

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

SPRING 2026 DOCKET

SPRING 2026-1

THE UNITED METHODIST CHURCH

THE JUDICIAL COUNCIL

DOCKET ITEM: NO. \_\_\_\_\_ (SPRING 2026)

REQUEST FOR A DECLARATORY DECISION

Submitted by the

UGANDA – SUDAN – SOUTH SUDAN ANNUAL CONFERENCE

East Africa Episcopal Area

The United Methodist Church

Concerning

**The Authority of the General Council on Finance and Administration (GCFA) to Withhold,**

**Reduce, or Condition Episcopal Office, Housing, Travel, and Operational Support for the**

**Bishop of the East Africa Episcopal Area (2011–2024)**

Filed Under ¶2609.5 and ¶2610.2(j) of the *Book of Discipline* (2020/2024) Date of

Filing: **September 30, 2025** Submitted through: **Rev. Isaac Clinton Sserunjogi** Conference

Secretary Uganda – Sudan – South Sudan Annual Conference

*Docket No.* \_\_\_\_\_ (SPRING 2026)

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## 1. INTRODUCTION

The Uganda – Sudan – South Sudan Annual Conferences respectfully submit this Request for a Declaratory Decision under ¶2609.5 and ¶2610.2(j) of the *Book of Discipline* (2020/2024). The Conferences seek authoritative clarification on whether the General Council on Finance and Administration (GCFA) acted within its Disciplinary, constitutional, and fiduciary authority when it reduced, withheld, or conditioned episcopal support from 2011–2024.

This request is made to uphold connectional integrity, safeguard the constitutional plan of itinerant general superintendency, and ensure the lawful administration of episcopal support for the East Africa Episcopal Area.

## II. JURISDICTIONAL BASIS FOR THE REQUEST

- A. ¶2609.1 — Review of Actions by General Church Agencies because GCFA is a general agency created by the General Conference, its actions are subject to Judicial Council review for legality, meaning, and constitutionality.
- B. ¶2609.5 — Matters Affecting the Work of an Annual Conference GCFA's prolonged withholding of episcopal support directly impaired the mission, administration, governance, and property interests of the Uganda–Sudan–South Sudan Annual Conference and the broader East Africa Episcopal Area.

C. ¶2610.2(j) — Authorized Petitioners

An Annual Conference may seek declaratory relief when a general agency's actions materially affect its work.

### III. BACKGROUND

Beginning in 2011, GCFA initiated significant reductions in episcopal office, housing, and operational support for the East Africa episcopal office. These reductions—at times setting allowances at 0%—occurred:

- without the bishop's consent (required by ¶818.4),
- without consultation with the Council of Bishops,
- without enabling legislation from the General Conference, which alone sets episcopal support under ¶543.4,
- without initiation of due process under ¶¶2701–2712, and
- contrary to Judicial Council Decisions 1298, 696, 1512, and 1020.

In **2022**, Holbrook Global Strategies issued an independent review jointly commissioned by GCFA, GBGM, and the East Africa Episcopal Office. The review concluded:

- No evidence of personal misuse or misappropriation of church funds;

- Documentation gaps were caused by conflict, displacement, fire, and institutional instability;
- The bishop acted in **good** faith, and punitive withholding was not warranted.
- GCFA nevertheless continued withholding support from 2013 through 2024.

#### IV. QUESTIONS PRESENTED FOR DECLARATORY DECISION

1. Authority Over Episcopal Support — Does GCFA possess authority under ¶543.4 and ¶818 to reduce, suspend, or withhold episcopal support?
2. Conditioning Support — May GCFA condition episcopal support on documentation or audit requirements not authorized by the *Book of Discipline*?
3. Consultation — Must GCFA consult the Council of Bishops before altering episcopal support?
4. De Facto Discipline — Does withholding constitute unlawful discipline absent due process under ¶¶2701–2712?
5. Restrictive Rule ¶20 — Did GCFA’s actions violate Article III by impairing itinerant superintendency?
6. Standing — Is the Annual Conference a proper petitioner under ¶2609.5 and ¶2610.2(j)?
7. Restoration — Must GCFA restore withheld allowances for 2011–2024, with interest?

8. Prospective Compliance — May the Judicial Council require GCFA to remit future support fully and on time?

## **V. GROUNDS FOR THE REQUEST**

### **1. GCFA Lacked Authority to Reduce, Withhold, or Condition Episcopal Support**

- 1.1. Under ¶543.4, the General Conference alone has constitutional authority to determine the support of bishops.
- 1.2. Under ¶818.1–¶818.4, GCFA is required to *remit*, not revise, episcopal salary, office, housing, travel, and operational allowances.
- 1.3. Judicial Council Decision 1298 expressly holds that GCFA may not reduce a bishop’s support for any audit-related reason.
- 1.4. GCFA’s reductions and suspensions—reaching 0% in some years—were therefore ultra vires, beyond its lawful authority.

### **2. GCFA’s Withholding Constituted Unlawful De Facto Discipline**

- 2.1. GCFA imposed financial penalties without filing a complaint under ¶2701, without a supervisory response under ¶2704, and without any review under ¶2706 or trial under ¶2711–¶2712.
- 2.2. Judicial Council Decisions 696 and 1512 prohibit general agencies from imposing disciplinary actions through administrative means.
- 2.3. The withholding functioned as disciplinary punishment imposed in violation of the constitutionally required fair-process system.
- 2.4. Such actions are void because they bypass all mandatory Disciplinary procedures.

### **3. GCFA’s Actions Violated Restrictive Rule ¶20 (Article III)**

3.1. Restrictive Rule ¶20 protects the constitutional plan of itinerant general superintendency.

3.2. Episcopal office, housing, travel, and administrative support are essential to itinerant supervision.

3.3. Long-term withholding—over 11 years—materially impeded episcopal oversight across East Africa.

3.4. Judicial Council Decision 1020 confirms that any act which alters or destroys itinerancy is unconstitutional.

3.5. GCFA's actions therefore violated Article III.

#### 4. The Holbrook Global Strategies Review Eliminated Any Justification for Withholding

4.1. The 2022 Holbrook review—jointly commissioned by GCFA, GBGM, and the episcopal office—found no evidence of personal misuse or misappropriation.

4.2. Documentation gaps were attributed to displacement, conflict, office damage, and structural challenges.

4.3. Holbrook expressly recommended a restorative, not punitive, approach.

4.4. GCFA was presented with these findings but continued withholding through 2024.

4.5. Continued withholding after Holbrook was issued was therefore arbitrary, capricious, and unsupported by fact.

5. GCFA Breached Its Fiduciary Duties Under ¶¶807.2 and 810.1

5.1. GCFA must administer general church funds *in trust* for the Church.

5.2. Trust administration requires fairness, transparency, and compliance with Disciplinary procedures.

5.3. Continuing punitive withholding after independent exoneration violated basic fiduciary duties.

5.4. GCFA's actions created inequity by treating one episcopal area differently from all others.

5.5. These actions therefore breached the stewardship obligations governing the Episcopal Fund.

6. The Annual Conference Suffered Direct Harm Affecting Its Work

6.1. The Annual Conference lost more than \$315,500 in direct support (or \$430,000.

6.2. The episcopal office lost property valued at approximately \$600,000.

6.3. Staff positions could not be maintained, impairing administration.

6.4. Episcopal travel and supervision of seven nations were severely curtailed.



6.5. Ministries to refugees, youth, women, and conflict-affected regions were disrupted.

6.6. These harms fall squarely within “the work of the Annual Conference” under ¶2609.5, establishing proper standing under ¶2610.2(j).

## 7. GCFA Assumed Powers Reserved to Other Constitutional Bodies

7.1. Judicial Council Decisions 872, 942, 1064, 1096, 1251, 1298, 1366 affirm that general agencies may not exercise powers reserved for:

- the General Conference (legislative authority),
- the Council of Bishops (supervisory authority),
- the Judicial Council (interpretive authority).

7.2. GCFA’s unilateral actions constituted an assumption of legislative power (altering support), judicial power (punishing alleged misconduct), and episcopal power (modifying supervisory conditions).

7.3. GCFA’s actions therefore violated constitutional separation of powers.

## 8. A Declaratory Decision Is Necessary to Protect the Connectional Order

8.1. This case presents recurring issues affecting episcopal areas across the global connection.

8.2. The Judicial Council’s guidance is necessary to prevent future administrative overreach.

8.3. A declaratory ruling will preserve constitutional integrity, protect itinerant superintendency, and maintain accountability within the connectional system.

## VI. RATIONALE, LEGAL ANALYSIS & ARGUMENT

### 1. GCFA Possesses Administrative, Not Disciplinary, Authority

#### 1.1 The Discipline limits GCFA to administrative and fiduciary functions

Paragraphs ¶¶801, 807.2, and 810.1 define GCFA’s authority strictly as administrative and fiduciary.

GCFA is entrusted to *administer* funds, not to impose punitive measures.

1.2 Judicial Council precedent prohibits general agencies from exercising disciplinary power  
Judicial Council Decision 696, p.4 holds:

“General agencies may not exercise powers that constitute or effect discipline.”

Judicial Council Decision 1512, **sec.** III reaffirms:

“Administrative entities may not impose punitive consequences absent explicit Disciplinary authority.”

#### 1.3 GCFA’s long-term withholding constituted an unauthorized disciplinary action

Withholding episcopal support is *inherently punitive* because it inflicts consequences designed to compel compliance.

GCFA has no statutory or constitutional authority to do so.

Therefore, GCFA's actions were ultra vires and void.

## 2. The General Conference Alone Has Authority to Establish and Regulate Episcopal Support

### 2.1 Exclusive General Conference authority under ¶543.4

Paragraph ¶543.4 assigns the General Conference exclusive authority to "provide for the support of bishops."

No other entity may alter that support.

2.2 GCFA's duty under ¶818 is remittance, not modification Paragraphs ¶818.1–818.4 mandate monthly remittance of episcopal salary, office, housing, and travel allowances.

GCFA is not granted discretion to reduce, suspend, or condition these payments.

2.3 Judicial Council Decision 1298 directly prohibits GCFA's actions Judicial Council Decision 1298, pp. 3–6 held:

- GCFA *"lacks authority to reduce a bishop's salary or episcopal support under any audit rationale."*
- Support fixed by the General Conference *"may not be altered by a general agency."*

2.4 GCFA's withholding was an unconstitutional assumption of legislative authority

By reducing or conditioning episcopal support, GCFA improperly exercised authority that ¶543.4 reserves exclusively to the General Conference.

### 3. GCFA's Reductions Violated Restrictive Rule ¶20 (Article III)

3.1 Restrictive Rule ¶20 protects the constitutional structure of itinerant general superintendency

Itinerant supervision depends upon:

- office operations,
- housing,
- travel capacity,
- administrative support.

3.2 Judicial Council precedent confirms that impairing episcopal function violates Article III  
Judicial Council Decision 1020, p.7 states:

Actions that materially impair a bishop's ability to itinerate "alter or destroy the plan of superintendency prohibited by Article III."

3.3 GCFA's withholding impaired essential episcopal functions

The East Africa episcopal office was unable to:

- travel across six countries, in a regular manner
- conduct visitations and partial work in a consistent manner

- administer clergy deployment,
- maintain office operations.

3.4 The prolonged withholding therefore violated the Constitution by preventing the exercise of episcopal supervision, GCFA breached the constitutional barrier established by Restrictive Rule ¶20.

#### 4. GCFA Circumvented Required Due Process Under ¶¶2701–2712

4.1 The Discipline mandates due process for all concerns involving bishops. Paragraphs ¶¶2701–2712 provide the exclusive process for addressing concerns or complaints against bishops, including:

- written complaint (¶2704),
- supervisory response (¶2706),
- just resolution (¶2707),
- trial (¶2712).

4.2 Judicial Council precedent forbids disciplinary outcomes without this process. Judicial Council Decision 1113, p.2 states:

The disciplinary process is exclusive and must be followed when conduct of a bishop is at issue. Judicial Council Decision 1512, sec. II holds:

“No agency may employ administrative means to achieve a disciplinary end.”

4.3 GCFA initiated no Disciplinary process

No complaint, no supervisory response, no committee on investigation, no trial.

4.4 Judicial Council Decision 1096 nullifies actions taken without required process  
Decision 1096, p.3 holds that actions taken without mandated process are “*void and without effect.*”

Therefore, GCFA’s withholding is legally null.

## 5. The Holbrook Review Eliminated Any Basis for Withholding

### 5.1 Holbrook found no evidence of misuse

Holbrook (2022) determined:

- no personal misuse,
- no ethical breaches,
- documentation gaps caused by conflict, fire, displacement, and administrative challenges.

### 5.2 Judicial Council Decision 1130 prohibits continuing adverse action contrary to established evidence

Decision 1130, p.4 holds that administrative actions contradicting the established record are arbitrary and capricious.

