

TRIAL CODE
The Grand Chapter of Colorado
Order of the Eastern Star Trial
Code



Adopted
by the
GRAND CHAPTER OF COLORADO
ORDER OF THE EASTERN STAR
September 22, 2006

First Edition

(Known as Constitution and By-laws including Trial Code)

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Table of Contents

Article I: Rules and Process

- Section 1. Membership Not Forfeited Except by Conviction
- Section 2. All Members Amenable to Laws
- Section 3. Charges Against Present Matrons and Patrons
- Section 4. Who May File Charges
- Section 5. Form of Charges
- Section 6. Service on Accused
- Section 7. Reading of Charges and Answer
- Section 8. Worthy Matron Sets Time for Trial
- Section 9. Worthy Matron Orders Summons Issued to Accused and Accuser
- Section 10. Notification of Charges to Members of Chapter
- Section 11. Witnesses
- Section 12. Affidavits
- Section 13. Presentation of Affidavits to Chapter
- Section 14. Testimony Filed with Secretary
- Section 15. Where Accused Fails or Refuses to

	Appear
Section 16.	Postponement of Trial
Section 17.	When Accused Pleads Guilty
Section 18.	When Accused Pleads Not Guilty
Section 19.	Arguments, Questioning, and Summations
Section 20.	Retire During Balloting
Section 21.	Balloting on Innocence or Guilt of Accused
Section 22.	Balloting on Degree of Penalty
Section 23.	Penalties
Section 24.	Notice to Accused of Result of Trial
Section 25.	Grand Secretary Notified of Suspension, Expulsion or Restoration
Section 26.	Penalties Depriving Accused of Membership
Section 27.	Limit of Definite Suspension
Section 28.	Reprimand Administered
Section 29.	Refusal of Accused to Submit to Reprimand
Section 30.	Failure of Presiding Officer to

Impose Penalty

Article II: New Trials

Section 1. Granting of New Trial

Article III: Appeals

Section 1. Right to Appeal

Section 2. Transcripts

Section 3. Judgement of Worthy Grand
Matron on Appeal

Section 4. Restoration of Convicted Member
Where Worthy Grand Matron
Reverses Decision

Section 5. Restoration of Convicted Member
Where New Trial Results in
Acquittal

Article IV: Restoration to Membership by Chapter

Section 1. Restoration After Indefinite
Suspension

Section 2. Restoration After Definite
Suspension

Article V: General Information

- Section 1. Who May Be Present at Trial
- Section 2. Who May Act as Counsel
- Section 3. Presiding Officer for Trial
- Section 4. Divulgence of Trials Prohibited
- Section 5. Dues Do Not Accrue During
Suspension of Membership
- Section 6. Evidence of Conviction by Court
of Law
- Section 7. Members of Order Must Obey
Summons
- Section 8. Forms Available

Addenda

Addendum A - Form of Charges

Addendum B - Form of Summons Addendum C -
Form of Answer

TRIAL CODE
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ARTICLE I RULES AND PROCESS

Sec. 1. MEMBERSHIP NOT FORFEITED EXCEPT BY CONVICTION.

No member of the Order shall be deprived of any of the rights of membership, except by demit or suspension for non-payment of dues, until after due trial and conviction.

Sec. 2. ALL MEMBERS AMENABLE TO LAWS.

Any member is amenable to the laws and regulations of the Order and may be tried for offenses, either by the Chapter to which the member belongs, or by the Chapter within whose jurisdiction the member resides, or in which the offense was committed. (2016) If Accused is not a member of a Chapter in which charges are filed, then said Chapter of which the Accused is a member shall be notified of such charges. If change of venue is

requested within thirty days after notification of pendency of charges, and same is granted by the Worthy Grand Matron, the trial will be transferred to the Chapter of which the Accused is a member; otherwise the Chapter in which the charges were first filed shall proceed with the trial.

Sec. 3. CHARGES AGAINST PRESENT MATRONS AND PATRONS.

See Bylaws Governing the Grand Chapter of Colorado, Chapter 11, Misconduct of Officers - Suspension, Charges, Trials, and Appeals.

Sec. 4. WHO MAY FILE CHARGES.

Any member in good standing has the right to prefer charges against any other member within the territorial limits of this Grand Chapter, said charges to be filed in the Chapter in which the offense was committed or in the Chapter to which the Accused belongs.

Sec. 5. FORM OF CHARGES.

Charges must be in writing, in the form dictated in Trial Code Addendum A, and signed by the member or members preferring the charges. The charges must specify the particular act or acts complained of, stating as nearly as possible the time, date, place and circumstances of the commission of each act, and must also include the names of witnesses. The original Charges and one duplicate shall be filed with the Secretary of the Chapter in which trial is to be held.

