano, 1989 (reverse dismissal complaint)
768 Rutzke, 1989 (dismiss original action)
771 Brothers, 1989 (affirm dismissal complaint)
773 Orrino, 1989 (affirm dismissal complaint)
774 Goudreau, 1989 (affirm conviction)
775 Thorne, 1989 (reverse conviction)
776 Stagner, 1989 (affirm dismissal complaint)
777 Hilliver, 1989 (affirm EO officer)
779 Busby, 1990 (affirm EO officer)
781 Witt, Oct. 1989 (reverse conviction)
783 Wilson, 1990 (reverse conviction)
784 Harring,, 1990 (reverse conviction)
787A Cleveland, 1990 (affirm dismissal)
787B Snider, 1990 (reverse conviction)
790 Watts, 1990 (order PJ disqualified)
792 Goodner, 1990 (reverse conviction)
794 Everett Lodge, 1990 (dismiss appeal EO)
798 Yates, 1990 (dismiss appeal untimely)
800 Crowder, 1990 (reverse conviction)
801 Stooksbury, 1990 (reverse dismissal complaint)
802 Bryant, 1990 (affirm conviction, mod. penalty)
803 Sousa, 1990 (dismiss appeal untimely)
804 Dowling, 1990 (affirm dismissal complaint)
807 Morris, 1991 (reverse conviction)
810 Hegarty, 1991 (affirm dismissal complaint)
811 Daub, 1991 (dismiss appeal untimely)
813 Dindino, 1991 (reverse conviction)
814 Damon GER, 1992 (reverse acquittal)
815 Covel, 1991 (affirm dismissal of complaint)
816 Pope, 1991 (reverse conviction)
817 Wehrley, 1991 (affirm conviction)
818 Glovaas, 1991 (reverse dismissal complaint)
819 Parham, 1991 (affirm dismissal complaint)
Adams, 1991 (reverse conviction)
McDonnell, 1991 (dismiss appeal untimely)
Hill, 1992 (affirm EO officer)
Wortman, 1992 (affirm conviction)
McClatchie, 1992 (reverse conviction)
Meador, 1992 (dismiss appeal 9.090 expulsion)
Jenkins, 1992 (reverse conviction)
Seattle Lodge, 1992 (dismiss appeal untimely)
Wilton, 1992 (reverse conviction)
Greer, 1992 (affirm 12.141 removal officer)
Sheehy, 1992 (dismiss appeal untimely)
Hadsall, 1993 (affirm conviction)
White, 1992 (affirm conviction)
Madison, 1993 (affirm 9.090 expulsion)
Gill, 1993 (reverse conviction)
Bucherie, 1993 (affirm Club suspension)
Wilson, 1993 (reverse conviction)
Ofiesh, 1993 (affirm conviction)
Flanagan, 1993 (reverse conviction)
Stewart, 1993 (reverse dismissal complaint)
Rudy, 1993 (expulsion under 9.090)
Bacon, 1993 (reverse 9.090 expulsion)
Walsh, 1993 (dismiss appeal untimely)
Raffensperger, 1994 (reverse conviction)
Ryon, 1994 (reverse dismissal complaint)
Eureka-Pac. Lodge, 1994 (reverse 9.090 dismissal)
Clark, 1994 (reverse EO officer)
Taylor, 1994 (deny appeal Club suspension)
Stratton, 1994 (affirm conviction)
Williams/Brandy, 1995 (reverse 9.090 acquittal)
Burke, 1995 (affirm conviction)
Rishkowski, 1995 (affirm dismissal complaint)
Miller, 1995 (affirm dismissal complaint)
Moore GER, 1995 (reverse 9.090 acquittal)
Henderson NV Lodge, 1995 (affirm EO Lodge)
Stewart, 1995 (affirm conviction)
Rayburn, 1995 (reverse dismissal complaint)
Metras, 1995 (affirm EO officer)
Baxter, 1995 (reverse conviction)
Massena NY Lodge, 1995 (affirm EO Lodge)
Moore GER, 1995 (reverse acquittal)
Walsh, 1995 (reverse dismissal complaint)
Bolk, 1995 (reverse 14.170 suspension)
892 Wolfe, 1996 (affirm conviction)
893 Estrada, 1996 (dismiss appeal)
896 Slonaker, 1995 (affirm 12.141 removal officer)
897 Marianos, 1996 (reverse Club suspension)
898 Green, 1995 (reverse dismissal complaint)
899 Salazar, 1995 (reverse dismissal complaint)
901 Chavez, 1996 (affirm EO officer)
902 Madson, 1996 (reverse conviction)
903A/B Mahon GER, 1996 (affirm acquittal)
904 Baker, 1996 (reverse conviction)
905 Pulito, 1996 (reverse dismissal complaint)
