



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH  
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE  
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE  
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA  
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



### Report by Bishop on Decision of Law

This form is to be used for (please check one):

- Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (§ 56.3 Const. and § 2609.6 *The Book of Discipline 2016*).
- Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (§ 56.2 Const. and § 2609.7 *The Book of Discipline 2016*).

Name of Bishop: John Schol

Address: PO Box 820 City: Valley Forge

State/Province: PA ZIP/Postal Code 19482 Country: USA

Phone: 484/474-0939 Fax: \_\_\_\_\_ E-mail: bishopjohnschol@epaumc.church

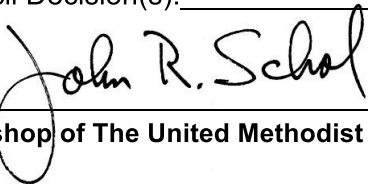
Annual Conference: Eastern Pennsylvania Date of session: 5.21.2022 (month/day/year)

Question(s) of Law: Please see attached

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: \_\_\_\_\_ Book of Discipline: ¶151, 258, 2553, 2609.6, 2610

Judicial Council Decision(s): 33, 396, 651, 746, 762, 763, 799, 898, 937, 941, 976, 999, 1117, 1124, 1187, 1205, 1279, 1294, 1356, 1339, 1369, 1388

Signature:  Date: 06/15/2022

**Bishop of The United Methodist Church** (month/day/year)

**The following must be attached:**

- Decision of Law, including facts, rationale and ruling
  - Text of the written request for decision
  - Minutes of annual conference proceedings (relevant portions only)
  - List of names and addresses of interested parties
  - Other relevant materials (e.g. conference rules, resolutions, policies, reports)
- Eight (8) hard copies must be submitted via USPS or other delivery service to:  
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,  
 1215 Shady Lane, Durham, NC 27712**
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to: [secretary@umcjudicialcouncil.org](mailto:secretary@umcjudicialcouncil.org).

**The United Methodist Church**  
**Eastern Pennsylvania Conference**  
**Decision of Law Request May 21, 2022**  
**John R. Schol, Bishop**

SYNOPSIS OF RULING

With regard to the first submission, the request is null and void and does not require an episcopal ruling of law for the following reasons:

- 1) The request mixes a point of order, which is a parliamentary procedure, with a request for a ruling of law. The judicial council does not have the authority to decide parliamentary procedure. Further, the request puts parliamentary and disciplinary procedures at odds with one another in that a point of order requires the presiding bishop to make a parliamentary ruling at the moment the question is asked, but a bishop has up to thirty days to make a ruling of law.
  
- 2) The request does not relate to the business of the session nor even the point of order that was before the session.

With regard to the second submission, the request is null and void because the request was submitted following the adjournment of the annual conference session and did not relate to the business of the 2022 regular session.

## STATEMENT OF FACTS

On Saturday, May 21, 2022, the last day of the Eastern Pennsylvania online Annual Conference session, the final resolution for the conference session was considered. The bishop ruled the legislation out of order. The bishop asked the petitioner if he wanted to appeal the ruling. The petitioner indicated that he did not wish to appeal the ruling. A camping report was presented.

During the report a lay member submitted an appeal to his ruling that the legislation was out of order. Her written appeal stated the following:

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

My Rationale: According to Judicial Council Decision 999, "An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that "In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body."

This is important because there are no rules regarding this. EPA needs this now more than ever. We owe it to one another to figure this out so that we can bless one another and allow those of us that want to go, the opportunity to go without punishing one another.

I appeal to the Body of the Annual conference to overrule the chair's parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter.

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

The bishop explained that an appeal from a lay member was submitted during the camping report and that the appeal would be heard. After the rationale for the appeal by the lay member, the

bishop stated again his rationale of why the legislation was out of order and called for a vote. The members sustained the bishops ruling 342 in favor and 78 opposed. The annual conference session was adjourned.

Rev. Dr. Christopher L. Fisher, a clergy member of the conference also challenged the ruling in writing following the lay member's challenge submitting nearly the exact same wording but added an additional section. The bishop did not see this appeal to the parliamentary procedure and request to the ruling of law during the conference session, but it may have been submitted prior to adjournment but it did not show up in the bishop's computer because of how the technology functioned. The following is what Rev. Dr. Fisher submitted in writing, with the additional section to what the lay member submitted bolded.

