

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1486

IN RE: Review of a Bishop's Ruling on Questions Raised during the Eastern Pennsylvania Annual Conference by a Lay Member as he Appealed the Rulings of the Chair Relating to a Proposed Resolution.

During the 2023 regular session of the Eastern Pennsylvania Annual Conference, a clergy member submitted an "appeal" to the Judicial Council concerning a request to postpone a vote on a resolution to a fall session.

The Conference Connectional Table and other leaders gave a report about Strategic Direction. During the report there was a motion to call the question and adopt Resolution 2023-05. Bishop John Schol indicated the motion was out of order because the legislation had not been moved for action. He further indicated once the resolution was moved, he would return to the member who wanted to call the question. Another member asked that the resolution be referred to a fall special session. The presiding bishop ruled this motion out of order because the resolution was not before the body.

Following the report, the chairperson of the Conference Connectional Table moved Resolution 2023-05. The member called for a suspension of the rules and called the question. The suspension of the rules passed, and the resolution passed. A clergy member asked for what the minutes of the conference called a "rule of order" from the Judicial Council and submitted it in writing:

I appeal [the] ruling of the bishop when a motion to call the question was presented. He ruled it out of order because the resolution 2023-05 had not been presented. [A member of the conference] moved that the resolution be referred to a fall session, which the Bishop said was permitted, but would need to be made at the appropriate time. The resolution was moved by [a member of the conference]. The call for the vote was then made to suspend the Rules of Order, adopted without discussion or speeches for or against the resolution. (Traditionally 3 for; 3 against must occur before [the] question can be called.) [The conference member's] motion to refer was therefore denied. This I respectfully appeal to the Judicial Council.

Bishop Schol issued the following ruling on June 1, 2023:

A bishop may only answer a question of law and no proper question of law was presented. Questions of a parliamentary nature and requests for an appeal do not qualify as a question of law (*Discipline*, ¶¶ 51 and 2609.6).

In Memorandum 941, the Judicial Council held: “The *Discipline* does not vest the Judicial Council with authority to review parliamentary rulings.” See also Decisions and Memorandums 898, 943, 949, 979, 992, 999, 1117, 1130, 1131, 1163, 1176, 1187, 1205, 1295, 1306, 1356, and 1474.

Parliamentary rulings by a presiding bishop may be challenged only by an appeal to the body during the conference session. There is no disciplinary authority for the Judicial Council to assume jurisdiction of an appeal of a parliamentary ruling issued by a presiding bishop.

DIGEST

The Judicial Council has no jurisdiction over parliamentary rulings.

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