

# **BASIC ORGANIZATION OF THE UNITED METHODIST CHURCH**

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## Basic Organization of The United Methodist Church

Now you are the body of Christ and individually members of it. And God has appointed in the church first apostles, second prophets, third teachers; then deeds of power, then gifts of healing, forms of assistance, forms of leadership, various kinds of tongues. Are all apostles? Are all prophets? Are all teachers? Do all work miracles? Do all possess gifts of healing? Do all speak in tongues? Do all interpret? But strive for the greater gifts. And I will show you a still more excellent way.

1 Corinthians 12:27-31

The formal structure of the United Methodist religious denomination is embodied in its Constitution, which outlines a basic federal system of government. Following the Preamble, which defines the theological thrust of the Church, is the body of the Constitution, which embraces five separate divisions. “Division Two-Organization” is the primary concern of this chapter.

The organization of the denomination is patterned much in the manner of the United States government. It consists of an alliance of several sovereign entities in a union. The entities retain sovereignty with respect to the administration of purely local concerns and an overriding legislative body deals with affairs of more general concern to the entire denomination.

The organization outlined in the Constitution specifically details the “conference” system of government. The General Conference is given “full legislative power over all matters distinctively connectional” (§ 16). Specific powers are delineated for the General Conference but in addition, Section II, Article IV, § 16.16 gives the General Conference power “to enact such other legislation as may be necessary, subject to the limitations and restrictions of the Constitution of the Church.”

A unique system of checks and balances has been achieved via the establishment of executive and judicial organizations that relate to the General Conference. The General Conference acts as the legislature, the Council of Bishops and the general agencies act as the executive branch, and the Judicial Council as the judiciary for the denomination in this tripartite federal system.

The conference arrangement (*i.e.*, General Conference, jurisdictional conferences and central conferences, annual conferences, district conferences, charge conferences, and church conferences) has provided the denomination with a representative democratic framework within which the mandates contained in the *Discipline* and the Constitution are administered.

All references to “*the Discipline*” and “*the Book of Discipline*” are to *The 2004 Book of Discipline* unless otherwise noted.

# The General Conference

(¶¶ 501-510, Division Two, Section II of the Constitution ¶¶ 13-16). The General Conference is the central legislative body of The United Methodist Church. ¶ 13.1 of the Constitution states:

The General Conference shall be composed of not less than 600 nor more than 1,000 delegates, one half of whom shall be clergy and one half lay members, to be elected by the annual conferences. The missionary conferences shall be considered as annual conferences for the purpose of this article.

All members of the General Conference are elected by the annual conferences or the missionary conferences. The bishops **preside** over, but are **not members** of, the General Conference. Clergy and lay delegates to General Conference are elected by annual conferences. Each is entitled to at least one clergy and one lay delegate. The ratio of representation established by General Conference (¶ 15) is computed using two factors—the number of clergy members and the number of church members of the annual or missionary conference.

The General Conference has “full legislative power over all matters distinctively connectional” (¶ 16), including the power to revise the *Discipline*, perform in accordance with its Constitutional mandate contained in the Constitution, determine its membership, and determine the course of the Church over the succeeding quadrennium “subject to the limitations and restrictions of the Constitution of the Church.”

The General Conference may recommend amendments to the Constitution upon a two-thirds majority of the General Conference present and voting (¶ 59). Such a recommendation must then be enacted by a two-thirds affirmative vote of the aggregate number of members of annual conferences and missionary conferences present and voting, except that, in cases of the first and second Restrictive Rules, a three-fourths majority of all annual and missionary conferences present and voting is required (¶59). Amendments to the Constitution may originate in either the General Conference or the annual conferences (¶ 60). In addition, changes in the Constitution may be proposed by a majority vote of a jurisdictional conference, with such changes to be submitted to the next General Conference (¶ 61). At that time, if the General Conference adopts the measure by a two-thirds vote, it would then be submitted to the annual conferences according to the provision for amendments (¶ 61).

The most significant constitutional limitations placed on the General Conference are the Restrictive Rules (The Constitution, Division Two, Section III, Articles I-VI; ¶¶ 17-22). These Rules bar General Conference action to revoke, alter or change the Articles of Religion and Confession of Faith or to change or alter the governmental system embodied in the itinerant general superintendency (episcopacy). The Rules also guarantee clergy and lay members the right to trial and appeal, and limit

the use of the net income of the publishing houses, book concerns and the Chartered Fund to the funding of benefits for retired or disabled preachers, spouses, dependents, and other beneficiaries of the ministerial pension systems.

The legislative acts of the General Conference are subject to interpretation by the Judicial Council as to their constitutionality. The general agencies, the Council of Bishops, and other administrative units execute the General Conference legislation on a national level and international level.

Under the Constitution, the **exclusive** right to speak officially for the entire denomination has been reserved to the General Conference (§ 509 of the *Discipline*). Paragraph 509.2 states:

Any individual member called to testify before a legislative body to represent The United Methodist Church shall be allowed to do so only by reading, without elaboration, the resolutions and positions adopted by the General Conference of The United Methodist Church.

## **I**Instructions for Petitions to the General Conference, 2008 The United Methodist Church

"Any organization, clergy member, or lay member of The United Methodist Church may petition the General Conference .... " (1]507, *The Book of Discipline*)

### **Format for Petition Submissions**

1. All petitions must be submitted digitally: by e-mail.3.5-inchdiskette.CD. or through the General Conference website.
2. Petitions must be typed, double-spaced. Microsoft Word or any other software that allows files to be saved as rich-text format (RTF) may be used.
3. The top of each page of the petition should read as follows:

Page Number: (i.e. - "Page 1 of 4"); Suggested Title: (i.e. - "Establish Quorum"); *Discipline* Paragraph or Resolution Number: (i.e. "*Discipline* No. 506"); Financial Implications: (i.e. - "Financial Implications: 'None' or 'Yes'")

4. The bottom of the final page of the petition should include:

Date; Signature of the Petitioner; Identification of the Petitioner: (i.e. - "Member of Local Church"; "Secretary of Annual Conference"); Phone; Fax Number; E-mail Address

5. "Each petition must be signed by the person submitting it, accompanied by appropriate identification, such as address, local church, or United Methodist board or agency relationship." Telephone numbers must also be included. "Each petition submitted must identify the individual submitting it, accompanied by identification as above, and must contain a valid digital mail return address by which the submitter can be reached. Electronic signatures

will be accepted in accordance with common business practice. (1]507.3, *The Book o/Discipline*).

6. Content of Petition Text T a Amend or add to the *Book 0/ Discipline* or *Book o/Resolutions*:

"Each petition must address only one issue if the *Discipline* is not affected; if the *Discipline* is affected, each petition must address only one paragraph of the *Discipline*, except that, if two or more paragraphs in the *Discipline* are so closely related that a change in one affects the others, the petition may call for the amendment of those paragraphs also to make them consistent with one another:" (1]507.2, *The Book 0/ Discipline*)

7. State action desired, i.e., "Amend 1] No. \_"; "Add new sub-paragraph after 1]\_"; "Delete 1]\_ and substitute the following ... "; "Add new paragraph ... ; etc."

8. Use bold for proposed additions and strike through for proposed deletions. If more convenient,

9. double underlines may be used for proposed additions and single underlines for proposed deletions. Do not submit petitions that have been prepared by using the "track changes" feature.

10. "All petitions submitted to the General Conference, except those submitted by individual members of The United Methodist Church and local church groups, which call for the establishment of new programs or the expansion of existing programs will be invalid unless accompanied by supporting data that address the issue of anticipated financial requirements of the program." (1]507.4, *The Book o/Discipline*)

11. Rationale for the petition may be included and may not exceed fifty (50) words for each petition.

#### Sending Petitions to the Petitions Secretary

"Petitions must be postmarked by a national postal service no later than 180 days prior to the opening session of the General Conference." (1]507.5, *The Book o/Discipline*) This date is October 26, 2007. "If petitions are transmitted by a means other than a national postal service, they must be in the hands of the Petitions Secretary no later than 180 days prior to the opening session of the General Conference." (1]507.6, *The Book o/Discipline*) This date is October 26, 2007.

Petitions (3 hard copies required and 3.5-inch diskette or CD) submitted via **commercial overnight carriers** (Federal Express, UPS, DHL) should be sent to:

Gary W. Graves, Petitions Secretary United Methodist General Conference 302 N. Lafayette Street, Beaver Dam, KY 42320

E-mail petitions should be e-mailed to [petitions@lumpublishing.org](mailto:petitions@lumpublishing.org)

**Petitions may also be submitted within the General Conference website.**

Petitions (3.5 inch diskette or CD) mailed **via US. Postal Service** should be mailed to:

Gary W. Graves, Petitions Secretary United Methodist General Conference P. O. Box 187, Beaver Dam, KY 42320-0187

# The United Methodist Church

¶ 139 states the denominational polity that “The United Methodist Church” as a whole is not a jural entity with legal capacities and attributes. This concept can be misunderstood or misinterpreted in the secular legal world. ¶ 139 states:

Affirming the spiritual dimensions of the ministry of all Christians, as proclaimed in ¶¶ 120-141 of this *Book of Discipline*, it is recognized that this ministry exists in the secular world and that civil authorities may seek legal definition predicated on the nature of The United Methodist Church in seeking fulfillment of this ministry. Accordingly, it is appropriate that the meaning of “The United Methodist Church,” the “general Church,” the “entire Church,” and “the Church” as used in the *Book of Discipline* should now be stated consistently with the traditional self-understanding of United Methodists as to the meaning of these words.

