



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Report by Bishop on Decision of Law

This form is to be used for (please check one):

- Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (§ 56.3 Const. and ¶ 2609.6 *The Book of Discipline 2016*).
- Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (§ 56.2 Const. and ¶ 2609.7 *The Book of Discipline 2016*).

Name of Bishop: _____

Address: _____ City: _____

State/Province: _____ ZIP/Postal Code _____ Country: _____

Phone: _____ Fax: _____ E-mail: _____

Annual Conference: _____ Date of session: _____ (month/day/year)

Question(s) of Law: _____

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: _____ Book of Discipline: _____

Judicial Council Decision(s): _____

Signature: David W. Graves

Date: _____

Bishop of The United Methodist Church

(month/day/year)

The following must be attached:

- Decision of Law, including facts, rationale and ruling
 - Text of the written request for decision
 - Minutes of annual conference proceedings
 - List of names and addresses of interested parties
 - Other relevant materials (e.g. conference rules, resolutions, policies, reports)
- Thirteen (13) hard copies must be submitted via USPS or other delivery service to:
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,
 1215 Shady Lane, Durham, NC 27712**
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to: secretary@umcjudicialcouncil.org.

BISHOP DAVID GRAVES, PRESIDING
SOUTH GEORGIA ANNUAL CONFERENCE

BISHOP'S DECISION OF LAW

(A decision of law made by a bishop in response to a written question during the 2022 annual conference session)

Background

At the Tuesday morning Business Session of the 2022 Annual Conference meeting June 5-8, 2022, the Chair of the Committee on Resolutions presented Resolution #4, "A Resolution for a Called Session of the Annual Conference in Response to a Meeting of the General Conference" (the "Resolution"), which read as follows:

SUMMARY – The Resolution provides for a called session of the Annual Conference if General Conference meets in 2022, to allow the Conference to make such decisions as it may choose in response to the General Conference, to allow churches to petition for disaffiliation, and to clarify how churches which wish to remain United Methodist may do so.

WHEREAS members and clergy of The United Methodist Church have been unable to agree on several aspects of theology and practice, including profound and irreconcilable disagreements over human sexuality, despite decades of conversation and conferencing on the matter; and

WHEREAS the General Conference meeting in special session in February 2019 provided a means for churches to disaffiliate through a new ¶2553 of The Book of Discipline of the United Methodist Church and related legislation; and

WHEREAS assuming the General Conference would meet in 2020, and that said Conference would adopt legislation and procedures such that ¶2553 would no longer be needed, ¶2553 was approved with an expiration of December 31, 2023; and

WHEREAS the South Georgia Annual approved a Disaffiliation Policy at the June 2019 session; and

WHEREAS the General Conference which was scheduled to meet in May 2020 has been postponed due to the worldwide Covid-19 pandemic; and

WHEREAS legislation entitled "Protocol for Reconciliation and Grace Through Separation" ("The Protocol") has been submitted to the General Conference, which legislation provides for an orderly separation of the United Methodist Church into two or more denominations; and

WHEREAS the impending expiration of ¶2553 is of concern to the members, clergy and churches of the South Georgia Annual Conference, especially if General Conference does not meet; and

WHEREAS if General Conference does meet, the members, clergy, and churches of the South Georgia Conference want the opportunity to respond to any legislation which may be approved, or to take such action as seems best to them, including possible disaffiliation from the United Methodist Church; and

WHEREAS many of our churches and clergy desire to remain in the South Georgia Conference hoping for General Conference to meet and pass helpful legislation, but may be unwilling to remain if the window for disaffiliation seems to be closing;

THEREFORE BE IT RESOLVED that if General Conference does meet in 2022, the South Georgia Annual Conference set a Special Session to be held on Oct 1, 2022, so that the conference may make decisions about the future of the Annual Conference, its churches, clergy, property, and all related matters, including but not limited to withdrawing from the United Methodist Church and affiliating with a traditional Methodist denomination.

BE IT FURTHER RESOLVED that the Annual Conference shall provide a means for churches to disaffiliate at this called session, and for churches which wish to remain part of the United Methodist Church to do so.

BE IT FURTHER RESOLVED that the present Disaffiliation Policy shall remain in effect for churches who wish to withdraw at the June 2023 session of the Annual Conference.