906 Williams, 1996 (vacate 9.090 expulsion)
907 Winn, 1996 (vacate 9.090 expulsion)
908 Bolk, et al., 1996 (dismiss original actions)
910 Tinnin, 1996 (reverse conviction)
911 McClain, 1996 (reverse conviction)
915 Cabbibo, 1997 (affirm conviction)
920 Williams, 1997 (affirm 9.090 expulsion)
921 Walsh, 1997 (reverse dismissal complaint)
922 Smith, 1997 (reverse conviction)
926 Walsh, 1997 (affirm conviction)
927 Riffle, 1997 (dismiss appeal for lack record)
928 Jacobs, 1997 (dismiss original action)
929 Puchan, 1997 (dismiss original action)
932 Keller, 1997 (reverse conviction)
933 Watts, 1997 (reverse conviction)
934 Strong, 1997 (affirm conviction)
935 Coates / Thomas, 1997 (reverse acquittal)
937 Wood, 1997 (affirm EO officer)
938 Housman, 1998 (affirm conviction)
940 Ruano, 1998 (reverse dismissal complaint)
943 Morrell, 1998 (dismiss appeal acquittal)
944A Nelson / Duncan, 1998 (affirm conviction)
944B Massey, 1998 (reverse dismissal complaint)
944C Shields, 1998 (reverse dismissal complaint)
944E Nelson, 1998 (reverse dismissal complaint)
945B Riffle, 1998 (affirm dismissal complaint)
949 Collins, 1998 (affirm dismissal complaint)
951 Brown, 1998 (dismiss original action)
952 Waterman, 1999 (affirm dismissal complaint)
954 Baldock, 1998 (deny rehearing)
955 Lemmon, 1999 (affirm EO officer)
959 Nesbitt, 1999 (affirm dismissal complaint)
960 Nesbitt, 1999 (reverse conviction)
Bates GER, 1999 (reverse acquittal)
Duran, 1999 (reverse conviction)
Price, 1999 (reverse dismissal complaint)
Pannell, 1999 (reverse dismissal complaint)
Stanford, 2000 (reverse dismissal complaint)
Balamotis, 2000, (reverse conviction)
Sollanek, 1999 (affirm conviction)
Hollar, 1999 (reverse in part dismissal complaint)
Ruggiero, 2000 (affirm conviction)
Zaccone, 2000 (dismiss accuser appeal)
Howard, 2000 (reverse Club suspension)
Heeseman, 2000 (affirm dismissal complaint)
Baustert, 2000 (affirm dismissal of complaint)
Novosad, 2000 (affirm dismissal of complaint)
Heilig, 2001 (reverse Club suspension)
Boles, 2001 (reverse in part dismissal complaint)
Boles, 2001 (dismiss appeal of acquittal)
Ballenger, 2001 (reverse EO officer)
Karr, 2001 (affirm EO officer)
Russell, 2001 (reverse conviction)
Reyes, 2001 (dismiss appeal)
Miller, 2001 (reverse. conviction)
Autrey, 2001 (reverse dismissal complaint)
Dawson, 2001 (reverse dismissal complaint)
Jensen, 2001 (reverse dismissal complaint)
Brewer, 2001 (dismiss appeal)
Kirks, 2001 (reverse in part dismissal complaint)
Hubbard, 2001 (reverse Club suspension)
Weber, 2001 (affirm 12.140 removal officer)
Burger, 2001 (affirm dismissal of complaint)
Burger, 2001 (reverse dismissal of complaint)
Burger, 2001 (reverse dismissal complaint)
Burger, 2001 (dismiss original action)
Eubanks, 2001 (reverse conviction)
Davidson, 2001 (reverse dismissal complaint)
Dollar, 2001 (reverse conviction)
Hamilton OH Lodge, 2001 (dismiss appeal)
Simpson, 2001 (dismiss appeal)
Davidson, 2002 (reverse dismissal complaint)
Valeri, 2002 (affirm dismissal complaint)
Kirks, 2002 (affirm dismissal complaint)
Collins, 2002 (affirm dismissal complaint)
DeCrescenzo, 2002 (affirm conviction)
Burger, 2002 (dismiss original complaint)
1022 Hill, 2002 (dismiss appeal)
1024 Blanchard, 2002 (dismiss appeal as untimely)
1025 Ferrandini, 2002 (affirm Club suspension)
1026 Garcia, 2002 (reverse conviction)
1029 Dreyer, 2002 (dismiss complaint)
1030 Landey, 2002 (dismiss original action)
1035 Forbes, 2003 (reverse Club suspension)
1036 Hursh, 2003 (reverse Club suspension)
1037 Forbes, 2003 (affirm EO officer)