These terms refer to the overall denomination and connectional relation and identity of its many local churches, the various conferences and their respective councils, boards, and agencies, and other Church units, which collectively constitute the religious system known as United Methodism. Under the Constitution and disciplinary procedures set forth in this *Book of Discipline*, “The United Methodist Church” as a denominational whole is not an entity, nor does it possess legal capacities and attributes. It does not and cannot hold title to property, nor does it have any officer, agent, employee, office, or location. Conferences, councils, boards, agencies, local churches, and other units bearing the name “United Methodist” are, for the most part, legal entities capable of suing and being sued and possessed of legal capacities.

In spite of the Restrictive Rules and the specific grants of authority to other church bodies in the Constitution, the General Conference is the singularly most powerful and representative body in United Methodism. Any organization, clergy, or lay person of the denomination has the right to petition the General Conference according to the manner outlined in ¶ 507 of the *Discipline*. This right is the most fundamental and basic of the democratic guarantees provided to members of the denomination and this process is one of the few direct processes by which the Church's constituency may propose specific legislation.

The procedure required for filing a petition found in ¶ 507 is as follows:

1. The petition must be sent to the secretary of the General Conference or a designated petitions secretary in a format determined by the secretary of the General Conference.
2. Each petition must address only one issue if the *Discipline* is not affected; if the *Discipline* is affected, each petition must address only one paragraph of the *Discipline*, except that, if two or more paragraphs in the *Discipline* are so closely related that a change in one affects the

others, the petition may call for the amendment of those paragraphs also to make them consistent with one another.

3. Each petition must be signed by the person submitting it, accompanied by appropriate identification, such as address, local church, or United Methodist board or agency relationship. Each petition submitted by fax or electronic mail must identify the individual submitting it, accompanied by identification as above, and must contain a valid electronic mail return address or return fax number by which the submitter can be reached. Electronic signatures will be accepted in accordance with common business practice.
4. All petitions submitted to the General Conference, except those submitted by individual members of The United Methodist Church and local church groups, which call for the establishment of new programs or the expansion of existing programs, will be invalid unless accompanied by supporting data that address the issue of anticipated financial requirements of the program.
5. Petitions must be postmarked by a national postal service no later than 180 days prior to the opening session of the General Conference.
6. If petitions are transmitted by a means other than a national postal service, they must be in the hands of the petitions secretary no later than 180 days prior to the opening session of the General Conference. Exceptions to the time limitations shall be granted for petitions originating from an annual conference session held between 180 and 45 days prior to the opening session of the General Conference, and for other petitions at the discretion of the Committee on Reference.
7. Petitions adopted and properly submitted by annual conferences, jurisdictional and central conferences, the Division on Ministries With Young People, or general agencies or councils of the Church, and petitions properly submitted by individual members (either clergy or lay) of The United Methodist Church and local church groups, provided that they have been received by the petitions secretary of the General Conference no later than 180 days before the opening of General Conference, shall be printed in the Advance Edition of the Daily Christian Advocate.
8. Petitions and/or resolutions not printed in the Advance Edition of the Daily Christian Advocate shall be printed or copies and provided to all delegates. Where the content of petitions is essentially the same, the petition will be printed once, with the first author named and the number of additional copies received printed.
9. The secretary of the General Conference shall arrange for electronic access to all petitions, including General Conference action and the resulting impact on The Book of Discipline of The United Methodist Church, throughout the General Conference session. This access shall be available until the publication of the new edition of The Book of Discipline of The United Methodist Church. Implementation shall be

according to guidelines established by the Committee on Plan of Organization and Rules of Order.

## **J**urisdictional Conferences

Primary functions of the 5 jurisdictional conferences in the United States include the election of bishops and members of general agencies in the United States. The Constitution, Division Two, Section IV, Articles I-V (*Discipline*, ¶ 23-27) provides for the establishment of these conferences. ¶¶ 511-535 in the *Discipline* enumerate specific organizational and administrative details concerning jurisdictional conferences and jurisdictional agencies. Jurisdictional conferences elect bishops, members of general agencies, and members of jurisdictional committees and agencies that the jurisdiction has established as auxiliary to the general agencies of the denomination. Jurisdictional conferences determine the boundaries of their annual conferences subject to certain requirements of the *Book of Discipline*. Jurisdictional Conferences also may make rules and regulations for the work of the Church within the jurisdiction subject to such powers as have been or shall be vested in the General Conference. Jurisdictional conferences are empowered to appoint a committee on appeals to hear and determine the appeal of a traveling preacher of that jurisdiction from the decision of a trial committee.

Jurisdictional conferences were created in 1939 when The Methodist Church was formed by the unification of three branches of Methodism: The Methodist Episcopal Church, The Methodist Episcopal Church, South, and The Methodist Protestant Church. The five jurisdictional conferences (North Central, Northeastern, South Central, Southeastern, and Western) are structured geographically.

The Discipline provides very little guidance on the funding and organization of jurisdictions.

## **C**entral Conferences

Central conferences are located outside of the United States and are analogous to jurisdictional conferences. ¶¶ 540-548 of the *Discipline* enumerate the authorization process for, and the organization and powers of the central conferences. Central conferences are organized by a two-thirds vote of the General Conference and consist of annual conferences, provisional annual conferences, missionary conferences, mission conferences, and missions in territory outside of the United States. ¶ 543.3 of the *Discipline* indicates that central conferences may be authorized to elect bishops by an enabling act of the General Conference. All existing central conferences have been authorized to elect bishops. Central conferences operate in a less structured environment than

jurisdictional conferences owing to the special needs of the Church in countries and cultures outside the United States. ¶ 543.7 of the *Discipline* states:

A central conference shall have power to make such changes and adaptations of the *Book of Discipline* as the special conditions and the mission of the church in the area require, especially concerning the organization and administration of the work on local church, district, and annual conference levels; *provided* that no action shall be taken that is contrary to the Constitution and the General Rules of The United Methodist Church; provided that the spirit of connectional relationship is kept between the local church and the general church. Subject to this restriction, a central conference may delegate to an annual conference within its boundaries the power to make one or the other of the changes and adaptations referred to in this paragraph, upon the request of such annual conference.

## **Annual Conferences**

¶ 33 of the Constitution begins: “The annual conference is the basic body in the Church . . . .” The annual conference is central to the connectional organization of The United Methodist Church. An annual conference bears administrative responsibilities for the work of the denomination in a specific geographic area as established by the jurisdictional or central conference. The relationship of the annual conferences to the General Conference is roughly analogous to the relationship of individual states to the United States, each state being a sovereign entity within a larger confederation. The key powers which an annual conference possesses include the following:

1. The right to vote on all Constitutional amendments.
2. The right to elect clergy and lay delegates to the General and jurisdictional or central conferences.
3. The right (reserved to certain clergy members of the annual conference and lay members of the conference board of ordained ministry) to vote on all matters relating to character and conference relations of clergy, as well as on ordination matters.
4. The power to exercise all of the rights that have not been delegated to the General Conference under the Constitution.

Annual conference membership is defined in ¶ 32, as amended in 2004. It states:

“The annual conference shall be composed of clergy and lay members. The clergy membership shall consist of deacons and elders in full connection, probationary members, associate members, and local pastors under appointment. The lay membership shall consist of professing members elected by each charge, the diaconal ministers, the active deaconesses and home missionaries under episcopal appointment within

the bounds of the annual conference, the conference president of United Methodist Women, the conference president of United Methodist Men, the conference lay leader, district lay leaders, the conference director of Lay Speaking Ministries, Conference Secretary of Global Ministries (if lay), the president or equivalent officer of the conference young adult organization, the president of the conference youth organization, the chair of the annual conference college student organization, and one young person between the ages of twelve (12) and seventeen (17) and one young person between the ages of eighteen (18) and thirty (30) from each district to be selected in such a manner as may be determined by the annual conference. In the annual conferences of the central conferences, the four-year participation and the two-year membership requirements may be waived by the annual conference for young persons under thirty (30) years of age. Such persons must be professing members of The United Methodist Church and active participants at the time of election. Each charge served by more than one clergy shall be entitled to as many lay members as there are clergy members. The lay members shall have been for the two years next preceding their election members of The United Methodist Church and shall have been active participants in The United Methodist Church for at least four years next preceding their election.

If the lay membership shall number less than the clergy members of the annual conference, the annual conference shall, by its own formula, provide for the election of additional lay members to equalize lay and clergy membership of the annual conference”

Lay members of the annual conference are required to have been members of The United Methodist Church “for the two years next preceding their election” and to have been active participants in The United Methodist Church “for at least four years next preceding their election.” (¶ 32) Exception may be made in central conferences for young persons under twenty-five years of age.

Voting rights within an annual conference are determined according to the status of the conference member. Clergy have the right to vote on all matters in the annual conference except the election of lay delegates to General Conference and jurisdictional conference and are given full responsibility for all matters of ordination, character, and conference relations with clergy. Lay members have the right to vote on all matters except those related to ordination, character, and conference relations of clergy or election of clergy delegates to General or jurisdictional conferences. Lay members of the conference board of ordained ministry also have the right to vote on all matters of ordination, character, and conference relations of clergy.

## 1. Powers and Duties

¶ 604 of the *Discipline* spells out powers and duties of the annual conference. The annual conference is permitted to adopt internal rules and regulations for operation provided that these rules are not in conflict with the *Discipline*. The annual conference must exercise its powers in harmony with the policy of The United Methodist Church with respect to the elimination of racial discrimination. An annual conference cannot financially obligate any organizational unit of the United Methodist Church other than the annual conference itself. Other powers and duties relate to clergy membership within the annual conference. Annual conferences control who may be admitted into conference membership by monitoring the fulfillment of the *Disciplinary* requirements for conference membership. They also have power to inquire into the moral and official conduct of clergy members, review their status, and take appropriate disciplinary and administrative action in accordance with specified processes.

Annual conferences also have certain powers and duties relating to local churches within the annual conference. These include the power to inquire into the financial status of local churches, to require explanations of local church deficits from the pastor and annual conference lay member, and to provide counsel to local churches to assist in resolving deficits. Annual conferences also monitor the membership status of local churches and give appropriate recognition to any new churches that are organized during the year.

