

FALL 2013 DOCKET FOR JUDICIAL COUNCIL MEETING  
OCTOBER 23-26, 2013  
BALTIMORE, MARYLAND

DOCKET 1013-1

*IN RE: Review of Revised Standing Rules of the North Texas Conference in Light of Judicial Council Decisions 1198 and 1225*

Digest of Decision 1225: The case is remanded to the North Texas Annual Conference for revision and completion of the plan and to fulfill disciplinary requirements of paragraph 604 and to comply with Decision 1198. This plan is to be returned to the Secretary of the Judicial Council 30 days after the close of the 2013 annual conference. (See Docket 1012-9)

DOCKET 1013-2

*IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding Report of the Transition Team in Light of Judicial Council Decision 1224*

Digest of Decision 1224: The Judicial Council remands this docket item back to the Secretary of the North Carolina Annual Conference with instructions to provide the Judicial Council with the following: minutes from the 2011 Annual Conference, 2011-2012 minutes from the district conferences and a document that locates all districts within the bounds of the annual conference. Furthermore, the North Carolina Annual Conference is instructed to also submit evidence that the roles of the District Superintendent and the role of the Assistant to the District Superintendents have been clearly defined. Submissions must reach the desk of the Secretary of the Judicial Council no later than 30 days after the close of the 2013 annual conference. (See Docket 1012-7)

DOCKET 1013-3

*IN RE: Review of the Conference Plan of Structure of the South Carolina Annual Conference in Light of Judicial Council Decisions 1204 and 1222*

Digest of Decision 1222: We find partial compliance with Decision 1204, but cannot waive full adherence to mandates of the *Discipline*. We remand anew to the South Carolina Annual Conference to follow fully ¶ 614.3 on line item budget of commission on archives and history for benevolences and ¶ 633.3 on membership of the secretary of global ministries in the Annual Conference Board of Global Ministries and to report to us within 30 days from the last day of the 2013 Annual Session. Our continuing jurisdiction is maintained. (See Docket 1012-9)

DOCKET 1013-4

*IN RE: Review of a Bishop's Decision of Law in the Congo Central Conference Regarding Mandatory Retirement Age for Bishops in Light of ¶¶ 50, 408, and 543.3 and Judicial Council Decision 1240*

Decision 1240: A decision is deferred until the Secretary of the Congo Central Conference provides minutes of the relevant session. The Judicial Council retains jurisdiction. (See Docket 0413-4)

DOCKET 1013-5

*IN RE: Review of a Bishop's Decision of Law in the Philippines Central Conference Regarding the Legality of Proposed Rules for the Election of Bishops*

Motion: I move that the presiding Bishop make a ruling on Page 9, Line 229 the whole section on Committee on Elections.

Specifically, the request was whether Article 2, Part E, Sections 18-20 and Article 5, Part A, Section 1-9 of the Committee on Plan of Organization and Rules of Order (CPBRO) Proposal "are in conflict with Par. 405 of the 2008 Book of Discipline of the United Methodist Church and with Sec. III, Part A.3 of the Philippines Central Conference Plan of Organization and Rules of Order as printed in the 2012 Handbook for Delegates, page 85."

DOCKET 1013-6

*IN RE: Review of a Bishop's Decision of Law at the Western Jurisdictional Conference Regarding the Relationship Between ¶ 2711.2 and the Resolution "The Sense of the 2012 Western Jurisdictional Conference in Light of Judicial Council Decision 1237*

The Bishop's decision that the question is moot is not affirmed. The matter is remanded to the Bishop for a substantive ruling on the question of law within thirty days, and the Judicial Council retains jurisdiction. (See Docket 0413-2)

DOCKET 1013-7

*IN RE: Review of a Bishop's Decision of Law in the Texas Annual Conference Regarding the Appointment of a Pastor in Light of ¶¶ 420, 421, 430, 431, 432, 433, 362, and 2703*

Was the appointment process used in moving Rev. Michael Caldwell from Rusk to Lissie (December 2009-June 2010) in keeping with p. 363, par. 420, par. 421.1-3, par 430.1, par 431, par. 432, par. 433.1-5a, and with the understanding of fairness in par. 2703.2, par. 362b-e within and of *The Discipline of the United Methodist Church*?

Question of Law asked by a clergy member of the Texas Conference during the Texas Conference's Annual Conference Meeting (May 2013).

DOCKET 1013-8

*IN RE: Review of a Bishop's Decision of Law in the Texas Annual Conference Regarding the "Clergy Triad Process" in Light of ¶¶ 361, 363, and 604*

"Is our triad process in keeping with paragraph 361.1(b), par. 604 and par. 363 of The Discipline?"

