

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### MEMORANDUM NO. 1357

IN RE: Review of a Bishop's Decision of Law in the Western Pennsylvania Annual Conference concerning if the statement in Petition 307 is aspirational in nature and is a true statement in accordance with *The Book of Discipline 2016* ¶¶ 17, 103, 104.

IN RE: Review of a Bishop's Decision of Law in the Western Pennsylvania Annual Conference concerning if the statement in Petition 611 is a) a true statement, b) aspirational in nature, and c) in violation of provisions of *The Book of Discipline 2016*.

### STATEMENT OF FACTS

During the regular session of the 2017 Western Pennsylvania Annual Conference, the authors of Petition 307 entitled "Limitation on Board Policies" and Petition 611 entitled "Against Actions of Non-Conformity", which had been duly submitted to the conference secretary and printed in the Pre-Conference Booklet, made requests for rulings of law after their respective petitions were ruled out of order by the Bishop.

In their briefs to this Council, the authors discuss at length various communications between themselves and the Bishop regarding the bishop's notice to them that their petitions were not in order, as printed in the pre-conference booklet, but that she would wait until after the legislative sections met so as to afford an opportunity for amendments to be made that might bring them into order. The authors also raise issues concerning notice that the petitions were ruled out of order following the legislative section meetings. These, however, are procedural points that are related to parliamentary matters.

On June 8, 2017, Petition 307 was passed in the legislative section without amendment by a vote of 71 in support, 20 opposed and 9 abstentions. Petition 611 was passed in the legislative section without amendment by a vote of 89 in support, 30 opposed and 6 abstentions.

On the second day of annual conference, June 9, 2017, during the morning session, the written record concerning petitions 307 and 611 showed them listed as the fourth and fifth items, respectively, on the non-consent calendar. Recorded under each was "Bishop Moore-Koikoi ruled this petition out of order". The minutes of the annual conference also note the oral report of the five non-docket items, as follows:

**CONSENT CALENDAR** - Lisa Grant presented the Legislation and Corporation Consent Calendars (Daily Journal pages 617-620). RS401 is an order of the day for Saturday, so it was automatically removed from the Consent Calendar. RS403 and P505 failed to receive a 75% margin, so according to conference rules, they are automatically removed from the Consent Calendar. In addition to these three items, P307 and P611 were both ruled out of order by Bishop Moore-Koikoi.

Keith McIlwain submitted a letter in writing asking for a question of law under ¶51 on Petition 611.

Nathanael Fugate submitted a letter in writing asking for a question of law under ¶51 on Petition 307.

Bishop Moore-Koikoi stated that she will respond to both resolutions within 30 days.

Lisa Grant reminded the body that with 25 signatures, by 9:00 PM Friday evening, an item can be removed from the Consent Calendar.

No one made a motion to appeal the bishop's parliamentary rulings that the petitions were out of order (*e.g.*, asking the annual conference to overrule the bishop's parliamentary determination that the petitions' content rendered them improper for approval by the annual conference). Instead, written requests were submitted for a bishop's ruling of law on the underlying content of the petitions.

The authors of Petitions 307 and 611 both asked the following three primary questions in their requests for a bishop's ruling of law:

Is the statement in Petition [307/611], "WHEREAS *The Book of Discipline of The United Methodist Church - 2016* states in paragraphs 103 and 104 that John Wesley's Explanatory Notes on the New Testament are doctrinal standards of The United Methodist Church," a true statement in accordance with paragraphs 17, 103, and 104?

Are the following resolved statements aspirational in nature in accordance with Judicial Council Decisions 1044, 1052, 1218, 1283?

Is Petition [307 Limitation on Board Policies / 611 Against Actions of Non-Conformity] in violation of paragraphs 33, 604, and 605 of *The Book of Discipline of The United Methodist Church - 2016*?

The bishop responded within thirty days and stated, in pertinent part:

The questions raised are moot and hypothetical. Petition [307/611] was ruled out of order by the chair and this ruling was not appealed to the house. Accordingly, the questions of law which address Petition [307/611] did not relate to any action

taken by the Western Pennsylvania Annual Conference nor did the questions pertain to the business of the Western Pennsylvania Annual Conference. A decision of law must relate to an action taken by the annual conference or to one under consideration by the annual conference. See, Judicial Council Decisions 1160, 1286, 1293 and 1294. As such, the questions are moot and hypothetical and it would be improper to offer any substantive decision on these questions of law.

The questions of law are moot and hypothetical as Petition [307/611] was no longer under consideration by the Annual Conference and the questions of law did not relate to any action taken by the Annual Conference.

### **JURISDICTION**

The Judicial Council does not have jurisdiction in this matter. We have no jurisdiction to review parliamentary rulings. We construe the inclusion of the bishop's decision that the matter is out of order in the consent calendar as a parliamentary decision. However, the better way to make a record of a parliamentary decision would be to do so on the record and orally on the floor during a regular session of the Annual Conference.

### **DIGEST**

The Judicial Council has consistently held that it has no jurisdiction to review a parliamentary ruling made by a presiding bishop in an annual conference. In Judicial Council Decision 1117, the Judicial Council stated: "There is no disciplinary authority for the Judicial Council to assume jurisdiction of a parliamentary ruling by a presiding bishop." The Judicial Council has no jurisdiction to review this matter. *See* also JCD 834, 941, 943, and 1163.

Dennis Blackwell was absent.

First clergy alternate Timothy Bruster participated in this decision.