In relation to participation in economic boycotts, annual conferences are required to follow the boycott guidelines in the *Book of Resolutions*. They are expressly forbidden to initiate, empower, or join boycotts in the name of The United Methodist Church, as that power is reserved exclusively to the General Conference.

The administrative functions of an annual conference may be carried out through several agencies that are counterparts of the general agencies of the denomination. ¶ 608 states:

¶ 609. The annual conference is responsible for structuring its ministries . . .

1. An annual conference shall provide for the functions and General Conference connections with all general agencies provided by the *Discipline* as follows: *a)* There shall be clear connections between the General Conference agencies, annual conference program and administrative entities, and the local congregation; *b)* There shall be clear checks and balances regarding program functions and financial/administration functions within the annual conference. In doing this, the annual conference may organize units so long as the functions of ministry are fulfilled and the connectional relationships are maintained.

Annual conferences are required to have a conference council on finance and administration or other structure to provide for functions of this ministry and to maintain the connectional relationship

(¶ 610). The purpose of the conference CFA is “to develop, maintain, and administer a comprehensive and coordinated plan of fiscal and administrative policies, procedures, and management services for the annual conference.” (¶ 611.1)

The *Discipline* provides for additional boards, commissions, committees and other organizations collectively referred to as “conference agencies.” Conferences are permitted to create some equivalent structures to named entities as long as they provide for the functions and maintain connectional relationships. Annual conferences are required to provide conference agencies in these areas and maintain connectional relationships with the General Boards of Church and Society, Discipleship, Global Ministries, Higher Education and Ministry, and Pension and Health Benefits, as well as the General Commission on Christian Unity and Interreligious Concerns. A conference board of ordained ministry also is required. Other required organizations or committees are a board of laity (or equivalent), committee on episcopacy, episcopal residence committee (or equivalent), committee on parish and community development (or equivalent), conference commission on archives and history (or equivalent), commission or committee on Christian unity and interreligious concerns, commission on religion and race (or equivalent), commission on the status and role of women (or equivalent), commission on the small membership church (or equivalent), commission on communication (or equivalent), United Methodist Women, United Methodist Men, council on youth ministry, council on young adult ministry, joint committee on incapacity, committee on disability concerns (or equivalent), committee on Native American ministry (or equivalent), commission on equitable compensation (or equivalent), administrative review committee, board of trustees, and committee on investigation.

Judicial Council *Decisions 904, 900, 893, 848, 835, 831, 827 and 815* addressed various aspects of different annual conference restructure plans. Several annual conference restructure plans have been overturned by the Judicial Council, so it is crucial that these decisions be reviewed for a careful understanding of what is required in any annual conference restructure.

“The Judicial Council in *Decisions 339, 411, 640, 680, 712, and 815* has consistently ruled that the existence of mandated structures at the general church level requires parallel structures at the Annual Conference level as an expression of the connectional principles that bind us together in our collective ministry.” *Decision 827 and 835* re-affirms these points and includes helpful guidelines for annual conferences contemplating restructure. *Decision 878* also re-affirms these points and reflects the need for painstaking attention to the details when developing restructure plans.

*Decision 876* struck down the discernment model of decision making in use by an annual conference, because the process did not protect, “the rights of the Annual Conference to receive and

act on all proposals brought to it; the rights and requirements of boards and agencies that they report annually to the conference; and, the rights of individual members of the conference to be informed on *and to participate fully in all legislative decisions.*” (Quoting *Decision 367*)

Bishops preside at General, jurisdictional and central and annual conferences. The bishop oversees the management of annual conference business and makes the annual appointments of ministerial members of the conference in accordance with the *Discipline*. The bishop decides all questions of law presented during the regular business sessions of an annual, jurisdictional or central conference. Such questions must be presented in writing and the decisions recorded in the journal of the conference (§ 51). Paragraph 51 states that:

Such an episcopal decision shall not be authoritative except for the pending case until it shall have been passed upon by the Judicial Council. All decisions of law made by each bishop shall be reported in writing annually, with a syllabus of the same, to the Judicial Council, which shall affirm, modify, or reverse them.

At the back of this section is a form that may be used for the bishop’s report to the Judicial Council. See also the Roles of the Judicial Council

## 2. Districts

Paragraph 657 provides for a district conference to be held if directed by the annual conference of which it is a part. The district conference consists of ministerial members serving charges in the district and a certain number of lay delegates selected from each charge. The district superintendent calls and presides over the district conference and specifies the time and place of the conference in the call. The annual conference prescribes the function and role of the district conference and its various councils and committees. The district conference may be used to review progress on the programs and purposes of the annual conference within the local churches of the district. The organization and functions of the district conferences are outlined in §§ 657-662 of the *Discipline*.

The district superintendent has several roles to play within the district. The district superintendent has authority, after consultation, with the conference board, to appoint district directors of church and society, religion and race and/or ethnic local church concerns.

The district superintendent also serves on the district committee on ordained ministry, and may be named chairperson or executive secretary (§ 663). The district committee includes a representative from the board of ordained ministry and at least six other clergy in full connection from within the district nominated by the district superintendent. Women, ethnic clergy and deacons in full connection are to be included whenever possible. Interim vacancies are also filled by the district superintendent (§ 663). Superintendents also are members of the district committee on lay speaking ministries, if one exists (§ 665).

Each district is required to have a committee on district superintendency composed of eleven members, including the district lay leader and two persons appointed by the district superintendent. (¶ 666) This committee's purpose is to support the district superintendent's oversight of the spiritual and temporal affairs of the Church, particularly within the district. It gives attention to budget support for the superintendent, including parsonage, travel, secretarial support, and continuing education. It is available to the superintendent for counsel and is to advise the superintendent concerning conditions in the district that may affect relations between the superintendent, clergy, laity, and district agencies. An annual consultation and appraisal of the superintendent's work in the district is held between this committee and the superintendent.

### **3. Annual Conference Board of Trustees**

All annual conferences are required by ¶639 and ¶ 2512.1 of the *Discipline* to establish a conference board of trustees. This board of trustees is to be incorporated unless the conference itself is incorporated in its own name. However, both may be incorporated. ¶ 2512.1 provides that the board shall consist of twelve persons, and it is recommended that one-third be clergy, one-third lay women and one-third lay men. All trustees must be of legal age and the lay members must be members in good standing of local churches within the conference. They are to be elected to staggered four-year terms. If the board of trustees is incorporated, the board members are the directors of the corporation. ¶ 2512.2 of the *Discipline* provides for annual meetings of the board and for election of its officers. It notes that the annual conference board of trustees “shall be amenable to the annual conference.”

¶ 2512.3 outlines the purposes and operating scope of this board. According to ¶ 2512.3a, the corporation shall receive, collect, and hold in trust for the benefit of the annual conference all donations, bequests, and devises. ¶ 2512.3b requires that the board of trustees receive and hold property for the mission, ministry, and program of the annual conference. The board is directed by ¶ 2512.3c to invest the funds and transfer the properties it holds in trust, subject to any restrictions. ¶ 2512.3d delegates to two officers authority to execute documents for the board. ¶¶ 2512.3e, and f recommend that the board invest its funds prudently, using the Social Principles as a guide, and only with approval by the whole board.

It is important to recognize that the annual conference board of trustees is subject to direction by annual conference action. Policy decisions regarding the use of undesignated donations, bequests, and devises are within the authority of the annual conference. The board of trustees would then act as directed by the annual conference in these matters.

District superintendents should be sure that pastors advise the annual conference board of trustees of any gifts, bequests, or devises made to the annual conference or the board of trustees out of

churches or charges within their districts (§ 2512.5). The board is then required to take necessary and proper steps to conserve, protect, and administer any gift, devise, or bequest. The board also may decline the gift for any reason satisfactory to the board. Such reasons might include too many restrictions on the gift, restrictions that are unenforceable as contrary to public or church policy, such as racial restrictions, environmental concerns affecting real property, or difficulty or expense in administering the gift. Court approval of board decisions not to enforce such restrictions can be sought.

## **P**roperty Matters

The Church is connectional or hierarchical in its structure regarding property. The local church owns its property (subject to the *Disciplinary* trust clause, for the benefit of the denomination) and is responsible for the day to day operations and maintenance. However, decisions regarding the purchase, sale, lease, mortgage, other encumbrance, or discontinuance of local church property must go through formal approval processes that involve the district superintendent and at times the cabinet and district board of church location and building. The *Discipline* has very detailed requirements on property matters that must be read in conjunction with secular law requirements. The section in this manual entitled “Property” covers both the general secular law issues that arise in connection with property matters, as well as the church law (United Methodist polity and *Disciplinary*) requirements.

## **T**he District Superintendent

Along with the bishops, district superintendents personify the connectional nature of The United Methodist Church in many ways. As an appointee of the episcopacy, the district superintendent's task is to minister to the needs of the pastors and churches in the district, supervising and administering the directives and programs of the General Conference and of the annual conference. §§ 401-402 in the *Discipline* outline the task of superintending in The United Methodist Church and provide guidelines for superintending. As § 401 states:

The task of superintending in The United Methodist Church resides in the office of the bishop and extends to the district superintendent, with each possessing distinct and collegial responsibilities. The mission of the Church is to make disciples of Jesus Christ . . . Those who superintend carry primary responsibility for ordering the life of the Church. It is their task to enable the gathered Church to worship and to evangelize faithfully....