I have a point of order. My Rationale: According to Judicial Council Decision 999, "An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that "In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body."

This is important because there are no rules regarding this. EPA needs this now more than ever. We owe it to one another to figure this out so that we can bless one another and allow those of us that want to go, the opportunity to go without punishing one another.

I appeal to the Body of the Annual conference to overrule the chair's parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter."

**Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per The Discipline 2609.6. Submitted by Rev. Dr. Christopher Fisher Elder, Eastern PA Conference 5-21-2022**

At 12:04 p.m., more than an hour after the session had been adjourned, Rev. Dr. Fisher emailed the chancellor, conference secretary, secretary of the Judicial Council and the bishop the following:

Request for a Bishop's Ruling of Law on Resolution 2021-6

Zoom Chat Request Category 4:

I would like to make a Point of Order: I request for the Bishop to make a Ruling of Law on Resolution 2021-6 from last year's Annual Conference, titled, "Relating to the Distribution and Use of Funds Acquired as a Result of Para. 2553"

Specifically, I request a Ruling of Law on the legality of point 4.a.vi.B. which reads,

"Para. 4.a.vi.B, entitled "Missional Transition Support Payment (three-year average of non-real estate assets multiplied by percentage of church vote that did not vote for disaffiliation (i.e. abstentions and nays)" will be used at the discretion of the cabinet in the district of which the disaffiliating church was a member;"

***Explanation:***

A) My request is on whether Par. 4.a.vi.B. is legal because it appears to violate the Discipline Par. 258.4.f, which states "Contributions designated for specific causes and objects shall be promptly forwarded according to the intent of the donor and shall not be used for any other purpose. (footnote 11 [Judicial Council Decision 976])."

B) Many financial assets of local churches (such as endowments, memorial funds, capital campaign funds for building projects, etc.) have been given with specific instructions by the givers. If the Annual Conference requires payment of a portion of all financial assets before a church can officially disaffiliate from the United Methodist Church, this appears on its face to require raiding these same designated funds, and so violates the intentions of their givers. In many cases financial assets of a local church (such as endowments, bequests, trusts, etc.) have additional legal fiduciary regulations with state government protections of their own, specifying exactly how the funds can be used and forbidding their use for any other purposes. Resolution 2021-6 also requires all fees to be paid *before* a local church can disaffiliate from the denomination, so the local church is still under the duties and protections of United Methodist Discipline while these fees are negotiated.

Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per *The Discipline* 2609.6.

## JURISDICTION

The Judicial Council has jurisdiction under Par. 2610 of the 2016 Discipline.

## ANALYSIS AND RATIONALE

A request for a decision of Law should not mix a parliamentary procedure and a request for a ruling of law. A question of law and a parliamentary procedure, particularly a point of order are distinct and different processes. A point of order is a parliamentary matter in which the person raising the point of order believes an action about to be taken or that has just been taken does not conform to the parliamentary rules of the annual conference. A question of law is a question regarding the legality of actual or proposed annual conference action. JCD 799. By mixing the two in this particular instance, it creates confusion about how a bishop is to proceed. The judicial council has consistently held that it does not have the authority to rule on parliamentary matters (See JCD 898, 941, 1117, 1187, 1205, 1356, and 1339).

Additionally, a question for a ruling of law must pertain to the business of the annual conference session (See JCD 1279, summarizing JCD 33, 396, 651, 746, 747, 762, 763, and 937). The issue raised referred to legislation that was approved a year prior at the 2021 annual conference session and was not part of or related to any business undertaken at the 2022 annual conference session. Therefore, pursuant to JCD 1294, a ruling of law on the substance of the purported request is “inappropriate.”

Finally, the second submission was submitted more than an hour after adjournment. A bishop may only make a ruling on a written question of law submitted during the annual conference session; questions submitted outside of the regular session are not questions of law that require or even permit an episcopal ruling. (See Discipline ¶¶51, and 2609.6 and JCD 1124, 1369, and 1388).

