

SUBJECT TO FINAL EDITING

## **JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

### **DECISION NO. 1352**

IN RE: Review of a Bishop's Decision of Law in the Baltimore-Washington Annual Conference concerning if, under *The Book of Discipline 2016* ¶ 324.14, the Conference Board of Ordained Ministry has the authority to create a new category of candidates who are approved by the requisite three fourths majority of the Board members, but not brought forward for a vote of the clergy session.

### **DIGEST**

A certified candidate must be recommended in writing by three-fourths majority vote of the Board of Ordained Ministry to be eligible for election to provisional membership under ¶ 324.14. It is the duty of the Board of Ordained Ministry to conduct a careful and thorough examination and investigation of a candidate, not only in terms of depth but also breadth of scope to ensure that disciplinary standards are met. The Board is not required to present to the clergy session a candidate who is not eligible. The clergy session may not elect a candidate who does not meet this requirement. The bishop's Decision of Law is affirmed.

### **STATEMENT OF FACTS**

On May 31, 2017, during the clergy session of the Baltimore-Washington Annual Conference, a clergy member asked for a ruling on a question of law he raised in connection with the Conference Board of Ordained Ministry's announced decision to defer forwarding to the clergy session a recommendation that a certified candidate be elected to provisional membership. The Chair of the Conference Board of Ordained Ministry had explained that the Board had decided not to forward the recommendation at this time in order to give the Board more time to review and explore the implications the Judicial Council's recent decisions might have in the case of candidate. The clergy member then requested from the bishop a ruling on a question of law, which he also submitted in writing to the Conference Secretary, as follows:

Paragraph 324.14 of the Book of Discipline reads, "Each candidate shall have been recommended in writing to the clergy session based on at least a three-fourths majority vote of the conference Board of Ordained Ministry." I would like to request a rule of law as to whether the Board was within its rights to create a new category of candidates who are approved by the requisite  $\frac{3}{4}$  majority of the Board, but not brought forward for a vote of the clergy session.

Bishop LaTrelle Miller Easterling issued her Decision of Law on July 13, 2017, which reads in relevant part:

**Disposition**

As reflected in the minutes of the session, Bishop Easterling ruled on Rev. Parker’s question of law during the executive session, as follows:

As I look at the paragraph that you have quoted, Paragraph 324 of the Book of Discipline, the word “shall” is used that they are eligible for election on recommendation of the Board of Ordained Ministry. Tara Morrow is not included in the recommendation that the Board of Ordained Ministry brings to this 2017 Executive Session, therefore, there is no requirement for her to be voted on at this time.

**Analysis**

Paragraph 324.14 of the Book of Discipline identifies one of several qualifications that a candidate must meet in order to be elected to provisional membership. Specifically, it provides that a candidate cannot be elected to provisional membership unless (among other things) he or she “shall have been recommended in writing to the clergy session based on at least a three-fourths majority vote of the conference Board of Ordained Ministry.” Thus, as written, Paragraph 324.14 does not impose any requirement on the Board of Ordained Ministry to forward to the clergy session a written recommendation on any particular candidate or category of candidates. Rather, it provides that the clergy session may elect as provisional members only those candidates who have been so recommended in a writing to the clergy session, and then only if the recommendation is supported by the requisite three-fourths majority of the conference Board of Ordained Ministry.

**JURISDICTION**

The Judicial Council has jurisdiction pursuant to ¶¶ 51, 56.3 and 2609.6 of *The Book of Discipline 2016* [hereinafter *The Discipline*].

**ANALYSIS AND RATIONALE**

Par. 324 of *The Discipline* is an extensive provision that lists multiple requirements for admission to provisional membership. The opening paragraph contains the heading “*Qualifications for Election to Provisional Membership*” and the following provision:

A person shall be eligible for election to provisional membership by a three-fourths majority vote of the clergy session on recommendation of its Board of Ordained Ministry after meeting the following qualifications. [emphasis added]

This makes it amply clear that it is the individual candidate (“A person...”), not the Board of

Ordained Ministry, who must meet the requirements that follow. If a certified candidate has fulfilled all prerequisites, he or she then must meet the last requirement in § 14:

14. Each candidate shall have been recommended in writing to the clergy session based on at least three-fourths majority vote of the conference Board of Ordained Ministry.

Read together with the thirteen preceding sections, § 14 is not a stand-alone provision but integral part of an extensive list of criteria for admission to provisional membership, requiring that the candidate be recommended in writing by three-fourths majority vote of the Board of Ordained Ministry. Conversely, a candidate who is not thus recommended by the Board, is not eligible for election to provisional membership. A decision not to recommend a person to the clergy session until a review of the Judicial Council's decisions is not a creation of a new category of candidates. It withdrew or rescinded its previous vote to recommend. The Board is not legally required to present to the clergy session a candidate who is not recommended and, therefore, not eligible. The clergy session may not elect a candidate who does not meet the requirement under ¶ 324.14.

Judicial Council Decisions [hereinafter JCD] 1343 and 1344 held that the Board of Ordained Ministry is mandated to examine all applicants as to their fitness for the ordained ministry, and make full inquiry as to the fitness of the candidate for: (1) annual election to local pastor, (2) election to associate membership, (3) election to provisional membership, (4) election to full conference membership. The Board's examination must include all paragraphs relevant to election of pastoral ministry, including those provisions set forth in paragraphs that deal with issues of race, gender, sexuality, integrity, indebtedness, etc.

Decisions of the Judicial Council are church law and must be given due recognition. Under the long-standing principle of legality, no individual member or entity may violate, ignore, or negate Church law. *See* JCD 1341. Hence, the Board's decision not to recommend the candidate, because of JCDs 1341, 1343 and 1344 was made in respect of those decisions.

Decisions 1341, 1343 and 1344 prevent a Board of Ordained Ministry from ignoring statements of self-disclosure about any action that violates any portion of church law as is the case of the candidate who acknowledged that she is a lesbian and married to another woman. In JCD 1344 the Judicial Council stated that it is the duty of the Board to conduct a careful and thorough examination and investigation, not only in terms of depth but also breadth of scope to ensure that disciplinary standards are met.

## **RULING**

A certified candidate must be recommended in writing by three-fourths majority vote of the Board of Ordained Ministry to be eligible for election to provisional membership under ¶ 324.14. It is the duty of the Board of Ordained Ministry to conduct a careful and thorough

examination and investigation of a candidate, not only in terms of depth but also breadth of scope to ensure that disciplinary standards are met. The Board is not required to present to the clergy session a candidate who is not eligible. The clergy session may not elect a candidate who does not meet this requirement. The bishop's Decision of Law is affirmed.

Dennis Blackwell was absent.

First clergy alternate Timothy Bruster participated in this decision.

October 26, 2017