

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1492

[Docket No. 0423-02]

IN RE: Review of a Bishop's Ruling on a Question of Law in the North Georgia Annual Conference as to Whether the Existence of Evidence Showing that the Annual Conference Violated Disciplinary Requirements, When it Ratified the Disaffiliation of a Local Church Pursuant to ¶ 2553, Would Nullify the Annual Conference's Action.

DIGEST

Questions of Law may not be based on unsubstantiated allegations or hypothetical scenarios. The Decision of Law of Bishop Robin Dease is affirmed.

STATEMENT OF FACTS

The North Georgia Annual Conference of the United Methodist Church held a special session on November 18, 2023 to ratify the disaffiliation of 265 local churches. During North Georgia's deliberations of these applications, a lay member submitted the following written question of law:

Would the existence of evidence showing that the conference unlawfully ratified the disaffiliation of a local church pursuant to paragraph 2553 nullify the Annual Conference's ratification of that local church's disaffiliation request?

On November 30, 2023, Bishop Robin Dease issued her decision of law in which she ruled that, since it raised an unspecified and hypothetical scenario, the question was not a proper 'question of law' as defined by long-standing Judicial Council precedents.

Your question, does not pertain to any specific action the Annual Conference has taken or proposes to take. Instead, your question applies to an unnamed church being ratified despite the existence of unspecified evidence showing that such a ratification would be unlawful. The absence of these material details makes it impossible for me to understand exactly which church ratification you are referring to; or to issue a substantive ruling without engaging in extensive speculation regarding what evidentiary proof of specific local church misconduct you might have in mind. Therefore, your question is not a proper question of law.

Jurisdiction

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

Analysis and Rationale

The Question of Law centers on the “existence of evidence showing that the conference unlawfully ratified the disaffiliation of a local church” but offers no specific examples or proof that Church law was breached. As presented, the request amounts to an unsubstantiated allegation. The bishop was correct in finding that the request was hypothetical and, therefore, lacked a specific connection to the agenda, business and actions passed by the North Georgia Annual Conference. Nothing in the record suggests that the question arose out of an *actual* circumstance “wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed.” JCD 33 [emphasis added]. *See* also JCD 131, 396, 651, 746, 762, 799, 1329, 1393. We are not aware of any *specific* instance in which the alleged violation of Church law occurred. Since it is predicated on an unsubstantiated allegation, the question of law is hypothetical. Consequently, the bishop’s ruling is affirmed.

Decision

Questions of Law may not be based on unsubstantiated allegations or hypothetical scenarios. The Decision of Law of Bishop Robin Dease is affirmed.

April 22, 2024

Concurring Opinion

I concur with my colleagues in affirming the Bishop’s ruling herein. However, I would restrict and conform the holding to the language that was actually used by the Bishop, and hold: Bishop Robin Dease’s ruling is affirmed. The question is not a proper question of law because it would require the Bishop to engage in extensive speculation regarding unspecified evidence.

Beth Capen
April 22, 2024