

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1463

[Docket No. 1022-14]

IN RE: Review of a Bishop's Ruling on Questions of Law in the Eastern Pennsylvania Annual Conference Concerning the Legal and Proper Disposition of Designated or Restricted Trusts, Gifts and Bequests Held by Local United Methodist Churches Seeking to Disaffiliate From the Denomination.

DIGEST

The decision of Bishop John R. Schol is affirmed for the reasons set forth therein.

STATEMENT OF FACTS

On May 21, 2022, the last day of the Eastern Pennsylvania online Annual Conference session, the final resolution for the conference session was considered. The bishop ruled the legislation out of order. The bishop asked the petitioner if he wanted to appeal the ruling. The petitioner indicated that he did not wish to appeal the ruling. A camping report was presented. During the report a lay member submitted an appeal to his ruling that the legislation was out of order. Her written appeal stated the following:

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

My Rationale: According to Judicial Council Decision 999, "An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that "In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body."

This is important because there are no rules regarding this. EPA needs this now more than ever. We owe it to one another to figure this out so that we can bless one another and allow those of us that want to go, the opportunity to go without punishing one another.

I appeal to the Body of the Annual conference to overrule the chair's parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter.

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

The bishop explained that an appeal from a lay member was submitted during the camping report and that the appeal would be heard. After the rationale for the appeal by the lay member, the bishop stated again his rationale of why the legislation was out of order and called for a vote. The members sustained the bishops ruling 342 in favor and 78 opposed. The annual conference session was adjourned.

A clergy member of the conference also challenged the ruling in writing following the lay member's challenge, submitting nearly the exact same wording but added an additional section to what the lay member submitted bolded:

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

My Rationale: According to Judicial Council Decision 999, "An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that "In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body."

This is important because there are no rules regarding this. EPA needs this now more than ever. We owe it to one another to figure this out so that we can bless one another and allow those of us that want to go, the opportunity to go without punishing one another.

I appeal to the Body of the Annual conference to overrule the chair's parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter.

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per The Discipline 2609.6. Submitted by Rev. Dr. Christopher Fisher Elder, Eastern PA Conference 5-21-2022.

More than an hour after the session had been adjourned, the clergy member emailed the bishop and others the following:

Request for a Bishop's Ruling of Law on Resolution 2021-6 Zoom Chat Request Category 4:

I would like to make a Point of Order: I request for the Bishop to make a Ruling of Law on Resolution 2021-6 from last year's Annual Conference, titled, "Relating to the Distribution and Use of Funds Acquired as a Result of Para. 2553"

Specifically, I request a Ruling of Law on the legality of point 4.a.vi.B. which reads,

"Para. 4.a.vi.B, entitled "Missional Transition Support Payment (three-year average of non-real estate assets multiplied by percentage of church vote that did not vote for disaffiliation (i.e. abstentions and nays)" will be used at the discretion of the cabinet in the district of which the disaffiliating church was a member;"

Explanation:

- A) My request is on whether Par. 4.a.vi.B. is legal because it appears to violate the Discipline Par. 258.4.f, which states "Contributions designated for specific causes and objects shall be promptly forwarded according to the intent of the donor and shall not be used for any other purpose. (footnote 11 [Judicial Council Decision 976])."
- B) Many financial assets of local churches (such as endowments, memorial funds, capital campaign funds for building projects, etc.) have been given with specific instructions by the givers. If the Annual Conference requires payment of a portion of all financial assets before a church can officially disaffiliate from the United Methodist Church, this appears on its face to require raiding these same designated funds, and so violates the intentions of their givers. In many cases financial assets of a local church (such as endowments, bequests, trusts, etc.) have additional legal fiduciary regulations with state government protections of their own, specifying exactly how the funds can be used and forbidding their use for any other purposes. Resolution 2021-6 also requires all fees to be paid *before* a local church can disaffiliate from the denomination, so the local church is still under the duties and protections of United Methodist Discipline while these fees are negotiated.

Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per *The Discipline* 2609.6.

On June 15, 2023, Bishop John R. Schol issue the following Decision of Law:

ANALYSIS AND RATIONALE

A request for a decision of Law should not mix a parliamentary procedure and a request for a ruling of law. A question of law and a parliamentary procedure, particularly a point of order are distinct and different processes. A point of order is a parliamentary matter in which the person raising the point of order believes an action about to be taken or that has just been taken does not conform to the parliamentary rules of the annual conference. A question of law is a question regarding the legality of actual or proposed annual conference action. JCD 799. By mixing the two in this particular instance, it creates confusion about how a bishop is to proceed. The judicial council has consistently held that it does not have the authority to rule on parliamentary matters (See JCD 898, 941, 1117, 1187, 1205, 1356, and 1339).

Additionally, a question for a ruling of law must pertain to the business of the annual conference session (See JCD 1279, summarizing JCD 33, 396, 651, 746, 747, 762, 763, and 937). The issue raised referred to legislation that was approved a year prior at the 2021 annual conference session and was not part of or related to any business undertaken at the 2022 annual conference session. Therefore, pursuant to JCD 1294, a ruling of law on the substance of the purported request is “inappropriate.”

Finally, the second submission was submitted more than an hour after adjournment. A bishop may only make a ruling on a written question of law submitted during the annual conference session; questions submitted outside of the regular session are not questions of law that require or even permit an episcopal ruling. (See Discipline ¶¶51, and 2609.6 and JCD 1124, 1369, and 1388).

RULING OF LAW

For the reasons set forth above, neither submission for a ruling on a question of law are appropriate and, pursuant to JCD 799, it would be inappropriate to provide any further commentary that might address the substance of the request.

Jurisdiction

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

Analysis and Decision

The decision of Bishop John R. Schol is affirmed for the reasons set forth therein.

Dennis Blackwell recused himself and did not participate in any of the proceedings related to this decision.

February 28, 2023

Separate Opinion

We concur with our colleagues regarding some aspects of the Bishop's ruling, but we 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.

Beth Capen
Kabamba Kiboko
February 28, 2023

Separate Opinion

In addition to the above concern is that 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