

BRIEF OF BISHOP ALFRED WESLEY GWINN, JR., IN SUPPORT OF
HIS DECISION OF LAW IN THE NORTH CAROLINA ANNUAL CONFERENCE DATED JULY 10,
2012,
REGARDING THE REPORT OF THE TRANSITION TEAM

Docket 1012-7, October 2012
Judicial Council, The United Methodist Church

This brief is filed by Bishop Alfred Wesley Gwinn, Jr., on this the 21st day of August, 2012, in support of his decision of law in the North Carolina Annual Conference dated July 10, 2012, on questions posed by The Reverend Dr. William C. Simpson, Jr., regarding the report of the Transition Team to the annual Conference on June 14, 2012.

This brief will reply specifically to points raised in the brief filed with the Judicial Council by The Reverend William H. Pearsall, Sr., part-time local pastor at Devon Park UMC in Wilmington, N.C., in support of the brief of Rev. Dr. Simpson submitted by Bishop Gwinn with his decision of law in this matter. The Reverend Pearsall's brief contains numerous misunderstandings, inaccuracies and factual errors and should not be considered by the Judicial Council to be dispositive.

The Reverend Pearsall begins his brief by stating “[a]t 2011 annual conference a recommendation was made by the bishop and cabinet and approved by the conference to restructure districts in our annual conference.” Unfortunately, that statement is inaccurate. The recommendation to the annual conference came from a Task Force to Study the Superintendency which was formed in 2009 and reported to the 2011 annual conference. The bishop and cabinet made no such recommendation. Rev. Pearsall also states the “[r]easons given were to save money” This, too, is a complete misrepresentation. The Task Force's report expressly stated in part that

. . . the task force agreed that the guiding principle of its recommendations would be the missional needs of the local churches of the Annual Conference and *not financial implications* [emphasis added]. There will be cost savings to the Annual Conference of approximately \$380,000 annually in the recommendations; however the task force considers these to be a secondary, not a primary benefit.

This statement was made repeatedly by the Task Force and was later adopted by the Transition Team. Thus, the reorganization of the districts in the Annual Conference was never primarily about saving money, but was always about better serving the missional needs of our churches and communities within the annual conference. Attached hereto is the complete Report of the Task Force to Study the Superintendency approved by the 2011 Annual Conference, labeled as “Exhibit 1.”

In the second paragraph of his brief, the Reverend Pearsall states about the work of the Transition Team that “[s]ome of the details that [the transition team] have worked out have been in conflict with the task force recommendations, and had [sic] already been ‘approved’ and put into place as if no vote was needed from the conference for the changes.” By approving recommendations of the Task Force to Study the Superintendency, the 2011 Annual Conference authorized the reduction of the number of districts in the Annual Conference from twelve to eight and the bishop's naming of a Transition Team, among other actions. Contrary to Rev. Pearsall's statement, the Report of the Task Force approved by the 2011 Annual Conference specifically states that “[w]e acknowledge that there are significant details yet to be resolved should our recommendation be adopted. We believed our task to be the creation of a vision which others would implement.” Thus, the 2011 Annual Conference, by adopting the Task Force's Report, authorized the Transition Team to work out the “significant details” and to “implement” the Task Force's vision.

In the third paragraph of his brief, the Reverend Pearsall apparently argues that only lay delegates to the North Carolina Annual Conference should have voted on the Task Force Report by stating that “[a]s pastors are in fact employees of the conference, they should not have vote [sic] on these matters.” This argument represents yet another factual error and is contradicted by *The Book of Discipline*. Clergy are members of the annual conference entitled to vote on such matters. Moreover, under our United Methodist polity they are not considered employees of either the local church, the district, or the annual conference (*The Book of Discipline 2008*, ¶¶ 142, 602).

In the fourth paragraph of his brief, the Reverend Pearsall claims that “[t]he task force recommended that we go from 12 to 8 districts, and that each district have a full-time, trained layperson who will focus on non-appointive and non-judicial matters. Several of the appointed administrative assistants are in fact pastors, and not lay people.” In contrast, however, the Report from the Task Force recommended, and the 2011 Annual Conference approved, “[t]hat each district have a full-time administrative assistant.” There is no mention in the Report of whether such person should be clergy or laity, and clergy were not precluded from serving in this capacity. Moreover, it is important to note that these were *recommendations* of the Task Force, not requirements. The Transition Team, in its later work accepted by the 2012 Annual Conference, did indeed develop the vision for this function and recommend some significant changes to the Task Force’s earlier advice, which were entirely proper and within the authority of the Transition Team and the annual conference upon adoption.