1038 Garcia, 2003 (affirm conviction)
1039 McQuade, 2003 (reverse Club suspension)
1040 True GER, 2003 (reverse acquittal)
1041 Adams, 2003 (reverse 14.170 drop from rolls)
1042 McKinnon, 2003 (reverse Club suspension)
1044 Laquey, 1993 (affirm conviction)
1045 Valeri, 2003 (affirm dismissal complaint)
1046 Blake, 2003 (reverse Club suspension)
1047 White, 2003 (affirm Club suspension)
1048 Alden, 2003 (affirm Club suspension)
1050 Apley, 2003 (reverse conviction)
1052 Mulero, 2003 (dismiss appeal untimely)
1059 Lorz, 2004 (dismiss original action)
1060 Robertson, 2004 (reverse dismissal complaint)
1062 Lightsey, 2004 (reverse penalty)
1063 Savannah TN Lodge, 2004 (dismiss Lodge appeal)
1065 Pinter-Jones, 2004 (affirm EO officer)
1067 Schubert, 2004 (affirm EO officer)
1069 McCallum GER, 2004 (reverse acquittal)
1070 Hall, 2004 (affirm EO officer)
1071 Hammons, 2004 (affirm EO officer)
1072 McQuade, 2004 (affirm dismissal complaint)
1073 McCallum GER, 2005 (reverse acquittal)
1074 Pulis, 2004 (affirm EO officer)
1075 Paine, 2004 (reverse dismissal complaints)
1078 Myers, 2004 (affirm sentence)
1080 Graves, 2005 (reverse dismissal complaint)
1081 Skarnes, 2004 (reverse dismissal complaint)
1082 Graves, 2005 (reverse conviction)
1083 Strong, 2004 (reverse dismissal)
1084 Kohlhurst, 2005 (affirm EO officer)
1085 Albany OR Lodge, 2005 (affirm EO Lodge)
1087 Hager, 2005 (reverse conviction)
Appendix C

1088 Tritz, 2005 (affirm EO officer)
1092 Bequette, 2005 (reverse 12.141 removal officer)
1093 Goergen, 2005 (reverse dismissal complaints)
1096 Thorne, 2005 (reverse conviction)
1097 Brannan, 2005 (reverse conviction)
1099 Billings MT Lodge, 2005 (dismiss appeal)
1100 Gellatly, 2005 (affirm dismissal complaint)
1101 Noyes, 2005 (reverse dismissal complaint)
1102 Peach, 2006 (affirm EO officer)
1103 Hilliard, 2005 (reverse conviction).
1104 Madden, 2005 (reverse conviction)
1105 Geil, 2006 (affirm EO officer)
1106 Daughterty, 2005 (affirm Club suspension).
1107 Esquibel, 2006 (affirm EO officer)
1109 Barrett, 2006 (reverse dismissal complaint)
1110 Muldoon, 2006 (reverse Club suspension)
1113 Lund, 2007 (affirm EO officer)
1115 Thebo, 2006 (reverse acquittal).
1116 Hill, 2007 (reverse EO officer)
1117 Borek, 2006 (order reschedule mediation)
1118 Wetherington, 2006 (reverse dismissal complaint)
1119 Dunham, 2007 (affirm EO officer)
1121 Williams, 2006 (affirm conviction)
1122 Hunt, 2006 (dismiss accuser appeal acquittal)
1123 Hebbel, 2006 (reverse dismissal complaint)
1125 Kirk, 2007 (affirm conviction)
1129 Tombs, 2007 (affirm EO officer)
1130 Borek, 2007 (affirm conviction)
1131 McKnight, 2007 (reverse conviction)
1134 Bourassa, 2007 (affirm EO officer)
1135 Rinella, 2007 (affirm Club suspension)
1137 Garcia, 2008 (reverse conviction)
1138 Shewmaker, 2007 (reverse conviction)
1139 Albert Lea Lodge, 2007 (dismiss Lodge appeal)
1140 Gill, 2008 (reverse Club suspension)
1142 Bontempo, 2008 (affirm conviction)
1143 Scott, 2008 (affirm dismissal complaint)
1145 Wimer, 2008 (reverse Club suspension)
1146 Albanese, 2008 (reverse Club suspension)
1150 Rogers, 2008 (affirm sentence guilty plea)
1152 Cantrell, 2008 (affirm dismissal some charges)
1153 Scalise, 2008 (reverse conviction)
1155 Hager, 2009 (dismiss original action)
1156 Garcia, 2008 (reverse conviction)
Brooks, 2008 (reverse Club suspension)
Miller, 2009 (reverse 12.141 removal officer)
Aparicio, 2009 (affirm conviction)
West Shore PA Lodge, 2009 (dismiss Lodge appeal)
Little, 2009 (reverse dismissal complaint)