This question of law is asked by a clergy member of the Texas Conference during its Annual Conference meeting (May 2013)

**DOCKET 1013-9**

*IN RE: Review of a Bishop's Decision of Law in the New England Annual Conference Regarding Setting the Agenda for an Annual Conference in Light of Judicial Council Decisions 367 and 876 and ¶ 605.2*

Bishop Devadhar, pursuant to paragraph 51 and 2609.6 in the Book of Discipline, I am requesting a ruling of law.

Judicial Council Decisions 367 and 876 state in part, "Any organizational structure in an Annual Conference dealing with legislative matters must protect: the rights of the Annual Conference to receive and act on all proposals brought to it...and the rights of individual members of the conference to be informed on and to participate fully in all legislative decisions.";

In addition, Paragraphs 605.4 and 605.5, direct that "the business of annual conference shall include receiving and acting upon reports..."that come from a variety of sources.

Before this body, we have 33 action items, including#101-120, 201-209, and 301-304.

Paragraph 605.2 authorizes the Annual Conference to adopt an agenda in order to expedite the transaction of its business.

My questions are this:

1) When setting the agenda pursuant to paragraph 605.2, and in light of the principles expressed in Judicial Council Decision 367 and 876, do action items, specifically including resolutions focused on social issues such as #207 and #208, have the same standing as business items as reports do under paragraphs 605.4 and 605.5?

2) As business/action items, must they thus be given precedence, along with other business items mandated in paragraph 605, over other agenda items during the Annual Conference session that are not covered under paragraph 605 and thus are not mandatory"

**DOCKET 1013-10**

*IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding the Application of ¶ 613.19 to the Conference Budget*

During the 2013 session of the North Carolina Annual Conference a clergy member asked the following question:

Under the Annual Conference Section:

1613.20. To ensure that no annual conference board, agency, committee, commission, or council shall give United Methodist funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of the UMC "not to reject or condemn lesbian and gay members and friends"(11161.F). The council shall have the right to stop such expenditures. This restriction shall not limit the Church's ministry in response to the HIV epidemic, nor shall it preclude funding for dialogs or educational events where the Church's official position is fairly and equally represented.

Line item 54 in our budget outlines an amount to be sent to the North Carolina Council of Churches. Does this line item violate ¶1613.20?

I have looked at the activities of the North Carolina Council of churches and have found that their treatment on this issue is decidedly one-sided and appears to "promote the acceptance of homosexuality by:

- 1) Electing a self avowed practicing homosexual as president-elect of its body in 2011.
- 2) Advocating for the legalization of homosexual marriage.
- 3) Admitting into its membership denominations that ordain self avowed homosexuals and conduct same sex marriages or unions.
- 4) Providing worship resources that encourage acceptance of homosexuality.

Upon extensive research into the North Carolina Council of Churches position, I could find nothing that provides the position that the practice of homosexuality is a sin or a call to repentance. Quite the opposite-all the literature, position papers, etc., sound the call that the practice of homosexuality is to be accepted as a normal lifestyle.

Regardless of one's position on the issue of homosexuality and how it relates to the church I am confident that any reasonable person would admit that the practices outlined above to "promote the acceptance of homosexuality" the only issue is whether one is supportive of advancing the acceptance of homosexuality or not.

#### **Docket 1013-11**

##### ***IN RE: Review of a Bishop's Decision of Law in the Southwest Texas Annual Conference Regarding the Meaning, Effect, and Application of ¶¶ 313 and 635.2 in Regards to the Discontinuance of a Certified Candidate***

A clergy member of the Southwest Texas Annual Conference made the following request "I request a ruling of law as to whether a Board of Ordained Ministry can discontinue the candidacy of a certified candidate for ordained ministry who has been appropriately recommended by district committee on ordained ministry without an interview and examination by that Board of Ordained Ministry?"

#### **Docket 1013-12**

##### ***IN RE: Review of a Bishop's Decision of Law in the New York Annual Conference Regarding the Application of ¶¶ 304.3, 341.6, and 2702 and Judicial Council Decisions 886, 1111, and 1115 to Petition Entitled "Commendation of Those Who***

## *Have Taken a Stand for Justice”*

I request A Ruling Of Law by the Bishop on whether Item 3015, Petition #2013-310, "Commendation Of Those Who Have Taken A Stand For Justice," adopted by the New York Annual Conference on June 7, 2013 violates *The Book Of Discipline* Paragraphs 304.3, 341.6 and 2702 and Judicial Council Decisions 886, 1111, and 1115 and is therefore void.