Sec. 6. SERVICE ON ACCUSED.

A copy of the Charges will be served on the Accused by the Secretary by certified mail, return receipt requested, and with an additional copy sent by regular first class mail, no less than 10 days prior to the date on which the Charges will be read in Chapter, along with a copy of the Answer form (Trial Code Addendum C) and notifying the Accused of the date on which the Charges and Answer will be read. The Accused shall have until

that date to file with the Secretary of the Chapter her or his written answer to the Charges.

Sec. 7. READING OF CHARGES AND ANSWER.

Charges shall be read by the Secretary as New Business at the second stated meeting following the receipt thereof along with the Answer of the Accused, if same has been received. If the Chapter, by majority vote of the members voting, upholds such charges, the Secretary shall enter the charges in full upon the minutes of the Chapter prior to its next stated meeting.

Sec. 8. WORTHY MATRON SETS TIME FOR TRIAL.

When Charges, and Answer if received, are read and the charges are upheld by the Chapter, the Worthy Matron shall set a date and time for trial, said date to be not less than forty-five days nor more than one hundred twenty days from the date thereof. Trials may only be held at a Special Meeting of the Chapter. Trials may not be held

on Sunday per Article XI, Sec. 3.b., Bylaws Governing Subordinate Chapters.

Sec. 9. WORTHY MATRON ORDERS SUMMONS ISSUED TO ACCUSED AND ACCUSER.

The Worthy Matron shall order the Secretary to have served upon the Accused and Accuser a Summons (Trial Code Addendum B) notifying them of the date of the trial, by certified mail, return receipt requested, with an additional copy sent by regular first class mail, within 10 days after the date on which the Charges and Answer were read in Chapter.

Sec. 10. NOTIFICATION OF CHARGES TO MEMBERS OF CHAPTER.

The Secretary shall notify **all** members of the Chapter, by first class mail, of the pendency of charges and the date set for trial of the Accused.

Sec. 11. WITNESSES.

The attendance of witnesses for either side shall be called by Summons (Trial Code Addendum B), to be issued by the Secretary when ordered by the Worthy Matron. Written Summons shall be presented to each, either in person or by first class mail.

Sec. 12. AFFIDAVITS.

When a witness is a resident, a non-resident, or a non-member of the Order and cannot appear in person before the Chapter, her or his evidence may be presented by written and notarized affidavit.

Sec. 13. PRESENTATION OF AFFIDAVITS TO CHAPTER.

All written affidavits received by the Worthy Matron shall be presented to the Chapter at the time of trial.

Sec. 14. TESTIMONY FILED WITH SECRETARY.

Trial proceedings and testimony shall be electronically recorded and filed with the Secretary of the Chapter where trial is held. Further, a written or recorded copy shall be filed with the Grand Secretary in a sealed envelope for perpetual retention. Copies shall be made available on request from the Accused, the Accuser, or their Counsel, with cost to be borne by requesting parties.

Sec. 15. WHERE ACCUSED FAILS OR REFUSES TO APPEAR.

At the time set for the trial, if the Accused **fails** to appear in person, or by counsel, but has provided a valid and timely reason for such, the presiding officer shall postpone the trial until such time that Accused can appear. If the Accused **refuses** to appear in person, or by counsel, the presiding officer shall appoint a competent member to appear for the Accused and shall hear the case as though the Accused were present.

Sec. 16. POSTPONEMENT OF TRIAL.

In case of postponement the Secretary shall, not later than the tenth day preceding the date set, again summon, as specified in Sec. 9 and 11, the Accused, the Accuser, and the witnesses to appear at the new date and time set for the trial. Secretary shall also notify **all** members of the Chapter of this new date.

Sec. 17. WHEN ACCUSED PLEADS GUILTY.

Should the Accused, in the Answer, plead guilty to the charges specified, or to any part of the same, the presiding officer shall, without motion or debate, order a written ballot to be spread on the degree of punishment to be imposed, the highest penalty being voted on first. (See Sec. 23 for PENALTIES)

Sec. 18. WHEN ACCUSED PLEADS NOT GUILTY.

The trial shall proceed and all testimony must be electronically recorded and preserved by the Secretary.

Sec. 19. ARGUMENTS, QUESTIONING AND SUMMATIONS.

After the evidence shall have been presented, the Accuser and Accused, or their counsel, shall have the opportunity to question witnesses and present summations.

Sec. 20. RETIRE DURING BALLOTING.

At the conclusion of the arguments and summations, the Accused, the Accuser, and witnesses and counsel who are not members of the Chapter shall retire from the Chapter room until the ballot or ballots determining the innocence or guilt of the Accused shall be taken, and, if applicable, until the penalty is determined.

