

## MEMORANDUM 1279

### ***IN RE: Review of a Bishop's Decision of Law in the Arkansas Conference Regarding Non-appointive Members of the Cabinet Participating in Appointment-making in Light of ¶¶403.2, 419.2, 424, 428 and 608.6***

The minutes of the 2014 session of the Arkansas Annual Conference reflect that during a regular session of the conference, a conference member requested a ruling of law on the following two issues:

1. Regarding the Arkansas Conference practice of non-district superintendents participating in the making of appointments.
2. On the matter of limitations on years of service for those serving in the Appointive Cabinet.

The Bishop took the request under advisement, made his ruling on June 27, 2014, and reported to the Judicial Council in accordance with ¶ 2609 of the *2012 Discipline*.

The bishop's decision of law initially determined that the request for a ruling of law could be termed inappropriate because of the follow reasons:

1. It was moot and hypothetical because it was not an item related to any business undertaken during the 2014 annual conference but legislation addressed in a previous annual conference session.
2. It asks for a ruling of law about an entity "the appointive cabinet" that does not exist in, and is not defined, by the *Discipline*.

However, the Bishop took the precaution of addressing the substantive matter and he ruled as follows:

Therefore, I rule that, within the limitations explicitly outlined by *The Book of Discipline*, including the tenure of district superintendents, ¶¶403.2, 424, 428, 419.2, and 608.6 give the bishop the right to include those who are not superintendents in a consultative fashion in cabinet meetings that address the making of appointments. The standing rule addressing the composition

of the “appointive cabinet”, while substantively in compliance with *The Book of Discipline*, is not binding on the bishop and is unnecessary since it is addressed by *The Book of Discipline*.

The Rev. David P. Orr filed a brief.

The records forwarded to the Judicial Council consist of the following:

1. The Bishop’s Report on the Decision of Law in the Arkansas Annual Conference
2. The Bishop’s ruling of Law
3. Excerpts from Structure and Rules (2013 Journal); and.
4. Agenda and Minutes of the 2014 Arkansas Annual Conference

The minutes of the 2014 Arkansas Annual Conference transmitted to the Judicial Council do not indicate that the request for a decision of law was properly presented – that the Conference was discussing, considering, or conducting business relating to the issues presented in the questions. Hence, the records supplied are insufficient.

In several decisions the Judicial Council has maintained that a question of law must relate to the business, consideration, or discussion of the conference session. The question must state the connection to a specific action taken or to be taken or it must be raised during the deliberation of a specific issue or matter upon which the conference takes action. Questions that do not meet these criteria are moot and hypothetical and should not be decided. See Decisions 33, 396, 651, 746, 747, 762, 763, 799, 903 and Memorandum 927.

Moreover, the records submitted to the Judicial Council show no indication that the question of law was submitted in writing during the 2014 session of the Arkansas Annual Conference. The Judicial Council has ruled repeatedly that questions of law must be presented in writing during a session of the annual conference and be germane to the business of the annual conference or they are moot and hypothetical. See Decisions 33, 396, 651, 746, 747, 762, 763 and 937.

Questions submitted only orally during the business of the session are not sufficient to confer jurisdiction. See Decision 1161

## **DIGEST**

Because the records failed to comply with Judicial Council decisions and Judicial Council Rules of Practice and Procedures, the Judicial Council defers the matter to the April 2015 Docket and requests the Secretary of the Arkansas Annual Conference to supply the missing records.

J. Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014