### 5.3 GCFA’s continued withholding (2022–2024) lacked legal foundation

Once Holbrook resolved all concerns, continued withholding had no factual or legal justification.

## 6. The Annual Conference Experienced Direct Harm Under ¶2609.5

6.1 Judicial Council jurisdiction applies where a general agency's actions affect "the work of the Annual Conference" ¶2609.5 governs this standard.

6.2 Judicial Council Decision 463 affirms that impairing conference operations satisfies jurisdiction decision 463, p.3 states that matters restricting episcopal supervision or conference administration directly affect an Annual Conference.

6.3 The East Africa Area suffered substantial and documented harm

- Losses exceeding \$315,500 (direct).
- Over \$430,000 in inflation-adjusted shortfalls.
- Loss of office property (~\$600,000).
- Severely restricted episcopal travel.
- Administrative incapacity across multiple conferences.

6.4 Harm of this magnitude satisfies all jurisdictional thresholds

## 7. GCFA Violated Constitutional Separation of Powers

7.1 Judicial Council precedent prohibits agencies from exercising powers allocated to other bodies

- Decision 872, p.5 — agencies may not assume legislative or judicial roles.
- Decision 942, sec. IV — disciplinary power cannot be exercised by administrative bodies.
- Decision 1251, p.3 — agencies cannot interfere with episcopal functions.
- Decision 1366, p.2 — agencies must operate within enumerated authority.

## 7.2 GCFA exceeded legislative authority

By altering episcopal support set by the General Conference.

## 7.3 GCFA exceeded judicial authority

By imposing de facto punishment without due process.

## 7.4 GCFA interfered with episcopal executive authority

By preventing the bishop from carrying out cross-border supervision.

## 7.5 These actions constitute a three-fold constitutional violation

# 8. A Declaratory Decision Is Necessary to Prevent Recurrence

8.1 Judicial Council has responsibility to clarify connectional order Judicial Council Decision 1162, p.6 states that the Council must address structural violations that threaten constitutional integrity.

8.2 The issues presented are systemic and connectional

They affect:

- global episcopal support structures,
- the Episcopal Fund,
- separation of powers,
- the role of the Council of Bishops,
- the authority of the General Conference.

8.3 A ruling is required to prevent future administrative overreach



## VII. ACTION REQUESTED OF THE JUDICIAL COUNCIL

### 1. Declaration of Lack of Authority

The Annual Conference respectfully requests a ruling that the General Council on Finance and Administration (GCFA):

1.1 Lacked any legislative, disciplinary, judicial, or constitutional authority to reduce, suspend, delay, or set to 0% the episcopal salary, office, housing, travel, or operational support established by the General Conference under ¶543.4 and ¶¶818.1–818.4.

1.2 Lacked authority to impose unilateral conditions on episcopal support based on audit or documentation concerns not enacted by the General Conference, not required by the *Book of Discipline*, and not adopted by the Council of Bishops.

1.3 Exceeded its administrative mandate by substituting punitive administrative actions in place of the disciplinary processes mandated under ¶¶2701–2712.

### 2. Declaration of Constitutional Violation Under Restrictive Rule ¶20 (Article III)

The Annual Conference requests a definitive ruling that GCFA's long-term reductions and withholding of episcopal support:

2.1 Altered or destroyed the constitutional plan of itinerant general superintendency, prohibited by Restrictive Rule ¶20; and

2.2 Materially impaired episcopal supervision across the East Africa Episcopal Area, thereby violating the Constitution of The United Methodist Church.

### 3. Declaration on Standing and Jurisdiction

The Annual Conference requests that the Judicial Council:

3.1 Affirm that the Uganda–Sudan–South Sudan Annual Conference is a proper and authorized petitioner under ¶2609.5 and ¶2610.2(j); and

3.2 Affirm jurisdiction because GCFA’s actions directly affected the work, mission, administration, finances, property, and governance of the Annual Conference and the East Africa Episcopal Area.

### 4. Order of Retroactive Restoration

The Annual Conference requests an order declaring that:

4.1 GCFA must restore all episcopal office, housing, travel, and operational allowances withheld for the period 2011–2024, based on the formulas used for all other active bishops;

4.2 Restoration shall include reasonable interest or an inflation-adjusted correction, to compensate for prolonged deprivation and the substantial financial harm suffered by the episcopal office and the Annual Conference; and

4.3 Restoration must occur within a specified compliance period, such as 90 or 120 days.

## 5. Order for Prospective Compliance

The Annual Conference requests a ruling that:

5.1 GCFA shall remit all future episcopal salary, office, housing, travel, and operational allowances in full and on time, as mandated by ¶1818 and as affirmed in Judicial Council Decision 1298.

5.2 GCFA is prohibited from imposing any future reductions, suspensions, or conditions without explicit authorization from the General Conference or the consent of the bishop as required under ¶1818.4.

## 6. Requirement of Compliance Reporting

The Annual Conference requests an order requiring GCFA to file a written report with the Judicial Council within a specified time (e.g., 90 days) demonstrating:

6.1 Full restoration of arrears, including interest;

6.2 Implementation of prospective payment obligations; and

6.3 Adoption of internal safeguards ensuring no further unilateral withholding or unauthorized disciplinary actions.

## 7. Equitable Relief

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The Annual Conference respectfully requests any further relief the Judicial Council deems necessary to:

7.1 Protect the episcopacy and ensure the viability of itinerant general superintendency;

7.2 Safeguard the work and mission of Annual Conferences throughout the East Africa Episcopal Area; and

7.3 Ensure GCFA fulfils its trust obligations under ¶¶801–810 in a manner consistent with the Constitution, the *Book of Discipline*, and Judicial Council precedent.

## VIII. EXHIBITS INDEX

- [Exhibit A — GCFA Letters and Communications \(2010–2014\)](#)
- [Exhibit B — Uganda–Sudan–South Sudan Annual Conference Resolution \(2025\)](#)
- [Exhibit C — Financial Impact Statement \(2013–2025\)](#)
- [Exhibit D — Correspondence with GCFA, GBGM, and the College of Bishops \(2013–2025\)](#)
- [Exhibit E — Audit and Accountability Documentation \(2010–2025\)](#)
- [Exhibit F — Holbrook Global Strategies Executive Summary \(2022\)](#)
- [Exhibit G — Atlanta Mediation Notes \(2023\)](#)
- [Exhibit H — Certificate of Service and Procedural Compliance](#)

## **IX. CERTIFICATE OF SERVICE AND COMPLIANCE**

We hereby certify that a complete and accurate copy of this Petition for a Declaratory Decision—together with all attached Exhibits A–H—has been duly served upon the following recipients:

- The General Council on Finance and Administration (GCFA);
- The General Board of Global Ministries (GBGM);
- The Secretary of the Judicial Council of The United Methodist Church;
- The College of Bishops of the East Africa Regional Conference.

Service has been effected both by electronic transmission (PDF format) and by certified courier delivery, in full conformity with the Rules of Practice and Procedure of the Judicial Council and as further documented in Exhibit H.

We further certify that:

1. This Petition complies with all Judicial Council filing requirements concerning format, structure, pagination, completeness, and timeliness;
2. All statements of fact contained herein, and in the attached Exhibits, are true and accurate to the best of our knowledge, information, and belief;
3. All Exhibits referenced in this Petition are authentic documents drawn from the official records of:

- the East Africa Episcopal Office;
  - the Uganda–Sudan–South Sudan Annual Conference;
  - GCFA;
  - GBGM; and
  - related bodies of The United Methodist Church;
4. No material fact known to the Annual Conference or its officers has been knowingly omitted, concealed, or misrepresented;
5. The Annual Conference adopted the authorizing resolution at its Seventh Session (August 21–25, 2025) by more than the required two-thirds vote, pursuant to ¶2609.5 and ¶2610.2(j), thereby lawfully authorizing the submission of this Petition.

Respectfully submitted,

Uganda – Sudan – South Sudan Annual Conference

The United Methodist Church

By:

Rev. Isaac Clinton Sserunjogi

Conference Secretary

Date: September 30th, 2025

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## X. FOOTNOTES AND AUTHORITIES

1. *Book of Discipline of The United Methodist Church* (2020/2024), Restrictive Rule ¶20 (Article III), protecting the constitutional plan of itinerant general superintendency and prohibiting actions that alter or destroy it.
2. *Ibid.*, ¶543.4 (exclusive authority of the General Conference to provide for the support of bishops).
3. *Ibid.*, ¶¶818.1–818.4 (requirements for episcopal salary, office, housing, travel, and operational support; mandatory monthly remittance; requirement of the bishop’s consent for any reduction).
4. *Ibid.*, ¶801, ¶807.2, ¶810.1 (GCFA’s administrative and fiduciary functions; Episcopal Fund held in trust; prohibition on exercising disciplinary powers).
5. *Ibid.*, ¶2609.1, ¶2609.5, ¶2610.1–2610.2(j) (Judicial Council jurisdiction and authorization of Annual Conferences as proper petitioners).
6. *Ibid.*, ¶¶2701–2712 (exclusive, mandatory disciplinary processes applicable to bishops, including supervisory response, just resolution, trial procedures, and evidentiary standards under ¶2706.5(c)).
7. *Judicial Council Decision (JCD) 1298* (2015) (GCFA lacks authority to reduce the support of an active bishop; unlawful withholding must be restored).
8. *JCD 696* (1987) (general agencies may not exercise disciplinary power or impose punitive sanctions outside the Disciplinary complaint process).



9. *JCD 1512* (2023) (reaffirming strict limitations on administrative bodies exercising de facto disciplinary authority; disciplinary functions belong solely to the processes outlined in ¶¶2701–2712).
10. *JCD 1020* (2004) (actions that materially impede an episcopal office violate the constitutional plan of superintendency and fall outside agency authority).
11. *JCD 872* (1999), *JCD 942* (2003), *JCD 1064* (2005), *JCD 1092* (2006), *JCD 1096* (2007), *JCD 1251* (2013) (general principle: general agencies may not assume powers assigned to other constitutional bodies; constitutional separation of powers governs the connectional system).
12. *JCD 463* (1974) (Declaratory Decisions must relate to matters affecting an Annual Conference; interpretive authority of the Judicial Council is broad where conference work is implicated).
13. *JCD 1113* (2009), *JCD 1130* (2010), *JCD 1162* (2011) (Judicial Council is not a fact-finding body; relies on established records; may decide questions of law based on submitted documentation).
14. Holbrook Global Strategies, *Independent Financial Review: Executive Summary* (July 29, 2022) (finding no evidence of personal misuse or misappropriation of church funds; documentation gaps attributable to contextual and administrative factors; recommending a restorative rather than punitive approach).
15. Atlanta Mediation Notes (January 30–31, 2023) (joint mediation among GCFA, GBGM, and East Africa representatives acknowledging Holbrook findings, establishing steps toward restored trust, and outlining expected restoration of full episcopal support).

16. Uganda–Sudan–South Sudan Annual Conference Resolution (August 21–25, 2025), authorizing this Petition by more than a two-thirds vote pursuant to ¶2609.5 and ¶2610.2(j).
17. *Book of Discipline* (2020/2024), Constitution Division Two, ¶¶9–16, and ¶403 (nature of the episcopacy, episcopal leadership, and Annual Conference responsibility for mission and administration).
18. *Book of Discipline*, Preface and Constitution (connectional structure; distributed powers; general agencies must remain within mandates granted by the General Conference and Constitution).
19. Historical General Conference Debates (1964–2016) interpreting the scope of episcopal authority and the restricted powers of general agencies with respect to the episcopacy.

**SPRING 2026-2**

**BEFORE THE JUDICIAL COUNCIL**

The United Methodist Church

Jason Smith, Appellant

v.

The Western North Carolina Annual Conference

The Southeastern Jurisdiction Committee on Appeals

**APPELLANT’S APPEAL PACKAGE**

Submitted: October 28, 2025

**Appeal Package for Judicial Council – Jason Smith Involuntary Discontinuance Case**

**1. Judicial Council Notice of Appeal (Filled Form)**

**Type of Appeal:** *Appealing the decision of a Committee on Appeals in an administrative process within thirty (30) days (§ 2718.3–4, Book of Discipline 2016).*

**Appellant:** Rev. Jason Earl Berryman Smith

**Address:** 255 Poplar Drive, Clyde, North Carolina 28721, USA

**Phone:** (828) 508-8301

**E-mail:** PastorJasonSmith1@gmail.com

**Respondent:** Western North Carolina Annual Conference, **and** the Southeastern Jurisdictional Committee on Appeals (SEJ Committee on Appeals)

- *Annual Conference:* Western North Carolina Conference (the conference that took the action under appeal)
- *Jurisdictional Committee on Appeals:* Southeastern Jurisdiction Committee on Appeals

**Date of Decision of Committee on Appeals:** November 19, 2025

**Chairperson of Committee on Appeals:** Rev. Emily Kincaid, 6 East Wright Street, Pensacola, FL 32501, emily.d.kincaid@gmail.com.