Helsel GER, 2009 (reverse acquittal)
Showstead, 2009 (reverse dismissal complaint)
Peterson, 2009 (reverse dismissal complaint)
Wentworth, 2009 (reverse dismissal complaint)
Eiseman, 2009 (reverse dismissal complaint)
Hager, 2009 (affirm acquittal)
F. Fimbres, 2009 (reverse conviction)
J. Fimbres, 2009 (reverse conviction)
F. Fimbres, 2009 (reverse conviction)
Lyles, 2010 (affirm EO officer)
Franz, 2009 (reverse dismissal complaint)
Little, 2010 (modify order for costs)
Graham, 2010 (affirm dismissal complaint)
Van Dyke, 2010 (reverse Club suspension)
Iannelli, 2010 (dismiss original action)
Eiseman, 2010 (reverse dismissal count of complaint)
Myers, 2010 (reverse Club suspension)
Geller, 2010 (reverse Club suspension)
Figgs, 2010 (reverse 12.141 removal officer)
Abbott, 2010 (dismiss complaint)
Abbott, 2010 (deny compel mediation)
Abbott, 2010 (reverse dismissal complaint)
Abbott, 2010 (deny compel mediation)
Schaller, 2010 (reverse Club suspension)
Fischer, 2010 (reverse Club suspension)
Daume, 2010 (order Local Forum proceed)
Runci, 2010 (order Local Forum proceed)
Lloyd, 2011 (reverse, dismiss LF complaint)
Bell, 2011 (reverse EO officer)
Daume, 2010 (stay complaint filed by accused)
Witten, 2011 (affirm EO officer)
Ryan, 2011 (dismiss appeal EO as untimely)
Brown, 2011 (affirm EO officer)
Grants Pass Lodge, 2010 (dismiss appeal EO Lodge)
Collins, 2011 (affirm EO officer)
Erickson, 2011 (reverse dismissal complaint)
Bailey, 2011 (dismiss appeal Club suspension)
Strong, 2011 (reverse EO officer)
Mangan, 2011 (dismiss appeal mediation settlement)
1221 Griffith, 2011 (affirm EO officers)
1223 Bishop, 2011 (affirm EO officer)
1224 Wiesner, 2012 (affirm EO officer)
1225 Davies, 2012 (reverse EO officer)
1226 Fischer (dismiss appeal Club suspension)
1227 McCafferty, 2011 (deny dismiss appeal)
1227 McCafferty, 2012 (reverse EO officer)
1228 Bettano, 2012 (reverse Club suspension)
1229 Davies, 2012 (reverse EO expel member)
1238 Damon, 2012 (dismiss certification request)
1230 Lentine, 2012 (reverse EO officer)
1232 Amy, 2012 (reverse conviction)
1234 Peck, 2012 (reverse dismissal complaint)
1239 Frazier, 2012 (reverse dismissal complaint)
1240 Smith, 2012 (reverse Club suspension)
1242 Whysong, 2012 (reverse Club suspension)
1244 Heiden, 2012 (reverse Club suspension)
1245 Manross, 2012 (reverse dismissal complaint)
1247 Sandpoint Lodge, 2012 (dismiss appeal EO)
1248 Smaldon, 2012 (reverse Club suspension)
1249 Pickarts, 2012 (dismiss appeal EO officer)
1250 Wood, 2013 (reverse LF verdict)
1251 Gerbers, 2012 (affirm dismissal complaint)
1252 Broderick, 2013 (reverse EO officer)
1253 Turner, 2013 (reverse dismissal complaint)
1254 Ryan, 2013 (reverse EO expel member)
1256 Munn, 2012 (dismiss original action)
1262 Ryan, 2013 (reverse LF verdict)
1269 Andrews, 2013 (affirm/modify EO officer)
1275 Lewis, 2013 (reverse Club suspension)
1276 Hanson, 2013 (reverse Club suspension)
1280 Brunswasser, 2013 (reverse Club suspension)
1286 Riner, 2013 (reverse LF verdict)
1289 Buhl, 2013 (reverse 9.090 expulsion)
1290 Boyle, 2013 (dismiss appeal mediation)
1292 Yakima WA Lodge, 2014 (certification, reverse denial By-Laws amendment)
1294 Norville, 2013 (reverse dismissal complaint)
1303 Brunswasser, 2014 (reverse dismissal complaint)
1306 Barnes, 2014 (reverse LF penalty)
1309 Spence 2014 (reverse LF verdict)
1318 Rialti, 2014 (reverse Club suspension)
1319 Kneese, 2014 (affirm officer removal under §12.141)
1323 Norville, 2014 (reverse dismissal complaint)