

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1349

IN RE: Review of a Bishop's Decision of Law in the Greater New Jersey Annual Conference concerning if the cabinet's process for initiating part-time appointments meets the requirements of *The Book of Discipline 2016* ¶ 338.

### DIGEST

The request for a decision of law concerning the cabinet's process for initiating part-time appointments is not a valid request. Judicial Council Decision 799 clearly states the principle: "Questions of law shall be germane to the regular business, consideration, or discussion of the Annual Conference and shall state the connection to a specific action taken, or the question must be raised during the deliberation of a specific issue or a matter upon which the conference takes action." [emphasis added] The appropriate ruling by the bishop should have been that the request for a decision of law was not a proper request. The bishop's decision of law is reversed.

### STATEMENT OF FACTS

At the clergy session of the 2017 Greater New Jersey Annual Conference of The United Methodist Church, the process for how bishop-initiated part-time appointments were going to be made was presented. After the process' presentation, the following request for a decision of law was made by the Dean of the Cabinet on behalf of the cabinet.

Bishop Schol, I ask for a decision of law. Does the cabinet's process for initiating part-time appointments abide by the requirements of paragraph 338 of the Book of Discipline?

### JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶¶ 51 and 56.3 of the constitution and ¶ 2609.6 of *The Book of Discipline 2016*.

## ANALYSIS AND RATIONALE

The request for a decision of law was made by the dean of the cabinet immediately following the presentation of the process for how bishop-initiated part-time appointments were going to be made. The presentation was of the plan of the bishop and cabinet and not an action of the annual conference. A longstanding principle of jurisprudence is stated in Judicial Council Decision [hereinafter JCD] 33 and 799. JCD 33 addresses “requests for rulings by the Bishops in an Annual or a District Conference” and says that “any such request should 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 799 states, in relevant part,

Questions of law shall be germane to the regular business, consideration, or discussion of the Annual Conference and shall state the connection to a specific action taken, or the question must be raised during the deliberation of a specific issue or a matter upon which the conference takes action. [emphasis added]

JCD 799 puts forth two tests, both of which must be passed. First, the question of law must be germane to the regular business, consideration, or discussion of the Annual Conference. One could argue that the request for a decision of law passed that test, in that the presentation of the cabinet’s plan was germane. However, there is a second test. The question of law must be raised during the deliberation of a specific issue or a matter upon which the conference takes action. The minutes of the annual conference session do not show that any action was taken by the annual conference. Therefore, the request for a decision of law fails the test and is not a proper request.

## RULING

The request for a decision of law concerning the cabinet’s process for initiating part-time appointments is not a valid request. Judicial Council Decision 799 clearly states the principle: “Questions of law shall be germane to the regular business, consideration, or discussion of the Annual Conference and shall state the connection to a specific action taken, or the question must be raised during the deliberation of a specific issue or a matter upon which the conference takes action.” [emphasis added] The appropriate ruling by the bishop should have been that the request for a decision of law was not a proper request. The bishop’s decision of law is reversed.

Dennis Blackwell was absent.

First clergy alternate Timothy Bruster participated in this decision.

October 26, 2017