

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1457

[Docket No. 1022-20]

IN RE: Review of a Bishop's Ruling on a Question of Law in the West Ohio Annual Conference Concerning the Role and Authority of the Conference Board of Trustees in Relation to the Role and Authority of the Annual Conference Particularly Given Provisions such as those in ¶ 2512 versus the Disaffiliation Provision contained in ¶ 2553.

#### DIGEST

The decision of Bishop Gregory V. Palmer is affirmed for the reasons set forth therein.

#### STATEMENT OF FACTS

On Saturday, June 4, 2022, at the West Ohio Annual Conference's Annual Conference, a clergy member submitted the following written request for a decision of law:

1. Does the annual conference have authority to direct the Conference Trustees?
2. Is Paragraph 2553.4, which "expands" the authority of the Conference Trustees (JCD 1420) to set the terms and conditions of disaffiliation, in conflict with Paragraph 2512.2 which states in part, that the Board of Trustees "... shall be amenable to the annual conference?" Does such an expansion of authority violate the principle of legality, result in an unconstitutional delegation of the authority of the annual conference, and violate the powers reserved to the annual conference under paragraph 33 of the Constitution? What is the meaning of "amenable" in paragraph 2512.2? Does Paragraph 2512.2 specify any exceptions to the amenability of the Trustees to the annual conference?
3. When setting a general policy for the disaffiliation/separation of congregations must the Trustees seek and receive the approval of the annual conference for said policy?
4. Paragraph 2553.4 makes no specific reference to an expansion of the authority of the Trustees, or an exception to the amenability of the Trustees to the annual conference. Does the general principle of amenability in Paragraph 2512.2 govern the applicability of the authority described in Paragraph 2553.4?
5. The Book of Discipline of the United Methodist Church states the Trustees of a local church "shall always be subject to the direction of the charge conference (Paragraph 1529)." It also states District Trustees are subject to the

district or annual conference (Paragraph 2518.1, 2). Is the authority extended by Paragraph 2553.4 to the Conference Trustees contrary to the general structure and consistency of United Methodist polity in The Book of Discipline of the United Methodist Church?

On June 21, 2022, Bishop Gary Palmer issued the following Decision of Law, which states in relevant parts:

For the purposes of this Decision of Law, I will presume that the above-questions relate to the terms and conditions of the disaffiliation under paragraph 2553 of the *Discipline* set forth in the report of the conference board of trustees on pages 35-41 of the Book of Reports. I will also extract the questions from the narrative that surrounds them. [footnotes omitted]

**Question 1:**

Paragraph 2512.2 as interpreted by JCD 1371 provides that the conference board of trustees “acts at the direction of the annual conference and not as an initiator of action, except as The Discipline stipulates.”

**Question 2:**

Taking these questions in the order in which they are presented, I first note that paragraphs 2553.4 and 2512.2 of the *Discipline* do not conflict. Paragraph 2512.2, as interpreted by JCD 1371 provides that the conference board of trustees “acts at the direction of the annual conference and not as an initiator of action, except as The Discipline stipulates.” Paragraph 2553.4 provides, and JCD 1420 has affirmed, that one exception to paragraph 2512.2 stipulated by the *Discipline* is that the conference board of trustees has exclusive authority in establishing the terms and conditions of a local church’s departure from The United Methodist Church under paragraph 2553 of the Discipline.

Next, I note that paragraph 2553 of the *Discipline* has been ruled constitutional. (JCD 1379.) Therefore, I do not find an unconstitutional abrogation of powers reserved to the annual conference under paragraph 33 of the *Discipline*.

Finally, the principle of amenability in connection with paragraph 2512.2 of the *Discipline* has been addressed above.

**Question 3:**

The conference board of trustees has exclusive authority in establishing the terms and conditions of a local church’s departure from The United Methodist Church under paragraph 2553 of the Discipline. (*Discipline*, paragraph 2553.4; JCD 1420.) To the extent Question 3 seeks to address a different scenario, I would decline to issue decision of law on such matters as they would be hypothetical, speculative or advisory in nature. JCD 33, 131, 396, 651, 746, 762, 799.

**Question 4:**

As noted above, the principle of amenability in paragraph 2512.2 of the *Discipline* is subject to exceptions stipulated by other provisions of the *Discipline*. (*Discipline*, paragraph 2553.4; JCD 1371, 1379, 1420.) Paragraph 2553.4 of the *Discipline* is one such exception.

**Question 5:**

This request does not relate to a specific action taken at the West Ohio Annual Conference. (JCD 799.) Paragraph 2553 of the *Discipline* was ruled constitutional in JCD 1379 and I am bound thereby.

**Jurisdiction**

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline*.

**Analysis and Decision**

The decision of Bishop Gregory V. Palmer is affirmed for the reasons set forth therein.

Kabamba Kiboko recused herself and did not participate in any of the proceedings related to this decision.

February 28, 2023

**Separate Opinion**

I concur with my colleagues regarding some aspects of the Bishop's ruling, but I note that the Digest needs to indicate the major issues that were ruled upon by the Bishop and further indicate those aspects upon which the Judicial Council specifically agrees and affirms as a matter of church law.

The specific issues that the Judicial Council is affirming in its review of a Bishop's ruling on a question of law ought to be set forth in the Digest so that those institutions and publications [especially hardcopy print publications], which quote and rely exclusively upon the Digest to provide a **concise statement of the issues** decided by the Judicial Council in each Decision or Memorandum, are able to continue to alert their respective readers or members of potential changes in the interpretation or application of church law. If a Digest states only that the Judicial Council affirms the ruling of the Bishop "**for the reason set forth therein**" then those institutions and publications which have heretofore relied upon our Digest, will no longer be in a position to immediately provide a meaningful alert to their respective readers or members concerning such decisions or memorandums that have just been released by the Judicial Council.

Additionally, episcopal rulings contain many nuanced statements that can be interpreted in a variety of ways and thereby risk resulting in polity which could be misapplied by others. General Conference has tasked the Judicial Council, exclusively, with the responsibility of articulating those major aspects of each episcopal ruling and relating each aspect to the Disciplinary principles, polity, and former Decisions which provide the predicate for determining that the Bishop is correct or incorrect concerning that aspect of his or her ruling. The denomination is relying upon the Judicial Council to identify the key points in an episcopal ruling, and affirm, modify or reverse those key points, in whole or in part, and thereby reconcile the multiple rulings that are issued each year and ensure that our church law is not subject to more than one interpretation.

Beth Capen  
February 28, 2023