### **Petition #2013-310 — Commendation of Those Who Have Taken a Stand for Justice**

WHEREAS the New York Annual Conference has taken a consistent stand for more than thirty years calling for the inclusion of God's gay, lesbian, bisexual, and transgender children in the full life of The United Methodist Church. It has affirmed that "sexuality is God's good gift to all persons" and that the diversity of that gift should bar no one from answering the call to ministry, from recognition of her or his covenantal relationships, or from membership in the church community<sup>39</sup>, and

WHEREAS the New York Annual Conference has supported same-sex couples' right to full equality in civil society (2003 and 2007), has opposed The United Methodist Church's prohibition against same-sex marriages (1999 and 2010), and has supported the recognition that the "sanctity of marriage" applies equally to same-sex couples (2007), and

WHEREAS the jurisdiction of the New York Annual Conference includes parts of both the state of New York and the state of Connecticut, states where civil marriage is legal for same-sex couples, presenting a crisis for our churches and clergy who need to provide pastoral care for members and families who are part of our congregations, and

WHEREAS the New York Annual Conference declared in 2012 that "clergy, lay persons and congregations encountering institutional discrimination that inhibits equal access to the means of grace for all persons may feel bound by conscience to offer the ministries and sacraments of the church to all persons on an equal basis" and that "Those who so act according to conscience do so in a way that is consistent with the long-standing principled declarations of this annual conference," and

WHEREAS there have been many prophetic and pastoral individuals and congregations within The United Methodist Church who have taken actions that are aligned with the New York Annual Conference and our longstanding efforts towards the inclusion of lesbian, gay, bisexual, and transgender persons in the life and ministry in the church.

THEREFORE BE IT RESOLVED that the New York Annual Conference commend the Rev. Jimmy Creech for officiating at the covenant services of same-sex couples in 1997 and in 1999, subsequently enduring two church trials in the Nebraska Annual Conference and losing his ministerial credentials, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the Rev. Gregory Dell for providing pastoral care to same-sex couples in his congregation, Broadway United Methodist Church, in Chicago, Illinois, who endured a church trial in 2000 and was suspended from ministry for a year, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the Rev. Donald Fado and the 67 additional clergy members of the Cal-Nevada Annual Conference who co-officiated at the

blessing of a Holy Union in Sacramento in 2000, and the Committee on Investigation of that annual conference, who refused to bring charges against those clergy, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the Rev. Dr. Karen Oliveto for her pastoral care to eight couples who were seeking to be married during a one-month period in 2004 when same-sex marriages were briefly legal in San Francisco, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the Rev. Amy DeLong for her pastoral ministry to a same-sex couple in the Wisconsin Annual Conference in 2009 and enduring a church trial for this pastoral act of ministry in 2011, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the 208 clergy, 869 laity, and 6 congregations within our own annual conference who have pledged to offer pastoral ministry to same-sex couples seeking services of marriage, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend the more than 1,100 clergy across the connection who have pledged that they will also officiate at services for same-sex couples, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend Bishop Melvin Talbert and his call for United Methodists to ignore the prohibitions against GLBT people that are found in *The Book of Discipline* and saying "I declare to you that the derogatory language and restrictive laws in *The Book of Discipline* are immoral, and unjust and no longer deserve our loyalty and obedience," a call which has made him the target of opponents of the LGBT people in The UMC, who have called for his censure, and

BE IT FURTHER RESOLVED that the New York Annual Conference commend all of those unnamed clergy, laity, and congregations whose bold actions and courageous statements help to provide for the pastoral needs of same-sex couples within The United Methodist Church.

### Docket 1013-13

*IN RE: Review of a Bishop's Decision of Law in the California-Pacific Annual Conference Regarding the Legality of a Resolution Urging Bishops, Clergy, Local Churches, and Ministry Settings "to Operate as if the Statement in ¶ 161f Does Not Exist."*

On June 15, 2013, those present and voting in the official session of the California-Pacific Annual Conference of The United Methodist Church adopted Resolution 13-16, Biblical Obedience, which states as follows:

"WHEREAS, the Western Jurisdiction of the United Methodist Church at it July 2012 meeting overwhelmingly passed a resolution entitled, "A Statement of Biblical Obedience,"

WHEREAS the Christian Church, throughout its history, has changed practice and opinion based on a fuller understanding of how God is at work and through the influence of the Holy Spirit,

WHEREAS the California Pacific Annual Conference of the United Methodist Church continues to work toward inclusion and justice for all God's people,

LET IT BE RESOLVED that the California Pacific Annual Conference supports the action taken by the Western Jurisdiction as outlined in the following statement adopted by the Jurisdictional Conference

### **A Statement of Biblical Obedience**

In response to our common belief that God's grace and love is available to all persons, the Western Jurisdiction of the United Methodist Church states our belief that the United Methodist Church is in error on the subject of "homosexuality's incompatibility with Christian teaching."

We commend to our bishops, clergy, local churches and ministry settings, the challenge to operate as if the statement in Para. 161F does not exist, creating a church where all people are truly welcome.