#### RULING OF LAW

For the reasons set forth above, neither submission for a ruling on a question of law are appropriate and, pursuant to JCD 799, it would be inappropriate to provide any further commentary that might address the substance of the request.

Submitted by: John R. Schol, Bishop

## **APPENDIX I**

### Text Of the Written Request for Decision of Law

#### Submission 1

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I have a point of order. My Rationale: According to Judicial Council Decision 999, “An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that “In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body.”

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I appeal to the Body of the Annual conference to overrule the chair’s parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter.”

Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per The Discipline 2609.6. Submitted by Rev. Dr. Christopher Fisher Elder, Eastern PA Conference 5-21-2022

#### Submission 2

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Request for a Bishop’s Ruling of Law on Resolution 2021-6

Zoom Chat Request Category 4:

I would like to make a Point of Order: I request for the Bishop to make a Ruling of Law on Resolution 2021-6 from last year’s Annual Conference, titled, “Relating to the Distribution and Use of Funds Acquired as a Result of Para. 2553”



Specifically, I request a Ruling of Law on the legality of point 4.a.vi.B. which reads,

“Para. 4.a.vi.B, entitled “Missional Transition Support Payment (three-year average of non-real estate assets multiplied by percentage of church vote that did not vote for disaffiliation (i.e. abstentions and nays)” will be used at the discretion of the cabinet in the district of which the disaffiliating church was a member;”

***Explanation:***

A) My request is on whether Par. 4.a.vi.B. is legal because it appears to violate the Discipline Par. 258.4.f, which states "Contributions designated for specific causes and objects shall be promptly forwarded according to the intent of the donor and shall not be used for any other purpose. (footnote 11 [Judicial Council Decision 976]).”

B) Many financial assets of local churches (such as endowments, memorial funds, capital campaign funds for building projects, etc.) have been given with specific instructions by the givers. If the Annual Conference requires payment of a portion of all financial assets before a church can officially disaffiliate from the United Methodist Church, this appears on its face to require raiding these same designated funds, and so violates the intentions of their givers. In many cases financial assets of a local church (such as endowments, bequests, trusts, etc.) have additional legal fiduciary regulations with state government protections of their own, specifying exactly how the funds can be used and forbidding their use for any other purposes. Resolution 2021-6 also requires all fees to be paid *before* a local church can disaffiliate from the denomination, so the local church is still under the duties and protections of United Methodist Discipline while these fees are negotiated.

Therefore, I request the Bishop to issue a ruling of law on the legality of Para. 4.a.vi.B. of Resolution 2021-6, with automatic review by the Judicial Council per *The Discipline* 2609.6.

## **APPENDIX II**

### Relevant Portions of Minutes of 2022 Eastern Pennsylvania Annual Conference Proceedings

The next piece of legislation is **Resolution 2022-10 CLARITY AND TRANSPARENCY FOR CONGREGATIONS TRANSFERRING OR DISAFFILIATING IN THE EASTERN PA CONFERENCE** on page 68. Bishop Schol ruled the legislation out of order concerning the use of The Book of Discipline paragraph 2548.2. Bishop Schol then asked Rev. Nelson Alleman, the presenter of the resolution, if he would like to challenge the parliamentary decision. Rev. Alleman did not wish to challenge the bishop's ruling. Bishop Schol said we will keep working together and waiting to hear from the Judicial Council about the proper use of paragraph 2548.2.

The bishop then reminded delegates of the offering toward the Youth and Young Adult Ministry being taken. Ministries he highlighted included a young people's "Youth of Color" retreat at Gretna Glen, the Asbury Ministry at Drexel University in Philadelphia which has 40 students engaged in worship and Bible study, and CCYM (Conference Council on Youth Ministries) activities throughout the Conference. Mr. Tirado led in prayer for the offering.

Bishop Schol introduced two items prior to going to the Ordination and Commissioning service. The first was a Camping Report followed by a Leadership Report.