The specific responsibilities of district superintendents are set out in ¶¶ 419-435. These include:

1. **Supervision** — working with pastors, committees on pastor-parish relations and charge conferences in the formulation of statements of purpose for local church congregations and in clarification of pastoral priorities in accomplishing these purposes, as well as establishing clearly understood processes of supervision for the clergy of the district. District superintendents also work with committees on pastor-parish relations and with pastors to update their respective profiles for appointment pursuant to the requirements of ¶ 432.2. (¶ 421)
2. **Personnel** — analyzing the needs of the district for clergy in conjunction with the district committee and conference board of ordained ministry, developing adequate salary support for clergy, working with pastors, pastor-parish relations committees, and congregations in interpreting the meaning of ministry and in identifying candidates for the ministry, examining candidates for the ministry, issuing and renewing licenses to preach when authorized, keeping records of all candidates for ministry, and maintaining communications with candidates in order to advise and encourage them in spiritual and academic preparation for the ministry. The district superintendent also must work with the bishop, cabinet, pastors, and pastor-parish relations committees concerning appointments and assignments of ordained ministers. District superintendents also receive annual reports concerning the continuing education programs of ministers within the district and work with both clergy and congregations in planning and facilitating future continuing education programs. Superintendents work with the conference board of ordained ministry in regard to providing support services and liaison to clergy who are being terminated or whose conference relationship is changing. (¶ 422)
3. **Pastoral** — supervising the work of pastors in the district and counseling with them concerning their pastoral responsibilities, continuing education, and other matters affecting their ministry and personal life. The district superintendent's pastoral role extends to counseling with each pastor's family and to helping build peer groups and mutual support systems for clergy and clergy families within the district. (¶ 420)
4. **Administrative** — scheduling and presiding over each charge conference or church conference within the district, working and cooperating with district boards of church location and building and local church boards of trustees concerning real property transfers, including acquisitions, sales, leases and mortgages, ensuring that all charters, deeds, and other legal documents conform to the *Discipline* and to the relevant local and state laws. The district superintendent must see that all provisions of the *Discipline* are observed and enforced. He/she must interpret and decide all questions of Church law and discipline raised by the churches in the district, subject to an appeal to the

president (bishop) of the annual conference. Supervisory files on clergy shall be kept. The district superintendent is also required to maintain a complete set of records pertaining to all abandoned church properties and cemeteries within the district, all church properties being permissively used by other religious organizations within the district, and all known endowments, annuities, trust funds, investments, and unpaid legacies belonging to any pastoral charge or organization connected with the district including an accounting of their management. Membership records of churches that have been closed are also maintained. The district superintendent is also involved in the promotion of current and deferred financial support in local churches for district, conference, and denominational causes. If a local church is involved in setting up a local church foundation (§ 2534), or in purchasing, selling, leasing or mortgaging real property (§ 2535-2542), the district superintendent's consent is required. (§ 423)

5. **Program** — administering the programs of the Church within the district in cooperation with pastors and congregations, working with the conference council on ministries or alternate structure, establishing long-range planning responsive to ecumenically and racially inclusive perspectives, initiating new forms of ministry, and participating with the other district superintendents in developing and submitting to the annual conference a report reflecting the state of the conference, with recommendations for greater effectiveness. (§ 424)

The district superintendent travels throughout the district to preach and supervise both the temporal and spiritual affairs of the Church. The district superintendent also is charged with the responsibility of being a “pastor's pastor” through spiritual support and care for the needs of all clergy, diaconal ministers and their families in the district. The relationship of the district superintendent to the clergy and the laity of the district is at the heart of the connectional structure of The United Methodist Church.

The district superintendent may exercise powers normally reserved to a bishop, except for ordination. While primarily a connectional administrator, the district superintendent also represents the pastors and laity of the district in the bishop's cabinet insofar as appointive and programmatic matters are concerned. To some persons in local churches, the district superintendent may be the only manifestation of the church beyond the local church level. As such, s/he is in a critical position with the potential for clarifying and explaining the interaction of local, conference and general church programs.

Finally, the district superintendent makes rulings of law on questions raised by a charge conference (§2718.1).

# Relationship of the District Superintendent to the Pastor and Congregation

As the primary “connector” of the local church and the annual conference, the district superintendent's relationship with the local church involves both administrative and ministerial functions. The immediate administrative function relates to the charge conference over which the district superintendent presides. The charge conference is the crux of the district superintendent's relationship with the local church and provides the vehicle for relating to the affairs of the local church. The district superintendent is bound to ensure that local church and charge conference actions are in concert with *Discipline* legislation.

The district superintendent is concerned with the following legal affairs (both church and civil):

1. Property matters and insurance
2. Participation in the charge conference
3. Cooperation with boards of trustees
4. Interpretation of Church law and the *Book of Discipline*, subject to an appeal to the president (bishop) of the annual conference.

The *Discipline* outlines the district superintendent's relationship with the local church pastor. While his or her authority to direct the affairs of the local church is limited, it is the district superintendent's function to oversee and administer the purpose of the Church “in cooperation” with the pastors, including:

1. Promotion of concern for continuing ministerial education
2. Promotion of financial support for conference and denominational causes
3. Consultation with pastors and Pastor-Parish Relations Committee
4. Performance of pastoral duties for the local church pastor and family.

The *Discipline* confers a responsibility and accountability role on district superintendents to provide initial direction, serve as an intermediary between annual conference agencies and the local church, and “check the pulse” of the local church through charge conferences, pastors, and other contacts with the local charge. The district superintendent must know the availability of resources to the local church, including the availability of competent legal assistance when necessary. As indicated above, the district superintendent also serves as the initial interpreter of Church law as it relates to the

actions taken by the local church. Through review of reports made to charge conferences, including audits, the superintendent assures accountability of the local church to the conference.

District superintendents must combine administrative, pastoral, and judicial roles in their own role as the link between the local church and the United Methodist connection.

## Bishops

Division Three of the Constitution (§§ 45-54) is entitled “Episcopal Supervision.” These provisions establish the basic framework of episcopal supervision within the denomination. §§ 401-418 and 426-435 outline in greater detail the array of powers and obligations that are conferred upon bishops of The United Methodist Church.

Bishops are elected by the respective jurisdictional and central conferences and consecrated in the time and manner established by the General Conference for those elected in jurisdictions or by each central conference for those bishops it elects (§ 44). The number of bishops elected in each jurisdiction is established by the formula set forth in § 405. Episcopal election procedures within jurisdictions are outlined in § 405. Each bishop is elected first to the Council of Bishops, a constitutionally established body referred to in § 427.2 as “the collegial expression of episcopal leadership in the Church and through the Church into the world.” Division Three, Article III of the Constitution (§ 47) states:

There shall be a Council of Bishops composed of all bishops of The United Methodist Church. The council shall meet at least once a year and plan for the general oversight and promotion of the temporal and spiritual interests of the entire Church and for carrying into effect the rules, regulations, and responsibilities prescribed and enjoined by the General Conference . . . .

Bishops are elected to serve the entire Church as general superintendents. § 401 outlines the task of superintending, while § 402 establishes more detailed guidelines for this task in mode, pace and skill.

§ 401. *Task.*—The task of superintending in The United Methodist Church resides in the office of bishop and extends to the district superintendent, with each possessing distinct and collegial responsibilities . . . .

§ 402. *Guidelines for Superintending in this Age.*—The demands of this age on the leadership of bishops and district superintendents in The United Methodist Church can be seen in mode, pace, and skill . . . .

§§ 414-416 outline specific episcopal responsibilities. § 414 outlines the nature of episcopal responsibility in the area of spiritual and temporal leadership of the denomination:

§ 414. *Leadership.—Spiritual and Temporal.*—1. To lead and oversee the spiritual and temporal affairs of The United Methodist Church, which

- confesses Jesus Christ as Lord and Savior, and particularly to lead the Church in its mission of witness and service in the world.
2. To strengthen the local church, giving spiritual leadership to both laity and clergy; and to build relationships with people of local congregations of the area.
  3. To guard, transmit, teach, and proclaim, corporately and individually, the apostolic faith as it is expressed in Scripture and tradition, and, as they are led and endowed by the Spirit, to interpret that faith evangelically and prophetically.
  4. To travel through the connection at large as the Council of Bishops (¶ 427) to implement strategy for the concerns of the Church.
  5. To teach and uphold the theological traditions of The United Methodist Church.
  6. To provide liaison and leadership in the quest for Christian unity in ministry, mission, and structure and in the search for strengthened relationships with other living faith communities.
  7. To organize such missions as shall have been authorized by the General Conference.
  8. To promote and support the evangelistic witness of the whole Church.
  9. To discharge such other duties as the *Discipline* may direct.
  10. To convene the Order of Deacons and the Order of Elders and work with the elected chairperson of each order.

¶ 415 deals more specifically with a bishop's presidential responsibilities. Within United Methodist polity, the plan of episcopal supervision over annual conferences and missionary conferences within jurisdictional or central conference boundaries is the responsibility of the bishops within that jurisdictional or central conference as provided by Division Three, Article IV of the Constitution (¶ 48, *Book of Discipline*). Assignments of bishops to episcopal areas is done by the jurisdictional or central conference containing the areas. The jurisdictional conference acts upon recommendations of the jurisdictional committee on episcopacy concerning episcopal assignments (Constitution Division Three, Article VI, ¶ 50 and ¶ 522). This committee also is empowered to review the work, character and official administration of the bishops within the jurisdiction and it reports its findings to the jurisdictional or central conference for final action (¶ 522). Bishops assigned to annual conferences are empowered to preside over annual conference sessions (¶ 415.1), to provide oversight over fiscal and program operations of the annual conference (¶ 415.2), to ensure fair process under ¶ 2701 (¶ 415.3), to form districts within annual conferences following consultation with the district superintendents and after the annual conferences have determined the number of districts by vote (¶ 415.4), and to annually appoint district superintendents in accordance with the consultations required and subject to the tenure limitations outlined in ¶¶ 417-418 (¶ 415.5). Broader presidential responsibilities include power to preside over General, jurisdictional, and central conferences (¶ 415.1) and “To consecrate bishops, to ordain elders and deacons, to consecrate diaconal ministers, to

commission deaconesses and missionaries, and to see that the names of the persons commissioned and consecrated are entered on the journals of the conference and that proper credentials are furnished to these persons.” (§ 415.6)

The bishop is constitutionally empowered to decide all questions of law arising out of the regular business of sessions of annual, jurisdictional or central conferences, subject to review by the Judicial Council (Constitution—Division III, Article VII, § 51). Such questions of law must be presented during the regular business of a session, in writing and recorded in the conference journal. The bishop's decision is not authoritative except in the case at hand until passed on by the Judicial Council. All such decisions are reported annually to the Judicial Council, which either affirms, modifies, or reverses them. The form Bishop’s Report is found at the end of this section, along with “Rules for Parties Appearing Before the Judicial Council,” “Rules of Practice and Procedures” and “Guidelines for Preparation of Briefs for the Judicial Council.”

