

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1346

IN RE: Review of a Bishop's Decision of Law regarding the authority of the Western Jurisdictional Conference to adopt rules and the effect of those rules on nominations to the jurisdictional pool.

DIGEST

In Judicial Council Memorandum 1338, we remanded the matter to Bishop Warner H. Brown with the request “for a decision of law to be made in accordance with the constitutional requirement in ¶ 51, Art. VII and submitted to the Judicial Council within thirty (30) days.” After the passing of thirty days, the Judicial Council received neither a decision of law nor response nor a request for an extension from the bishop.

A bishop may agree or disagree with a ruling, “but is still subject to the Constitution, *The Book of Discipline*, and the decisions of the Judicial Council” (JCD 1120). The disregard of a judicial ruling by a bishop (retired or otherwise) is troubling because it not only undermines the constitutional separation of powers and the principle of legality, but also contributes to the erosion of unity in The United Methodist Church.

Absent an episcopal response providing us with information, we reverse and modify in part the decision of law of Bishop Warner H. Brown.

Question 1 is not “moot and hypothetical”. The record shows that the matter is germane to the business and consideration of the 2016 session of the Western Jurisdictional Conference. We reverse the ruling and find that ¶ 705.1(a) of *The Book of Discipline 2012* authorizes the Western Jurisdictional Conference to provide that members of the Jurisdictional Committee on Nominations may not be nominated for service on general and jurisdictional agencies by adopting Rule XV.e.1(b) in 2012.

Regarding Question 2, we modify the ruling as follows: Rule XV.e.1(b) as adopted by the 2012 session of the Western Jurisdictional Conference was a valid part of the Rules of Order at the convening of the Western Jurisdictional Conference in 2016 and at the time the Question of Law was delivered to the bishop.

October 27, 2017