

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1443

(Docket No. 1021-17)

IN RE: Review of a Bishop’s Ruling on a Question of Law in the California-Pacific Annual Conference pursuant to ¶¶ 419.10,2718.1 and 2718.2 Concerning the Agenda and Voting Procedures during a Joint Charge Conference [¶246.10].

DIGEST

In as much as there was no ruling on a question of law by the District Superintendent certified to him by the secretary of the joint charge conference to be considered as an appeal pursuant to ¶ 2718.1 and .2, the Bishop’s ruling is reversed and vacated.

STATEMENT OF FACTS

This matter arose during a dispute about voting and the agenda in the Mission Area Joint Charge Conference held on November 11, 2018, in the East District of the California-Pacific Annual Conference. One of the items reported in the minutes of the Joint Charge Conference was an explanation of a written Request for a Ruling of Law given by a clergy member which was accepted by the District Superintendent. Neither the written request or a ruling by the District Superintendent thereon is included in the minutes of the charge conference.

According to the Decision of Law issued by Bishop Hagiya on June 19, 2020, “conversations between the two [i.e., the DS and the clergy person] continued throughout the next few months to no avail.”

One year later in October of 2019, a thorough review of the issues as then understood took place in Cabinet, and a Decision was issued by the Bishop with the consent of the District Superintendent to consider the questions raised by the clergy person. Thereafter, the Bishop revised his Ruling on June 19, 2020, to be more comprehensive in his answer to the clergy person. The original Ruling is not included in the record before the Judicial Council.

There is no mention in the record before the Judicial Council as to how the matter made it from the District Superintendent to the Bishop and Cabinet, although there apparently was some sort of “formal request” from the clergy person the Bishop stating that the charge conference was held on November 11, 2019, rather than in 2018 as stated in a document captioned Request for a Ruling of Law.

The secretary of the charge conference did not carry out her duty “to see that an exact statement of the question submitted and the ruling of the chair thereon shall be entered on the journal.” (*Discipline* ¶ 2718.2). Likewise, she also failed to “make and certify a copy of the question to the body to which the appeal is taken” *Id.*

Jurisdiction

The Judicial Council has jurisdiction under ¶¶ 2609.6 and 2718.1 of *The Book of Discipline 2016*.

Analysis and Rationale

One of the duties of a District Superintendent is to “interpret and decide all questions of Church law and discipline raised by the churches in the district, subject to review by the resident bishop of the annual conference,” *Discipline* ¶ 419.10. When a written question of Church law is properly raised during a charge conference session, the District Superintendent is to make a ruling thereon, and the secretary is (i) to ensure that a copy of the request and the ruling thereon by the District Superintendent are included in the charge conference minutes, and (ii) that certified copies thereof are sent to the secretary of the annual conference to be heard as an appeal by “the bishop presiding in the annual conference,” *Discipline* ¶ 2718.2.

Although the minutes of the Mission Area Charge Conference state that the clergy person explained a written request for a Ruling of Law and that it was accepted by the District Superintendent, no such request was included in the minutes, and a copy thereof was not certified and sent to the secretary of the annual conference, *Id.* The district superintendent never made a decision on the Request for a Ruling of Law.

Therefore, there was no occasion for the Bishop to rule on anything, including the clergy person’s request which apparently made it to the Bishop by way of the “formal request” from the clergy person to the Bishop.

Decision

In as much as there was no ruling on a question of law by the District Superintendent certified to him by the secretary of the joint charge conference to be considered as an appeal pursuant to ¶¶ 2718.1 and .2, the Bishop's ruling is reversed and vacated.

Luan-Vu Tran recused himself and did not participate in any of the proceedings related to this decision.

April 18, 2022

Concur in Part & Dissent in Part

I concur that the record that was provided does not provide clear evidence of a written ruling by the District Superintendent. However, given that the Discipline requires that written questions of law be ruled upon by the presiding District Superintendent (¶ 419.10) and that those rulings be reviewed by the resident bishop and then by the Judicial Council (¶ 2609.6), the remedy in circumstances such as those that exist here would be to defer the matter and direct that the question of law be answered by the District Superintendent and then submitted to the Bishop for his review and ruling.

I understand and empathize with the majorities' reliance upon ¶ 2718, but it appears to me that ¶ 419.10 is more directly controlling, particularly given that ¶ 2718 governs appeals of rulings made by a District Superintendent or a Bishop. In this particular case there was a submission of written questions of law (as well as a verbal explanation). However, there was no vote taken to appeal any ruling by the District Superintendent. The provisions of ¶¶ 2718.1 and 2718.2 are as follows:

¶ 2718. Other Appeals

1. The **order of appeals** on questions of law shall be as follows: from the decision of the district superintendent presiding in the charge or district conference to the bishop presiding in the annual conference, and from the decision of the bishop presiding in the annual conference to the Judicial Council, and from a central conference to the Judicial Council.

2. **When an appeal is taken** on a question of law, written notice of the same shall be served on the secretary of the body in which the decision has been rendered. It shall be the secretary's duty to see that an exact statement of the

question submitted and the ruling of the chair thereon shall be entered on the journal. The secretary shall then make and certify a copy of the question and ruling and transmit the same to the secretary of the body to which the appeal is taken. The secretary who thus receives said certified copy shall present the same in open conference and as soon as practicable lay it before the presiding officer for a ruling thereon, which ruling must be rendered before the final adjournment of that body, that said ruling together with the original question and ruling may be entered on the journal of that conference. The same course shall be followed in all subsequent appeals.

In the case before us, there was no vote of the body to appeal any ruling of the District Superintendent. Rather, there was a written request for a ruling on questions of law submitted to the presiding District Superintendent. In this context, there appears to be only one Disciplinary provision which clearly controls, and that is ¶ 419.10, which provides:

¶ 419.10 The district superintendent shall interpret and **decide all questions of Church law and discipline** raised by the churches in the district, subject to review by the resident bishop of the annual conference.

Thus, I believe that in this situation the Judicial Council must fulfill its Discipline-mandated role of ensuring that the written questions of law are ruled upon by the presiding District Superintendent and then submitted to the resident bishop for his review. Hence, rather than dispose of the case, it appears that full compliance with the Discipline would require a remedy whereby the Judicial Council would defer this matter and instruct that a copy of the District Superintendent's ruling be provided to us, and if none exists then the Judicial Council would direct the District Superintendent to prepare his or her ruling on the written questions of law and then submit that ruling to the resident bishop for his review.

Beth Capen
April 18, 2022