The Constitution—Division III, Article X (§ 54, *Book of Discipline*) establishes the power of bishops, after consultation with the district superintendents, to appoint ministers to the charges. This third area of episcopal responsibility is detailed in § 416.

- § 416. *Working with Ordained, Licensed, Consecrated and Commissioned Personnel.*—1. To make and fix the appointments in the annual conferences, provisional annual conferences, and missions as the *Discipline* may direct (§§ 430-434).
2. To divide or to unite a circuit(s), station(s), or mission(s) as judged necessary for missional strategy and then to make appropriate appointments.
  3. To announce the appointments of deaconesses, diaconal ministers, home missionaries and lay persons in service under the General Board of Global Ministries.
  4. To fix the charge conference membership of all ordained ministers appointed to ministries other than the local church in keeping with § 344.
  5. To transfer, upon the request of the receiving bishop, clergy member(s) of one annual conference to another; *provided* said member(s) agrees to said transfer; and to send immediately to the secretaries of both conferences involved, to the conference boards of ordained ministry, and to the clearing house of the General Board of Pension and Health Benefits, written notices of the transfer of members and of their standing in the course of study if they are undergraduates.
  6. To appoint associate members, probationary members, or full members to attend any school, college, or theological seminary listed by the University Senate, or to participate in a program of Clinical Pastoral Education in a setting accredited by the Association of Clinical Pastoral Educators. Such appointments are not to be considered as extension ministry appointments.

7. To keep and maintain appropriate supervisory records on all district superintendents and other records on ministerial personnel as determined by the bishop or required by the *Discipline* or action of the annual conference. When a district superintendent is no longer appointed to the cabinet, the bishop shall give that person's supervisory file to the superintendent of record. Supervisory records shall be kept under guidelines approved by the General Council of Finance and Administration. The supervisory records maintained by the bishop are not the personnel records of the annual conference.

The Supervisory File Guidelines as approved by GCFA appear at the end of the Personnel Section.

Bishops in central conferences have the same status, rights, and duties as the bishops elected and serving in jurisdictional conferences. ¶ 412 discusses central conference bishops, who, in some cases, are elected to a term episcopacy rather than for life.

Bishops are accountable to the jurisdictional committee on episcopacy which may make recommendations to the jurisdictional conference regarding episcopal character and administration (¶ 522).

## General Agencies

The executive branch of United Methodist governance includes the general agencies, the Connectional Table and the Council of Bishops. General agencies, unlike constitutionally established entities such as the Council of Bishops and the Judicial Council, are established by the General Conference. In order to alleviate confusion over the terms “agency” and “general agency” as they are used within United Methodist polity, the 1984 General Conference acted to define these terms in the *Discipline* (¶¶ 701.1-2). Owing to their critical legal significance, they are reproduced as follows:

¶ 701. *Agencies and General Agencies.*—1a. The term *agency*, wherever it appears in the *Book of Discipline*, is a term used to describe the various councils, boards, commissions, committees, divisions, or other units constituted within the various levels of Church organization (general, jurisdictional, central, annual, district, and charge conferences) under authority granted by the *Book of Discipline*; the term does not and is not meant to imply a master-servant or principal-agent relationship between these bodies and the conference or other body which creates them, except where the authority is specifically granted.

2. The general agencies of The United Methodist Church are the regularly established councils, boards, commissions, committees, or other units with ongoing responsibilities which have been constituted by the General Conference. Not included are such commissions and committees as are created by the General Conference to

fulfill a special function within the ensuing quadrennium, ecumenical groups on which The United Methodist Church is represented, or committees related to the quadrennial sessions of the General Conference. The term *general agency* or *agency*, wherever it appears in the *Book of Discipline* in reference to a general agency, does not and is not meant to imply a master-servant or principal-agent relationship between such a body and the General Conference or any other unit of the denomination, or the denomination as a whole. [

These structures resource and implement denominational work on a continuing day-to-day basis. All of the general agencies have several features in common:

1. Each is a creation of General Conference, which provides the purpose and membership selection procedures, and provides for the financial support for the agency.
2. Each agency is separately incorporated and operates independently insofar as its program management is concerned.
3. Each general agency is amenable to General Conference, except as otherwise provided.

General agencies that have programmatic or advocacy functions are accountable programmatically to the Connectional Table (§ 703.5). The other center of accountability among the general agencies is the General Council on Finance and Administration, which is responsible for fiscal, administrative and legal matters.

## **R**ole of GCFA in Legal Matters

Legislative Authority — (§ 807.9)

7. To take all necessary legal steps to safeguard and protect the interests and rights of the denomination; to maintain a file of legal briefs related to cases involving the denominational interests of The United Methodist Church, and to make provisions for legal counsel where necessary to protect the interests and rights of the denomination . . . .

The duties of GCFA in the legal area which derive from this paragraph are as follows:

1. *To take all necessary legal steps to safeguard and protect the interests and rights of the denomination* — GCFA's Legal Department actively monitors legal matters that may have an impact on the denomination, particularly those in the United States (*e.g.*, religious freedom cases; tax cases; new developments in sexual misconduct cases; changes in federal laws and regulations). GCFA from time to time files friend of the court briefs in lawsuits of particular interest or concern. GCFA may also provide financial assistance to annual conferences in legal matters of

denominational significance. The policy is printed at the end of this section.

2. *To maintain a file of legal briefs related to cases involving the denominational interests of The United Methodist Church* — A continuing effort is being made to correspond with annual conference and other church organization officers and representatives on the expansion of the GCFA legal resource file, which includes briefs and court opinions filed and issued in civil courts.
3. *To make provisions for legal counsel where necessary in order to protect the interests and rights of the denomination* — This *Disciplinary* provision enables the GCFA to work with general agencies and bishops on cases involving issues that jeopardize the rights and interests of the entire denomination.
4. *Trust services* — GCFA provides trust services relative to bequests made to the General Church. GCFA in 1999 established The United Methodist Church Foundation, whose mission is to “serve God by encouraging stewardship as a way of life, and upholding the missions and ministries of The United Methodist Church in the world.”
5. *General agency property* — ¶ 807.6 authorizes GCFA to establish general policy concerning general agency property ownership in the U.S. Pursuant to this authority, GCFA must review general agencies' plans to buy or sell real estate, to erect buildings or to lease, in order to determine if such action is in the denominational interest.
6. *Tax Exemption Group Ruling* - As a service to United Methodist organizations, the General Council on Finance and Administration administers The United Methodist Church Group Federal Income Tax Exemption Ruling, which is contained in the ruling letter (“Group Ruling Letter”) issued by the Internal Revenue Service to the Council on October 16, 1974. GCFA applied for the Group Ruling under the authority provided by *The Book of Discipline*. More detailed information about the Group Ruling is found in the Tax section.
7. *Registration and protection of denominational trademarks* - GCFA legal department is responsible for registering, maintaining and protecting trademarks in the Cross and Flame (¶ 807.10) and the name “United Methodist” (¶ 807.11) In addition, the GCFA legal department from time to time registers other denominational trademarks, on request (e.g., symbols for bishops’ initiatives, bishops’ crest, General Conference logos, etc.). More detailed information on these and other trademark issues is found in the Property section of this Manual.

The *Discipline* also requires GCFA to exercise a property reporting function. Reports are to be received annually from the various general agencies concerning several issues (§ 807.8)

## **GCFA Policy - Financial and Other Assistance In Cases Of Denominational Significance**

In accordance with its responsibilities pursuant to Par. 807.7 of *The 2004 Book of Discipline*, the General Council on Finance and Administration, through its Committee on Legal Responsibilities, periodically reviews requests from bishops and heads of general agencies to provide financial assistance in legal cases thought to be of denominational significance. In order to clarify the procedures to be followed in submitting such requests and in order to identify the principles under which "denominational significance" is determined, the GCFA Committee on Legal Responsibilities hereby promulgates the following guidelines.

1. **Written Requests** - Telephone or write the GCFA General Counsel (or, in his absence, the General Secretary) immediately upon first notice of potential litigation, claim or demand. GCFA General Counsel may be able to provide research assistance from the file of briefs that GCFA maintains. Such assistance is most effective in reducing time and money spent on litigation when it is sought early in the process. If GCFA has some responsibility to work with insurers (e.g., for bishops), the General Counsel will immediately notify the appropriate insurance companies. The GCFA General Counsel should be contacted prior to attorney selection, if possible. (See 5. below)
2. **Authority to Request Assistance** - Bishops or heads of general agencies are the only persons who may initiate requests for financial assistance in these matters. Such requests must be written, should be submitted as early as possible, explain why the matter is of denominational significance, and be accompanied by relevant information, including the facts involved, insurance coverage, and all motions, briefs, etc., relevant to the case to date. While failure to submit requests as early as possible will not automatically disqualify them, an explanation of why the request was not made in a timely fashion should be contained in the initial request.
3. **Documentation** - Copies of all motions, briefs and decisions rendered in the case from time to time should be forwarded to the GCFA General Counsel as soon as possible.
4. **Conference Financial Participation** - Evidence of Annual Conference financial participation in litigation involving churches or ministers within annual conferences is considered when GCFA decides whether to give financial assistance. Those seeking financial assistance are

strongly encouraged to seek it from their annual conference prior to or in tandem with the request to GCFA.

