

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1250

IN RE: Review of a Bishop's Decision of Law at the Western Jurisdictional Conference Regarding the Relationship Between ¶ 2711.2 and the Resolution "The Sense of the 2012 Western Jurisdictional Conference" in Light of Judicial Council Decision 1237

DIGEST

Matters of judicial process must follow disciplinary rules pertaining thereto and should not be influenced by outside forces. The *Discipline* grants to the trial court the exclusive power to set a penalty in a Church trial which results in a conviction and the full legislated range of options must be available to a trial court in its penalty phase. The resolution adopted by the Western Jurisdictional Conference is null, void, and of no effect. The Bishop's decision of law is reversed.

STATEMENT OF FACTS

In Decision 1237, the Judicial Council held that an error made by a lay member of the Western Jurisdictional Conference in presenting the question of law pertaining to the Resolution titled "Sense of the Western Jurisdiction of The United Methodist Church, Paragraph 304.3", was harmless and did not affect the matter. Hence, it should not be allowed to defeat the interest of justice. The Bishop's decision of law that the question was moot was not affirmed. The matter was remanded to the Bishop for a substantive ruling on the question of law within thirty days, and the Judicial Council retained jurisdiction.

In compliance with the Decision of the Judicial Council, the Bishop made a second decision of law, holding that the resolution was aspirational in nature and does not legally negate, ignore or violate the penalty provisions in ¶ 2711.3 of the *Discipline*.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2609.6 of the *2008 Discipline* and retains jurisdiction under Decision 1237.

ANALYSIS AND RATIONALE

The *Discipline* is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that the *Discipline* is the only authoritative book of law of the Church. All actions of a jurisdictional or annual conference must be faithful to and consistent with the *Discipline*. A jurisdictional or annual conference may express disagreement with other bodies of The United Methodist Church, but it is still subject to the Constitution, the *Discipline*, and the decisions of the Judicial Council. See Decision 1120.

The current controlling principle is that a conference – jurisdictional, central, or annual - resolution may express disagreement with the current language of the *Discipline* and may express aspirational hopes, but a conference may not legally negate, ignore or violate provisions of the *Discipline*, even when disagreements are based upon conscientious objection to those provisions. See Decision 1120.

¶ 2711.3 of the *2008 Discipline* states the following:

Penalties – If the Trial results in Conviction. Further testimony may be heard and arguments by counsel presented regarding what the penalty should be. The trial

court shall determine the penalty, which shall require a vote of at least seven members. The trial court shall have the power to remove the respondent from professing membership, terminate the conference membership and/or revoke the credentials of conference membership and/or ordination or consecration of the respondent, suspend the respondent from the exercise of the functions of office, or to fix a lesser penalty. The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court.

In Decision 1201, the Judicial Council stated that:

The meaning of the *Discipline* is clear in ¶ 2711. “The trial court shall have full power to try the respondent.” It does so within the boundaries of the *Discipline* for determining guilt. And the trial court alone has the authority to reach a determination with regard to a penalty in the circumstance where it has made a finding of guilt. Only the trial court has the authority to set a penalty, and it must do so within the range of options specified by the *Discipline* (¶ 2711.3). No other entity outside of the operations of the trial court can usurp it, modify it, supplant it, or enter a suggestion into the decision by the trial court as the *Discipline* makes clear. The Resolution adopted by the clergy session of the Northern Illinois Annual Conference is framed as a “suggested” approach to a penalty. However, the meaning and the effect of the *Discipline* are to have named the range of options available to the trial court in the penalty phase of a Church trial. Any effort by an annual conference, even by means of a suggestion, to modify or to limit the legislation governing penalties is to intrude upon the authority which the *Discipline* grants to the trial court and is to alter the legislative action by the General Conference in describing the authority which the trial court has in the matter.

The resolution of the Western Jurisdictional Conference in the present case and that of the Northern Illinois Annual Conference in Decision 1201 are nearly identical with the exception that the resolution of the Northern Illinois Annual Conference refers to “a suggested maximum penalty to assign” and that of the Western Jurisdiction Conference refers to “an appropriate penalty to assign”. Both resolutions maintain a penalty of suspension for 24 consecutive hours.

The suggestion of the penalty to be imposed by the trial court is an intrusion upon the authority of the trial court. Hence, the resolution goes beyond a permissible statement of mere disagreement. The effect of the Western Jurisdictional Conference resolution is to negate, ignore and limit the authority of the trial court as reflected in current disciplinary language. This undermines the authority of the *Discipline*.

If the resolution is allowed to stand, same would be tantamount to allowing each conference to set the standard or penalty to be used by the trial court in its jurisdiction in imposing penalty after a finding of guilty of a respondent. The Judicial Council has held that “If annual conferences were free to violate provisions of the *Discipline* because they disagree with them, this would have the effect of negating or ignoring the *Discipline*. Such acts would leave the Church without any enforceable law, which would lead to chaos in the Church.” See Decision 886.

In ¶ 2711.3, the *Discipline* named the range of options available to the trial court in the penalty phase of a Church trial. A jury determines the penalty to be imposed upon a finding of guilt based on the facts and circumstances of the case, the evidence presented and the law as given by the trial court. Matters of judicial process must follow disciplinary rules pertaining thereto and should not be influenced by outside forces, including a resolution setting the standard or penalty to be imposed upon a finding of guilt after a Church trial. The resolution is null, void, and of no effect.

DECISION

Matters of judicial process must follow disciplinary rules pertaining thereto and should not be influenced by outside forces. The *Discipline* grants to the trial court the exclusive power to set a penalty in a Church trial which results in a conviction and the full legislated range of options must be available to a trial court in its penalty phase. The resolution adopted by the Western Jurisdictional Conference is null, void, and of no effect. The Bishop's decision of law is reversed.

Dennis Blackwell was absent.

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

October 26, 2013