The bishop invited Rev. Don Keller to give the Camping Report. Rev. Keller said, "It's a great day to be in camp" because every day is a great day to be in camp when the camps are those of the Eastern Pennsylvania Conference. Rev. Keller reported that though the 2020 camping season was called off and the 2021 season was severely curtailed, as of now, all four camps are up and running for the 2022 season with necessary Covid precautions in place. In 2021, during the pandemic, camps Carson Simpson, Gretna Glen, Innabah, and Pocono Plateau served 11,258 campers and guests, had 375 volunteers working with campers, and received over half a million dollars in direct donations to the sites. A few months ago, the camps were awarded grants totaling \$115,800. A new director, Carmen O'Shea, and her family, were welcomed to Pocono Plateau. Rev. Keller's primary purpose of reporting was to bring another Camping Board update that requires delegates' input and ongoing knowledge. The Camping Board has, over the last couple of years, been working to eliminate a long-standing payroll obligation at Camp Innabah. In this deficit, the Conference is owed \$300,193.27. In 2019, the Annual Conference voted to give the Camping Board permission to sell up to 50 acres of land at Camp Innabah to meet the obligation. Rev. Keller displayed a map showing two of parcels of land that were then identified to be sold. The first parcel is about 25 acres south of French Creek, located in a position that is not easily accessible from the program area of the camp. A neighbor who owns property adjacent to the parcel has expressed interest in purchasing the land. Rev. Keller reported that

the Camping Board is expecting to close on the sale later this year which should satisfy a substantial amount of the obligation, but still leave a significant piece of that debt. The second parcel is about 20 acres on the west side of the property. The Camping Board is in discussions with two neighbors on the sale. One neighbor is just looking to expand his property and maintain a buffer and has no plans to develop the acreage. The other neighbor is a church which needs more land to expand their ball fields and other ministries. The Camping Board plan is to see what the proceeds are from the first parcel and then sell the minimum acreage of the second parcel that is necessary to meet the obligation. The Camping Board's work is overseen by the Conference Board of Trustees. The Camping Board members appreciate all the thoughts and ideas that have been shared with them, but zoning and engineering concerns almost require the sale to be made to a neighbor with adjoining property. Rev. Keller reported that a third conversation which has grown out of this work is ongoing with the French and Pickering Creek Conservation foundation. With that organization, the Camping Board continues to explore the possibility of a conservation easement on the remaining 125 acres of the camp. If that route would be followed, the Board would be selling various levels of development rights to those with an interest in keeping the land undeveloped. Before proceeding, the Camping Board would make sure that the interests of these conservation organizations are in exact alignment with the Conference's. Rev. Keller assured the delegates that before proceeding with the conservation organization, the Camping Board would come back to the Annual Conference body for approval. He concluded his report saying that the Camping Board greatly appreciates the support of the agencies and churches of the Annual Conference and they continue to work with the Annual Conference to transform lives and make disciples in the sacred space called camps. Bishop Schol thanked Rev. Keller for his report.

Bishop Schol then announced that he did receive a challenge to his ruling on the legislation of Resolution 2022-10 being out of order from lay member Krystl D. Gauld who was invited to speak. Ms. Gauld submitted a written argument against the bishops ruling as well. That written argument is listed here.

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

My Rationale: According to Judicial Council Decision 999, "An annual conference may investigate and study any issue not expressly prohibited by the Discipline.

It also states that "In order for a request to be a parliamentary ruling, the

chair must rule on the request in the parliamentary session affording the opportunity for an appeal from the chair's ruling to the body."

This is important because there are no rules regarding this. EPA needs this now more than ever. We owe it to one another to figure this out so that we can bless one another and allow those of us that want to go, the opportunity to go without punishing one another.

I appeal to the Body of the Annual conference to overrule the chair's parliamentary ruling on 2022-10, and take it up for consideration. If it is passed, and someone objects that someone objects that some element of the petition is a violation of the Discipline, they can appeal to the chair to make a ruling of law about the matter.

I have a point of Point of Order: Appeal to the Body of Annual Conference to overrule the chair's parliamentary ruling Resolution 2022-10 is out of order, and take it up for consideration.

