

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1459

[Docket No. 1022-22]

IN RE: Review of a Bishop's Ruling on Questions of Law in the Wisconsin Annual Conference Concerning Seven Aspects of the Conference's Implementation of ¶ 2553.

DIGEST

The Decision of Law by Bishop Hee-Soo Jung is affirmed in part and deferred in part.

STATEMENT OF FACTS

During the business session of the Wisconsin Annual Conference, a clergy member submitted the following Question of Law:

- 1) A number of dates have been specified for various steps in the disaffiliation process by this legislation. The language of ¶ 2553 allows the Annual conference to develop standard terms and conditions, but are these additionally required process dates appropriate?
- 2) Given that the legislation of ¶ 2553 was established in 2019 and the Wisconsin Annual Conference was unable to comply with the requirement to develop the process of disaffiliation until this year, and that the process for a congregation attempting to disaffiliate prior to this year was halted, has the Annual conference provided "sufficient time" for the local church to complete this process prior to legislative expiration?
- 3) The request for disaffiliation requires documentation "explain[ing] how the current Discipline or actions or inactions of the annual conference have affected the mission and unity of the congregation" yet ¶ 2553 seems to indicate that denominational issues are being considered, including the actions of the General Conference and other Annual conferences. Are all actions of the General church and/or any Annual conference to be considered by local congregations for impacts to mission and unity?
- 4) Since the Pastor is not a member of the local congregation, is it appropriate to subject them to the implementation by the Wisconsin Annual Conference of ¶ 2553? This paragraph and implementation only apply to local congregations wishing to disaffiliate.
- 5) The section "*Payment of Financial Obligations for Disaffiliation.*" requires payment "[a]t least two weeks prior to the opening of the Annual Conference session." This requirement seems to exceed the authority of ¶ 2553 by requiring payment before action of Annual conference. Is this requirement valid or are payments due before the earlier of December 31,

2023 or the final date of disaffiliation?

- 6) The section “*Payment of Financial Obligations for Disaffiliation:*” requires payment into an escrow account “to cover annual conference legal expenses related to the disaffiliation.” Does this exceed the authority of ¶ 2553 by requiring payment for expenses prior to them being incurred? Additionally, if there is a standard form for disaffiliation, is it appropriate to charge local congregations additional conference legal fees?

In response, Bishop Hee-Soo Jung issued the following Decision of Law, which reads in relevant part:

1. An Annual Conference has the authority to adopt policies and procedures for the disaffiliation of a local congregation pursuant to Paragraph 2553 of the *Discipline* as long as the policies and procedures are consistent with Paragraph 2553. Each policy and procedure questioned by the Request is consistent with Paragraph 2553. This includes the requirement that certain payments arising from the disaffiliation be completed before the Annual Conference session at which a vote on disaffiliation is to take place.
2. Paragraph 2553 was intended for a limited purpose, and the Wisconsin Annual Conference has a responsibility to the denomination to see that it is faithfully executed. To do so, it is important that, in the process of discernment, a congregation considering disaffiliation articulate its reasons for disaffiliating and evaluate its role in The UMC. The requirement that the congregation “explain how the current *Discipline* or actions or inactions of the annual conference have affected the mission and unity of the congregation” provides a framework consistent with Paragraph 2553 to explore the congregation’s relationship to The UMC and whether that relationship gives rise to an application of Paragraph 2553.
3. The credentials for clergypersons to serve in The UMC are strictly governed by the *Discipline*. If a member of the clergy is appointed to a congregation that disaffiliates under Paragraph 2553, and the clergyperson opts to leave with the congregation, or otherwise leave The UMC, the member is deemed to have withdrawn from The UMC and has surrendered his or her credentials. Although the *Discipline* provides for appointments outside the denomination, such appointments must meet all requirements of the *Discipline* and are generally not intended for local congregations that have disaffiliated from The UMC. Therefore, the requirement that clergypersons appointed to disaffiliating congregations declare their intention is fully consistent with the *Discipline*, including Paragraph 2553, which in no way alters the credentialing and appointment process.

The Judicial Council received no briefs for this case.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline*.

Analysis and Rationale

Parts 1 and 2 of Bishop Hee-Soo Jung's decision are affirmed for the reasons set forth therein. The Judicial Council defers ruling on Part 3 concerning Questions 4 and 5 (as to whether clergy persons who disaffiliate are deemed to have surrendered their credentials) until the issues raised by those questions are fully briefed before the Judicial Council. Interested parties and *amici curiae* are hereby invited to file briefs in support of their positions with regard to Questions 4 and 5 no later than **March 31, 2023**, and reply briefs no later than **April 10, 2023** [please refer to website for details].

Decision

The Decision of Law by Bishop Hee-Soo Jung is affirmed in part and deferred in part.

February 28, 2023

Separate Opinion

We concur with our colleagues regarding some aspects of the Bishop's ruling, but we note that the Digest needs to indicate the major issues that were ruled upon by the Bishop and further indicate those aspects upon which the Judicial Council specifically agrees and affirms as a matter of church law.

The specific issues that the Judicial Council is affirming in its review of a Bishop's ruling on a question of law ought to be set forth in the Digest so that those institutions and publications [especially hardcopy print publications], which quote and rely exclusively upon the Digest to provide a **concise statement of the issues** decided by the Judicial Council in each Decision or Memorandum, are able to continue to alert their respective readers or members of potential changes in the interpretation or application of church law. If a Digest states only that the Judicial Council affirms the ruling of the Bishop "**for the reason set forth therein**" then those institutions and publications which have heretofore relied upon our Digest, will no longer be in a position to immediately provide a meaningful alert to their respective readers or members concerning such decisions or memorandums that have just been released by the Judicial Council.

Beth Capen
Kabamba Kiboko
February 28, 2023