**Authorities Cited:**

- **Constitution:** ¶ 20 (2016 BOD) / ¶ 21 (2020/24 BOD) (Right to trial and appeal – fair process guarantees); ¶ 58 (2016 BOD) / ¶ 59 (2020/24 BOD) (Right to trial).
- **Book of Discipline (2016):** ¶¶ 327, 344, 361, 425, 635 (administrative processes for discontinuance, fair process requirements, Board of Ordained Ministry and Administrative Review Committee duties).
- **Book of Discipline (2020/2024):** ¶¶ 327, 341, 362, 363, 425, 429, 634, 636, 2702, 2703, 2704 (same provisions, with 2020/2024 updates including voting-recusal requirements per Memo 1408).
- **Judicial Council Decisions:** JCD 917 (cabinet separation of powers); JCD 1216 (strict compliance with disciplinary procedures); JCD 1373 (requirement of written findings in appeals decisions); JCD 1419 (appellate review in administrative cases, ARC obligations, improper voting); Memorandum 1408 (mandatory clergy-session voting recusals for BOM/Cabinet/CRC/ARC members involved in the case); JJCD 696 (joining the Catholic Church constitutes a disobedience to the Discipline); JCD 698 (No verbatim record – unconstitutional); JCD 974; JCD 1383 (due-process defects); JCD 1011; JCD 921; JCD 1230 (Fair process requires reasons to be given at the time of notice); JCD 1156 (separation of powers violated by bishop/superintendents serving as BOM gatekeeper).

**Appellant's Signature:** Jason E. B. Smith (to be signed and dated)

**Date:** December 12, 2025

**Appellant reserves** the right to file supplemental briefs in this action, as allowed under the Discipline and further reserves the right to amend or modify the Grounds of Appeal as stated herein.

*Attachments (per form instructions):* (1) **Grounds of Appeal** (detailed brief of legal/procedural errors); (2) **Decision of Committee on Appeals** (SEJ Committee on Appeals' email notification of November 19, 2025, serving as the record of decision, with no detailed findings provided).

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## 2. Grounds of Appeal (Formal Brief)

### IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

*Jason E. B. Smith, Appellant*

*v.*

*The Western North Carolina Annual Conference (and the Southeastern Jurisdictional Committee on Appeals), Respondents*

### GROUND OF APPEAL

*Pursuant to ¶¶ 2718.3–.4 of the 2016 Book of Discipline (and corresponding 2020/2024 provisions)*

#### I. Introduction and Statement of the Case

Appellant, Rev. Jason E. B. Smith, a provisional elder of the Western North Carolina Annual Conference (“WNCC”), respectfully appeals the Southeastern Jurisdictional Committee on Appeals’ November 19, 2025 decision affirming his **involuntary discontinuance** from provisional membership. This appeal is taken under **¶¶ 2718.3–.4 of the Discipline (2016)**, which authorize appeals to the Judicial Council on questions of church law and disciplinary procedure arising from administrative actions. The appeal is **timely filed** within 30 days of receiving notice of the Committee on Appeals’ decision on November 19, 2025. The Judicial Council has jurisdiction to hear this matter, which involves alleged *errors of church law and procedure* in the administrative process leading to and including the decision to discontinue Appellant’s provisional membership.

**Nature of the Case:** In June 2025, the WNCC clergy session voted to discontinue Appellant’s provisional membership upon recommendation of the Conference Board of Ordained Ministry (“BOM”). This action followed a protracted process in 2024–2025 that included two Conference Relations Committee (“CRC”) fair process hearings (June 13, 2024 and December 16, 2024), two BOM votes recommending discontinuance (May 16, 2024 and December 19, 2024), a limited review by the Administrative Review Committee (“ARC”), and an appeal to the SEJ Committee on Appeals. Appellant asserts that **significant violations of the Book of Discipline and fair process** tainted this process at every stage. These violations include *exceeding the Discipline’s authority by the Cabinet, failure to provide required fair process hearings before action, breaches of separation of powers, procedural irregularities in notice and conduct of hearings, lack of proper review by the ARC, improper conduct of the Annual Conference clergy session vote, and failure of the Appeals Committee to issue a decision with findings, and violations of Constitutional fair process*. Each of these grounds involves questions of church law

and disciplinary compliance, not mere factual dispute, and thus falls within the scope of Judicial Council review under ¶ 2718.3.

Appellant's **right to fair process is a constitutional and disciplinary guarantee** (¶¶ 20 and 58 of the UMC Constitution; ¶ 361.2 - 2016 Discipline). Judicial Council precedent emphasizes that administrative processes must meticulously follow the Discipline's procedures to protect the rights of clergy and the Church. Failure to do so results in "*irreparable harm*" by the time a case reaches the Judicial Council. Unfortunately, Appellant's case presents precisely such a scenario of cumulative procedural harm. Appellant asks the Judicial Council to **review the specific errors of law detailed below**, to vindicate the fair process rights guaranteed by our Discipline, and to grant appropriate relief.

## II. Grounds of Appeal

The following numbered Grounds of Appeal identify distinct violations of Church law and disciplinary procedure that warrant reversal or remand. Each ground is supported by references to the **2016 Book of Discipline** (for actions through 2024) or **2020/2024 Book of Discipline** (for actions in 2025), as applicable, and by pertinent **Judicial Council decisions** providing authoritative interpretation. No challenge is made to the weight of the evidence or factual determinations; rather, the appeal is based on *errors in applying Church law and process*.

**Appellant hereby incorporates by reference the records and briefs from the earlier proceedings before the WNCC and the SEJ Committee on Appeals, to provide context for these legal issues, and hereby restates all issues raised in such records/briefs as if fully stated herein.** (Those records/briefs can be accessed here:

[https://www.dropbox.com/scl/fo/8a8vqwglu8tltgt25wofb0/APo6LzXKVL\\_DsaOKnjXzmLM?rlkey=5458d1nkb9ncqskhnurt79aj9&st=90gvlnn0&dl=0](https://www.dropbox.com/scl/fo/8a8vqwglu8tltgt25wofb0/APo6LzXKVL_DsaOKnjXzmLM?rlkey=5458d1nkb9ncqskhnurt79aj9&st=90gvlnn0&dl=0))

### **Ground 1: Unauthorized Initiation of Discontinuance by the Cabinet (Violation of ¶¶ 327.6, 635.1(d) and Separation of Powers)**

**Church Law Requirement:** The **Book of Discipline** reserves the initiation of an involuntary discontinuance of a provisional member to the Conference Board of Ordained Ministry. Under **¶ 327.6 (2016 Discipline)**, a provisional member "*may be discontinued by the clergy session upon recommendation of the Board of Ordained Ministry*". In other words, the BOM alone is authorized to determine that discontinuance should be pursued and to make that recommendation; the *Cabinet (district superintendents and bishop)* has **no independent authority** to initiate a discontinuance request. Judicial Council Decision 917 underscores this separation of roles, noting that the Cabinet's role in appointment supervision must not

encroach upon the BOM's distinct authority in conference relations matters. The BOM's **Conference Relations Committee (CRC)** may hear discontinuance matters only when referred by the BOM itself (§ 635.1(d)), not at the behest of the Cabinet.

**Violation:** In Appellant's case, the **initiative for discontinuance came from the Cabinet, not the BOM**, in direct contravention of the Discipline. This is evidenced by official correspondence from the WNCC conference secretary, Rev. Kimberly Ingram. In a letter dated **November 13, 2024**, the conference secretary stated: *"I'm writing in response to the request for involuntary discontinuance of provisional membership that the Board of Ordained Ministry received from the Western North Carolina Cabinet."* Again, after the BOM met, a **December 19, 2024** letter to Appellant confirmed the outcome: *"the BOM voted on December 19, 2024, to discontinue your provisional membership. This action **resulted from the request by the WNC Cabinet** to discontinue your provisional membership."* (emphasis added). These admissions make clear that the **Cabinet initiated and pressed for Appellant's discontinuance**, rather than the BOM independently deciding to pursue it.

By allowing the Cabinet to drive the process, the Western North Carolina Conference violated the Discipline's allocation of authority. § 635.1(d) (2016) requires the BOM to **establish a CRC** to hear requests for discontinuance *"as may be referred to them by the Board of Ordained Ministry."* Here, the CRC hearing in December 2024 was triggered by the **Cabinet's request** instead of a BOM determination, undercutting the fair process intended. The improper involvement of the Cabinet at the outset compromises the neutrality and integrity of the process. Judicial Council Decision **917** makes clear that the **doctrine of separation of powers** in the UMC prohibits a Cabinet representative from controlling or unduly influencing BOM actions regarding conference relations. The Cabinet's initiation of the discontinuance was ultra vires (beyond its authority) and *procedurally invalid*. The BOM's role as an independent gatekeeper for status changes was effectively usurped.

This foundational error prejudiced the entire process. The **Cabinet's advocacy for discontinuance** (rooted, as the record shows, in an appointment-related dispute) meant the process was not initiated by an unbiased discernment of the BOM. Instead, it became an attempt to use a **conference relations action (discontinuance)** to enforce Cabinet priorities in the appointment process. Judicial Council Decision **1419** warns against exactly this kind of misuse: employing an administrative status change as a means to resolve what is essentially an **appointment or supervisory issue** collapses distinct processes in violation of church law. In sum, Ground 1 asserts that Appellant's discontinuance was illegitimately set in motion at the **Cabinet's behest**, in breach of §§ 327.6 and 635.1(d) and the separation-of-powers principles affirmed in JCD 917.

**Remedy sought on Ground 1:** A ruling that the discontinuance process was **null and void ab initio** due to being initiated by an unauthorized body, requiring any future consideration of discontinuance to begin anew under proper procedure (i.e., initiated and led by the BOM without Cabinet direction).

### **Ground 1.1 – Cabinet’s End-Run Around the Required Judicial Complaint Process by Using Administrative Discontinuance as Punishment for Alleged Disobedience**

The Discipline draws a sharp distinction between **appointment-making, administrative status actions**, and **judicial processes** for alleged misconduct. The Cabinet’s own description of this case shows that the actions taken against the Appellant were, in substance, **disciplinary punishment for alleged “disobedience”**, yet those allegations were never processed through the **complaint → supervisory response → judicial complaint** pathway required by the Discipline. Instead, the Cabinet used **administrative discontinuance of provisional membership** as a substitute for a judicial process, thereby depriving the Appellant of his constitutional right to trial and appeal and violating multiple fair-process guarantees.

**1. The Discipline channels “disobedience” allegations into the complaint / judicial track, not into administrative status shortcuts.**

Under the 2016 Book of Discipline, “disobedience to the order and Discipline of The United Methodist Church” is expressly listed as a **chargeable offense** (§ 2702.1(d)). Alleged misconduct of this kind must begin with a **written and signed complaint** (§ 363.2 (2016)), followed by the bishop’s **supervisory response** (§ 363.5), and, if unresolved, referral to **counsel for the Church** and a **judicial complaint** before the committee on investigation (§ 2703.2). The Discipline is explicit that the supervisory response “is not part of any judicial process” and must end either in dismissal, a just resolution, or referral for charges. Further, § 341.5 (2016) directly ties unauthorized services in another charge to §§ 363 and 2702, making clear that when a pastor continues ministry outside a lawful appointment after being instructed to stop, the proper route is the **complaint/charges process**, not administrative status action.

The 2020/2024 Discipline continues this same structure in §§ 363 and 2702. Chargeable offenses, including alleged disobedience in relation to appointments, are still adjudicated through the complaint and judicial process; they are not to be transformed into administrative measures such as discontinuance of provisional membership.

**2. In this case, the Cabinet treated alleged “disobedience” as the real issue—but never filed a complaint or pursued charges.**

The record makes clear that conference leaders understood this matter as a case of alleged disobedience related to appointments and continued ministry at a disaffiliated congregation. In the Executive Clergy Session minutes (Business Question 39), counsel for the conference is recorded as explaining that the actions taken were in response to the Appellant’s “decision and actions to refuse a valid appointment” and his continued



ministry in a disaffiliated church. Cabinet witnesses in the SEJ hearing framed the case similarly: that after being told he could not serve a disaffiliated church, the Appellant “continued to serve” there and “refused” other options.

Yet, at no point did the bishop or Cabinet initiate the complaint process prescribed by ¶¶ 363 and 2702. No written complaint alleging “disobedience to the order and Discipline” was filed; no supervisory response in the sense envisioned by ¶ 363 was carried out with a view toward a just resolution; and no referral was made to counsel for the Church to draft and prosecute a judicial complaint before the committee on investigation. In other words, **the Discipline’s mandated path for dealing with alleged disobedience was never used.**

3. **Instead, the Cabinet used administrative discontinuance as a punitive sanction—collapsing the judicial process into the administrative one.**

Rather than follow the complaint/charges pathway for a disobedience allegation, the Cabinet drove the matter through **administrative discontinuance of provisional membership under ¶ 327.6**, treating that status action as a **disciplinary “stick”** to resolve an appointment dispute. The Appellant was repeatedly told that unless he accepted particular outcomes (e.g., stopping his ministry at the disaffiliated church or taking other options framed by the Cabinet), an involuntary status action would be pursued. Ultimately, discontinuance without consent was recommended and adopted, not as a neutral assessment of his readiness for ordained ministry, but as a direct response to what conference leadership characterized as “refusal” of a valid appointment and continued service in a disaffiliated setting.