5. **Insurance** - Those seeking assistance from GCFA should notify insurance carriers in writing when a potential litigation situation develops. Insurance contracts often provide for the costs of a legal defense and may empower the insurance carrier to select the attorney to defend the insured. When in doubt, give notice! Failure to notify insurers in a timely fashion can negate coverage. All insurance sources should be explored, and information regarding coverage should be included in the information provided to the Committee. These would normally include general liability, property and casualty, workers' compensation and directors and officers liability insurance.
6. **Fees and Billing Information** - It is recommended that the requestors seek ahead of time a negotiated, special fee agreement, with a fee cap, with a complete understanding by all attorneys that they are doing work for a religious denomination with limited financial resources. GCFA may require a fee agreement as a condition of its financial participation. No payments pursuant to a recommendation to provide financial assistance shall be made unless copies of all billings have been made available to the GCFA General Counsel for review.
7. **Amount of GCFA Participation** - Absent unusual circumstances, GCFA provides no more than one-half of the litigation expenses upon a recommendation by the Committee on Legal Responsibilities that such assistance be made available. It shall be within the discretion of the Committee to make smaller grants as well as to make periodic reviews of the case prior to committing additional funds.
8. **Criminal Cases** - The policy of the General Council on Finance and Administration is not to provide funds for defense in criminal matters.
9. **Committee Authority** - Decisions on requests for financial assistance are to be made by the GCFA after recommendation by the Committee on Legal Responsibilities. The Committee's deliberations on such requests are to remain confidential.
10. **Additional Questions** - Questions about this process may be addressed to the GCFA General Counsel.

# **A**ministrative and Judicial Procedures, Investigations and Trials and Appeals

¶¶ 2701-2719 of the *Discipline* set forth the investigation and trial system of the Church.

¶ 2707 states:

Church trials are to be regarded as an expedient of last resort. Only after every reasonable effort has been made to correct any wrong and adjust any existing difficulty should steps be taken to institute a trial....

Investigation and trial procedures are spelled out in the *Discipline* in such length that it is impracticable to provide verbatim quotations or even summaries of each procedure in this Manual. GCFA has produced the Administrative and Judicial Procedures Handbook. This Handbook addresses in detail the *Disciplinary* procedures for administrative and judicial complaints. It is available on GCFA's website ([www.gcfa.org](http://www.gcfa.org)).

# The Judicial Council

The judicial “branch” of The United Methodist Church includes a body of trial law and procedure and the Judicial Council. The Judicial Council acts as the “Supreme Court” of the Church. It is established by the Constitution (§ 55). It has the power to rule upon the constitutionality of all Church legislation and specifically upon any act of General Conference. It serves as the final tribunal where questions of United Methodist law are concerned.

The Council sits during sessions of the General Conference and at certain other times. The Council is composed of nine members. ¶¶ 2601-2606 of the *Discipline* outline the membership requirements and the process by which members are selected.

In concert with its role as the supreme court of United Methodism, the Judicial Council has the constitutional authority to hear appeals and render decisions in accordance with ¶ 56 Division Four — Article II of the Constitution. ¶¶ 2608-2612 of the *Discipline* delineate the processes by which matters are brought before the Council. Procedural questions relating to the Judicial Council maybe directed to:

Dr. James Holsinger President, Judicial Council 4705 Waterside Ct Lexington, KY 40513 859.224.8250	Rev. Keith Boyette Secretary, Judicial Council 10501 Plank Rd Spotsylvania, VA 22553 540.972.8808 E-MAIL: <a href="mailto:judicialcouncil@umc.org">judicialcouncil@umc.org</a>
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Copies of the form for bishops to use when submitting a decision of law, guidelines for these decisions, of law , “Rules of Practice and Procedure” and “Guidelines for the Preparation of Briefs” appear at the end of this section.

## **Rules of Practice and Procedure**

### **The Judicial Council Of The United Methodist Church**

#### **I. OFFICERS**

- A. The officers of the Judicial Council shall be a President, a Vice President, and a Secretary, to be elected quadrennially by a majority vote of the Council.
- B. The President shall perform all the duties incident to the office of a Chief Officer of a Judicial Body, including the right to call the Judicial Council into session, as provided by the Book of Discipline of The United Methodist Church.
- C. In case of absence or inability of the President, or at the request of the President, the Vice President shall perform all duties incident to the office of President.
- D. The Secretary shall perform all duties incident to the position of Secretary or Clerk of a Judicial Body, and such other duties as shall be requested by the Judicial Council, including but not limited to the following:
  - 1. Notify the President of the Judicial Council immediately upon the filing of any matter submitted for inclusion on the docket, with a full and complete statement of the matter involved, together with any additional data as deemed necessary.
  - 2. Keep a correct and complete record of all proceedings, actions, and decisions of the Judicial Council.
  - 3. Keep the docket and perform the duties associated with this (See III).
  - 4. Furnish at the earliest possible date upon the completion of the work, copies of the decisions of the Judicial Council to other members of the Council and to all parties to each docket item and to no other persons or organizations except as authorized by the President.
  - 5. During a session of General Conference deliver signed copies of Judicial Council decisions requested by General Conference to the Secretary of the General Conference, and after oral presentation to the General Conference, to the Daily Christian Advocate;
  - 6. Send to the president and secretary of the Council of Bishops, and all other persons provided in ¶ 2612 of the 2004 Discipline, signed copies of all decisions of the Judicial Council.
  - 7. Notify the Committee on Correlation and Revision of the Discipline of any action of the Judicial Council which declares unconstitutional any paragraph of the Discipline.
  - 8. Send to the Archives of The United Methodist Church at the conclusion of any regularly scheduled or special session of the Judicial Council all materials relating to docket items finally disposed of together with signed copies of each decision and the minutes of the meeting.

## II MEETINGS

- A. There shall be a regularly scheduled meeting of the Judicial Council the last full week of October and the last full week of April each year, except in the year of General Conference the meeting just before and during General Conference shall take the place of the regularly scheduled April meeting.
- B. The President, in consultation with the Secretary, may determine that the matters before the Judicial Council are insufficient to warrant a meeting. In this case the announcement of such cancellation shall be published in The Interpreter.
- C. In the case of an emergency appeal the President may call for a special meeting of the Judicial Council, provided that as much notice as possible be given to insure that all persons wishing to submit briefs or other documents will be given sufficient time to do so.

## III. DOCKETS

- A. When any matter is appealed to the Judicial Council for determination, the document and any additional materials shall be filed with the Secretary of the Judicial Council.
- B. It is the responsibility of the secretary of an annual conference, board, agency, or other body or person authorized by the Discipline to appeal to the Judicial Council to provide the Secretary of the Judicial Council with materials relating to the matter being appealed, including a copy of the minutes where such matter arose in the normal proceedings of the body. (See Appendix A for a sample letter to all annual conference secretaries in mid-May of each year.)
- C. All Decisions of Law by Bishops at annual conference sessions must be reported by the bishop to the Judicial Council on the forms provided for such reports. (See Appendix B for Guidelines for such decisions.)
- D. All requests for declaratory decisions (§ 2610 of the 2004 Discipline) must be received by the Secretary by July 15 or December 31 for inclusion on the fall or spring docket, respectively.
- E. The Secretary shall prepare a copy of the docket for the regularly scheduled fall and spring meetings for publication in Newscope at least 30 days prior to the meeting of the Judicial Council as required by § 2612 of the 2004 Discipline.
- F. When the docket for the regularly scheduled fall and spring meetings has been set, the Secretary shall send copies to other members of the Judicial Council, United Methodist News Service, The Interpreter, InfoServ and other persons or organizations as may be deemed appropriate.
- G. Persons providing the Secretary of the Judicial Council with matters for consideration by the Council at its next regularly scheduled meeting shall provide the names and addresses for all persons making motions, signing the requests for decisions, and any other persons deemed appropriate to be notified and invited to submit briefs or other materials.

#### IV. BRIEFS

- A. All persons whose names and addresses have been provided to the Secretary of the Judicial Council as parties to any proceeding on the docket shall be notified of the time, place, and process for filing a brief setting forth a position on the docket item as well as the names and addresses of other persons so involved. (See Appendix C for a sample cover letter and Appendix D for Guidelines for Submission of Briefs.)
- B. Any person who wishes to comment on any matter coming before the Judicial Council may submit a brief. However, the submission of a brief does not make one a party to the proceeding.
- C. Any briefs submitted to the Judicial Council are to be submitted to the Secretary sixty (60) days before the session at which the matter will be considered. Ten (10) copies of each brief shall be submitted, signed by the person submitting the brief. An electronic copy of the brief in either Microsoft Word or Corel WordPerfect format is to be filed with the Secretary of the Judicial Council at [judicialcouncil@umc.org](mailto:judicialcouncil@umc.org) if possible.
- D. Each brief filed by a party to the proceeding must also be sent to all others identified as parties to the proceeding.
- E. Any person identified as a party to the proceeding shall submit to the Secretary a list of the person(s) to whom the brief has been sent, certifying thereby all the persons identified as parties to the proceeding have been sent copies.
- F. The ten copies of the brief required by IV(C) shall not be transmitted by telefacsimile or e-mail.
- G. All persons, whether in the submission of written documents or oral communications, shall at all times conduct themselves with dignity and propriety and shall yield gracefully to the rulings of the Council and avoid detrimental remarks, both in session and out, and shall at all times promote respect for the Council.