In Ms. Gauld's verbal presentation she expressed that this is a point of order she is appealing to the body to overrule the bishop's parliamentary ruling and then consider the resolution. She noted previous Judicial Council Decision 999 that reads "an annual conference may investigate and study any issue not expressly prohibited by the Discipline." She said the ruling also states that "in order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session, affording the opportunity for an appeal to the chair's ruling by the body." She believes this is important "because there are no rules regarding this here in EPA, and we need this now more than ever." She said, "We owe it to one another to figure this out so we can bless one another and allow those of us who want to go, the opportunity to go without any obstacles, punishment, or anything else that cause others concern."

Bishop Schol thanked Krystl. He then read the Judicial Council decision 999: "An annual conference may investigate and study any issues not expressly prohibited by the Discipline. An annual conference may also advocate with the general church boards and agencies for changes in policies and procedures. An annual conference may not delegate implementation of changes in health insurance coverage for employees of the annual conference where the specific changes have not been approved in advance by the annual conference." He said that the Judicial Council decision 999 refers health insurance and does not speak specifically to disaffiliation and that the legislation allows the annual conference to investigate and study any particular issue. Clarifying further, the bishop said that the issue that is before us is can the

annual conference direct or redirect denominational and conference officials granted authority by the General Conference and The Book of Discipline to do something different. Paragraph 2548.2 gives the bishop, the cabinet, and the district board of church and location the authority about how and when the paragraph may be used in the disposition of church property. Bishop Schol further clarified that this is a parliamentary ruling and not a disciplinary ruling of law, which is handled by the annual conference and that a parliamentary ruling and not an automatic appeal to the Judicial Council. He said that the Judicial Council does not make decisions on parliamentary matters. He repeated that this resolution is out of order because it is directing denominational and annual conference to follow the annual conference's direction and disregard their ability to make a decision granted to them by The Book of Discipline.

Bishop then introduced the opportunity to vote on this matter, explaining that an affirmative vote is to sustain the bishop's ruling that the legislation is out of order. A negative vote means the voter does not sustain the bishop's ruling and then that the legislation would properly be before the body. The bishop's ruling was sustained with a vote of 343-78.

Bishop Schol then thanked everyone for cooperation and collaboration. He expressed appreciation for everybody who had made the annual conference session a good session, for the people of West Chester UMC for hosting, for those who worked on legislation, for the technology team, and for those who gave and wrote reports. He said it was his honor to be leading the annual conference session in Eastern Pennsylvania.

Following Bishop Schol's expression of gratitude, a video was shown of several remaining interviews of conference leaders with Rev. Brice.

Following the conclusion of the video, the 236<sup>th</sup> Conference Session for United Methodists of Eastern Pennsylvania was adjourned. The Service of Ordination and Commissioning began after a period of transition.

**1022-14 Ruling of Law**  
**Eastern Pennsylvania Annual Conference**  
**Interested Parties/Persons**

**Rev Jacqueline Hines [Conference Secretary]**

[pastorjacquelineumc@gmail.com](mailto:pastorjacquelineumc@gmail.com)

[conferencesecretary@epaumc.org](mailto:conferencesecretary@epaumc.org)

**Rev. Dr. Christopher L Fisher [Asked for Ruling]**

First United Methodist Church of Schuylkill Haven

420 Saylor Street, Schuylkill Haven, PA 17972

[chris.l.fisher1@gmail.com](mailto:chris.l.fisher1@gmail.com)

**Rev. David Piltz [Co-Chair Committee on Leadership]**

St. Andrews United Methodist Church

999 York Road, Warminster PA 18974

[pastorpiltz@gmail.com](mailto:pastorpiltz@gmail.com)

**Bishop John Schol [Presiding Bishop, Interim]**

Eastern Pennsylvania Annual Conference of The United Methodist Church

P.O. Box 820, Valley Forge, PA 19482-0820

[bishopjohnschol@epaumc.church](mailto:bishopjohnschol@epaumc.church)

**Nicola Mulligan, Assistant to the Bishop**

[nmulligan@epaumc.church](mailto:nmulligan@epaumc.church)

**Matthew Morley, Esq., Conference Chancellor**

KLM Attorneys LLC

213-215 W. Miner Street, Second Floor, West Chester PA 19382

[morley@klmattorneys.com](mailto:morley@klmattorneys.com)