BE IT FURTHER RESOLVED that, since a one-day session does not have the expense of a multi-day session, the registration fee for delegates be set at \$10.00; that the per diem reimbursement for retired clergy, lay members, and others receiving the per diem be set at \$25.00 per day; and that the Council on Finance and Administration be authorized to pay for the Conference from the Annual Conference session budget, then budgeted contingency funds as needed. The estimated expense of a one-day conference, including building rental and audio-visual support, is not to exceed \$15,000.

BE IT FURTHER RESOLVED that resolutions may be presented to this special session in keeping with the announced purpose of the session. Resolutions submitted in writing to the Committee on Resolutions at least 10 days prior to the session shall be posted on the Conference website, and such posting shall be deemed as having presented those resolutions to the Conference, in order that a vote may be taken on the day of the special session. Resolutions shall be presented in accordance with our standing rules, except for these specific stipulations.

BE IT FURTHER RESOLVED that Standing Rule 3.1.3 shall be suspended to allow for materials to be prepared and presented prior to the called Annual Conference session.

The Chair of the Committee on Resolutions stated that the Committee recommended “nonconcurrence” with the resolution.

Request for Ruling of Law

A member of the Annual Conference then made the following request for a decision of law: "I am rising for a rule of law related to the proposed resolution. I believe it is out of order for us to set a date related to an annual conference session. Planning and dates fall under the purview of the Bishop."

I indicated that I would issue my ruling within thirty (30) days as required by Para. 2609.6.

Ruling of Law

The request for a ruling of law is proper since it was presented in writing, addressed business undertaken during the Annual Conference Session and was submitted prior to the adjournment of the Conference.

I. Paragraph 603.5 of *The Book of Discipline*.

Initially, I note that the request for a decision of law does not identify any provision of *The Book of Discipline* related to setting a date for an annual conference session. I interpret the request for a ruling of law as intended to refer to Paragraph 603.5 of the *Discipline*, which provides, in pertinent part, that a “special session of the annual conference may be held at such time and in such place as shall have been determined by the annual conference *after consultation*

with the bishop....” The Resolution attempts to set the date of a special annual conference session on October 1, 2022. There has been no consultation with me regarding the date or place of the contemplated special session. The Resolution violates Paragraph 603.5 of the *Discipline*.

II. **The Resolution is out of order because it is moot and hypothetical.**

Although not raised by the request for a decision of law, the Resolution is clearly out of order as moot and hypothetical. The Resolution calls for a Special Session of Annual Conference “if General Conference does meet in 2022.” Since General Conference is not meeting in 2022, the Resolution is moot.

III. **The Resolution proposes setting a Special Session of Annual Conference for the purpose of taking action that would be unconstitutional, null and void.**

The Resolution violates Church law for another reason not raised by the request for a decision of law. The Resolution calls for a Special Session of the Annual Conference at which the conference might “make decisions about the future of the Annual Conference, ... including but not limited to withdrawing from the United Methodist Church and affiliating with a traditional Methodist denomination.”

The Judicial Council has recently ruled that an Annual Conference cannot take action to withdraw from The United Methodist Church in the absence of enabling legislation enacted by General Conference. (JCD 1444). That decision held that “[t]here is no basis in Church law for any annual conference to adopt stopgap policies, **pass resolutions**, take a vote, or act unilaterally for the purpose of removing itself from The United Methodist Church.” [Emphasis added.] The Judicial Council has also ruled that an Annual Conference may not pass a resolution if “the action ignores Church law and encourages a violation of Church law” (JCD 1292). The

Resolution seeks to set a Special Session of the Annual Conference with one of its stated purposes being to make decisions about withdrawing from the United Methodist Church. The Resolution violates principles of connectionalism and Church law and seeks to set a Special Session of Annual Conference for the purpose of taking action that would be unconstitutional, null and void.

Para. 16.3 of our constitution provides that “[t]he General Conference shall have full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority ... [t]o define and fix the powers and duties of annual conferences...”, while Para. 33 provides that “[t]he annual conference is the basic body in the Church” and that the annual conference “shall discharge such duties and exercise such powers as the General Conference under the Constitution may determine.” The Judicial Council held that “harmonizing and balancing ... ¶¶ 16.3 and 33 demands that the General Conference exercise its constitutional powers to establish and regulate the right to withdraw **before** annual conferences can exercise their reserved right to vote on disaffiliation.” (JDC 1444 (emphasis in original)).

For the foregoing reasons, I hold that Resolution #4 “A Resolution for a Called Session of the Annual Conference in Response to a Meeting of the General Conference” violates Church law.

