

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### MEMORANDUM NO. 1374

IN RE: An Appeal from the Decision of the North Central Jurisdiction Committee on Appeals Regarding the Order of the Committee on Appeals suspending as a “pause” the Judicial Proceedings in the Matter of Rev. David Wayne Meredith.

#### STATEMENT OF FACTS

This matter arose out of the decision of the North Central Jurisdiction Committee on Appeals ordering that all judicial proceedings in the matter of Rev. David Wayne Meredith “pause” until completion of the 2019 Special Called Session of the General Conference. The Committee found egregious errors of law in the failure of the Committee on Investigation to certify certain charges and portions of charges and remanded the matter to the Committee on Investigation for a new hearing. The Committee on Appeals ordered a “pause” in the judicial proceedings until after the 2019 Special Called Session of the General Conference. Counsel for the Church in the West Ohio General Conference appeals the decision to “pause” the proceedings. In Memorandum 1367 the Judicial Council ordered counsel for the Church to “...file a brief within thirty (30) days...explaining how ¶¶ 2609.8, 2609.9, 2715 and 2716.1 authorize him to file and interlocutory appeal to the Judicial Council.” That brief was timely filed.

#### JURISDICTION

The Judicial Council has no jurisdiction over this appeal because no provision of *The Book of Discipline of The United Methodist Church, 2016* [hereinafter *The Discipline*] authorizes counsel for the Church to pursue this interlocutory appeal.

#### DIGEST OF CASE

The Judicial Council is authorized to take jurisdiction by specific provisions of the *The Discipline*. If no such provisions authorize persons or bodies within the Church to bring appeals to the Judicial Council, the Council has no jurisdiction to act. *The Discipline* sets forth clearly the appeals that may be taken by counsel for the Church. Paragraph 2715.10 authorizes counsel for the Church to appeal to the jurisdictional committee on appeals in cases where there is an

investigation under ¶ 2702, but no trial is held. There is no parallel provision that authorizes counsel for the Church to bring an appeal to the Judicial Council where the jurisdictional Committee on Appeals has remanded the case to the Committee on Investigations. We therefore, have no jurisdiction to consider this appeal.

## ANALYSIS AND RATIONALE

Counsel for the Church in this matter seeks to appeal a ruling of the North Central Jurisdiction Committee on Appeals remanding this case to the Committee on Investigation, but suspending or “pausing” the judicial process pending the 2019 Special Session of the General Conference. Appellant here concedes, as he must, that this is an interlocutory appeal because there has been no final judgment on the merits. We have been quite clear that our jurisdiction to consider interlocutory appeals is limited to only two circumstances. *See* JCD 1361. Appellant here argues that counsel for the Church is authorized to bring this appeal because ¶ 2715.10 allows an interlocutory appeal where there has been an investigation, but no trial has been held. Although this is precisely the situation here, the specific language of that provision answers whether counsel for the Church is authorized to bring the appeal to the Judicial Council. It reads: “In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed *to the jurisdictional committee on appeals by counsel for the Church.*” [emphasis added]. *The Discipline* contains no parallel provision for an appeal by counsel for the Church to the Judicial Council. Thus, in the absence of a specific grant of a right of appeal by counsel for the Church to the Judicial Council, no interlocutory appeal is authorized.

Appellant argues that ¶ 2718.3, which sets forth the order of appeals grants the authority that is not specifically granted by ¶ 2715.10. Certainly, that cannot be the effect of ¶ 2718.3. Such a reading would grant a wholesale right to appeal to each level by any person or body seeking to appeal. That interpretation would eviscerate and render meaningless all of the carefully crafted rules for who may bring appeals and under what circumstances. Paragraph 2718.3 is precisely what it says it is: an ordering of the appeals levels. It contains no grants of jurisdiction, standing, or any other jurisprudential limitations on jurisdiction so carefully crafted throughout the *Judicial Administration* provisions of *The Discipline*.

Because *The Discipline* contains no grant of standing to the counsel for the Church under the circumstances of this interlocutory appeal, the appeal is DISMISSED.<sup>1</sup>

February 21, 2019

Beth Capen was absent.

Kent Fulton, second lay alternate, participated in this decision.

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<sup>1</sup> The disposition of this matter in no way should be read as an endorsement or approval of the “pause” ordered by the committee on appeals.

Ruben Reyes was absent.

Warren Plowden, first lay alternate, participated in this decision.