

SUBJECT TO FINAL EDITING

**JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**DECISION 1301**

*IN RE: Review of a Bishop's Decision of Law in the Arkansas Annual Conference Regarding a Portion of the Structure, Rules, and Policies of the Arkansas Annual Conference*

**DIGEST**

The Bishop's decision is affirmed. Annual conferences cannot adopt structures that contradict *The Book of Discipline*.

**STATEMENT OF FACTS**

At the morning session, June 16, 2015, a "Structure and Standing Rules Task Force" reported to the Arkansas Annual Conference. The report stated: "The task force is recommending a new format combining the Structure and Standing Rules into one document, which will be easier to read and understand." There was a period of questions and discussion. A motion to suspend the rules in order to vote on the proposal passed by more than the required two-thirds majority. The Chair of the Committee on Review and Research gave that committee's concurrence to the proposal. The recommendations of the Structure and Standing Rules Task Force were approved.

An elder made an immediate request for a decision of law: "I request a ruling of church law concerning the recently adopted Structure, Rules and Policies of the Arkansas Annual Conference. Is Section II ¶ 431.1 and 431.2 (PURPOSE: Working with the Bishop, the appointive

cabinet facilitates and administers the appointive process. STRUCTURE: The membership of the Appointive cabinet shall be determined by the presiding Bishop to address the missional needs of the Annual Conference) in compliance with ¶ 424 of *The 2012 Book of Discipline of the United Methodist Church?*”

Later in the session, the Bishop gave his ruling, as follows:

Ruling of law concerning Section 2, Paragraph 431 of the Structure  
Rules and Policy of the Arkansas Annual Conference

In response to the request for a ruling of law concerning Section 2, Paragraph 431 of The Structure Rules and Policy of the Arkansas Annual Conference, I rule that Section 2, Paragraphs 431.1 and 431.2 are not in compliance with *The 2012 Book of Discipline* and must be stricken. *The 2012 Book of Discipline* including Paragraph 424, and not the Structure of the Arkansas Annual Conference, defines the role, responsibilities and composition of The Cabinet.

Paragraph 424 of *The Book of Discipline* reads as follows:

¶ 424. *Cabinet*—1. District superintendents, although appointed to the cabinet and assigned to districts, are also to be given conference-wide responsibilities. As all ordained ministers are first elected into membership of an annual conference and subsequently appointed to pastoral charges, so district superintendents become through their selection members first of a cabinet before they are subsequently assigned by the bishop to service in districts.

2. The cabinet under the leadership of the bishop is the expression of superintending leadership in and through the annual conference. It is expected to speak to the conference and for the conference to the spiritual and temporal issues that exist within the region encompassed by the conference.

3. The cabinet is thus also the body in which the individual district superintendents are held accountable for their work, both for conference and district responsibilities.

4. In order to exercise meaningful leadership, the cabinet is to meet at stated intervals. The cabinet is charged with the oversight of the spiritual and temporal

affairs of a conference, to be executed in regularized consultation and cooperation with other councils and service agencies of the conference.

5. The cabinet is to consult and plan with the district committee and conference Board of Ordained Ministry in order to make a thorough analysis of the needs of the district for clergy, implementing this planning with a positive and conscious effort to fill these needs (§ 635.2a).

6. When the cabinet considers matters relating to coordination, implementation, or administration of the conference program, and other matters as the cabinet and director of connectional ministries, or equivalent, may determine, the director shall be present. The conference lay leader shall be invited to be present.

7. The cabinet shall assume leadership responsibility for ascertaining those places where ecumenical shared ministry would be an effective way of expressing the United Methodist presence in a community.

Through the Secretary of the Annual Conference, the Bishop submitted a report in a timely way to the Judicial Council. The Secretary also provided “Daily Proceedings” of the 2015 session of the Arkansas Annual Conference, an agenda for the session, and the full text of “Structure, Standing Rules, and Policies.”

### **JURISDICTION**

The Judicial Council has jurisdiction under §§ 51 and 56.3 of the Constitution and § 2609.6 of the *The Book of Discipline 2012* as modified by Decision 1244.

### **ANALYSIS AND RATIONALE**

*The Book of Discipline* is clear that the bishop appoints the district superintendents (§§ 415.5, 417, 419.12). The superintendent is to “work with the bishop and cabinet in the process of

appointment and assignment...” (¶ 419.2). “Work with the bishop and cabinet in the process of appointment and assignment...” is not the same thing as “facilitates and administers the appointment process,” which is the language of the “Structure, Standing Rules, and Policies.” Paragraphs 53 and 54 of the Constitution define the roles of the district superintendent as “shall assist the bishop” and “consultation” with the bishop. Section II , paragraph 431.1, of “Structure, Standing Rules and Policies” overreaches in the responsibility it assigns to the district superintendents. It is the bishop’s task to facilitate and administer the appointment process (¶ 51), not the district superintendents’ task.

The “Structure” section of Section II, par. 431.1, correctly notes that the membership of the cabinet is determined by the bishop (¶¶ 417, 419.12), but the use of the term “appointive cabinet” is problematic; it not defined in the *Discipline*. “Address the missional needs of the Annual Conference” as a descriptor of the bishop’s guideline in determining whom to appoint to the cabinet is limiting, particularly in light of the disciplinary statement that “However, both the office of bishop and that of district superintendent are embedded in their own contexts” (¶ 421).

The aforementioned strains in Section II, par. 431.1 and par. 431.2 of the “Structure, Standing Rules, and Policies” lead us to affirm the Bishop’s decision of law that those provisions are not in compliance with the *Discipline*.

## DECISION

The Bishop's decision is affirmed. Annual conferences cannot adopt structures that contradict *The Book of Discipline*.

Beth Capen was absent.

Kabamba Kiboko was absent.

Randall Miller, first lay alternate, participated in this decision.

Timothy K. Bruster, first clergy alternate, participated in this decision.

October 24, 2015