This is precisely what the 2020/2024 Discipline forbids when it states that the **Conference Relations Committee may not enlarge or expand the substance of a request into an allegation of a chargeable offense** and that “the threat of involuntary action cannot be used to coerce and intimidate a voluntary action” (¶ 362.1(b)(1)–(2), 2020/2024). Administrative processes exist to handle conference-relations questions, not to adjudicate misconduct that the Discipline classifies as a judicial matter.

4. **Judicial Council precedent treats this kind of shortcut as a per se violation of church law.**

The Judicial Council has repeatedly warned that **administrative processes cannot be used as a way around the complaint/charges system** when the true issue is alleged misconduct. In JCD 1156 and JCD 1216, the Council emphasized that the **separation of powers** between bishop/cabinet, BOOM, and the annual conference must be respected and that **any deviation from the disciplinary process is a per se violation of the Discipline**. JCD 1216, in particular, condemned the use of threatened involuntary leave of absence to coerce a clergy member into another status and stressed that important rights are in play whenever conference relations are at stake; administrative shortcuts used for disciplinary purposes fall below acceptable standards of fair process.

JCD 696 likewise distinguishes between status questions and true membership / disciplinary issues, making clear that a bishop or cabinet cannot unilaterally classify a situation as “withdrawal” or “disobedience” to avoid the processes the Discipline prescribes. Where the Discipline has specified a judicial route, **innovative “administrative” substitutes are not permitted.**

By using discontinuance as a tool to punish alleged disobedience—without ever initiating the complaint and judicial process required by ¶¶ 363 and 2702—the Cabinet and conference leadership **collapsed the judicial and administrative processes into one**, in direct contradiction to these Judicial Council holdings.

5. **Result: the discontinuance is void because it rests on an impermissible end-run around the judicial process.**

Because the Discipline explicitly routes alleged disobedience over appointments to the **complaint → supervisory response → possible judicial complaint and trial** track, the Cabinet and conference could not lawfully treat those same allegations as the basis for an administrative discontinuance instead. Doing so deprived the Appellant of his constitutional right to a proper judicial process and appeal, and violated the fair-process safeguards of ¶¶ 361.2, 362, 363, and 2702–2703 (2016 and 2020/2024).

Under JCDs 1156 and 1216, such a misuse of administrative process is not a mere technicality; it is a **substantive, per se violation** of the Discipline’s required procedures and separation of powers. The June 19, 2025 discontinuance vote, and all prior steps that flowed from this end-run around the judicial process, should therefore be declared null and void as an error of church law.

**Ground 2: Denial of Fair Process – BOM Took Action Without Prior Hearing (¶ 361.2 Violation)**

**Church Law Requirement:** The **Administrative Fair Process** provisions in ¶ 361.2 (2016 Discipline) mandate that in any administrative action affecting a clergy’s conference relationship, the respondent **“shall have a right to be heard before any final action is taken.”**. This is a bedrock fair process right: no vote or decision on status can be made before the affected clergyperson has an opportunity to know the allegations/concerns and present a defense at a fair process hearing. The proper sequence, as contemplated in ¶¶ 635.1(d) and 636, is that the **Conference Relations Committee (CRC)** conducts a fair process hearing **before** the BOM decides on a recommendation, and certainly before the conference votes. **¶ 361.2(c)** further ensures the clergyperson’s rights in such hearing (including advance notice of specifics, right to church counsel, etc.). The Discipline describes these fair process rights as a **“holy covenant”** that must be honored to uphold justice and integrity (¶ 361.2).

**Violation:** The WNCC Board of Ordained Ministry **reversed the required order** and took final action without affording Appellant a prior hearing. Specifically, on **May 16, 2024**, the *full*

BOM of WNCC voted to recommend Appellant's discontinuance (effectively a final decision on their part) **before** any CRC fair process hearing was held. Appellant was not given notice or an opportunity to be present before this May 16 BOM vote – indeed, the *letter dated May 16, 2024* from the conference secretary informed him only after the fact that the BOM “voted to *discontinue you from provisional membership... effective 5/16/24, pending final approval by the clergy session.*”. That letter explicitly offered, *after* the vote, a chance for a fair process hearing “if you wish to appeal the process” – essentially treating the fair process hearing as an optional, subsequent step, rather than a prerequisite to action. This completely inverted the Discipline's prescribed order.

By deciding the matter on May 16 and only then offering a hearing, the conference violated ¶ 361.2(a)'s requirement that **no final action be taken until the minister has been heard**. The BOM's vote was a “final action” for purposes of fair process – it constituted the Conference relations body deciding to move toward discontinuance. Judicial Council Decision **1373** (in a similar administrative appeal context) emphasized that the right to be heard means not only the right to speak before the initial decision, but also the right to a meaningful appellate review with findings. In Appellant's case, he was deprived of the very first hearing *before* the BOM's initial decision.

This procedural error was not cured by subsequent steps. Although a CRC fair process hearing was eventually held on **June 13, 2024** (after the BOM had already voted against Appellant), by that time the process was irreversibly tainted – the BOM members had already essentially judged the case. **Fair process requires an impartial decision-maker**; here, BOM members who voted on May 16 should not have been the ones later assessing the case, as their objectivity was compromised. Indeed, some of the same individuals were involved throughout. Appellant specifically requested that BOM members who had participated in the May 16 decision **recuse** themselves from any further proceedings, but no recusals were made. This exacerbated the fair process breach: those who had voted in May proceeded to influence and vote again in later stages. This *conflict of interest* is contrary to the spirit of ¶ 361.2 and even violates the general principle of ¶ **702.2** (regarding conflicts of interest in administrative bodies).

Judicial Council precedent underscores the gravity of failing to provide a pre-decision hearing. In JCD **1216**, the Council noted that when disciplinary steps are skipped or taken out of order, “*the steps set forth therein must be followed carefully or injustice results.*”. In Appellant's case, the injustice was immediate: he was, in effect, “**convicted**” **without a hearing**, then given a perfunctory chance to respond to a decision already made. The fair process hearing belatedly offered in June 2024 cannot retroactively legitimize the May 16 action; rather, the May 16 action itself was improper.

Moreover, after that June 13, 2024 CRC hearing, the process took an unusual turn that further illustrates the unfairness: the CRC never issued a decision on the first hearing. Instead, as described in Ground 1, the Cabinet and Bishop intervened to **halt the discontinuance process mid-stream** – presumably recognizing the procedural error – and moved Appellant’s name to the continuance list for Annual Conference 2024. However, *critically*, this was done with no transparency or communication to Appellant. He was not informed that the discontinuance attempt was being abandoned in 2024; nor was he told on what basis it was stopped (likely because the Cabinet realized JCD 917 and fair process had been violated). The result is that Appellant left the June 2024 hearing with **no decision**, no written record, and uncertainty about his status – a further violation of fair process. (Church law expects a clear disposition after a hearing, not an opaque administrative maneuver.)

In summary, WNCC’s process **failed the fundamental fair process test**: Appellant was *not heard before a decision*, and the ensuing confusion deprived him of knowing the case against him or the outcome of the first hearing. Ground 2 seeks Judicial Council’s recognition that **¶ 361.2 was violated** and that this taint requires voiding the discontinuance action. The subsequent “redo” of the process in late 2024 (discussed in Ground 3) cannot be viewed in isolation from this initial violation – especially since the same actors and biases carried over.

**Remedy sought on Ground 2:** A declaration that the May 16, 2024 BOM vote (and any actions flowing from it) was **void for lack of fair process**, contributing to the need for the discontinuance action to be set aside. Any future proceedings must strictly adhere to ¶ 361.2’s timing (no BOM/clergy session action before a proper hearing) and involve decision-makers who have not prejudged the matter.

**Ground 3: Participation of a Cabinet Member in BOM/CRC Deliberations (JCD 917 – Separation of Powers Breach); Participation of multiple BOM/CRC members across two separate administrative processes - Conflicts of Interest**

**Church Law Requirement:** The United Methodist Church maintains a **strict separation of administrative/supervisory roles (bishop and cabinet)** from **quasi-judicial roles (BOM and its committees)** in matters of clergy status. **Judicial Council Decision 917** (2001) is directly on point: it held that “*the doctrine of separation of powers and the provisions of fair process in administrative hearings prohibit the district superintendent named by the bishop as a representative of the cabinet from participating in the deliberations of the board of ordained ministry, and its committees, and voting in such bodies*” on administrative matters like involuntary discontinuance. In any such process (discontinuance of provisional membership was ¶ 318.6 in the 2000 Discipline referenced in JCD 917), “*the district superintendent shall not be present for the deliberations and the vote,*” nor discuss the case with the BOM in the

clergy person's absence. This rule is now effectively codified and expanded by **Memorandum 1408 (2021)**, which inserted into ¶ 327.6 and related paragraphs that **Cabinet members (and others involved)** *"shall not vote in the clergy session"* on the matter if they were involved earlier. Even before the clergy session stage, JCD 917 makes clear that DS/Cabinet involvement in BOM or CRC deliberations is improper. The Discipline's intent is that the **Cabinet may present its recommendations or information, but must step aside when the BOM/CRC deliberates and decides**, to ensure an unbiased consideration.

**Violation:** During Appellant's discontinuance proceedings, **Cabinet representatives were improperly involved in the BOM/CRC's deliberative process**, violating JCD 917 and the spirit of the Discipline. On **May 16, 2024**, when the BOM first took up discontinuance, a **district superintendent (Rev. Beth Crissman)** was serving as the Cabinet's liaison on the BOM and participated in that meeting. By all accounts, the DS was present during the discussions and vote regarding Appellant's status. This is explicitly what JCD 917 forbids: *"the district superintendent... shall not be present for the deliberations and the vote"* on discontinuance. The presence and input of a Cabinet member (who had been part of the supervisory actions leading up to this) compromised the fairness of the BOM's decision-making.

Furthermore, in the *December 2024* CRC hearing, it appears that **Cabinet influence persisted**. Not only had the Cabinet initiated the process (Ground 1), but **Cabinet-provided materials and assertions** were before the CRC. According to Appellant's knowledge, one of the **officers of the CRC in 2024 had overlapping roles** – the chair of the CRC in 2024 was also the BOM Chair in the subsequent proceeding, creating a scenario similar to that identified in the SEJ Committee on Appeals' own findings in a prior case: overlapping leadership can violate separation of powers. If, for instance, the 2024 CRC was chaired or co-chaired by someone who had participated in the BOM's earlier decision (or was a Cabinet representative), that is a conflict. We know from the record that **Rev. Laura Auten** was the Chair of the first CRC Appellant appeared before and subsequently became the Chair of the BOM which ultimately voted again in December 2024 on Appellant's involuntary discontinuance; if she or any Cabinet liaison took part in CRC or BOM deliberations, took the minutes/votes, or participated in any other way, that violates the rule of impartiality.

Judicial Council Decision **1419 (2021)** dealt with a similar situation: it cited as error the fact that a DS who worked on the case **"also participated as an officer of the Conference Relations Committee by taking the record of the hearing and participating in deliberations... as demonstrated by registering a vote."** The Judicial Council in that case affirmed that such dual involvement (Cabinet and CRC) *violates ¶ 20 of the Constitution and JCD 917*. If in Appellant's case any Cabinet member (or any person who was part of the supervisory action against

Appellant) sat in the CRC meeting to deliberate or vote, that is the same error. Appellant specifically notes that during the June 2024 BOM/CRC process, the **District Superintendent was present and actively involved**, which was one reason the Cabinet abruptly aborted that process upon realizing the violation. The “**restart**” of the process in late 2024, however, did not cure the presence of bias – many of the same individuals (Cabinet and BOM) were simply trying again, without distancing themselves.

The principle is simple: **those who perform supervisory roles (bringing the case)** cannot then sit as *judges* on the case. In Appellant’s discontinuance, the Cabinet was effectively both prosecutor and (through its presence and influence) a member of the jury. This is a structural unfairness that our Discipline guards against. JCD 917 and its progeny (including Memo 1408’s voting restrictions) exist to ensure that power is not concentrated and that the respondent gets an unbiased tribunal. That did not happen here.

**Remedy sought on Ground 3:** A finding that the involvement of a Cabinet member in the BOM/CRC proceedings violated church law, lending further support to overturning the discontinuance. At minimum, any reconsideration on remand must ensure **no Cabinet personnel (bishop, district superintendents, or their representatives)** participate in deliberations or voting at any level of the discontinuance process (BOM committee, full BOM, clergy session), in accordance with JCD 917 and Memo 1408. The Judicial Council should order enforcement of those separation-of-powers safeguards.

