

**DECISION 1214**  
**Judicial Council of The United Methodist Church**  
(Subject to Final Editing)

**IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual  
Conference Regarding the Meaning, Effect, and Application of ¶¶ 613.20 and 806.9**

**DIGEST**

The bishop's decision of law is modified in one minor respect. The clergy member's request was in fact raised at the time an action was taken by the annual conference. However, in its essence and substance, the bishop's decision of law is affirmed.

**STATEMENT OF FACTS**

During the 2012 session of the North Carolina Annual Conference, after the full report of the Conference Council on Finance and Administration was approved, a clergy member requested that the bishop offer "clarification" regarding two paragraphs in *The Book of Discipline* and a ruling on four questions that purported to seek "clarification" whether an action promotes "the acceptance of homosexuality" as provided in ¶¶ 613.20 and 806.9 of the *2008 Discipline*.

The bishop delivered a decision of law on the matter within the time limit that the *Discipline* (¶ 2609.6) requires. The decision is in two parts. First, the bishop declined to give any substantive response to the questions, finding their search for a "clarification" to be tantamount to a request for the bishop to make a declaratory decision. Second, the bishop found the request and the questions to be "moot and hypothetical...because they did not state their connection to a specific action taken by the Annual Conference and were not raised during the deliberation of a specific matter upon which the Annual Conference takes action."

**JURISDICTION**

The Judicial Council has jurisdiction under ¶ 2609 of the *2008 Discipline*.

**ANALYSIS AND RATIONALE**

Although the Minutes of the annual conference session clearly show when the clergy member requested a decision of law, thereby showing its relationship to an action taken by the annual conference, the full text of the request is absent from the Minutes. Only because the bishop provided the full text of the request does the record contain the entire query. The Minutes neglected to record the complete text of the questions that were raised when the clergy member of the conference requested a decision of law.

Nevertheless, the complete report submitted by the bishop supplied the full text of the clergy member's query.

In declining to give "any substantive response" to the questions raised by the member of the annual conference, the bishop identified several distinguishing features within the request for a decision of law. The bishop characterized the questions as the equivalent of a call for him to make a declaratory decision, and he noted that such acts belong to the Judicial Council not to a member of the episcopacy. Further, the bishop characterized the requests as moot and hypothetical. *See* Decision 1086. The bishop wrote in his decision of law that the questions "did not state their connection to a specific action taken by the Annual Conference and were not raised during the deliberation of a specific matter upon which the Annual Conference takes action."

Finally, the bishop stated in his decision of law that the request from the clergy member “did not involve any legal question, since no action was cited which allegedly violated the law.”

The Judicial Council has frequently and clearly included certain principles that relate to bishops’ decisions of law. The longstanding jurisprudence of the Judicial Council has been that requests for decisions of law shall be germane to the regular business, consideration, or discussions of the annual conference and shall state the connection to the specific action taken, or proposed to be taken, during the conference session.

Especially notable is the language in two decisions, namely 33 and 799. With regard to a request for a bishop’s decision of law, Decision 33 says that “...any such request should be based upon some action taken or proposed to be taken by such Conference, wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed.” Clearly, an action had been taken by the annual conference to adopt a budget, which included a line item about which a clergy member raised a question that could possibly involve a legal matter. Hence, the timing of the clergy member’s question was in accord with the requirements of Decision 33. However, that same Decision 33 also says,

It is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded, nor to answer requests for information which involve no legal matter.

In effect, the clergy member’s question sought information that would define, in the form of a bishop’s decision of law, the meaning of a legislative phrase, namely “promote the acceptance of homosexuality.” Clearly, that is moot. Indeed, it asks the bishop to make a legal ruling on a hypothetical understanding of the manner in which an action by the annual conference might fit a definition that is not legislatively established. While the request for a purported decision of law was “germane to the regular business, consideration, or discussion of the Annual Conference” as it is stipulated in Decision 799, it did not “state the connection to a specific action taken” in regard to matters specified in the annual conference budget.

Notwithstanding the nature of the request as a matter of “a hypothetical, moot or improper question,” Decision 799 clearly states that the bishop “must... rule and follow the procedure for review by the Judicial Council.” In this matter, the bishop has done so.

### **DECISION**

The bishop’s decision of law is modified in one minor respect. The clergy member’s request was in fact raised at the time an action was taken by the annual conference. However, in its essence and substance, the bishop’s decision of law is affirmed.

F. Belton Joyner, Jr., recused and took no part in this decision.

Beth Capen was absent. Sandra Lutz, first lay alternate, participated in this decision.  
October 27, 2012

Any request for reconsideration must be filed within the guidelines spelled out in “Rules of Practice and Procedure” on the Judicial Council web-site and must be filed within forty-five days of this notification.

Sincerely,  
F. Belton Joyner, Jr., Secretary

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