Respectfully submitted,

David Graves, Bishop
South Georgia Annual Conference

REQUEST FOR DECISION

I request a rule of law related to the proposed resolution. I believe it is out of order of us to set a date related to an annual conference session. Planning and dates fall under the purview of the Bishop.

Stephanie Smith
Clergy
Statesboro First
Northeast District

Minutes of Annual Conference Proceedings

Doreen Smalls, Chair of the Committee on Resolutions, presented Resolutions #1-6 submitted to the Committee on Resolutions.

[Minutes related to Resolutions #1-3 omitted]

Resolution 4 - A Resolution for a Called Session of the Annual Conference in Response to a Meeting of the General Conference

- Rev. Smalls explained that this resolution calls for a special session of the Annual Conference to be held October 1, 2022 in response to a meeting of the General Conference
- The resolution committee's recommendation, as presented by Rev. Doreen Smalls, chair, was nonconcurrence. The recommendation was made in part due to Judicial Council Decision No. 1444, which states that there is no basis in church law to adopt policies that would cause the annual conference to remove itself from the United Methodist Church.
- **Discussion Regarding Resolution 4**

After the committee's recommendation, Bishop David Graves recognized a speaker at microphone 3 - Rev. Stephanie Smith, clergy member of the conference serving as associate pastor at Statesboro First United Methodist Church.

 - Smith indicated that she rose to request a rule of law, stating: "I am rising for a rule of law related to the proposed resolution. I believe it is out of order of us to set a date related to an annual conference session. Planning and dates fall under the purview of the Bishop."
 - Bishop Graves accepted this request from Rev. Smith and explained that he has 30 days to rule on that request and then the Judicial Council will review his decision.
 - Smith then submitted her request for a ruling of law in writing to the Conference Secretary

**Interested Parties in the Request for a *Bishop's Rule of Law*
made during the 2022 South Georgia Annual Conference in
Regard to Resolution #4:
"A RESOLUTION FOR A CALLED SESSION OF THE ANNUAL CONFERENCE
IN RESPONSE TO A MEETING OF THE GENERAL CONFERENCE"**

Signers of the Resolution:

Name	Address	Email
Rev. Jim Cowart	3322 US Highway 41 N. Byron, GA 31008	jim@harvestchurch4u.org
Dr. David Thompson	110 Rushing St Richmond Hill, GA 31324	david@sgaumc.com
Rev. Scott Tucker	412 Parkersburg Rd Savannah, GA 31406	stucker@iohumc.com
Ms. Debbie Turner	798 Mallery St. Apt 11 St. Simons Island, GA 31522	debbieholley@yahoo.com
Rev. David Unkles	319 W. Main Street Swainsboro, GA 30401	rev@unkles.net
Rev. Howard White	9577 English Ivy Court Fortson, GA 31808	Hwhite8723@aol.com
Dr. Anthony McPhail	109 W. Valley Street Valdosta, GA 31601	amcphail@valdostafirstumc.org
Mr. Jeff Barker	PO Box 5125 St. Marys, GA 31558	Jbbarker12@gmail.com
Rev. Steve Patton	PO Box 430 Columbus, GA 31902	steve@sgaumc.com
Dr. Nita Crump	PO Box 6 Byron, GA 31008	revnitac@gmail.com
Rev. Jay Hanson	114 Harris Farm Road Brunswick, GA 31520	jay@thechapelministries.com

Dr. Derek W. McAleer	PO Box 7227 Macon, GA 31209	derek@sgaumcadmin.com
Rev. Jim Morrow	307 Flint Ave Albany, GA 31701	jmorrow@firstmethodistalbany.com
Rev. Randy Nease	195 Zipperer Rd Guyton, GA 31312	rbnease@yahoo.com
Ms. Anne Bosarge	161 Tison Drive Brunswick, GA 31523	abosarge@sgaumc.com
Dr. John Ray	2104 Cypress Hollow Ct Statesboro, GA 30458	Jray30458@gmail.com
Rev. Jerry Roe	6520 Frederica Rd St. Simons Island, GA 31522	pastorjerry@wesleyssi.org

Other Interested Parties:

Name	Address	Email
Mrs. Meredyth Earnest, Conference Secretary	1904 Lake Douglas Road Bainbridge, GA 39819	meredyth@sgaumc.com
Rev. Doreen Smalls, Chair, Resolutions Committee	1602 Goff Circle Cordele, GA 31015	doreen@sgaumc.com
Mrs. Cater Thompson Conference Chancellor	435 2 nd Street #500 Macon, GA 31201	cater.thompson@jonescork.com
Rev. Stephanie Smith Maker of the Request for a Rule of Law	101 S. Main Street Statesboro, GA 30458	ssmith@statesborofirst.com

