

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1487

IN RE: Review of a Bishop's Ruling in the Western Pennsylvania Annual Conference on Questions Seeking Procedural and Substantive Answers Concerning Matters Related to Judicial, Administrative, or Supervisory Processes.

DIGEST

Questions requesting information are not questions of law. A bishop may not declare a provision in the *Book of Discipline* to be unconstitutional. Further, questions which are procedural or substantive matters relating to actions in a judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop. Bishop Cynthia Moore-Koikoi's ruling, that the questions are not proper questions of law, is affirmed.

STATEMENT OF FACTS

On June 3, 2023, at the Clergy Session of the Western Pennsylvania Annual Conference of The United Methodist Church, the dean of the appointive cabinet reported on behalf of the cabinet that although it had been a difficult season, the majority of the clergy had been faithful. He stated, however, that there were four active complaints being processed.

A member of the conference asked the following questions of law:

1. Did the Western Pennsylvania Annual Conference Clergy Session, in accordance with ¶605.7 make inquiry into the moral and official conduct of its ordained ministers and local pastors, including [a certain clergy member], as to whether all such persons are blameless in their life and official administration and are such questions related to matters of character in the business of the Clergy Session?

2. Did the Cabinet of the Western Pennsylvania Annual Conference dismiss a complaint against [a certain clergy member] under the provisions of ¶ 362.1.e.1 as having no basis in law and fact?

3. Did the Cabinet of the Western Pennsylvania Annual Conference, in dismissing the complaint against [said clergy member] under the provisions of ¶362.1.e.1 act as a member of the itinerant district superintendency in accordance with JCD 398?

4. Did the Cabinet of the Western Pennsylvania Annual Conference, in dismissing the complaint against [said clergy member] under 362.1.e.1 (which requires no consultation with the Clergy Session or the Board of Ordained Ministry which reports to the Clergy Session), unconstitutionally usurp the right of the annual conference to vote on all matters relating to the character and conference relations of its clergy members ¶33?

Bishop Cynthia Moore-Koikoi reported to the body that there is a difference between matters of information and questions of law, but that she would report back to the body in 30 days.

Bishop Cynthia Moore-Koikoi then reported to the body the names of the persons against whom there were four active complaints. She also reported that complaints had been dismissed against three pastors. She named those pastors which included [said clergy member].

The conference member, requesting the episcopal rulings, was present at the Clergy Session held on June 3, 2023, and heard the report of the appointive cabinet. Further, he served as the advocate for the person filing the complaint against [said clergy member]. Therefore, he already had the information requested in questions 1-3.

The bishop issued the following ruling: “The ‘questions of law’ are out of order. They include matters of information and an improper question.”

In her rationale, the bishop stated the following:

The reference to JCD 398 in question 3 is unclear, however, questions 1-3 are matters of information, rather than questions of law.

Since question 4 asks whether or not an action of the General Conference, specifically ¶362.1.e.1, is constitutional; it is an improper question. The Judicial Council is the only body that has the authority to make such rulings. (See JCD 1454).

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of the *2016 Book of Discipline*.

Analysis and Rationale

Questions 1-2 are clearly questions requesting information or clarification of facts and are not questions of law.

Question 3 may be unclear, as the bishop indicated in her ruling, however, as it pertains to procedural or substantive matters relating to actions in a judicial or administrative process, it is not a proper question to be addressed by a bishop in a substantive ruling. (see JCD 799, 830, 867, 942, 1064, 1092, 1166, 1188, 1314, and 1334 and memorandum 1167)

Question 4 is, in effect, a Petition for a Declaratory Decision presented as a request for a Decision of Law. A bishop may not make a substantive ruling on a Petition for Declaratory Decision presented as a request for Decision of Law but must state that it is an improperly posed question. Questions pertaining to the constitutionality, meaning, application, or effect of an act of General Conference come within the jurisdiction of the Judicial Council under ¶ 2610 and, therefore, are beyond the scope of episcopal authority (see JCD 1454).

Decision

Questions requesting information are not questions of law. A bishop may not declare a provision in the *Book of Discipline* to be unconstitutional. Further, questions which are procedural or substantive matters relating to actions in a judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop. Bishop Cynthia Moore-Koikoi's ruling, that the questions are not proper questions of law, is affirmed.

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