Sec. 21. BALLOTING ON INNOCENCE OR GUILT OF ACCUSED.

The Chapter shall take a ballot on whether the Accused is guilty or not guilty as charged. The members present shall cast a written ballot stating “guilty” or “not guilty”. A two-thirds majority vote of the members voting shall be required for conviction.

Sec. 22. BALLOTING ON DEGREE OF PENALTY.

If Accused is found guilty, penalty shall then be immediately determined by separate ballot for each possible penalty, commencing with the highest grade until one of the penalties prescribed in Sec. 23 is determined. A two-thirds majority written ballot by those voting shall be required for expulsion, indefinite or definite suspension. If the required two-thirds majority vote is not attained then the fourth grade penalty of reprimand shall, by default, be mandatory.

Sec. 23. PENALTIES.

1. Expulsion (Permanent loss of membership)
2. Suspension for an indefinite time.
3. Suspension for a definite time.
4. Reprimand by the Chapter.

Sec. 24. NOTICE TO ACCUSED OF RESULT OF TRIAL.

Immediately after balloting is concluded, the Secretary shall verbally advise the Accused of the decision of the Chapter. Further, the Secretary shall forthwith send two duplicate notices to the Accused; one by certified mail with return receipt requested, one by first class mail, she or her retaining copies thereof.

Sec. 25. GRAND SECRETARY NOTIFIED OF SUSPENSION EXPULSION OR RESTORATION.

The Secretary of the Chapter shall, within three (3) days after a trial, notify the Grand Secretary of any suspension or expulsion of a member of said Chapter and shall preserve all testimony and papers

pertaining to said trial. The Grand Secretary shall, upon notification of any suspension or expulsion, notify the Worthy Grand Matron. The Secretary shall likewise notify the Grand Secretary immediately of any restorations after suspension. The Worthy Grand Matron shall notify all Chapter Secretaries of all suspensions, expulsions and restorations within the jurisdiction.

**Sec. 26. PENALTIES DEPRIVING
ACCUSED OF MEMBERSHIP.**

Should the penalty be expulsion, suspension for an indefinite period, or suspension for a definite period, the Accused shall be deprived of all rights and privileges of membership in the Order as specified in the penalty. The Accused shall surrender all Eastern Star dues receipts issued to within two years prior to expulsion or suspension.

**Sec. 27. LIMIT OF DEFINITE
SUSPENSION.**

Where a Chapter imposes a penalty of definite suspension, the time of such suspension shall not be less than three (3) months nor more than two (2) years, the length of the suspension to be determined by majority vote of those voting, immediately following the vote to suspend.

Sec. 28. REPRIMAND ADMINISTERED.

Should the penalty be reprimand, the Secretary of the Chapter shall notify the Accused to appear before the Chapter at its next stated meeting, when the presiding officer shall administer the reprimand. Said notification shall be sent in duplicate; one by certified mail with return receipt requested and a second by first class mail.

Sec. 29. REFUSAL OF ACCUSED TO SUBMIT TO REPRIMAND.

Any member refusing to submit to the penalty of reprimand shall, by reason of such refusal, be deemed guilty of insubordination and shall, without motion or vote, be immediately suspended from membership in the Order for a period of six (6) months by the presiding officer.

Sec. 30. FAILURE OF PRESIDING OFFICER TO IMPOSE PENALTY.

Should the presiding officer fail or refuse to immediately announce the result of any ballot, or fail or refuse to immediately declare or impose any penalty voted by the Chapter, the Secretary of said Chapter shall, within three (3) days after such failure, notify the Worthy Grand Matron of the same, whereupon the Worthy Grand Matron shall immediately discipline said presiding officer in accordance with Para. 11.01., Bylaws Governing the Grand Chapter of Colorado.

ARTICLE II NEW TRIALS

Sec. 1. GRANTING OF NEW TRIAL.

The Chapter that tried and convicted a member may grant a new trial in the following cases:

- (a) Upon the presentation of new evidence which would to a reasonable certainty, cause a change in the sentence imposed by the Chapter.
- (b) When the findings of the Chapter are contrary to the evidence, law and usage.

Application for a new trial shall be addressed to the Secretary of the Chapter and must be presented within thirty (30) days after the Accused is informed of the decision of the Chapter. In all cases where a new trial is granted, the same rules in all particulars shall govern as in the first trial.

ARTICLE III APPEALS

Sec. 1. RIGHT TO APPEAL.

In case a Chapter refuses to grant a new trial an appeal may, within sixty (60) days from date of such refusal, be taken by the Accused to the

Worthy Grand Matron who may order a new trial if, after careful investigation, she finds conditions warrant same.