#4 Resolution – RULE OF LAW REQUESTED 6/7/2022
A RESOLUTION FOR A CALLED SESSION OF THE ANNUAL CONFERENCE
IN RESPONSE TO A MEETING OF THE GENERAL CONFERENCE

SUMMARY – The Resolution provides for a called session of the Annual Conference if General Conference meets in 2022, to allow the Conference to make such decisions as it may choose in response to the General Conference, to allow churches to petition for disaffiliation, and to clarify how church which wish to remain United Methodist may do so.

WHEREAS members and clergy of The United Methodist Church have been unable to agree on several aspects of theology and practice, including profound and irreconcilable disagreements over human sexuality, despite decades of conversation and conferencing on the matter; and

WHEREAS the General Conference meeting in special session in February, 2019 provided a means for churches to disaffiliate through a new ¶2553 of The Book of Discipline of the United Methodist Church and related legislation; and

WHEREAS assuming the General Conference would meet in 2020, and that said Conference would adopt legislation and procedures such that ¶2553 would no longer be needed, ¶2553 was approved with an expiration of December 31, 2023; and

WHEREAS the South Georgia Annual approved a Disaffiliation Policy at the June, 2019 session; and

WHEREAS the General Conference which was scheduled to meet in May, 2020 has been postponed due to the worldwide Covid-19 pandemic; and

WHEREAS legislation entitled “Protocol for Reconciliation and Grace Through Separation” (“The Protocol”) has been submitted to the General Conference, which legislation provides for an orderly separation of the United Methodist Church into two or more denominations; and

WHEREAS the impending expiration of ¶2553 is of concern to the members, clergy and churches of the South Georgia Annual Conference, especially if General Conference does not meet; and

WHEREAS if General Conference does meet, the members, clergy, and churches of the South Georgia Conference want the opportunity to respond to any legislation which may be approved, or to take such action as seems best to them, including possible disaffiliation from the United Methodist Church; and

WHEREAS many of our churches and clergy desire to remain in the South Georgia Conference hoping for General Conference to meet and pass helpful legislation, but may be unwilling to remain if the window for disaffiliation seems to be closing;

THEREFORE BE IT RESOLVED that if General Conference does meet in 2022, the South Georgia Annual Conference set a Special Session to be held on Oct 1, 2022, so that the

conference may make decisions about the future of the Annual Conference, its churches, clergy, property, and all related matters, including but not limited to withdrawing from the United Methodist Church and affiliating with a traditional Methodist denomination.

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BE IT FURTHER RESOLVED that the present Disaffiliation Policy shall remain in effect for churches who wish to withdraw at the June 2023 session of the Annual Conference.

BE IT FURTHER RESOLVED that, since a one-day session does not have the expense of a multi-day session, the registration fee for delegates be set at \$10.00; that the per diem reimbursement for retired clergy, lay members, and others receiving the per diem be set at \$25.00 per day; and that the Council on Finance and Administration be authorized to pay for the Conference from the Annual Conference session budget, then budgeted contingency funds as needed. The estimated expense of a one-day conference, including building rental and audio-visual support, is not to exceed \$15,000.

BE IT FURTHER RESOLVED that resolutions may be presented to this special session in keeping with the announced purpose of the session. Resolutions submitted in writing to the Committee on Resolutions at least 10 days prior to the session shall be posted on the Conference website, and such posting shall be deemed as having presented those resolutions to the Conference, in order that a vote may be taken on the day of the special session. Resolutions shall be presented in accordance with our standing rules, except for these specific stipulations.

BE IT FURTHER RESOLVED that Standing Rule 3.1.3 shall be suspended to allow for materials to be prepared and presented prior to the called Annual Conference session.

Respectfully submitted,

Rev. Jim Cowart
Rev. David Thompson
Rev. Scott Tucker
Ms. Debbie Turner
Rev. David Unkles
Rev. Howard White

Dr. Anthony McPhail
Mr. Jeff Barker
Rev. Steve Patton
Dr. Nita Crump
Rev. Jay Hanson
Dr. Derek W. McAleer

Rev. Jim Morrow
Rev. Randy Nease
Ms. Anne Bosarge
Dr. John Ray
Rev. Jerry Roe