#### V. ORAL HEARINGS

- A. There shall be scheduled a time at each session of the Judicial Council where parties to the proceeding shall present oral arguments.
- B. Oral arguments are not automatically granted and must be requested by a party to the proceeding.
- C. Any requests for oral arguments must be submitted to the Secretary of the Judicial Council who will forward them immediately to the President for a decision on granting the request.
- D. A decision granting or denying the request for oral argument will be communicated in writing by the President or the Secretary of the Judicial Council to the person making the request.
- E. Oral arguments normally will not be granted in cases of the review of a Bishop's Decision of Law (§ 2609 of the 2004 Discipline).

- F. Oral arguments will be confined to the time allotted by the Judicial Council. If more than one part to the proceeding is speaking for the same position, all such parties shall share the allotted time.
- G. Persons presenting oral arguments may reserve up to 5 minutes of the allotted time for rebuttal. Such time for rebuttal is not automatically granted but must be requested before the argument is begun.

## VI. DECISIONS

- A. All decisions by the Council shall be in writing and shall include the reasons for the decision as required by ¶ 2612 of the 2004 Discipline.
- B. The decisions will be released to all parties to the proceedings as soon as practicable, and on order of the President, and shall carry the disclaimer “Subject to further correction and revision.”
- C. Each decision will have a digest which is to be printed in The Interpreter within 90 days following the date of the decision as required by ¶ 2612 of the 2004 Discipline.
- D. As soon as practicable following the meeting the decisions of the Judicial Council shall be transmitted to United Methodist Communications for inclusion on the Internet site maintained for such decisions.
- E. Following necessary corrections and revisions the decisions shall be sent to The United Methodist Publishing House for publication in pamphlet form.
- F. Signed copies of the decisions shall be forwarded to the President and Secretary of the Council of Bishops and to the United Methodist Archives.

## VII. NO DISCUSSIONS OUTSIDE COUNCIL MEETINGS

- A. The members of the Judicial Council will not permit discussion with them on any matters pending before them, or that may be referred to them for determination by any persons other than Judicial Council members. (¶ 2607 of the 2004 Discipline).
- B. While strictly observing the intent of the preceding paragraph, a member of the Council to whom a docket item has been assigned by the President may request that the Secretary secure from persons and/or agencies concerned directly or indirectly with the case pertinent facts, briefs, and supplementary statements. Copies of such additional materials shall be sent promptly by the Secretary of the Council to other members of the Council.
- C. The President or Secretary of the Council may advise persons on procedural matters relating to docket items.
- D. No member of the Judicial Council shall interpret or comment on any decision made by the Judicial Council.

## VIII. RECONSIDERATION OF COUNCIL ACTION

- A. Whenever a decision of the Judicial Council is shown clearly to be in error, or in order to prevent a manifest injustice resulting from the interpretation of a Judicial Council decision, the Judicial Council on its own motion, or on a petition filed by a party to the proceedings, may, by a majority vote, reconsider any ruling or action taken by it.
- B. A vote to reconsider may be taken outside the regular Judicial Council meetings by written ballot to the Secretary.
- C. Any request for reconsideration must be filed with the Secretary or President of the Council within a period of ninety (90) days following the date of the decision. A majority of the Judicial Council members must vote in favor of reconsideration for it to be placed on the docket.
- D. The person(s) requesting reconsideration shall be notified in writing by the Secretary of the Council as soon as the votes of the members are received.
- E. A denial of reconsideration shall be reported with the decisions made at the next regularly scheduled meeting of the Judicial Council.
- F. Any reconsideration which is approved shall be placed on the docket for the next regularly scheduled meeting of the Judicial Council. An announcement of the reconsideration will be published as soon as possible.
- G. Any request for reconsideration should include one or more of the following:
  - 1. A list of all new relevant facts;
  - 2. An indication of relevant law and/or decisions of the Judicial Council and/or Disciplinary sections which were not previously considered and should have been;
  - 3. A specific explanation of the error or manifest injustice found in the Judicial Council ruling.
- H. When the petition for reconsideration is made by the Judicial Council itself, the Council, in its discretion, may notify the parties to the proceedings of the issues of facts, law and/or error/mistakes which have caused the Council to reconsider its ruling. These persons, if notified, shall have thirty (30) days after receiving notification in which to respond.
- I. Oral argument may be requested by the Council.

## IX. RULES MAY BE AMENDED

These rules may be amended, repealed, or suspended at any session of the Judicial Council by a majority vote of the members.

## APPENDIX A

TO: Secretary of Each Annual Conference  
(If you are no longer secretary, please forward to new secretary)  
FROM: Keith D. Boyette, Secretary of the Judicial Council  
DATE:  
RE: Requests for Decisions by the Judicial Council

PLEASE READ THIS ENTIRE MEMO CAREFULLY.

If the business of the 2004 session of your annual conference includes any of the following, please notify me immediately:

- 1 A decision of law made by a bishop in response to a written question during the Annual Conference session (§2609(6) of the 2004 Discipline);
- 2 A request for a ruling as to the legality of an action by any body created or authorized by a General, Jurisdictional, or Central Conference (§2609(5));
- 3 An appeal from a bishop's decision (§2609(7)); or
- 4 A petition for a declaratory decision by the Judicial Council (§2610).

Your notification to me should indicate which of the above categories applies. It should also include the name, position, and address of the person who asked for the bishop's decision of law or who made the motion to send the request or appeal to the Judicial Council. If there are other persons you feel should receive notification about submitting briefs, please include their full names and addresses. Please supply the exact wording of the motion and relevant information about the context of the action.

Even if all of the above information is not immediately available, please notify me within 24 hours of the adjournment of your annual conference, so that I can get your case on the docket for our Fall meeting.

All I need to know immediately is the general nature of any case originating in your annual conference. You and I can work together later to gather the details as needed. It is urgent that I receive the first notice as early in June as possible to meet all the deadlines for the Fall meeting. The docket will be set by June 30th to give persons time to get notification and briefs filed by the due date in early September.

Please do not rely on anyone else in your conference to notify the Judicial Council of cases arising there. That will almost certainly result in your request not being heard until April 2005.

You may notify me of matters from your annual conference either by letter (Keith D. Boyette, 10501 Plank Road, Spotsylvania, Va. 22553), telephone (540-972-8808), fax (540-972-0547) or e-mail (judicialcouncil@umc.org).

## APPENDIX B

### GUIDELINES FOR BISHOP'S DECISIONS ON QUESTIONS OF LAW:

The Judicial Council has received a significant number of rulings by bishops on "questions of law" under ¶ 2613, including (October 1996 Dockets V, VI, VII, and VIII) April 1997 Dockets I, II, III, and IV. The duty of the bishop is to respond with a ruling to all submitted questions of law. A ruling is required even if the ruling is simply that the question is moot, hypothetical or improperly submitted. There are categories of so-called "questions of law" which should be identified by the bishop in rulings for review by the Judicial Council, but not given substantive responses. Among these are the following:

a) Moot and hypothetical questions:

Decision 33 is the landmark decision defining the issue on moot and hypothetical questions:

"Moot and hypothetical questions shall not be decided."

Regarding moot and hypothetical questions, the key principle is "Moot and hypothetical questions shall not be decided." This principal has been followed in numerous decisions including more recent Decisions 396, 651, 746, 747, 762 and 763.

b) Judicial and Administrative procedures:

The bishop has no authority to make substantive rulings on judicial or administrative matters. Such matters are limited to the purview of the judicial or administrative bodies such as Committee on Investigation, Trial Court, Committee on Appeals or Judicial Council. The Constitution (¶ 18) and the 1996 Discipline (¶¶ 358, 2623, and 2626-2628) have placed the authority to resolve such questions in these bodies. To do otherwise would violate the principle of separation and balance of powers between the legislative, executive and judicial branches as set forth in the Constitution.

Questions which are procedural or substantive matters relating solely to actions in a judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop. However, these questions are properly addressed by an appeal to the presiding officer of a Trial Court [¶ 2627.1(a)(3)]. In regard to errors during a trial, errors of procedure or law are properly addressed in the appellate process to the Committee on Appeals of the Jurisdiction [2628.1(g)]. Such questions are not proper questions for the bishop in that these are not matters concerning the regular business of the Annual Conference. By the Constitution and other paragraphs of the 1996 Discipline, such questions belong to the judicial bodies of the Church.

The question dealing with the Judicial Council's authority to provide its own method of organization and procedure is properly considered only by the General Conference (§ 2608.1) which also must be considered in light of such inherent authority of the Judicial Council under the Constitution. The proper ruling of the bishop is to rule that a bishop has no authority to deal with such matters.

The question related to a violation of confidentiality is improper in that it poses a question which asks the bishop to find a chargeable offense. After following the supervisory process, the bishop's authority is to forward a complaint based upon the disciplinary chargeable offenses. The questions asked of Bishop Charles Wesley Jordan are, in fact, hypothetical, improper and moot.

The following are recommended guidelines for requesting a bishop's ruling on a question of law:

- 1 Only a member of the Annual Conference shall be eligible to present in writing a request for a ruling on a question of law in the regular business of a session.
- 2 Questions of law shall be germane to the regular business, consideration, or discussion of the Annual Conference and shall state the connection to a specific action taken, or the question must be raised during the deliberation of a specific issue of a matter upon which the conference takes action.
- 3 Questions of law shall be entered in the Annual Conference journal record as an exact statement of the questions and the ruling of the bishop by the secretary of the Annual Conference and properly submitted to the Judicial Council (§ 2613).
- 4 Failure of the proper action of the conference secretary, in and of itself, does not negate the responsibility of the bishop to rule and the Judicial Council to review the ruling.
- 5 The bishop shall rule on all questions presented as questions of law under § 2613, which shall be submitted by a member of the Annual Conference in writing in the regular business of a session.
- 6 When the bishop determines that the question presented is not a properly presented "question of law", the bishop shall state the rationale in the ruling without further substantive commentary. In brief, all rulings shall be forwarded to the Judicial Council for review (§ 2613). While there are no restrictions on presentations of any so-called "questions of law" to a bishop, there are numerous decisions which clearly state that the hypothetical, moot and improper questions are not in fact questions of law requiring a substantive answer. In such cases wherein the bishop has determined that the so-called "question of law" is either a hypothetical, moot or improper question, the bishop must, however, so rule and follow the procedure for review by the Judicial Council. The council has repeatedly noted that questions of law must relate to actual situations and must set forth the circumstances or acts upon which a specific ruling may be rendered.

