

# JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

## DECISION NO. 1313

***IN RE: Review of a Bishop's Decision of Law in the Desert Southwest Annual Conference Regarding the Duties and Responsibilities of the Conference Lay Leader in Light of ¶¶424.6, 605.5 and 607.6.***

### DIGEST

An annual conference lay leader has the right to be invited and to be present at the Cabinet meeting when coordination, implementation, or administration of the conference program is on its agenda. An annual conference shall provide time for a laity address or report as a responsibility of the conference lay leader. The bishop's decision of law is reversed.

### STATEMENT OF FACTS

On June 21, 2015, at the morning plenary session of the Desert Southwest Annual Conference in Glendale, Arizona, the Conference Lay Leader spoke and submitted in writing the following request:

We have just elected our leadership for the coming year. I pray that all will serve with inspiration, wisdom and boldness. As Conference Lay Leader I am elected to be an advocate for the laity and for the ministry of the laity of our Desert Southwest Conference. Accordingly, under the provisions of Paragraph 51 and 2609 of the Book of Discipline dated 2012, I respectfully request a bishop's Decision of Law regarding the following questions:

First, do Paragraphs 424.6 and 607.6 which deal with attendance at Cabinet meetings when matters other than clergy appointments are discussed mean that the Conference Lay Leader shall be notified and invited to participate when the Cabinet agenda includes coordination, implementation or administration of the conference program?

Second, does Paragraph 605.5 which deals with the agenda of the Annual Conference, mean that the agenda for the Annual Conference shall provide time for an oral presentation by the Conference Lay Leader?

While the Bishop acknowledged that the request was properly presented during a regular session, he decided that the two questions are “improper” and “moot and hypothetical” because they do not reference any business, consideration, or discussion of the conference session in which doubt arose regarding the legality of the action taken or proposed.

## **JURISDICTION**

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution of The United Methodist Church and under ¶ 2609 of the *2012 Discipline* as modified by Judicial Council Decision 1244.

## **ANALYSIS AND RATIONALE**

On the first question, ¶424.6 of the 2012 Book of Discipline provides:

When the cabinet considers matters relating to coordination, implementation, or administration of the conference program, and other matters as the cabinet and director of connectional ministries, or equivalent, may determine, the director *shall* be present. *The conference lay leader shall be invited to be present.*

Paragraph 607.6 essentially states a similar mandate:

The conference lay leader *shall* meet with the cabinet when matters relating to the coordination, implementation, or administration of the conference program, or other matters as the cabinet may determine are on the agenda.

On the second question, ¶605.5 directs:

The agenda of the annual conference *shall* provide time for an address or report that shall be the responsibility of the conference lay leader.

The same directive is found in ¶607.4 stating that “the conference lay leader shall be responsible for presenting a report to the annual conference.” (All emphases added)

The first two cited provisions require that the conference lay leader shall be invited to be present when the cabinet considers matters relating to coordination, implementation, or administration of the conference program. The third and fourth provisions make it a duty of the said lay leader to meet with the Cabinet when the same matters are on the agenda. Both provisions are mandatory. The word

“shall” is a word of command which is given a compulsory meaning. It excludes the opportunity for discretion. In fact, it imposes a duty which may be enforced. (JCD 1099)

The request for a ruling was immediately preceded by a report of the nominations committee and election of officers, with expression of thanks to all officers for their service in the past year. That, certainly, formed part of the conference business. The questions of law themselves indicate the doubt on the scope of rights and responsibilities of the conference lay leader. Hence, the questions are not improper, neither are they moot and hypothetical, contrary to the bishop’s ruling.

A ruling is required even if the ruling is simply that the question is moot, hypothetical or improperly submitted. (Decision 799)

#### **DECISION**

An annual conference lay leader has the right to be invited and to be present at the Cabinet meeting when coordination, implementation, or administration of the conference program is on its agenda. An annual conference shall provide time for a laity address or report as a responsibility of the conference lay leader. The bishop’s decision of law is reversed.

F. Belton Joyner, Jr., Secretary

William B. Lawrence, President

May 9, 2016