

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1314

IN RE: Review of a Bishop's Decision of Law in the East Ohio Annual Conference Regarding the Rights of an Elder in Light of ¶¶ 358.3 and 362 and in Comparing ¶ 16.7 and ¶ 20

DIGEST

The Bishop's Decision of Law is affirmed. The questions raised deal with administrative and judicial matters that are not proper questions for a substantive ruling by a bishop. All questions of law and decisions shall be recorded in the Journal of the annual conference.

STATEMENT OF FACTS

During the June 15, 2015 clergy session of the East Ohio Annual Conference of The United Methodist Church, an involuntarily retired elder of the conference requested that the East Ohio Annual Conference petition the Judicial Council for a declaratory decision on the fair process that occurred in the handling of the granting of his involuntary retired status. The motion read as follows:

WHEREAS, in Decision 1276, the Judicial Council decided, and reported the same to the East Ohio Conference, that the Council did not have jurisdiction of Rev. Wayne Scott's appeal of fair process (contained in Judicial Council Docket 1014- 8), which appeal was made in accordance with ¶2715 of the 2012 Book of Discipline; the Council decided it could exercise jurisdiction in the case only by means of a petition for a Declaratory Decision under ¶2610.

THEREFORE, I move that the East Ohio Annual Conference petition the Judicial Council of the United Methodist Church to review the application of fair process in accordance with ¶358.3 and ¶362 of the 2012 Book of Discipline and make a declaratory decision under ¶2610. This review shall be limited to the questions raised in the Judicial Council Docket Item 1014-8 and no new items may be introduced.

The minutes from the clergy session note that the motion was duly seconded, debated, and defeated. The clergy person subsequently made a request to submit a request for a bishop's decision of law. The request was properly submitted in writing during a plenary session of the Annual Conference. The request stated:

WHEREAS: The 2015 East Ohio Annual Conference voted down the petition for a declaratory decision by the Judicial Council under ¶2610 of the 2012 Book of Discipline in review of the application of ¶358.3 and ¶362 of the 2012 Book of Discipline:

1. Are the ¶358.3 and ¶362 fair process rights of Reverend Wayne Scott rejected by the vote of the East Ohio Annual Conference judicial in nature?

2. Was the vote of the East Ohio Annual Conference to reject the petition for a declaratory decision by the Judicial Council under ¶2610 (also in appeal of the review of Reverend Wayne Scott's fair process rights) conducted within the judicial system and procedure as prescribed by the General Conference under ¶16.7 of the 2012 Book of Discipline?

3. Is the judicial system and procedure prescribed by the General Conference under ¶16.7 in violation of ¶20 of the 2012 Book of Discipline, in that the body (the East Ohio Annual Conference) that voted to take the administrative action of involuntary retirement (¶358.3) is the same body to vote to reject Reverend Wayne Scott's appeal by means of a petition for a declaratory decision?

The bishop took it under advisement and reported at the end of the conference session that he found the question inaccurate and ruled it out of order.

Under the guidelines of ¶ 2609.6 and Decision 799, the bishop is expected to rule on all questions of law that are properly presented in writing during the session of the annual conference. Paragraph 2609.6 states in part “Normally, the bishop shall rule before the close of the annual conference session during which the question was submitted, but in no case later than thirty days after the close of the session.” The decision is to be reported in writing on forms provided by the Judicial Council for its review. The bishop’s ruling in this situation was dated March 2, 2016. His ruling states:

In general the three questions (see Exhibit B-Rev. Scott's Questions) submitted by Rev. Scott are questions which concern procedural or substantive matters relating to administrative (Questions 1 and 2) or judicial process (Question 3). As a Bishop I am unable to rule on any of the three questions Rev. Scott submitted. Several previous Judicial Council Rulings (Nos. 799, 867, 1064, 1092, 1167, and 1188) consistently and clearly indicate questions which concern procedural or substantive matters relating

to judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop.

It is important to note that the 2014 East Ohio Annual Conference clergy session, placed Rev. Scott on Involuntary Retirement pursuant to the provisions of ¶358.3 including the provisions related to "Administrative Fair Process" (¶362) as well as the required review of the entire process by the conference's Administrative Review Committee (¶636). ¶33 of The Book of Discipline of The United Methodist Church makes clear it is the annual conference which "*is the basic body in the Church*" and to it are given the constitutional responsibility to determine "*all matters relating to the character and conference relations of its clergy members.*" At no time was Rev. Scott ever involved in the judicial process outlined in The Book of Discipline's "Fair Process for Judicial Proceedings". The two processes, administrative and judicial, are distinct and separate. Rev. Scott continues to confuse these two distinct, separate processes.

Judicial Council Decision #1276 as well as Judicial Council Memorandum #1291 (cited in the STATEMENT OF FACTS) when read separately and together, makes clear the Judicial Council has previously ruled has no jurisdiction concerning the matter of Rev. Scott being placed on Involuntary Retirement by the 2014 East Ohio Annual Conference clergy session.

Additionally, it appears to me Rev. Scott's questions were an improper request related to administrative or judicial procedures that were not related to the business of the annual conference and were therefore out of order.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution of The United Methodist Church and under ¶ 2609 of the 2012 *Discipline* as modified by Judicial Council Decision 1244.

ANALYSIS AND RATIONALE

Judicial Council Memorandum 1276 presented a thorough review of the issue of involuntary retirement and concluded that the Judicial Council had no jurisdiction since the Annual Conference had not requested a declaratory decision as required in ¶ 2610 of the *Discipline*. Reconsideration of this decision was denied in Memorandum 1291. In June 2015, the clergy session defeated the request to submit a declaratory decision.

The Bishop's Decision of Law is affirmed. The questions raised deal with administrative and judicial matters that are not proper questions to be dealt with in a substantive ruling by a bishop. (See Decisions 799, 867, 1064, 1092, 1167, 1188)

As noted in the further commentary by the bishop, the questions as presented deal with issues that related to a judicial proceeding. As noted in Memorandum 1276, the issue of involuntary retirement is an administrative issue that was cared for by the clergy session of the annual conference. Thus, those questions are without merit in this instant case.

Judicial Council Decision 799 contains a section that outlines "Guidelines for Bishop's Rulings on Questions of Law". These guidelines provide the directive that a bishop **shall** (emphasis added) rule on all questions presented as questions of law even if the determination is that the matter was not germane or proper. All questions of law shall be answered and rulings shall be recorded in the Journal of the conference. (§ 51)

DECISION

The Bishop's Decision of Law is affirmed. The questions raised deal with administrative and judicial matters that are not proper questions for a substantive ruling by a bishop. All questions of law and decisions shall be recorded in the Journal of the annual conference.

F. Belton Joyner, Jr., Secretary

William B. Lawrence, President

May 9, 2016