

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1431

[Docket No. 1021-7]

IN RE: Review of a Bishop's Ruling on a Question of Law in the Eastern Pennsylvania Annual Conference as to whether Judicial Council Decision No. 1409 renders the required payment of general church apportionments to be voluntary.

DIGEST

Questions of Law may not be based on some future action that remains hypothetical. The bishop's Decision of Law is affirmed.

STATEMENT OF FACTS

At the 2021 session of the Eastern Pennsylvania Annual Conference, which began on May 20, 2021 and ended on May 22, 2021, a clergy member requested a ruling of law during the discussion of the Connectional Ministries Budget. The presiding bishop asked that discussion of this issue be postponed until after that budget passed, after which, the clergy member submitted the following written request for a bishop's Decision of Law:

In light of Judicial Council Decision 1409, which noted that until the delayed 2020 General Conference meets, we remain legally within the 2017-2020 quadrennium, and that "All recommendations submitted by the General Council on Finance and Administration as part of the process set forth in ¶ 806 require approval of the General Conference," is it therefore permissible as a matter of church law for annual conferences and local churches to regard all general church apportionments beginning January 1, 2021, as voluntarily and not required until such time as the General Conference meets to pass a new budget for the new quadrennium?

On June 15, 2021, Bishop Peggy A. Johnson rendered her ruling, which reads in relevant part:

[Bishop's Rationale]

Bishops do not have unlimited authority to address any question relating to church law posed during the business of an Annual Conference. Indeed, to address the substance of this purported question of law would exceed the limited scope of episcopal judicial authority. It is a fundamental principle of United Methodist jurisprudence that requests for rulings of law from the presiding Bishop must “be based upon some action taken or proposed to be taken by such Conference, wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed.” *JCD 33*. Further, “it is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded.” *ibid*.

A valid request for a decision of law must “state the connection to a specific action” taken by the annual conference. *JCD 799*. Further, it may not presuppose future action that has not yet occurred. *JCD 1393*.

While this request for a purported decision of law may be germane or relevant to the business of the Annual Conference, no question as to the legality of Annual Conference action has been raised without presupposing future actions of the Annual Conference or a local church. Further, the request does not state the connection to a specific annual conference action.

[Bishop’s Ruling]

The request for a purported decision of law is not within the scope of episcopal authority to answer, because it does question the legality of any proposed or actual Annual Conference action. For these reasons, the undersigned declines to address the substance of the request.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of *The Book of Discipline 2016* [hereinafter the *Discipline*].

Analysis and Rationale

It is established precedent that “moot and hypothetical questions shall not be decided.” *JCD 33, 131, 396, 651, 746, 762, 799*. In *JCD 1393*, the Judicial Council also ruled that a question of law may not be predicated on “some future action that remains hypothetical.”

The request as submitted asked, “is it therefore permissible as a matter of church law for annual conferences and local churches to regard all general church apportionments beginning January 1, 2021, as voluntarily and not required...?” Although it does have the features of a *legal*

question to be more than an informational inquiry, the request is based on the hypothesis that the annual conference or local churches, in words or deeds, would regard all general church apportionments as voluntarily, thereby presupposing a *what-if* scenario. Nothing in the record suggests that the question arose out of an *actual* circumstance “wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed.” JCD 33 [emphasis added]. We are not aware of any *specific* instance in which the presupposed scenario occurred. Since it is predicated on some future action or possibility, the question of law is hypothetical. Consequently, the bishop ruled correctly.

Ruling

Questions of law may not be based on some future action that remains hypothetical. The bishop’s ruling is affirmed.

March 15, 2022