

1 SUBJECT TO FINAL EDITING

2 **JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

3 **DECISION NO. 1163**

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5 **IN RE: Review of a Request for a Bishop’s Decision of Law in the New York Annual**  
6 **Conference Regarding a Proposed Advertising Campaign in Light of ¶ 613.20**

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9 **DIGEST**

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There is no disciplinary authority for the Judicial Council to assume jurisdiction to consider a parliamentary ruling by a presiding bishop.

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15 **STATEMENT OF FACTS**

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On June 11, 2010, the New York Annual Conference considered a resolution entitled “Petition 2010-304: Ministry to the marginalized: welcoming LGBT people into NYAC.” When the presiding bishop ruled the original petition out of order, the annual conference approved amendments to versions of the resolution. After each amendment, the bishop continued to rule the petition out of order.

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The bishop ruled a final version out of order. A member of the annual conference asked for a bishop’s decision of law as to why the petition as amended in its final form was ruled out of order. The bishop suggested tabling the resolution until interested parties could “fine tune” the statement. The member of the annual conference again asked for a decision of law. The bishop asked the annual conference if it would adopt a motion to challenge his ruling that the resolution was out of order. The minutes of the session indicate that “the vote sustained the ruling of the bishop.”

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Then, the bishop asked the conference member who requested a decision of law to put the request in writing so he could respond within the thirty day limit.

That request states: “We request a ruling of law regarding in what way the petition 2010-304 is in violation of the *Discipline*, and in particular whether it violates ¶ 613.20, which vests the Conference Council on Finance and Administration with the responsibility ‘to ensure that no annual conference board, agency, committee, commission, or council shall give United Methodists (*sic*) funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality...’, none of which this petition involves doing.”

Within thirty days, the bishop issued his reasons for ruling the resolution out of order. Subsequently, an interested party filed a brief that argues that the bishop has not addressed any particular disciplinary paragraph that the petition violates. Further, the brief asserts that the Judicial Council (in Decisions 913, 1044, and 1120) established that such a petition “was within the bounds of permissible expressions of an annual conference’s aspirations and beliefs.” Additionally, the brief says that “an annual conference has the right and responsibility to communicate its particular witness, both within and without the Church, including its dissent from positions the Church has taken.” The interested party further claims that the bishop erred in his action in two ways: (1) He “ruled the petition out of order prior to final action” and (2) He acted independently of the conference body in calling for a vote to appeal the ruling of the presiding officer.”

54 JURISDICTION

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56 The Judicial Council does not have jurisdiction.  
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60 ANALYSIS AND RATIONALE

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62 After the annual conference had supported the bishop’s ruling that the matter was out of  
63 order, the bishop received a request for a decision of law. Because the resolution was declared  
64 out of order, there was nothing properly before the annual conference at the time the request was  
65 made. A request for a decision of law needs to be rooted in business before the annual  
66 conference or on action taken by the annual conference. Because the resolution was out of order,  
67 it was not the proper subject for a decision of law.

68 DECISION

69 There is no disciplinary authority for the Judicial Council to assume jurisdiction to  
70 consider a parliamentary ruling by a presiding bishop.

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72 Beth Capen recused herself and did not participate in any of the proceedings related to this  
73 decision.

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75 October 30, 2010