

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1356

IN RE: Review of a Bishop's Decision of Law in the South Carolina Annual Conference concerning if Decision 1340 of the Judicial Council or some part of the Book of Discipline 2016 render it out of order for an annual conference to petition the General Conference for enabling legislation to allow the Annual Conference to alter its relationship with the General Conference.

STATEMENT OF FACTS

Two written requests for decision of law were presented to the Presiding Bishop by a licensed local pastor on June 7, 2017, the last day of the session of the South Carolina Annual Conference, as follows:

1. Regarding the Bishop's action at the afternoon session of 5 June on the Resolution on Realignment; Does Decision 1340 of the Judicial Council or some part of Discipline render it out of order for an Annual Conference to petition the General Conference for enabling legislation so as to allow the Annual Conference to alter its relationship with the General Conference?
2. Regarding the Bishop's action at the afternoon session of 5 June on the Resolution on Realignment: Does Judicial Council Decision 1340 prevent an Annual Conference from forming a task force, study commission or committee if the product of that task force would likely result in a proposal that is contrary to the Discipline at the time it is written, but includes a petition to General Conference for enabling legislation before enactment? (emphasis added).

Three months earlier, on March 14, 2017, petitioner pastor submitted to the Annual Conference Committee on Resolution and Appeals "Resolution for the Realignment of the South Carolina Conference of the United Methodist Church and Its Disaffiliation from the Structures of the United Methodist Church."

In the afternoon session of the Annual Conference of June 5, 2017, or two days before the twin requests were made, the Committee on Resolutions and Appeals brought to the Conference floor the Resolution for Realignment and Disaffiliation as part of its report, without recommendation, for information only. The bishop ruled it out of order, not properly before the Conference, and that it could not be discussed or acted upon. No further consideration, deliberation, or action, was taken except and until the submission of the request for the decision of law.

JURISDICTION

The Judicial Council has no jurisdiction. The twin requests for a bishop's decision of law arose out of a parliamentary ruling of the bishop on the Conference floor on June 5, 2017, when the Committee on Resolutions and Appeals brought to the Conference session petitioner's draft Resolution for Realignment and Disaffiliation as part of its report for information only. The Committee presented the Resolution without recommendation. The bishop ruled that the Resolution was out of order, not properly before the Conference, and, therefore, that it could not be discussed or acted upon by the Annual Conference. No further discussion nor any action taken related to the matter until the request for decision of law was submitted on the last day. (Minutes of the Annual Conference, 2nd day, June 5, 2017, pp. 13-14: Transcript of Proceedings, Appendix "A" of Petitioner's Brief)

It is true that review by the Judicial Council of a bishop's decision of law is automatic or mandatory (JCD 799, 1244). Jurisdiction is another matter. It is settled precedent that the Judicial Council has no jurisdiction on a parliamentary matter or verbal ruling made on the conference floor during a session. There is no disciplinary authority for the Judicial Council to assume jurisdiction of a parliamentary ruling by a presiding bishop. (Memoranda 898, 941, 1117, 1187 and 1205).

After the bishop ruled the resolution out of order, the proper recourse for the proponent of the resolution was to appeal that ruling. No request to appeal the ruling was made. (JCD 1117) Hence, the matter was no longer before the Annual Conference. The Bishop was correct in making this ruling.

DIGEST

The Judicial Council has no jurisdiction. The request for a Bishop's decision of law arose out of a parliamentary ruling that the resolution or petition was out of order. We have no jurisdiction to review a parliamentary determination by a bishop.

Dennis Blackwell was absent.

First clergy alternate Timothy Bruster participated in this decision.