

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1525

IN RE: Request for a declaratory decision submitted by the New England Annual Conference regarding the New England Annual Conference resident bishop's handling of two complaints received in February 2025.

DIGEST

The Judicial Council lacks jurisdiction to decide the issues in the request for this declaratory decision. The questions concern judicial or administrative processes that are appellate in nature, and they ask the council to provide details for a process that the General Conference has not legislated, all of which the council is precluded from doing.

STATEMENT OF FACTS

In the Wednesday, June 3, 2026, afternoon session of the New England Annual Conference, a conference member requested the body join in asking for a declaratory decision from the UMC Judicial Council. The following motion was approved:

I move that the New England Annual Conference request a Declaratory Decision regarding the NEAC resident Bishop's handling of two complaints received February 2025:

1. Was the process by which these complaints were handled consistent with paragraph 363 of the 2020/2024 Book of Discipline in the following ways:
 - a. Lack of timely and clear written description of the process to be followed at each stage of the complaints, and when the stage changes (363.2);
 - b. Lack of clarity about just resolution process initiated concurrent with the supervisory response, and about criteria required of the parties at each stage (see paragraphs 363.5, 363.6.b, 363.6.d);
 - c. Dismissing the complaints using an evidentiary standard of proving intent and violation of the Discipline; and
 - d. Lack of clarity about if the complaints were dismissed with the consent of the cabinet as required (363.5.f.1)
2. What is the meaning and application of para 363.5, which states that a Bishop's role in the supervisory response process is "pastoral and administrative," and that the Bishop is to determine during this period if the complaint meets the criteria and definition of a complaint (363.2)?

Upon what criteria does a Bishop base this determination in order to give due consideration to the validity of a complaint?

3. What is the meaning and application of para. 363.5.f.1, which states that a Bishop may dismiss a complaint with the consent of the cabinet when complaints are against members of the cabinet?
4. If the Judicial Council finds that errors, omissions, or missteps have occurred in the handling of these matters, what remedies exist within our Discipline to rectify such and restore balance to the complaint and just resolution processes in this matter?

JURISDICTION

The Judicial Council lacks jurisdiction in this matter. The submitted request was for a declaratory decision on three questions. The first question was on whether in the specific case “regarding the NEAC resident Bishop’s handling of two complaints received February 2025” the complaint process was followed in alignment with *The Book of Discipline 2020/2024*. This does not fall under the category of questions the Judicial Council can answer in the form of a declaratory decision.

In a complaint process, a bishop's supervisory response ends with either dismissing the complaint with the cabinet's consent, initiating a mediated attempt to produce a just resolution, or referring the matter to the Counsel for the Church as a complaint. ¶ 363.5(f). Therefore, because the request relates to the supervisory process for particular complaints, we conclude that the request is an attempt to obtain an advisory opinion that the council has no jurisdiction to answer. Judicial Council Decisions (JCD) 1186 and 1466. Therefore, we do not have jurisdiction to decide the request.

Further, parts 2 and 3 of the request ask questions about ¶ 363.5 that the council cannot answer without legislating, which it is forbidden from doing. JCD 156 dealt with a similar request for clarification of terms:

We are now requested to give an opinion as to the meaning of the terms mentioned above. It should be noted that the request submitted to us does not arise out of any case legally pending before the Council involving the rights of persons or institutions but is, rather, a mere request for a definition. It is entirely possible that it would be good if the terms in question (and, for that matter, all other common terms) might have or be susceptible of universal and definite meaning and acceptance; however, the wide variation in the use of words and phrases renders definition and construction exceedingly difficult if not impossible except in definite cases and under well-defined circumstances.

Unfortunately, the Discipline itself contains no definition of the terms which are questioned in this appeal to the Council, nor is there any language in the Discipline indicating a legislative intent which might be of assistance in arriving at the will of the legislative body in this connection.

As was said by this Council in its Decision No. 26, the General Conference is thoroughly competent to define such terms as it desires, and it is our opinion that it is the responsibility of the General Conference to supply this deficiency if one exists and that this is not a question of judicial interpretation.

ANALYSIS AND RATIONALE

Paragraph 363 of *The Book of Discipline* does not provide the definition of “pastoral and administrative” or describe relevant procedures. To address this is within the province of the General Conference. JCD 1181 states, in relevant part, “The Judicial Council cannot provide legislative language where the General Conference is silent or provide regulatory language for any of the agencies of the General Conference.”

The undefined “pastoral and administrative” phrase used in ¶ 363.5 leaves open a number of questions that can only be answered by the General Conference. As raised in the briefs filed in this matter, these are the types of questions for which the *Discipline* does not provide an answer: Does ¶ 363.5 imply a standard as used by the bishop in this case of “conclusive evidence to determine that any intentional acts of retaliation, retribution, or abuse of power took place”? Does it imply a standard that is more restrictive than “reasonable grounds” required by the Committee on Investigation? Does it suggest a process that is within the bishop’s sole discretion without possibility of appeal or review?

The *amicus curiae* briefs for this case submitted by the General Commission on the Status and Role of Women's director of sexual ethics highlight reasons why clarifying the meaning of "pastoral and administrative" is important. Yet again, these are matters that the Judicial Council does not have the authority to address. Rather, it is up to the General Conference to define the terms in the *Discipline*.

When a complaint is filed, the initial response comes from the bishop. That response is not adversarial or judgmental. The pastoral and administrative framework allows a bishop to be a pastor, to "repair harm of the people and community. . .and bring healing to all the parties" (§ 363.3). If the bishop were to exceed the scope of the supervisory response, it would compromise the pastoral nature of the initial step of the complaint process.

October 23, 2026