#### **Ground 4: Procedural Irregularities and “Tainted” Rehearing – Failure to Remedy Earlier Errors; No Verbatim Record as required**

**Church Law Requirement:** When a procedural mistake is made in an administrative process, the **Discipline expects corrective measures** to ensure fairness. The 2016 Discipline, in creating a multilayered appellate process (CRC hearing, then ARC review, then appeals committees, etc.), implicitly requires that if a process is reinitiated or repeated, it must be free from the biases or defects of the prior attempt. **Fair process** (§ 361.2) isn’t a one-time formality; it must be present throughout. Moreover, **¶ 635.2(h)** (as amended in 2016) directs the BOM to “**ensure fair administrative processes**” in matters like discontinuance, meaning the BOM should restart the process properly if an earlier attempt was flawed. In Appellant’s situation, after the botched May–June 2024 process, the Conference essentially attempted a “*do-over*.” Church law does not explicitly describe how to handle a restarted discontinuance, but basic principles of fairness and precedent (e.g., JCD 1216’s emphasis on correcting missteps early) require that the second attempt not carry forward the prejudice from the first.

**Violation:** The **second discontinuance process (November–December 2024)** was irredeemably **tainted by the first** and riddled with its own irregularities. Instead of truly starting fresh, the WNCC leadership proceeded in a manner that compounded earlier errors:

- **Same Actors, No Recusals:** The November–December 2024 process was handled by *virtually the same BOM and Cabinet personnel* who had been involved in the improper May 2024 action. No effort was made to insulate the new proceeding from prior bias. For example, BOM members who had already voted against Appellant in May were again voting in December. Appellant’s prior request that those individuals recuse themselves (due to preconceived opinions) was ignored. Thus, the “new” process was in reality a continuation by an already prejudiced body. Judicial Council Decision **1361** (cited in correspondence by Appellant’s advocate) observes that if an **appellate process is ongoing, the clergy session must not act**; by analogy, if a prior discontinuance effort was aborted amidst an appeal, any subsequent effort should involve a new panel or at least members uninvolved in the contested prior process. Here, that separation did not occur – the same persons essentially retried the case they had decided earlier, calling into question the fairness of the December 2024 outcome.
- **Inadequate Notice and Specificity:** The *notice* provided to Appellant for the second CRC hearing was procedurally deficient. The Cabinet’s renewed request was communicated around **early November 2024**, but the **details of the allegations or reasons for discontinuance were not fully or clearly stated**. Paragraph **361.2(b)** requires that notice of a fair process hearing be given **“with sufficient detail to allow the respondent to prepare a response”**, and at least 20 days in advance. Appellant did receive a letter on Nov. 13, 2024 (the one referencing the Cabinet’s request), but that letter did not itemize *what specific grounds* or conduct warranted discontinuance beyond a generic statement that he was “not meeting expectations for continuance.” This vagueness hampered Appellant’s ability to know what to defend against. Judicial Council Decision **1419** upheld a finding that notice to a clergyperson was insufficient when it lacked detail of the reasons, calling it a failure under ¶ 361.2(b). Appellant asserts a similar lack of detailed notice here – a procedural irregularity that violates his fair process rights.
- **Preemptive Enforcement of Discontinuance:** Perhaps the most troubling irregularity of the second process is that the **BOM and conference leaders treated Appellant as discontinued before the required approvals**. After the BOM’s December 19, 2024 vote recommending discontinuance, the conference secretary’s letter of that date stated: *“The discontinuance will be dated December 19, 2024, meaning that you will not serve under appointment or participate in the residency program between now and the meeting of the clergy session.”* This effectively removed Appellant from ministry as of December 19, 2024, even though the **Annual Conference clergy session would not vote on the recommendation until June 19, 2025**. The Discipline (¶ 327.6) clearly says that when provisional membership is discontinued, the person must cease ministerial functions and return credentials – *but that clause is operative only once the clergy session votes to discontinue*. The BOM’s vote is *not final*; it is merely a recommendation.

By **enforcing the discontinuance early** (cutting off Appellant's appointment and participation in conference programs six months before any clergy session action), the conference violated the principle that only the clergy session can finalize status changes. This irregular action indicates a prejudgment of the outcome and a disregard for Appellant's rights during the interim. It also caused tangible harm (loss of appointment, email access, etc.) before due process was completed. Judicial Council should view this as a significant procedural breach – essentially an unauthorized **“summary suspension”** without disciplinary authority.

- **Lack of Transparency and Record-Keeping (no verbatim record):** No written **findings or report** emerged from the December 16, 2024 CRC fair process hearing. Just as in the first hearing, Appellant did not receive a formal written decision from the CRC detailing what was found or why the BOM should discontinue him. The only documentation was the BOM's letter stating it voted to discontinue. Judicial Council decisions (e.g., JCD **1419** ground 7) hold that a failure to provide a **“written verbatim record”** or at least an adequate record of a fair process hearing is a violation of fair process. In Appellant's case, there is no transcript or detailed minutes of what transpired at the CRC hearings. Such omissions impede appellate bodies (ARC, Appeals Committee, Judicial Council) from reviewing the process meaningfully. It also violated ¶ 361.2, which by implication expects that the fair process hearing's proceedings be documented (how else could the ARC “review the entire process”?).

Given all the above, the December 2024 process cannot be considered a clean, valid proceeding. It was burdened by prior procedural sins and introduced new ones. Judicial Council Decision **1216** commented on a case “replete with omissions, missteps, and flaws that never should have occurred or should have been corrected at a much earlier stage,” warning that such failures almost always result in harm by the time of appeal. That describes this case. The conference had an opportunity to correct course after June 2024, but instead of transparently fixing the fair process errors, it doubled down in a hasty way that revealed an intent to achieve discontinuance at all costs (e.g., enforcing it early). Such handling falls short of our church's standards of administrative fairness and integrity.

**Remedy sought on Ground 4:** Recognition by the Judicial Council that the **procedural integrity of the discontinuance process was fatally compromised**. The Council should order that any future attempt must be treated as *entirely de novo* with new personnel if possible, proper notice of specific charges, full transparency, and no prejudicial actions taken prior to final decisions. In practical terms, this ground supports the relief of **voiding the discontinuance and remanding** with instructions that correct procedure be followed from the start (should the conference choose to attempt discontinuance again).



## Ground 5: Failure of the Administrative Review Committee to Perform its Mandatory Review and Hearing Duties (¶ 636)

**Church Law Requirement:** The **Administrative Review Committee (ARC)** in each annual conference serves as a crucial procedural safeguard. Under **¶ 636 (2016 Discipline)**, the ARC *“shall review the entire administrative process leading to the action for change in conference relationship, and it shall report its findings to the clergy session... prior to any action of the annual conference.”* In cases of proposed involuntary discontinuance (and similar administrative actions), the Discipline further provides that **“the administrative fair process hearing procedures (¶ 361.2) should be followed by the Administrative Review Committee.”** Additionally, ¶ 361.2 expressly states that *“whenever there is a request for discontinuance of provisional membership (upon appeal by the provisional member) ... the process set forth in this paragraph shall be followed.”* In short, a **provisional member has the right to appeal to the ARC and have a hearing** if procedural errors are alleged, before the matter goes to conference vote. Judicial Council Decision **1419** described the ARC as “the first level of appellate review” in administrative cases and criticized an ARC that performed only a perfunctory, “automatic” checklist review. JCD 1419 and others (e.g., JCD 1011) make clear that the ARC must do more than rubber-stamp; it must consider *substantive procedural challenges* and, if warranted, conduct a hearing and issue a report on those issues.

**Violation:** The Western North Carolina Conference’s ARC **failed to fulfill its Disciplinary mandate** in Appellant’s case. Appellant actively invoked his right to ARC review: after the BOM’s December 19, 2024 action, **he notified the conference leadership on June 3, 2025 that he was requesting the ARC to hold a hearing** to review the process (citing the fair process concerns). Several serious failures then occurred:

- **ARC Scope Unduly Limited:** On June 6, 2025, the Conference Secretary (Rev. Ingram) emailed Appellant stating that the ARC’s review would be *“limited to the process initiated on November 6, 2024”* and would **not** consider any procedural issues from the earlier (May–June 2024) process. No authority was cited for this limitation, and it appears to have been a unilateral decision by someone (perhaps conference chancellors or the bishop) to narrow what the ARC could review. This is contrary to **¶ 636’s requirement to review the “entire administrative process.”** Even though the Cabinet attempted a fresh start in late 2024, **the earlier events were part of the context and record** (especially because Appellant’s procedural objections in December 2024 were premised on what had occurred earlier). By **preventing the ARC from examining the May–June 2024 irregularities**, the conference effectively shielded those errors from scrutiny. This not only violates the letter of ¶ 636, but also the spirit – the ARC is supposed to catch and remedy procedural errors that the BOM/CRC might have made. The Northeast Jurisdiction Appeals Committee in a similar case noted that the ARC they

reviewed had “not addressed either the challenges Appellant advanced on this appeal, or the similar objections he had presented to the CRC”. The same happened here: WNCC’s ARC was directed to **ignore** Appellant’s early challenges (which he had raised in June 2024 and continued to press).

- **No ARC Hearing Granted:** Despite Appellant’s request and the clear language of ¶ 361.2 and ¶ 636 that a hearing is to be held upon such an appeal, the ARC did **not hold any fair process hearing with Appellant present**. In correspondence on June 10, 2025, the ARC Chair acknowledged receipt of Appellant’s hearing request, but scheduled the ARC’s meeting for **June 19, 2025 – the same day as the clergy session vote**, and indicated they would review the matter then. By scheduling it concurrently (or likely immediately before the clergy session), the ARC effectively precluded a meaningful hearing where Appellant could participate: the ARC’s role became a last-minute formality. Appellant objected in writing on June 12, 2025, noting that a **hearing was required before** the clergy session and that holding the review on the same day as the vote violated the intent of the Discipline. He cited ¶ 636 and JCD 1216, which highlight diligence in fair process, but to no avail. In the end, **Appellant was never invited to speak to the ARC in person or via counsel** regarding his procedural objections. The ARC met on June 19, 2025 behind closed doors; if they produced any findings, none were communicated to Appellant prior to the conference session that day. This contravenes the requirement that the ARC report its findings “prior to any action of the annual conference.” WNCC’s ARC did not present any report to the clergy session on June 19 other than presumably stating they had done the review (if even that).
- **Automatic/Paper Review Only:** The pattern here mirrors what JCD 1419 described and disapproved. In JCD 1419, the Judicial Council noted an ARC had only *verified that certain steps occurred* but “**did not address either the challenges**” the appellant raised, performing merely the “automatic review” to ensure forms were followed. In Appellant’s case, the ARC by design only checked the second process steps (likely confirming that a CRC was held, notice given, BOM voted, etc.), but **did not grapple with Appellant’s specific procedural grievances**: e.g., that notice lacked detail, that same individuals were involved, that it was initiated by Cabinet, that he was cut off from ministry early, etc. The **June 19, 2025 clergy session was not provided any substantive report** of these issues. Essentially, the ARC abdicated its “only purpose,” which Judicial Council in prior decisions (JCD **1011** and others) defined as ensuring disciplinary procedures were properly followed. An ARC that ignores alleged procedural defects is failing its only purpose.

Notably, in JCD **1373** – which involved an appeal from this same SEJ Committee on Appeals in 2018 – the Judicial Council stressed that a clergyperson “*is entitled to an administrative appellate decision expounding the facts and grounds relied upon*” so they can prepare for Judicial Council. Here, because the ARC did not articulate its reasoning and the SEJ Appeals Committee later issued only a terse decision (Ground 7, below), Appellant has been essentially deprived of any reasoned appellate review at the annual conference and jurisdictional levels.

This makes Judicial Council review both necessary and challenging, since the **record below is sparse** due to these failures.

Additionally, **Judicial Council Decision 1361** (2015) holds that if a minister signals intent to appeal a status change, the conference **cannot lawfully act on the change until the appellate process is complete**. Appellant's advocate referenced this in communications, yet the WNCC Bishop proceeded with the June 19, 2025 vote *despite the ARC appeal being unresolved*. This is a procedural error in itself – it renders the clergy session vote premature and improper. The SEJ Committee on Appeals in its consideration should have noticed this and taken remedial action (e.g., voiding the vote and remanding for a proper ARC hearing first), but it did not.

