

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1488

IN RE: Review of a Bishop’s ruling of law on a question raised during the California-Pacific Annual Conference related to its Disaffiliation Procedures, Policies and Timelines.

During the 2023 regular session of the California-Pacific Annual Conference, a clergy member made a motion regarding the adjustment of the formula used and applied by the Conference Board of Trustees regarding disaffiliating churches as well as other related relief. The motion received a second and the clergy member made an additional statement in support of his motion after which Bishop Dottie Escobedo-Frank ruled the clergyperson’s motion “out of order.”

The following day, the clergy member requested a “ruling of law” concerning the presiding Bishop’s reference to JCD 1420, 1457, 1458, and Discipline ¶ 2609.5 when she ruled that the clergy member’s motion was out of order, as well as whether the deadline date for completion of the disaffiliation process could be extended. The bishop responded that she received this as a request for decision of law and would rule within 30 days. The following day, while the Annual Conference was still in regular session, the presiding Bishop responded to the clergy member’s request.

The Judicial Council has no jurisdiction pursuant to ¶2609.6 of the *2016 Book of Discipline*. Questions asked of the presiding Bishop regarding the basis for ruling the clergy member’s motion out of order are questions concerning parliamentary procedure rather than questions concerning a matter of law. Although the *Discipline* mandates the Judicial Council’s review of episcopal rulings, the Judicial Council’s jurisdiction is strictly limited to the rulings on questions concerning **matters of law**. The clergyperson’s question, as to why his motion was ruled out of order, does not constitute a question of law. The request from the clergy member is strictly parliamentary.

In Memorandum 898 the Judicial Council held:

The ruling of the presiding bishop was a parliamentary ruling rather than a decision of law. There is no disciplinary authority for the Judicial Council to assume jurisdiction to consider a parliamentary ruling by a presiding bishop. Accordingly, the Judicial Council declines to assume jurisdiction in this matter. (Caveat: The appropriate method to challenge a parliamentary ruling by a presiding bishop is to appeal from the decision of the chair to the legislative body in which the ruling has been made.)

In Memorandum 941, the Judicial Council held that “the *Discipline* does not vest the Judicial Council with authority to review parliamentary rulings.” In Decisions and Memorandums 484, 487, 532, 834, 864, 898, 901, 941, 943, 949, 979, 992, 999, 1117, 1130, 1131, 1163, 1176, 1187, 1205, 1252, 1295, and 1306 the Judicial Council has ruled that it had no authority to review a parliamentary ruling of a bishop. Therefore, the Judicial Council has no jurisdiction to review this matter.

DIGEST

A request to rule on parliamentary matters does not qualify as a question of law. The ruling of Bishop Dottie Escobedo-Frank was a parliamentary ruling rather than a decision of law. There is no disciplinary authority for the Judicial Council to assume jurisdiction to consider a parliamentary ruling by a presiding bishop.

Deanell Tacha was absent. Kent Fulton, lay alternate, participated in this decision.
Luan-Vu Tran was absent. Timothy Bruster, clergy alternate, participated in this decision.

November 7, 2023