

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1338

IN RE: Review of a Bishop's Decision of Law regarding the authority of the Western Jurisdictional Conference to adopt rules and the effect of those rules on nominations to the jurisdictional pool.

DIGEST

Decisions of law must contain a syllabus summarizing the legal basis and rationale of the ruling. The matter is remanded to the bishop for a decision of law to be made in accordance with the constitutional requirement in ¶ 51, Art. VII and submitted to the Judicial Council within thirty (30) days.

STATEMENTS OF FACTS

At the plenary session of the Western Jurisdictional Conference on July 14, 2016, a lay delegate raised the following Question of Law:

Paragraph 705.1.a) of the 2012 Book of Discipline says, in relevant part, 'Jurisdictional conferences may decide that persons elected by the annual and missionary conferences in the United States for inclusion in the jurisdictional pool shall not serve as members of the jurisdictional nominating committee.' The WJC College of Bishops has said, in effect, that the portion of WJC Rule Article XVe.1)b) as the rules were in effect at the beginning of this Conference that says, "no member of the Committee on Nominations shall be eligible for election to a general agency through the jurisdictional process" is null, void, and of no effect. The College based its decision on Judicial Council Decision 1095. However, the portion of Paragraph 705.1.a) quoted here would seem to lead to a different conclusion. My Question of Law given to you, as authorized in Paragraphs 51 and 2609.6 of the 2012 Book of Discipline, is as follows:

- 1) Does the quoted portion of Paragraph 705.1.a) empower the Western Jurisdictional Conference properly to have enacted Rule XVe.1)b) as it did during the 2012 session of the Conference, and
- 2) Is Rule XVe.1)b) a valid part of the rules of procedure of the Jurisdictional Conference?

The presiding Bishop Warner H. Brown ruled from the chair as follows:

Bishop Brown ruled the first question moot. While this Conference has the authority to prohibit members of the Nominating Committee being nominated to General Agencies (except when those committee members are General Conference delegates), the Jurisdictional Conference has adopted rules for this Conference which do not exercise that authority.

Bishop Brown said that the answer to the second question is yes. Rule XVe.1.b is a valid part of the rules because it is not in conflict with the 2012 Book of Discipline Paragraphs 705.1.a and 705.1.b.

JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of the *Book of Discipline, 2012* as modified by Judicial Council Decision 1244.

ANALYSIS AND RATIONALE

Bishops have the constitutional responsibility to rule on questions of law coming before them in the regular business of a session. Paragraph 51, Art. VII of the Constitution specifically mandates:

All decisions of law made by each bishop shall be reported in writing annually, with a syllabus of the same, to the Judicial Council, which shall affirm, modify, or reverse them.
[emphasis added]

Decisions of law must be reported in writing annually and include a *syllabus*, which is defined as “an abstract; a headnote; a note prefixed to the report or opinion of an adjudged case, containing an epitome or brief statement of the rulings of the court upon the point or points decided in the case” (*Black’s Law Dictionary*, sixth ed., West Publishing Co.: St. Paul, Minn., 1990, p. 1449). The most current version of the official report form can be downloaded from the website of the Judicial Council. Submitting a signed report form and attaching the conference minutes does not satisfy the constitutional requirement. Bishops must also provide a summary of the legal basis of their rulings. Decisions of law normally comprise three distinguishable parts—statement of facts, analysis, and disposition—all of which serve to expound the rationale of the episcopal ruling.

Bishop Brown reported his ruling on the official form. However, the attached unsigned document, entitled “Excerpt from Western Jurisdictional Conference Minutes 7.14.16,” supposedly the ‘decision of law,’ is an exact copy of the relevant parts of the conference minutes. The ruling itself consists of two short paragraphs referring to the bishop in the third person singular (“Bishop Brown ruled... Bishop Brown said that...”), neither of which offer a legal analysis or grounds for the decision. In other words, it lacks a “syllabus” and, therefore, falls short of the constitutional requirement in ¶ 51, Art. VII. Further, the question has been raised as to which version of Rule XVe.1)b) of the Western Jurisdictional Conference Rules of Order the bishop was referring to in his ruling. Without sufficient information and rationale, the Judicial Council cannot properly pass upon decisions of law made by bishops as mandated by ¶ 2609.6. The Constitution sets a high bar for episcopal rulings both in terms of form and substance. Bishops are expected to exercise due diligence in fulfilling their constitutional responsibility. Interested parties and others affected by decisions of law deserve nothing less.

RULING

Decisions of law must contain a syllabus summarizing the legal basis and rationale of the ruling. The matter is remanded to the bishop for a decision of law to be made in accordance with the constitutional requirement in ¶ 51, Art. VII and submitted to the Judicial Council within thirty (30) days.

Member Beth Capen did not participate in this decision.

First Lay Alternate Warren Plowden participated.