**Remedy sought on Ground 5:** A ruling that the WNCC **Administrative Review Committee failed to carry out its disciplinary function**, in violation of ¶¶ 636 and 361.2. Specifically, the ARC's lack of a hearing and substantive review was an error of church law. In line with Judicial Council precedents (JCD 1419, 1373), the appropriate remedy is to **remand** the matter for a true **Administrative Appeal hearing at the conference level** if discontinuance proceedings are to be resumed. Alternatively, given the multiple layers of failure, the Judicial Council could itself vacate the discontinuance outright. At minimum, the Judicial Council should affirm that the clergy session's vote on June 19, 2025 is *nullified* because the requisite ARC review and report did not precede it (¶ 636 was not followed). This would restore Appellant's provisional status unless and until a proper process (including full ARC due process) is conducted and leads to a lawful vote.

#### **Ground 6: Improper Conduct of the Annual Conference Clergy Session Vote (¶ 327.6 and Memo 1408 – Voting Recusal and Record Issues)**

**Church Law Requirement:** Once a recommendation for discontinuance reaches the Annual Conference clergy session, the **clergy session's consideration must also adhere to disciplinary constraints**. Two critical requirements apply: (1) **Voting Recusal Rule:** Pursuant to **Memorandum 1408 (which clarified JCD 1383)**, members of the annual conference **Cabinet, BOM, CRC, and ARC who were involved in the case "shall not vote" in the clergy session** on that recommendation. This inserted rule (effective as of 2021 and carried into the 2020/2024 Discipline) is designed to prevent any conflict of interest in the final vote – those who helped bring or process the case must abstain. (2) **Accurate Recording of Vote:** While the Discipline does not explicitly dictate a particular voting method, fair process considerations and Judicial Council precedent (e.g., Memo 1361's context) suggest that in a contested matter with recusal requirements, the conference should ensure a transparent vote count and record.

JCD **1373** analogized appellate decisions to bishop's rulings needing proper form; by the same token, the final action (the vote) should be reviewable. **Memorandum 1408** effectively imposes

that there be a way to identify if ineligible voters abstained, which implies some level of roll-call or signed ballot might be needed. At the very least, there must be a clear record of the numerical vote outcome and assurance that the restriction was followed.

**Violation:** The **June 19, 2025 clergy session vote in WNCC did not comply with these requirements**, casting doubt on the validity of the discontinuance action:

- **Recusals Not Enforced:** There is no indication that members of the Cabinet, BOM, CRC, or ARC who had been involved in Appellant's case were asked to recuse or refrain from voting. To the contrary, because *no formal identification of such persons was made on the conference floor*, it is highly likely that **many individuals voted who were disqualified under Memo 1408**. For example, all district superintendents are members of the clergy session – unless explicitly recused, they presumably voted. BOM members (in full connection) likewise voted. In Appellant's case, that includes the BOM chair, secretary, and others who had been deeply involved. The **ARC members** (who met that morning) also could have voted. Memo 1408's rule is clear and *binding*: if they "were involved in any prior discussions, communications, proceedings and/or decisions" in the matter, they "**shall not vote**". The WNCC clergy session did not take steps to honor this. The **bishop presiding (Bishop Carter)** did not announce a policy of recusal or ask those persons to refrain. Appellant, as the affected clergyperson, had no practical way to enforce it himself, other than objecting generally – which likely would not have been recognized in that context. The outcome is that the **vote is compromised**. Judicial Council has strongly indicated that **failure to enforce required recusals invalidates a vote**: if individuals who were ineligible voted, the process is not in conformity with church law.
- **Lack of Voting Transparency:** Appellant requested on the floor of the clergy session that **a full record be made of the proceedings and that the vote be counted in detail (or "polled")**. These requests were denied by the Bishop. Instead, the vote was likely taken by a show of hands or an electronic vote without individual attributions, and the result announced without specifics. Because of this, there is **no official record of the vote tally** in the materials available. We do not know the exact count or who voted. This lack of record is problematic for two reasons: (1) It makes it impossible to verify after the fact whether disqualified persons abstained. If, for instance, 200 were eligible to vote but 220 votes were cast, we'd know something was amiss – but without a count, we cannot analyze compliance. (2) It deprives appellate bodies of information. The SEJ Committee on Appeals noted in another case that *"there is no record of the vote sufficient to sustain this standard"* when discussing Memo 1408 compliance. The same applies here. The Judicial Council is asked to review a discontinuance vote that is essentially *opaque*. This undermines confidence that the outcome was properly achieved under ¶ 327.6.

Additionally, **Appellant was denied the opportunity to speak meaningfully in his own defense at the clergy session**. Customarily, in some annual conferences, the person whose status is under consideration may be permitted to address the clergy session or respond to statements.

Appellant's request for a "last word" before the vote was denied. While not explicitly required by the Discipline, allowing a clergy person to speak could be seen as part of fair process. The denial of that opportunity, combined with the rushed nature of events (the ARC met *the same day*, likely providing no time for any report to be digested), meant the clergy session made its decision with only the perspective of the BOM/Cabinet presented. This arguably falls short of a full and fair consideration of a person's ministerial status, which should be weighty and careful.

In sum, the **clergy session vote on June 19, 2025 is procedurally suspect**. It breached the mandatory recusal rule set by the Judicial Council (constitutional fair process requirement) and lacked the transparency needed for accountability. According to the standards laid out in Memo 1408, the presence of any ineligible voters participating should render the vote invalid. We have every reason to suspect that happened here, given no recusal announcements were made.

**Remedy sought on Ground 6:** The Judicial Council should rule that the Annual Conference action discontinuing Appellant was **nullified by the failure to follow Discipline-required voting procedures**. Specifically, non-compliance with Memo 1408's voting exclusions is an error of Church law that warrants setting aside the vote. The Judicial Council could order a *new clergy session vote* under proper conditions if the case were otherwise sound; however, given the multiple earlier errors, the more appropriate relief is to vacate the discontinuance entirely (as requested in the Relief section). At minimum, Judicial Council should state that any future vote must rigorously apply the recusal rule (identify all BOM, Cabinet, CRC, ARC members involved and excuse them from voting) and that a **counted vote** (with results recorded in the record) be taken for review.

#### **Ground 7: Lack of a Proper Written Decision by the Appeals Committee (JCD 1373 – Inadequate Appellate Opinion)**

**Church Law Requirement:** When a matter reaches the **Jurisdictional Committee on Appeals (JCA)**, that body is required to issue a decision that meets basic standards of form and clarity so that further appeal (to the Judicial Council) and the parties' understanding of the outcome are possible. While the Discipline ¶ 2718.4 does not spell out a format, **Judicial Council precedent has established expectations for appellate decisions**. In particular, **Judicial Council Decision 1373** (Memorandum 1373, 2019) addressed a jurisdictional appeals committee decision that was too cursory. The Judicial Council held that an appellant "*is entitled to an administrative appellate decision expounding the facts and grounds relied upon*" and that a **mere summary affirmance with scant reasoning is insufficient**. JCD 1373 analogized the requirement to the standard for a bishop's decision of law: there must be at least a *statement of facts, analysis, and rationale*. It stated: "*What is required of bishops is also expected of administrative appellate bodies such as the SEJCOA. Without a well-reasoned appellate opinion that includes the facts,*

*procedural history, legal authorities, and analysis of the case, the Appellant cannot understand the ruling's rationale and adequately prepare his appeal, nor can the Judicial Council properly review and rule on the merits of his case."* In JCD 1373, the Judicial Council remanded the case back to the SEJ Committee on Appeals to issue a new, adequate decision because the original was only two pages with three short paragraphs of findings. That underscores that a **failure to provide a proper decision is itself an error**.

**Violation:** The **Southeastern Jurisdictional Committee on Appeals' decision in Appellant's case lacked any written opinion or detailed findings**, in violation of the standard set by JCD 1373.

After Appellant filed his appeal to the SEJ Committee on Appeals (in July 2025, supplemented by a brief on October 29, 2025), the Committee on Appeals deliberated and reached a decision on November 12, 2025. However, the **only communication of that decision was via an email sent to Appellant on November 19, 2025**, which simply stated that the appeal was denied (i.e., the discontinuance was upheld) with no further explanation. The **Committee issued no formal decision document**: no statement of the issues, no review of facts, no analysis of the disciplinary questions, and no citation of authorities. In essence, *Appellant received no rationale at all* – not even the three short paragraphs that were deemed insufficient in JCD 1373.

This leaves Appellant and the Judicial Council in the dark about the basis of the Appeals Committee's decision. Did the Committee on Appeals reject each of Appellant's grounds on their merits? Did it perhaps agree on some points but find no harm? Did it procedurally dismiss any claims? We do not know, because they did not say. Such opacity frustrates the appellate process. ¶ 2718.3 gives Appellant the right to appeal to the Judicial Council, but exercising that right meaningfully requires knowing *what the lower appellate body decided and why*. JCD 1373 is directly applicable: the SEJ Committee on Appeals was required at minimum to "separately address each of the five grounds alleged" (Appellant had indeed raised multiple specific grounds in his brief). It did not do so. This omission is a *legal error*. It violates the "fair process" expectations at the appellate level – essentially depriving Appellant of the fair process of a reasoned appeal decision.

It is worth noting that this is the **second time in recent years** the Southeastern Jurisdiction Committee on Appeals has been found wanting in this respect. In the Eric Seise case (JCD 1373, decided 2019), the Judicial Council had to remand for a proper decision. It is unfortunate that in 2025 the SEJ Committee on Appeals has repeated the mistake, issuing even less in writing (an email vs. a brief opinion). The Judicial Council cannot effectively review the case's merits because there is no analysis to scrutinize – only the record of the conference process and Appellant's arguments. While the Judicial Council does review questions of law de novo, it is hampered when the intermediate tribunal has not articulated how it viewed those questions.

**Remedy sought on Ground 7:** Consistent with JCD 1373, Appellant asks the Judicial Council to find that the **SEJ Committee on Appeals failed to issue a proper decision with findings**, violating Appellant’s right to a reasoned appellate decision and hindering Judicial Council review. The usual remedy per JCD 1373 is to remand to the Committee on Appeals for a new decision with required detail. However, in this case, because **numerous substantive disciplinary violations** have been demonstrated in Grounds 1–6, Appellant submits that a remand for further findings would only delay justice. The Judicial Council has the full record of the case and the authority to rule on the legal questions presented. Therefore, Appellant urges the Council to take up the merits and grant relief rather than remanding. Alternatively, if the Council prefers adherence to process, it could remand with instructions to the SEJ Committee on Appeals to write a proper opinion and to explicitly address each ground (in essence, to comply with JCD 1373’s mandate) within a short timeframe, before the Judicial Council proceeds to final adjudication. In either event, the current “decision” (the bare email) should be deemed *insufficient and improper* as a matter of church law.

**Ground 8: Improper Use of Administrative Process Instead of Judicial Process for Alleged Disobedience (¶¶ 362.3, 2702, etc.)**

*The Book of Discipline* provides clergy with a **constitutional right to trial and appeal** on any charge of ministerial misconduct (Constitution ¶¶ 20–21). Indeed, “disobedience to the Order and Discipline of The UMC” is a chargeable offense that should be addressed through the **judicial complaint process** – not via an administrative action – so that the accused clergyperson can avail themselves of fair process safeguards (e.g. presumption of innocence, right to counsel, hearing before a trial court). The Judicial Council has **cautioned against using administrative proceedings to pursue matters properly belonging to judicial process**, as doing so **collapses distinct disciplinary roles and processes**. Such a maneuver deprives the respondent of the full fair-process protections guaranteed in a church trial, including the right to a complete hearing record and the right to counsel (see JCD 698). **Any deviation from the Discipline’s prescribed procedures is a per se violation of church law**. In this case, the Cabinet’s decision to handle an alleged act of “*disobedience*” (a chargeable offense) via an *administrative* discontinuance of status effectively **collapsed the judicial process into an administrative one**, denying Appellant the fair-process right to have those allegations proven in a proper judicial forum. This failure to follow the required judicial complaint process violated the separation-of-powers framework of the Discipline and **deprived Appellant of the trial and appeal rights guaranteed by the Discipline and Constitution**.

**Ground 9: Discrimination in the Appointment Process on the Basis of Sexual Orientation (¶ 425.1, 2019 ¶ 2553)**

*The Book of Discipline* now explicitly mandates **open itineracy**, stating that “appointments are made without regard to race, ethnic origin, gender, color, marital status, **sexual orientation**, or age...” (¶ 425.1, 2020/2024 Discipline). The Cabinet’s blanket refusal to consider Appellant’s

requested extension appointment – solely because the church he would serve had disaffiliated from the UMC – is **tantamount to discrimination on the basis of sexual orientation**, in violation of this open-itineracy principle. By design, the only permissible grounds for a local church to disaffiliate under ¶ 2553 (2019) were “*reasons of conscience*” related to the UMC’s stance on **human sexuality** – specifically disagreements with the Discipline’s provisions on “the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals,” or related conference actions/inactions. In other words, a congregation’s choice to disaffiliate was *inextricably tied* to matters of **sex and sexual orientation**. Consequently, **a blanket policy barring clergy appointments to any disaffiliated church is inherently connected to those sexuality-based issues**. As Appellant noted in an earlier submission, “*a policy which prohibits clergy from serving a disaffiliated church (and thus preemptively denies all such appointments) could be based on nothing other than issues related to sexual orientation.*” Such a policy cannot be squared with the Discipline’s prohibition on appointment discrimination. Regardless of a bishop’s broad authority to fix appointments, an **across-the-board refusal to deploy clergy to disaffiliated churches** (because those churches departed over LGBTQ-related conscience reasons) effectively imposes a sexual-orientation-based criterion for appointments. This **violates ¶ 425.1’s ban on discrimination in the appointment process** and contravenes the spirit of the UMC’s recent revisions to remove discriminatory barriers for LGBTQ+ persons in ministry.