Excerpted from Memorandum 799, April 25, 1997

## APPENDIX C

TO: INTERESTED PARTIES TO DOCKET NO. \_\_\_\_\_ PENDING  
BEFORE THE \_\_\_\_\_ SESSION OF THE JUDICIAL  
COUNCIL OF THE UNITED METHODIST CHURCH

FROM: KEITH BOYETTE, SECRETARY, JUDICIAL COUNCIL OF  
THE UNITED METHODIST CHURCH

RE: FILING OF BRIEFS

DATE:

I enclose a copy of the Docket for the \_\_\_\_\_ Session of the Judicial Council of The United Methodist Church, and a copy of the Guidelines for the Preparation of Briefs for the Judicial Council of The United Methodist Church. The Rules of Practice and Procedure of the Judicial Council state that briefs are to be filed sixty (60) days prior to the meeting of the Judicial Council where the docket item is to be considered. The \_\_\_\_\_ Session will be held from \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_. For the \_\_\_\_\_ Session, briefs must be filed with the Secretary of the Judicial Council on or before \_\_\_\_\_. The Rules require that you file ten (10) copies of any brief signed by the party submitting the briefs. The ten copies of the brief are not to be transmitted by telefacsimile or e-mail. An electronic copy of the brief in either Microsoft Word or Corel WordPerfect format is to be filed with the Secretary of the Judicial Council at [judicialcouncil@umc.org](mailto:judicialcouncil@umc.org) if possible. You have been identified as an interested party with respect to Docket No. \_\_\_\_\_.

If you elect to file a brief with the Judicial Council, please note that you are responsible for sending copies of your brief and any supporting materials to all others who are interested parties. A copy of the list of interested parties identified to date with respect to this matter is also enclosed. According to the enclosed Guidelines, you must send me a list of interested parties and any other persons receiving the brief when you submit your brief to me.

Any request for oral hearing on this matter must be received by me in writing on or before \_\_\_\_\_ as well. Oral hearings are not automatic and must be requested. Oral hearings are not granted with respect to the review of a bishop's decision of law except in extraordinary circumstances. The granting of an oral hearing in all matters is entrusted to the discretion of the President of the Judicial Council.

In forwarding your brief, please do not send it by registered or certified mail or return receipt requested as this will delay its receipt by me. Briefs should be addressed to Keith D. Boyette, Secretary, Judicial Council of The United Methodist Church, 10501 Plank Road, Spotsylvania, Va. 22553. You may communicate with me electronically at [judicialcouncil@umc.org](mailto:judicialcouncil@umc.org). If you have any questions, please contact me at the phone number listed above or by email.

# Guidelines For The Preparation Of Briefs

## THE JUDICIAL COUNCIL THE UNITED METHODIST CHURCH

The Judicial Council invites any person to file a brief in any case on its docket. It is not necessary to be a party to the proceeding nor is an invitation required for any person or group to file a brief. Anyone is free to communicate with the Judicial Council, through its secretary, by brief or otherwise.

Any party to the proceeding who chooses to file a brief must abide by Rule IV (D) of the Rules of Practice and Procedure, which requires that a copy of the brief be supplied to each of the other parties to the proceeding, and that the mailing or delivery of such copies must be certified to the Secretary of the Judicial Council.

Most cases come before the Judicial Council through a petition for declaratory decision (§ 2610 of the 2000 Book of Discipline). Because the issue frequently involves constitutionality, meaning, application, or effect of the Discipline or a portion thereof or an act or legislation of a General Conference, a brief is especially important to assist in clarifying the issue and focus of the decision.

The Judicial Council also reviews episcopal rulings, appeals of episcopal rulings and the legality of actions taken by the General Conference and jurisdictional, central and annual conferences (§ 2609). The Judicial Council also handles appeals from church trials (§2715). During sessions of the General Conference, referrals are also made to the Judicial Council under § 2609.

CONTENT of a brief should be determined by the origin of the matter, previous decisions concerning the same or similar issues, the point of view represented, and the judgment of the writer as to relevant and persuasive arguments.

DEADLINE for filing a brief is 45 days prior to the session at which the case is to be considered. Any person

On the following pages are suggestions for preparation of briefs under various circumstances.

### I. Declaratory Decisions (§2610)

A petition for a declaratory decision often arises from doubts as to the constitutionality or legality of an action taken by the General Conference, a Jurisdictional, Central or Annual Conference, or some board or agency. It may also arise from the need for an interpretation of some portion of the Discipline, so that some group may know how to proceed in keeping with church law.

Such petitions must meet two conditions: (1) it must be a matter which affects the body filing the petition and (2) it must involve the constitutionality, meaning, application, or effect of the Discipline or some portion thereof, or some act of the General Conference.

When a member of some group offers a motion that the group initiate a petition for a declaratory decision, it is assumed that the member feels there has been some violation of the

Constitution or Discipline or there is a need for interpretation of some part of the Constitution or Discipline as it relates to that group.

If the question raised is one of constitutionality or legality, the maker of the motion should prepare and submit a brief which says, in effect, “We believe the meaning of ¶ \_\_\_\_\_ is such that, when applied to this matter, it has the effect of making the action unconstitutional or illegal.” The argument should be supported by the following:

- 1 State the basis for the jurisdiction of the Judicial Council. Note that the Discipline gives the Judicial Council jurisdiction only under certain narrowly defined circumstances. Cite the paragraph numbers and circumstances thought to establish jurisdiction in the matter.
- 2 State the relationship between the action, the Discipline, and the group petitioning for the decision.
- 3 Identify the specific paragraph of the Constitution or Discipline thought to have been violated.
- 4 Identify and discuss previous decisions of the Judicial Council bearing on the issue.
- 5 State any other supporting arguments or information.
- 6 Identify the relief requested.

If the petition is a request for information, a brief need not argue a point of view. It need only establish jurisdiction and the need of the petitioning body for that interpretation.

A person preparing a brief in opposition to the petition may argue that the Judicial Council does not have jurisdiction or that the position of the petitioner is in error.

## II. Bishop's Decision of Law

### A. Appeal of Bishop’s Decision of Law (¶ 2609.7)

The maker of a motion to appeal a bishop’s decision on a question of law should prepare and file a brief setting forth the reasons why the decision is thought to be in error, citing the Discipline, the decisions of the Judicial Council and other references where appropriate. Supporters of the appeal may participate in a joint brief or may file separate briefs if they prefer.

The bishop may prepare a brief in support of the decision, providing rationale and references in more detail. Others who support the decision and oppose the appeal may file a brief as well.

### B. Review of Bishop’s Decision of Law (¶ 2609.6)

As in (A) above, the bishop may prepare a brief in support of the decision. Those in agreement and those in opposition may also file briefs. A brief should set forth the circumstances surrounding the decision, cite the relevant sections of the Discipline and decisions of the Judicial Council, and give supporting arguments.

### III. Appeals from Church Trials (§ 2715)

It is expected that briefs will be filed by counsel for the church and counsel for the person charged, accompanied by transcripts of the trial and any previous appeals. Others may file briefs if they wish. Briefs should state clearly the facts relevant to the appeal and the church law on which the appeal is based.

### IV. Others Matters

The above guidelines are generally applicable to all cases coming through any other channel. A brief should deal with jurisdiction, present the facts, clarify the issues, identify applicable church law and previous decisions, and point to a conclusion.

### V. Delivery of briefs

All briefs are to be delivered to the Secretary of the Judicial Council 60 days prior to the Council session at which the matter will be heard. Interested parties should send 10 copies of each brief to the Secretary of the Judicial Council, signed by the party submitting the brief. An electronic copy of the brief in either Microsoft Word or Corel WordPerfect format is to be filed with the Secretary of the Judicial Council at [judicialcouncil@umc.org](mailto:judicialcouncil@umc.org) if possible.

# Bishop's Report To The Judicial Council Of The United Methodist Church\*

1. This is the form which the Judicial Council is required to provide for the reporting of decisions of law made by bishops in response to questions of law submitted to them in writing the regular business of a conference session. The reporting of such decisions is mandatory, whether or not they are appealed. (See ¶¶ 54, and 2609 of 2004 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 3 under “jurisdiction.”)

2. This form may also be used to report decisions on questions of law made in the parliamentary procedure of a conference session when such decisions are appealed by one-fifth of the members of the conference. (See ¶¶ 54 and 2609 of 2004 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 2 under “jurisdiction.”)

Please check whether this report is under 1  or 2

Report of an episcopal decision made by Bishop \_\_\_\_\_  
during the session of the \_\_\_\_\_ Conference, meeting at  
\_\_\_\_\_ on \_\_\_\_\_, 20 \_\_\_\_\_.

Subject: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach the following relevant documents and information:

If under No. 1 - The written request for decision; the decision, and, optionally, the reasoning behind it; notation of appeal, if taken; pertinent background information, etc.

If under No. 2 - The parliamentary situation; the decision, and, optionally, the reasoning behind it; transcript of the appeal taken; pertinent background information, etc.

Signed \_\_\_\_\_  
**Bishop of The United Methodist Church**

Date reported to the Secretary of the Judicial Council \_\_\_\_\_

**Required copies to:**  
**Bishop's Report To The Judicial Council**  
**Secretary of the Judicial Council (10 Copies)**  
**Bishop (1 Copy)**

\*Paragraph references are to the *2004 Book of Discipline*