In the fifth paragraph of his brief, the Reverend Pearsall again makes several factual errors and misstatements. He references the Transition Team’s “job description of Administrative Assistant to the District Superintendent.” That title is incorrect. Although the Task Force’s Report to the 2011 Annual Conference referenced that each district will have a “full-time administrative assistant to handle all non-appointive and nonjudicial administrative matters,” the Transition Team Report approved by the 2012 Annual Conference created the title “Assistant to the District Superintendent” (ADS) for this position and spelled out the position’s specific duties and responsibilities prior to the effective date of the new positions.

More importantly, the Reverend Pearsall clearly simply misunderstands the role of the ADS. He states in his fifth paragraph that “[t]he transition team in their job description . . . gives the administrative assistant [sic] authority over discipline [sic] matters in the district, albeit is [sic] supposed to be under the guidance of the Superintendent. According to the Discipline, these matters are to be handled only by the D.S.” Because he cites no references from *The Book of Discipline* or in the ADS’ job description, it is difficult to determine the exact nature of his objections. The Transition Team’s job description states that the ADS will “work under the direct supervision of the superintendent.” In no way does this job description conflict with the requirements *The Book of Discipline* prescribes for the District Superintendent in Paragraphs 419 through 425, entitled “Specific Responsibilities of the District Superintendent.”

In the sixth paragraph of his brief, the Reverend Pearsall states that “[n]o mention was made by the task force as to the elimination of district secretary for each district, but the transition team has seen this position as not needed.” This argument is specious. It is true that the former, part-time administrative assistant positions have been replaced by the new full-time Assistants to the District Superintendent, which was set forth in the Task Force’s report and adopted by the 2011 Annual Conference. The additional recommendation for centralized staff to handle certain, more administrative tasks from the United Methodist Building in Garner, N.C. was contained in the Transition Team’s report and adopted by the 2012 Annual Conference prior to those positions becoming effective, and was clearly within the annual conference’s authority.

In the seventh paragraph of his brief, the Reverend Pearsall makes a number of misstatements of fact. He states that “[t]he task force recommended that all districts have an office and D.S. parsonage to be simply a parsonage.” The task force did not recommend that “all districts have an office,” nor that the district “parsonage [should] to be simply a parsonage.” The task force’s specific recommendation was “[t]hat district offices be relocated out of the district parsonages where this is still the practice.” This was accomplished through the sale of (or plans to sell) all district parsonages and the movement to virtual offices. The Reverend Pearsall states in this same paragraph that “[t]he money from these sales would be used to pay housing allowances for the D.S., and presumably, the Adm. Asst [sic].” Presumably this is a reference to the Assistants to the District Superintendents. However, none of the Assistants to the District Superintendent receive housing allowances.

In the eighth paragraph of his brief concerning the sale of district parsonages, the Reverend Pearsall makes a number of assumptions which he states as facts. It is true that each of the twelve districts had a district conference in accordance with paragraph 2517 of *The Book of Discipline 2008*, and each has approved the sale of its parsonage. What the Reverend Pearsall repeats as “assumptions” from members of one district conference is not relevant to the bishop’s decision of law in this case. Moreover, each of the former districts has by resolution agreed, or will agree, for the proceeds from the sale of their respective parsonages to go to the common housing fund held by the Conference Treasurer’s Office to support a housing allowance for the district superintendents. Those districts have therefore waived any right to the return of such proceeds by virtue of paragraph 2517.3 of *The Book of Discipline 2008*.

In the tenth paragraph of his brief, the Reverend Pearsall asks a series of questions that have already been answered elsewhere or are a matter of record. He asks “[w]hy was not the transition team held to the 2011 task force recommendations that were voted on and passed?” The Task Force made *recommendations* and expressly acknowledged “that there are significant details yet to be resolved should our recommendations be adopted. We believed our task to be the creation of a vision which others would implement.” The Task Force further recommended that the bishop name a transition team. It is our belief that this team was the body envisioned by the Task Force Report approved by the 2011 Annual Conference which was to “implement” the transition to a new vision of Superintendency.