The secretary of the Western Jurisdictional Conference will submit this statement of Gospel Obedience to the Jurisdictional College of Bishops, each Annual Conference, and chairpersons of Boards of Ordained Ministry for discussion and implementation.

LET IT BE FURTHER RESOLVED that the California Pacific Annual Conference will encourage Conference Leadership, The Cabinet, and the Board of Ordained Ministry to consider this resolution as a guideline should any disciplinary actions result in living out this call to be an inclusive church."

### **Appeal**

After the adoption of Resolution 13-16, Biblical Obedience, a clergy member requested "for an appeal for a ruling of law under ¶2609.6 on the following question: Is it legal for an annual conference to take an action urging the church 'to act as if ¶161F of *The Book of Discipline* does not exist' as in Resolution 13-16?" (taken from the Annual Conference's official Motion From the Floor.)

DOCKET 1013-14

*IN RE: Review of a Bishop's Decision of Law in the Greater New Jersey Annual Conference Regarding a Resolution That Authorizes the Council on Finance and Administration, the Primary Task Team and Its Executive Committee, the Personnel Committee, and the Bishop to Take Certain Actions Between Sessions of Annual Conference.*

May the Annual Conference as the Basic Body in the Church

1. Approve a resolution to adopt the Strategic Ministry Plan, Greater New Jersey Annual Conference, Pre-Conference Journal, p. 29, lines 5-7, and authorize the Conference Council on Finance and Administration and Primary Task Team between sessions of the Annual Conference to “review and organize the conference budget in alignment with the plan and allocate/negotiate any necessary shifts within the budget to carry out the plan?” (Pre-Conference Journal, p. 45, lines 10-12);
2. May it authorize the Personnel Committee, the Council on Finance and Administration, and the Primary Task Team, between sessions of the Annual Conference, to “review present staffing and organization and change as necessary...to implement the plan? (Pre-Conference Journal, p. 45, lines 10-12);
3. May it authorize the Primary Task Team Executive Committee and Bishop, between sessions of the Annual Conference to “assign staff to the plan so that each goal and strategy has a staff person assigned?” (Pre-Conference Journal, p. 45, lines 13-14)

#### DOCKET 1013-15

*IN RE: Review of a Bishop’s Decision of Law in the Greater New Jersey Annual Conference Regarding the Authority of the Primary Task Team Between Sessions of the Annual Conference to Approve and Implement a Disaster Response Plan and Budget, to Approve and Implement “A Future with Hope” Corporation, and to Elect a Board of Directors for “A Future with Hope”*

A clergy member of the Greater New Jersey Conference submitted the following questions in writing during the 2013 Annual Conference Session:

Does the Primary Task Team have authority between sessions of the Annual Conference to

1. Approve and implement a disaster-response plan and budget to respond to the devastation from Superstorm Sandy,
2. Approve and implement the establishment of “A Future with Hope” corporation, and
3. Elect a Board of Directors for “A Future with Hope”?

(Greater New Jersey Annual Conference, Pre-conference Journal, pp. 133 line 33 – 134, line 19)

#### DOCKET 1013-16

*IN RE: Review of a Bishop’s Decision of Law in the Greater New Jersey Annual Conference Regarding the Relationship Between the Annual Conference and “A Future with Hope”*

Is the proposal on page 98, lines 28-30 of the Greater New Jersey Annual Conference Pre-Conference Journal, that The Greater New Jersey Annual Conference of the United Methodist Church, the 580 United Methodist Congregations will serve as the organization the (sic) underwrites the administrative overhead for A Future with Hope and provides volunteers and loans administrative staff to a Future of Hope a form of category budgeting that prevents the Annual Conference from its duty as the basic body in the church to present and approve specific line item allocations for its proposed annual budget?



Does this provision in the Future with Hope legislation not establish a formal link between the Annual Conference and the Future with Hope non-profit corporation that makes the Annual Conference a guarantor of any failed obligations that may accrue from its (the Future with Hope's) administrative and program activities?

DOCKET 1013-17

*IN RE: Review of a Bishop's Decision of Law in the Greater New Jersey Annual Conference Regarding the Relationship of the President of the Council on Finance and Administration with the Future with Hope Corporation, in light of ¶ 612.2b*

Does the service performed simultaneously by Mr. John Bishop as President of the Board of Directors of the Future with Hope Corporation, an entity requesting permission to conduct a mission fund campaign to raise 12 million dollars from the churches in the annual conference, and as President of the Conference Council on Finance and Administration, the entity responsible for reviewing and recommending the request to the Annual Conference, conflict with ¶612.2.b), the 2012 Book of Discipline, which reads in part: "No...director of any agency or institution participating in the funds of any conference budget shall be eligible for voting membership on the council."?