### III. Relief Requested

For the foregoing reasons, Appellant Jason E. B. Smith respectfully requests that the Judicial Council grant the following relief:

1. **Reverse and Vacate the Discontinuance:** Declare the June 19, 2025 action of the Western North Carolina Annual Conference discontinuing Appellant’s provisional membership **null and void** due to multiple violations of the Discipline and fair process (¶¶ 327.6, 361.2, 635, 636) in the proceedings leading up to and including that action. This would reinstate Appellant’s provisional membership and rights as if the discontinuance had not occurred.
2. **Remand with Instructions (if further process is to occur):** If WNCC still desires to pursue discontinuance, order that the matter be **remanded for a new, properly conducted process** in compliance with the **2016 and 2020/2024 Discipline and Judicial Council precedent**. Such instructions should include: **(a)** allegations of disobedience must be pursued through a judicial process; **(b)** that any new discontinuance proceedings must be initiated **anew by the BOM** without any prompting or involvement from the Cabinet (Ground 1); **(c)** that Appellant be afforded a **full and fair CRC hearing before any BOM vote** (Ground 2), with proper notice of allegations and unbiased committee members; **(d)** that **no Cabinet member or other conflicted person participate in deliberations or vote at any stage** (Grounds 3 and 6, per JCD 917 and Memo



1408); **(e)** that the **Administrative Review Committee conduct a thorough review and hearing** if Appellant appeals at the conference level, issuing a report of its findings *before* any clergy session vote (Ground 5, per ¶¶ 636, 2718.4(f), JCD 1419); and **(f)** that any clergy session action be taken **in compliance with Memo 1408’s recusal rule and properly recorded** (Ground 6). Essentially, the Judicial Council should mandate a “clean” process consistent with church law, *should the conference choose to attempt discontinuance again*. Additionally, the Council may order that any rehearing be before **new personnel** (to the extent possible) to mitigate the taint of past proceedings.

3. **Interim Relief (Restoration of Status):** Given the protracted nature of appeals, Appellant requests that the Judicial Council use its authority to **restore him to provisional status immediately** pending the outcome of any further proceedings. This is in line with the relief granted in similar situations – for example, where Judicial Council voided a status change, the person’s prior status is reinstated. In Appellant’s case, he has effectively been without appointment or status since December 19, 2024 due to the premature actions of the conference. Restoration of status would allow him to be considered for appointment and resume ministry while any new fair process takes place, preventing further harm from what has been deemed an unlawful process.
4. **Any Further Relief the Judicial Council Deems Just:** Appellant welcomes the Judicial Council to grant such additional relief as appropriate to *do justice in this case*. This may include directives for specific actions by the conference (such as to provide training on fair process to BOM and Cabinet officers, given the systemic failures evident), or any other measure within the Council’s authority.

Appellant trusts that the Judicial Council’s intervention will not only correct the injustices in his individual case but also reaffirm the importance of **fair process in the United Methodist Church**, thereby guiding conferences in future cases. As the Judicial Council said in a related context, *“The supervisory and administrative processes contained in the Discipline are carefully and specifically designed to protect the rights of the individual and of the Church. The steps set forth therein must be followed carefully or injustice results.”* In this appeal, Appellant simply asks that this principle be upheld.

**Respectfully submitted,**

*Jason E. B. Smith*

Provisional Elder (Western North Carolina Conference)

December 12, 2025

### 3. Submission Email/Letter to Judicial Council Secretary and SEJ Appeals Chair

*To: Secretary, Judicial Council of the UMC* (secretary@umcjudicialcouncil.org)

*CC: Chairperson, SEJ Committee on Appeals* (emily.d.kincaid@gmail.com)

*Date:* December 12, 2025

**Subject:** Appeal of SEJ Committee on Appeals Decision – Involuntary Discontinuance of Rev. Jason E. B. Smith (WNCC Provisional Elder)

Dear Judicial Council Secretary (and SEJ Committee on Appeals Chairperson):

I pray this message finds you well. Please accept the attached documents as **formal submission of an appeal** to the Judicial Council under ¶¶ 2718.3–.4 of the Discipline. I, Rev. Jason E. B. Smith, am appealing the **November 19, 2025 decision of the Southeastern Jurisdictional Committee on Appeals** which affirmed my involuntary discontinuance as a provisional elder in the Western North Carolina Conference.

#### **Attached Materials:**

- **Notice of Appeal Form (PDF & Word):** Completed Judicial Council Notice of Appeal, indicating the parties, decision in question, and authorities cited.
- **Grounds of Appeal (PDF & Word):** A detailed preliminary brief outlining the specific legal and procedural errors in the discontinuance process, with references to the Discipline (2016 and 2020/2024 as applicable) and Judicial Council precedents (including JCD 917, 1216, 1373, 1419, Memo 1408, among others).
- **Decision of Committee on Appeals (PDF):** A printout of the email dated November 19, 2025 from the SEJ Committee on Appeals, which served as the notification of their decision (noting that the Committee on Appeals did not issue a full written opinion or rationale in this case).

As required, I am sending these materials in both PDF and Microsoft Word format to the Judicial Council Secretary and to the SEJ Committee on Appeals Chair. I will also send **thirteen (13) hard copies** by postal mail to the Judicial Council’s address (c/o Ms. LaNella Smith, Durham, NC) as specified in the appeal instructions.

**Summary of the Appeal:** This appeal challenges the fairness and disciplinary compliance of the process that led to my discontinuance. In brief, I allege that the **Western North Carolina Conference** failed to follow the Book of Discipline’s procedures in crucial ways (for example, the Cabinet’s improper initiation of the process, denial of a fair hearing before action, lack of required review by the Administrative Review Committee, and other issues detailed in the attached preliminary brief). I also note that the **SEJ Committee on Appeals provided no written**

**rationale**, making Judicial Council review even more critical (and in line with Judicial Council Decision 1373, which addressed a similar situation). My appeal seeks to have the discontinuance overturned and my provisional membership reinstated, or, alternatively, a remand for a proper process in compliance with church law.

I write with deep respect for the church's discipline and judicial process. My goal is to ensure that the **principles of fair process** – which our Book of Discipline calls a “*holy covenant*” – are upheld for myself and for others who may face administrative actions. I have attempted to abide by each step of the appellate process faithfully, and I am grateful for the Judicial Council's willingness to consider this matter.

**Request for Confirmation:** Kindly confirm receipt of this appeal. If there are any deficiencies in the materials or additional information required, I am ready to respond promptly. Please also let me know the docket number assigned to this case and any anticipated timelines the Judicial Council sets. I hereby reserve the right to amend/modify the grounds for this appeal, as well as to file supplemental briefs. I also hereby incorporate by reference all prior records/briefs submitted in this case to the Western North Carolina Annual Conference, as well as to the Southeastern Jurisdiction Committee on Appeals (which can be accessed directly here: [https://www.dropbox.com/scl/fo/8a8vqwglu8tlt25wofb0/APo6LzXKVL\\_DsaOKnjXzmLM?rlkey=5458d1nkb9ncqskhnurt79aj9&st=90gvlnn0&dl=0](https://www.dropbox.com/scl/fo/8a8vqwglu8tlt25wofb0/APo6LzXKVL_DsaOKnjXzmLM?rlkey=5458d1nkb9ncqskhnurt79aj9&st=90gvlnn0&dl=0))

I appreciate your attention to this appeal. May God guide the Judicial Council in its deliberation, and may the outcome be to the glory of God and the just ordering of our church.

Yours in Christ,

Rev. Jason E. B. Smith  
Western North Carolina Conference (Provisional Member)  
Email: PastorJasonSmith1@gmail.com  
Phone: (828) 508-8301

**Cc:** [Rev. Emily Kincaid], Chair, Southeastern Jurisdictional Committee on Appeals (via email)

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#### **4. Presenting the Appeals Committee's Decision as the Record**

The Judicial Council's appeal instructions require the submission of the “decision of the Committee on Appeals, including facts, rationale, and ruling.” In my case, the **SEJ Committee on**

**Appeals did not issue a formal written opinion;** the only record of their decision is an **email notification**. To satisfy the requirement and be transparent about the nature of that decision, I will do the following:

- **Attach the Email Notification:** I will include a PDF printout of the **November 19, 2025 email** from the SEJ Committee on Appeals (from the Chair or Secretary of the Committee) which states the outcome. This email shows the date, sender, recipients, and the brief message that my appeal was denied. This serves as the *official record of the Committee on Appeals’ ruling*. I will label it clearly (e.g., “Exhibit – SEJ Appeals Committee Decision Email”) in the materials.
- **Explain the Lack of Findings:** In the **Grounds of Appeal brief**, I have explicitly noted that the Appeals Committee provided no detailed findings or reasons. I cited Judicial Council Decision 1373 to underscore that this lack of a written rationale is itself a problem. By doing so, I put the Judicial Council on notice that the “decision” in the record is only a summary outcome. This both justifies why my appeal brief had to reconstruct the issues without guidance from the Committee, and it invites the Judicial Council to apply the appropriate remedy (potentially a remand for a proper decision, though I argue for outright review).
- **Subsequent email to SEJ Appeals Committee Chair:** My follow-up email to the SEJ Appeals Committee Chair, Rev. Emily Kincaid, verified that there would be no further written decision from the Committee other than her November 19, 2025 email.
- **Affirm Email as the Final Decision:** In the cover letter/email (see Section 3 above), I explicitly mention that the decision was transmitted by email and that *no detailed rationale was provided*. This ensures that the Judicial Council understands that the email is not an incomplete excerpt but rather *the entirety of the Appeals Committee’s written decision*. I anticipate that the Judicial Council has seen such situations before (e.g., JCD 1373).

By presenting the email in this manner, I fulfill the requirement to submit the “decision of the Committee on Appeals” as part of the record, while also diplomatically highlighting that it lacks the desired content. This should satisfy procedural requirements and provide the Judicial Council with at least the minimal record of what the lower appellate body did.

**Recommendation:** In preparing the **PDF for the email**, I will include the email header information (sender, recipients, timestamp) and the message text, and I will add a brief cover note (if allowed) identifying it: e.g., “Decision of SEJ Committee on Appeals – Email Notification, Nov. 19, 2025.” This will make it easy for the Judicial Council to locate in the documents and understand its significance. Since the Judicial Council’s *Docketing Secretary* may compile the record, having this clearly marked will help them know that this is the Appeals Committee’s “decision” for docketing purposes.

Lastly, I remain prepared to explain in my oral statement or any further correspondence that the **absence of a detailed opinion from the Appeals Committee** should not prejudice my appeal – rather, it is part of my appeal that such absence is contrary to church law. I trust that by candidly providing the email as the record, I demonstrate respect for the process and full disclosure of the record as it stands.

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**Conclusion:** The above documents (Notice of Appeal form, Grounds of Appeal brief, draft submission letter, and clarifications about the record) are prepared in a manner suitable for filing with the Judicial Council. They are formatted for clarity and professionalism, and they utilize the **2016 and 2020/2024 Discipline references and Judicial Council precedents** to support the appeal. I will ensure these are submitted as editable Word documents as well, to comply with requirements and to allow for any minor editing or formatting adjustments needed for the official submission.

I am hopeful that this appeal package clearly articulates the legal issues and facilitates a thorough review by the Judicial Council. Thank you for your attention to this matter.

SPRING 2026-3

IN THE JUDICIAL COUNCIL OF  
THE UNITED METHODIST CHURCH

IN THE MATTER OF  
THE MEANING, APPLICATION, AND EFFECT OF  
¶ 404.2 OF THE BOOK OF DISCIPLINE, 2020/2024

PETITION REQUESTING DECLARATORY DECISION AS TO  
THE MEANING, APPLICATION, AND EFFECT OF  
¶ 404.2 OF THE BOOK OF DISCIPLINE, 2020/2024

The General Council on Finance and Administration (“GCFA”) submits this request for a declaratory decision as to the meaning, application, and effect of ¶ 404.2 of *The Book of Discipline, 2020/2024*.