In the same paragraph, the Reverend Pearsall also asks, “What was the make up [sic] of the transition team as far as clergy and lay people?” This information is readily available on the N.C. Annual Conference webpage. The transition team included: Lay Persons -- Christine Dodson, Cashar Evans, Emily Innes, David Peele; Clergy -- Bishop Gwinn, Leonard Fairley, Milton Gilbert, Cleve May, Linda Taylor (Chairperson); and Ex-Officio Members -- Tim Russell, Becky Biegger. In response to his question as to whether the lay members of the Transition Team were “truly lay people,” we can only respond that they were in fact lay persons and violated no conflict of interest provision under *The Book of Discipline*.

In paragraph eleven, the Reverend Pearsall asks, “How is it that the transition team leader, who has never pastored a large membership congregation is made the only new District Superintendent in the conference?” There is no requirement that a District Superintendent must have experience in a large membership church. Paragraph 417 of *The Book of Discipline 2008* simply states that “[i]nasmuch as the district Superintendency is an extension of the general superintendency, the bishop shall appoint elders to serve as district superintendents.” The Reverend Linda Taylor, to whom he refers, is indeed an elder in the N.C. Annual Conference. Reverend Pearsall is in error when he states that Rev. Taylor was the “only new District Superintendent.” In fact, four of our superintendents continued in those roles while four new superintendents were appointed to serve in the 2012-13 conference year. Rev. Pearsall’s next question is incomplete. Similarly, any inference that a conflict of interest or collusion was present in the deliberations of the Transition Team is scurrilous and false. It is true that one of the new superintendents, the Reverend Randy Innes, is married to the former conference lay leader, Emily Innes who also served

on the Transition Team. However, this marital relationship has no relevance to the bishop's ruling. Like the Reverend Taylor, the Reverend Innes is an elder in full connection and thus eligible to serve in the role of district superintendent. He was appointed by the bishop without soliciting input from the Transition Team.

In paragraphs twelve through fourteen of his brief, the Reverend Pearsall expresses his opinion that the changes adopted by the annual conference will tend to "further remove the people in the pews from leadership," "create an unneeded bureaucracy," and prevent the superintendents from being in the charges more. These statements ignore the additional support that the superintendents will be receiving through the Assistants to the District Superintendents, the centralized support team, and the entire focus of the Transition Team Report, which is to enhance the role of the district superintendent consistent with the Call to Action issued by the Council of Bishops so that the superintendents will be among our pastors and charges much more than in the past.

The Reverend Pearsall's statements about resolutions and petitions are confusing and irrelevant. His statement that "[w]e have no place to have face to face contact with a district secretary or D.S." is simply incorrect. In fact, the Transition Team's recommendation is for each pastor have personal contact with his or her District Superintendent at least weekly. While we have encouraged superintendents to not feel that they have to personally oversee each charge conference, the stated goal has been to have them be among our churches and communities more and not less. The conclusions drawn in these statements are simply incorrect and without basis.

In the final paragraph of his brief, the Reverend Pearsall states that he is "deeply concerned for the direction our bishop has taken us." However, this represents yet another misstatement of fact. The recommendations adopted by the Annual Conference at its 2011 and 2012 sessions came not from the bishop but from the Task Force to Study the Superintendency and the subsequent Transition Team, made up of the Reverend Pearsall's brothers and sisters (clergy and laity) throughout the North Carolina Annual Conference. The recommendations were affirmed by the approval of the report of the Task Force in 2011 and by the approval of the report of the Transition Team in 2012.

I apologize for the length of this reply but it was made necessary by the numerous misstatements and factual errors made by the Reverend Pearsall in his brief supporting the Reverend Dr. Simpson. Thank you for your patience in reading this response.

By: _____
Alfred Wesley Gwinn, Jr.
Resident Bishop of the Raleigh Area
The United Methodist Church

Date mailed to the Secretary of the Judicial Council: August 21, 2012

Enclosed: 13 copies for distribution to the Judicial Council

Cc: The Reverend William H. Pearsall, Sr.
The Rev. Dr. James Bryan, Conference Secretary
Mr. Wilson Hayman, Conference Chancellor
The Rev. Dr. William C. Simpson, Jr.
The Reverend Francis Daniel
The Reverend Linda Taylor