

QUESTION OF LAW RAISED BY REV. DR. JAY WILLIAMS

NEW ENGLAND ANNUAL CONFERENCE

JUNE 11, 2021

#1 – Is it permissible for a clergy member of the Annual Conference to move the Motion for Disaffiliation of a local congregation?

#2 – Is it permissible for speeches to be made (via video) by persons who are not members of the Conference, where the body has not voted to admit them with voice to the meeting?

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

REPORT BY BISHOP
SUDARSHANA DEVADHAR
OF DECISION OF LAW

DIGEST

Resolutions RS-21-213, RS-21-214 and RS-21-215 (“RS-213, RS-214, and RS-215”) were passed by New England Annual Conference on Friday, June 11, 2021, for the Ratification of Disaffiliation Agreements with Chebeague Island United Methodist Church, Hope.Gate.Way United Methodist Church, and Tuttle Road United Methodist Church. See copies of RS-213, RS-214, and RS-215, enclosed as Exhibits A, B and C, respectively. The Motion to pass these Resolutions was made by three clergy members of the New England Annual Conference with right of voice and vote and was therefore a valid motion. Further, the ability to make comments via video by non-members should have been approved by the Annual Conference before the video was permitted. This is a procedural issue and not reviewable by the Judicial Council.

STATEMENT OF FACTS

On Friday, June 11, 2021, around 11:00 AM, Bishop Devadhar introduced the next agenda item - three resolutions, RS-213, RS-214 and RS-215. Pastor Linda Brewster, Rev. Sarah Ewing-Merrill, and Pastor Melissa Yosua-Davis jointly moved the adoption of the three

resolutions which sought to ratify the Disaffiliation Agreements with Chebeague Island United Methodist Church, Hope.Gate.Way United Methodist Church, and Tuttle Road United Methodist Church.

The Motion was seconded, and a video was played of the clergy who made the motion and church members from the three congregations, stating their reasons for voting to disaffiliate. The video included speakers who were non-members of the Annual Conference. Following the video, as there was an objection by some to take all three resolutions as one, Bishop Devadhar ruled that the resolutions would be divided, and we began debate on RS – 21 – 213, Chebeague Island.

At 11:12 AM, shortly after discussion on the motion had begun, Rev. Dr. Jay Williams asked two questions of law:

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Bishop Devadhar indicated that he had 30 days to respond to the questions and that they would automatically be referred to the Judicial Council.

ANALYSIS AND RATIONALE

Question #1 – The persons jointly making the Motion to approve the Disaffiliation Agreement of Chebeague Island United Methodist Church were Pastor Melissa Yosua-Davis, who was the appointed pastor to this church, Pastor Linda Brewster, and Rev. Sara Ewing-

Merrill. At the time they made the motion, they were clergy members in good standing of the Annual Conference with voice and vote as provided by the Constitution, Section VI para. 32, Article I; 2016 BoD para. 369.1 and 602.1; and the New England Annual Conference Rules Article IV, sec. A. 1, see. Exhibit D. Therefore, the motion was lawful and valid.

Question #2 – The New England Annual Conference Rules provide that visitors may address the Conference during decision-making at the invitation of the Bishop, Conference Rules, Article VII, sec B, Exhibit E. Alternatively, visitors presenting non-denomination interests at a business session of the Conference shall be limited to three minutes and shall be heard only upon consent of the Conference as per New England Annual Conference Policies and Procedures, Art. IV. sec. A. 2., Exhibit F. For purposes of this Decision, it is not necessary to determine whether a disaffiliation presentation is “denominational” or “non-denominational” because the video in question¹ was presented without prior compliance with either of these two Conference procedural requirements. The Book of Discipline empowers Annual Conferences to adopt their own rules and regulations not inconsistent with the Book of Discipline as per 2016 BoD, para. 604.1. The question of law was raised following the video presentation. The Bishop elected to proceed with the business session following the question of law. Alternatively, the Bishop could have received a Motion to Suspend the Rules under Conference Rules Art. XII sec. A., Exhibit G. Either way, the Bishop’s decision was a purely procedural one falling squarely within the Conference Rules and Policies, and not a question arising out of any provision of the Book of Discipline. The Judicial Council’s longstanding jurisprudence has been not to review decisions of parliamentary procedure made by an episcopal leader. J.C Decision 1295 (2015), citing J.C. Decisions 1131, 1130 and 98. The scope of this longstanding jurisprudence

¹ The video aspect of the presentation is of no moment because the Annual Conference was conducted by Zoom, pursuant to a Conference Rule adopted in 2020, and many of the presentations were pre-recorded.

encompasses questions from the Annual Conference floor that raise “parliamentary issues”. J.C. Decision 1252 (2013). The question from the floor asked the Bishop to make a ruling based upon an interpretation of Conference Rule Article VII sec. B, or Conference Policy Art. IV sec. A.2. No interpretation of any provision of the Book of Discipline, or of church law was requested or required by the question. The question was inherently and solely procedural and parliamentary. The Bishop’s procedural decisions in this case therefore fall outside of the council’s powers of judicial review.

DECISION

The Motion for Disaffiliation of a local church was made by clergy members of the New England Annual Conference and was valid because the members were in good standing with both voice and vote. The non-members, who spoke without Annual Conference approval, did so as a result of procedural decisions made by the presiding Bishop and are not reviewable.

Respectfully

Submitted,  _____

Sudarshana Devadhar

Resident Bishop

New England Annual Conference

The United Methodist Church

1021-12 Interested Parties/Persons to Whom Notice Should Be Provided

Person asking the Question

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