**Jurisdiction & Standing**

The Judicial Council has “jurisdiction to make a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, and effect of the *Discipline* or any portion thereof or of any act of legislation of a General Conference” when petitioned by an authorized body. ¶ 2610.1. GCFA is “authorized to make such [declaratory] petitions to the Judicial Council” because GCFA is a “body created [and] authorized by the General Conference” seeking a declaration on “matters relating to or affecting [GCFA’s] work.” ¶ 2610.2. As explained below, ¶ 404.2<sup>1</sup> directs GCFA to take several actions alone and in concert with other interested parties, and a declaratory decision from the Judicial Council would “resolve doubts” about the scope and nature of those actions and permit GCFA to “proceed in keeping with church law.” R. Prac. & Proc., App’x B, available at:

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<sup>1</sup> A copy of ¶ 404.2 as amended by General Conference 2020/2024 and codified by the Committee on Correlation and Editorial Revision is attached as **Exhibit A**.

<https://www.resourceumc.org/en/churchwide/judicial-council/what-we-do/rules-of-practice-and-procedure>.

GCFA’s Board of Directors authorized this request for a declaratory decision as to the meaning, application, and effect of ¶ 404.2 focusing on the questions raised in this Petition. (See Excerpts from November 2025 GCFA Board Meeting Minutes, attached as **Exhibit B.**)

### **Interested Parties**

GCFA is one of many interested parties. Others include the Interjurisdictional Committee on Episcopacy (“IJCCE”), the Council of Bishops, the Northeastern Jurisdiction, the Southeastern Jurisdiction, the North Central Jurisdiction, the South Central Jurisdiction, the Western Jurisdiction, the Jurisdictional Committee on Episcopacy for those jurisdictions, and the Committee on Correlation and Editorial Revision.

### **Factual Background**

The General Conference rewrote ¶ 404.2 in a series of separate votes during the afternoon plenary session on April 30, 2024, acting on two calendar items and offering amendments and explanations from the floor. (See General Conference’s Afternoon Proceedings for April 30, 2024 (“Apr. 30 Proceedings”), attached as **Exhibit C**; Legislative History of Calendar Item 547 (“Item 547”), attached as **Exhibit D**; Legislative History of Calendar Item 546 (“Item 546”), attached as **Exhibit E**.) That legislative work and the subsequent editorial work of the Committee on Correlation and Editorial Revision established a novel process for determining the number of bishops for each jurisdiction, calculating the costs of those bishops and their offices, and recommending a quadrennial budget, raising significant questions for

GCFA and other authorized agencies tasked with implementing that new process. *See supra* at 7.

At 5:27 p.m., the General Conference replaced the text of ¶ 404.2<sup>2</sup> by passing an amended form of Item 547 that guaranteed each jurisdiction at least five bishops while providing a mechanism for any jurisdiction to request “a change in the number of bishops for the jurisdiction” with various budgetary and episcopal consequences. (Item 547, **Ex. D.**) By adopting that item, the General Conference adopted a portion of a broader plan proposed by the Jurisdictional Study Committee, including terms and procedures drawn directly from that committee’s proposal. (See Apr. 30 Proceedings at 27, **Ex. C**; Jurisdictional Study Committee’s Report to the Postponed General Conference 2020, attached as **Exhibit G.**)

The General Conference amended Item 547 before adopting it. A single, multi-part amendment added a requirement that GCFA “shall include the costs of such bishops when recommending a quadrennial budget.” (Apr. 30 Proceedings at 27, **Ex. C.**) It modified descriptions of bishops’ salary and expenses. (*Id.*) It added language requiring “[a]ny jurisdiction seeking any bishops over the base number provided in subparagraph a)”<sup>3</sup> to demonstrate its capacity “to meet the full funding of the additional bishops for the coming quadrennium.” (Apr. 30 Proceedings at 27, **Ex. C**; see Item 547, **Ex. D.**) And it added language directing GCFA to receive “a surety” from any jurisdiction seeking additional bishops and to “establish the base cost for the funding of an office of episcopal leader, which shall be used by

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<sup>2</sup> The text of ¶ 404.2 from *The Book of Discipline, 2016* is attached as **Exhibit F.**

<sup>3</sup> At that point in the proceedings, the relevant subparagraph a) of Item 547 read as follows: “Each jurisdiction shall be entitled to five bishops.” (Item 547, **Ex. D.**)



any jurisdiction seeking to fund a number of bishops over the base number of five.” (Apr. 30 Proceedings at 27, Ex. C; see Item 547, Ex. D.)

Less than half an hour later, the General Conference passed a substituted form of Item 546 to “replace” ¶ 404.2 with a different set of “new provisions” directing that “the number of bishops shall be determined on the basis of missional reasons as approved by the General Conference on recommendation of the Interjurisdictional Committee on Episcopacy.” (Apr. 30 Proceedings at 30, 33, Ex. C; Item 546, Ex. E.) The substitute text further directed the IJCOE to take certain steps in preparing its recommendation and directed GCFA and the Council of Bishops to consult with the IJCOE to inform the recommendation. (Apr. 30 Proceedings at 30, 33, Ex. C; Item 546, Ex. E.)

A group of delegates brought those new provisions to the General Conference by substituting them for the original text of Item 546. (Apr. 30 Proceedings at 30, Ex. C.) While the motion sought to “replace” ¶ 404.2’s text—which was, at that point, the new text adopted through Item 547—the delegate moving the substituted language of Item 546 explained that he wanted to avoid “changing the intent of what the body just passed” and expressed “trust” that the Committee on Correlation and Editorial Revision would “make sure that [the General Assembly would not] negate the work of the Jurisdictional Study Committee” leading to the adoption of Item 547. (*Id.* at 32.) Discussion of Item 546 reflected concern that the Jurisdictional Study Committee’s legislation would “not [be] effective until the next quadrennium.” (*Id.* at 30.) The General Conference voted to amend Item 546 by substitution and voted to adopt the substituted Item 546. (*Id.* at 33.)

Then, just before 6:30 p.m., the General Conference reopened consideration of Item 546 on a point of order and further amended it “to add ‘a minimum of five bishops for each jurisdiction.’” (Item 546, **Ex. E**; see Apr. 30 Proceedings at 37–38, **Ex. C**.) Item 547 already specified that “[e]ach jurisdiction shall be entitled to five bishops,” but the later-adopted language from Item 546 did not include a minimum before this final amendment. (Item 547, **Ex. D**; see Item 546, **Ex. E**.) Neither the movant nor the General Conference indicated where or how that minimum should be incorporated into ¶ 404.2 as altered first by Item 547 and then by Item 546. (Apr. 30 Proceedings at 37–38, **Ex. C**.) The General Conference adopted the amended version of Item 546. (*Id.* at 38.)

After the 2020/2024 General Conference, the Committee on Correlation and Editorial Revision reconciled the General Conference’s actions by incorporating the language passed through Item 547, Item 546, and the later amendment reinforcing or reintroducing a minimum of five bishops for each jurisdiction into a hybrid ¶ 404.2. The text adopted through Item 547 appears in subparagraphs 404.2.d–e. (*Compare* ¶ 404.2.d–e; *with* Item 547, **Ex. D**.) The text adopted through Item 546 appears in subparagraphs 404.2.a–c. (*Compare* ¶ 404.2.a–c; *with* Item 546, **Ex. E**.) And the amendment regarding the “minimum of five bishops” for each jurisdiction appears in an unnumbered paragraph before subparagraph 404.2.d.<sup>4</sup> Responding to an earlier petition, the Judicial Council held that the amended form of ¶ 404.2 took “full effect immediately upon adjournment of the postponed 2020 General Conference.” ¶ 404.2.c n.1; see JCD 1502.

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<sup>4</sup> For ease of citation only, and intending no argument as to the relationship of this provision to others, GCFA cites this provision as part of subparagraph 404.2.c.

Following the General Conference's amendments and edits by the Committee on Correlation and Editorial Revision, ¶ 404.2 now directs GCFA to:

- a) Provide input to the IJCOE to "analyze the capacity of the episcopal fund to determine the number of bishops that can be funded." ¶ 404.2.c.
- b) Include the costs of certain bishops when recommending a quadrennial budget. ¶ 404.2.c ("The General Council on Finance and Administration shall include the costs of such bishops when recommending a quadrennial budget as provided by and required in ¶ 819.").
- c) Calculate and apportion "the salary and other expenses" of "additional bishops that a jurisdiction may request." ¶ 404.2.d ("A jurisdiction . . . may request additional bishops . . . ; provided, however, that the salary and other expenses of such bishops, as calculated by the General Council on Finance and Administration, shall be apportioned to the annual conferences of such jurisdiction.").
- d) Receive a surety from any jurisdiction that seeks additional bishops. ¶ 404.2.d ("Any jurisdiction seeking any bishop(s) over the base number provided in subparagraph 2.a-c) shall be able to demonstrate their ability to fund any additional bishops by providing a surety to the General Council on Finance and Administration that they are sufficiently capable to meet the full funding of additional bishop(s) for the coming quadrennium.")
- e) Establish a base cost for the funding of an office of episcopal leader. ¶ 404.2.d ("The General Council on Finance and Administration will establish the base cost for the funding of an office of episcopal leader which shall be used by any jurisdiction seeking to fund a number of bishops over the base number of five.")

GCFA is committed to neutrally and faithfully implementing the directives of ¶ 404.2 and respectfully seeks a declaratory decision from the Judicial Council to “resolve doubts” about the scope and nature of those directives so GCFA can “proceed in keeping with church law.” R. Prac. & Proc., App’x B.

### **Questions Presented**

GCFA presents the following questions to the Judicial Council and requests a declaratory decision clarifying and harmonizing the meaning, application, and effect of the various provisions of ¶ 404.2 so GCFA and the other authorized bodies responsible for implementing ¶ 404.2 can accomplish the tasks set forth in ¶ 404.2 well before General Conference 2028. Specifically, GCFA respectfully requests a declaratory decision resolving the following questions:

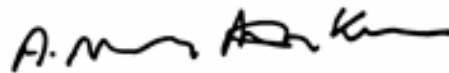
1. Does the sentence in subparagraph 404.2.c which provides that GCFA “shall include the costs of **such bishops** when recommending a quadrennial budget” mean that GCFA shall (1) include the costs associated with all of the episcopal areas ultimately recommended to the General Conference by the IJCOE after completing the entire process required by subparagraphs 404.2.a–c, regardless of how many episcopal areas are recommended for each jurisdiction, or (2) only include the costs associated with the “minimum of five bishops per jurisdiction” referenced in the sentence immediately preceding that sentence? ¶ 404.2.c (emphasis added).
2. Are any annual-conference-specific or jurisdiction-specific apportionments mandated by subparagraph 404.2.d if IJCOE recommends to the General Conference more than five bishops for each jurisdiction after completing the process required by subparagraphs 404.2.a–c?

3. What definition shall be given to the word “surety” as used in subparagraph 404.2.d? If a jurisdiction is not able to provide surety would that responsibility fall to the annual conferences within the jurisdiction? At what point must a surety be provided?
4. If the General Conference determines in its discretion to reject the recommendation of the IJCOE made in accordance with the provisions of ¶ 404.2, and any petition of a jurisdictional committee on episcopacy as to the number of episcopal areas to be approved for the next quadrennium and instead determines a different number of bishops for a given jurisdiction, are any annual-conference-specific apportionments as described in subparagraph 404.2.d required for the annual conferences within that jurisdiction?
5. Under subparagraph 404.2.e if a jurisdictional committee on episcopacy requests a change in the number of bishops for the jurisdiction, must the IJCOE recommend a timeline and a change in the number to satisfy that request from the jurisdictional committee to General Conference? If so, are additional apportionments required from that jurisdiction to cover the costs of the additional bishops?

### **Conclusion**

GCFA petitions the Judicial Council for a declaratory decision resolving the questions presented here and respectfully requests that the Judicial Council issue its declaratory decision at its next session to give GCFA and other interested parties time to implement ¶ 404.2 faithfully as they take essential steps in the summer of 2026 to prepare for General Conference 2028.

Respectfully submitted,



Appadurai Moses Rathan Kumar  
General Secretary and Treasurer

### EXHIBITS

- Exhibit A: *The Book of Discipline, 2020/2024, ¶ 404.2.*
- Exhibit B: Excerpts from November 2025 GCFA Board Meeting Minutes.
- Exhibit C: Afternoon Proceedings for April 30, 2024, DCA (2024).
- Exhibit D: Legislative History of Calendar Item 547, DCA (2024).
- Exhibit E: Legislative History of Calendar Item 546, DCA (2024).
- Exhibit F: *The Book of Discipline, 2016, ¶ 404.2.*
- Exhibit G: Jurisdictional Study Committee's Report to the Postponed General Conference 2020, DCA, Vol. 3, (Sept. 6, 2023), p. 1268.

## CERTIFICATE OF SERVICE

I certify that this Petition has been served upon the following interested parties by electronic mail on this 22nd day of December, 2025:

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A handwritten signature in black ink, appearing to read 'A. M. R. K.', is positioned above a horizontal line.

Appadurai Moses Rathan Kumar  
General Secretary and Treasurer