Sec. 2. TRANSCRIPTS.

If an appeal is filed, the Secretary shall furnish the Worthy Grand Matron with certified copies of trial transcript. The cost of the transcript, if any, shall be borne by the party filing the appeal.

Sec. 3. JUDGMENT OF WORTHY GRAND MATRON ON APPEAL.

The judgment of the Worthy Grand Matron upon an appeal shall be any of the following:

- (a) That the decision of the subordinate Chapter or its presiding officer be sustained.
- (b) That said decision be reversed and the case be remanded for a new trial.
- (c) That the case be dismissed.

Sec. 4. RESTORATION OF CONVICTED MEMBER WHERE WORTHY GRAND MATRON REVERSES DECISION.

When a member of a subordinate Chapter has been expelled or suspended by said Chapter and its decision is reversed and the case dismissed by the Worthy Grand Matron, said member will thereby be immediately restored to her or his former standing in said Chapter.

Sec. 5. RESTORATION OF CONVICTED MEMBER WHERE NEW TRIAL RESULTS IN ACQUITTAL.

If the judgment of said subordinate Chapter be reversed and the case be remanded for a new trial and said new trial results in acquittal of the Accused, said member will thereby be immediately restored to her or his former standing in said Chapter.

ARTICLE IV RESTORATION TO MEMBERSHIP BY CHAPTER

Sec. 1. RESTORATION AFTER INDEFINITE SUSPENSION.

A suspended member may petition the suspending Chapter or its successor for reinstatement into said Chapter after a period of three (3) years from the date of suspension. To restore a member who has been indefinitely suspended for causes other than non-payment of dues, she or he shall present a petition for restoration. Such petition shall be received and read at a stated meeting. It shall then require a two-thirds written vote of the members voting to bring about restoration, due notice of at least one month having been given to the members of the Chapter. A fee large enough to cover the cost of notifying the members by first class mail shall accompany each petition for restoration and said fee shall not be returned regardless of whether or not the petition is rejected.

Sec. 2. RESTORATION AFTER DEFINITE SUSPENSION.

Upon completion of a definite suspension, the member shall be immediately restored to membership in the Chapter or its successor.

ARTICLE V GENERAL INFORMATION

Sec. 1. WHO MAY BE PRESENT AT TRIAL.

Only the following shall be permitted in the Chapter room during the trial:

1. The Accused and Accuser.
2. Counsel for the Accused and Accuser.
3. Members of said Chapter holding the trial.
4. Members of the Order summoned as witnesses.
5. Non-members of the Order summoned as witnesses.
6. Worthy Grand Matron and Worthy Grand Patron.
7. Deputy appointed by and bearing written authorization from the Worthy Grand Matron.

Sec. 2. WHO MAY ACT AS COUNSEL.

Any member of the Order, in good standing therein, may act as counsel for either the Accused or the Accuser.

Sec. 3. PRESIDING OFFICER FOR TRIAL.

The Worthy Matron of the Chapter in which the trial is to be held shall be deemed the presiding officer at the trial, or she may appoint the Worthy Patron, except that the Worthy Grand Matron shall preside or she may appoint a neutral member of the Grand Chapter to preside upon written request within ten (10) day of receipt of notification of Charges from either the Accused or the Accuser.

**Sec. 4. DIVULGENCE OF TRIALS
PROHIBITED.**

No Chapter or member thereof shall cause to be published or otherwise make public the details of any trial held by said Chapter, except that the Worthy Grand Matron shall notify all Chapter Secretaries of all suspensions and expulsions within the jurisdiction.

**Sec. 5. DUES DO NOT ACCRUE DURING
SUSPENSION OF MEMBERSHIP.**

Dues shall not accrue against a member during suspension of membership.

**Sec. 6. EVIDENCE OF CONVICTION BY
COURT OF LAW.**

A certified copy of the records of conviction of any member convicted of a felony in a court of law shall be admitted as evidence.

Sec. 7. MEMBERS OF ORDER MUST OBEY SUMMONS.

Every member of the Order who is called as a witness is bound to obey a Summons and for failure, without good and sufficient cause, shall be summoned to appear before the Chapter at its next stated meeting when, if a satisfactory excuse is not offered, said member shall be deemed guilty of insubordination and shall, without motion or vote, be immediately suspended from membership in the Order for a period of six (6) months by the presiding officer.

Sec. 8. FORMS AVAILABLE.

Forms for Trial Code Charges, Summonses, and Answers (addendum A, B, and C, respectively) may be obtained from the Grand Secretary, either electronically at no cost, or paper forms may be purchased for a nominal fee. (2016)



Grand Chapter of Colorado
Order of the Eastern Star

TRIAL CODE
2016