

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1334

IN RE: Review of a Bishop's Decision of Law in the Texas Annual Conference concerning if, during the disposition of the penalty imposed by the trial court, a respondent maintains the fair process rights guaranteed by the Book of Discipline (particularly, the right to be heard; ¶ 2701.2 of the 2008 Discipline) before a final decision is made.

DIGEST

The question of law presented to the bishop during the 2016 Clergy Session of the Texas Annual Conference is in connection with a substantive matter relating to a judicial process. This is not a proper question to be addressed in a substantive ruling by a bishop. The bishop's decision is affirmed.

STATEMENT OF FACTS

In December 2011, a complaint was filed against an elder in the Texas Annual Conference, with Bishop Janice Riggle Huie, for "immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage, by her superintendent, Rev. Richard L. White.

After review, the complaint was formalized as a charge against the elder. Efforts at a just resolution failed because the Conference Relations Committee of the Texas Annual Conference refused to endorse an agreed upon resolution between the elder and the cabinet. Thereafter, a trial was conducted and the elder was convicted. The jury imposed penalties almost identical to the conditions of the just resolution agreement.

The elder did not appeal from the verdict of the trial court. In June of 2015, the Board of Ordained Ministry of the Texas Annual Conference voted to revoke the elder's credentials as a United Methodist pastor.

On May 30, 2016, during the Clergy Session of the Texas Annual Conference, a clergy member requested a ruling on a question of law from the presiding bishop. The request was as follows:

During the disposition of the penalty imposed by the trial court for Carla Badgett, does the defendant (respondent) maintain the fair process rights guaranteed by the discipline, (particularly, the right to be heard; paragraph 2701.2 of the 2008 discipline) before a final decision is made.

The rationale for the request was that when the final vote was taken to revoke the Rev. Carla Badgett's orders, neither she, nor her counsel, were allowed to speak to the members of the Board of Ordained Ministry present to vote.

On June 14, 2016, Bishop Janice Riggle Huie made a decision of law as follows:

The question is an improper request for a decision of law. The episcopacy lack [*sic*] authority to make substantive rulings as to fair process, judicial process, and administrative process. The question is improper.

Excerpt from the Minutes of the Clergy Session held on May 30, 2016, was submitted to the Judicial Council. A brief was submitted by Rev. Jim Welch.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2609 of *The Book of Discipline 2008* [hereinafter *The Discipline*].

ANALYSIS AND RATIONALE

The bishop's Decision of Law is affirmed.

Requests for a bishop's decision of law that ask a bishop to make substantive comment on supervisory or judicial process are improper. A 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 Investigations, Trial Court, Committee on Appeals or Judicial Council. 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. *See* Judicial Council Decision [hereinafter JCD] 1314, 1188, 1167, 1092, 1064, 799, 867.

Questions as to fair process, judicial process, and administrative process must be addressed in appropriate manner and through the specific bodies set forth in *The Discipline*. In no event may an individual bring these delineated issues to the Judicial Council pursuant to a review of a bishop's ruling on a question of law; to do so circumvents the process set forth in *The Discipline* and also violates the principle of the separation and balance of powers. It is only by a vote of an authorized body for a declaratory decision that the matter might be addressed by the Judicial Council on the merits. *See* Memoranda 1166 and 1167.

DECISION

The question of law presented to the bishop during the 2016 Clergy Session of the Texas Annual Conference is in connection with a substantive matter relating to a judicial process. This is not a proper question to be addressed in a substantive ruling by a bishop. The bishop's decision is affirmed.

Deanell Reece Tacha was not present.

Kabamba Kiboko recused

First lay alternate Warren Plowden participated in this decision.

First clergy alternate Tim Bruster participated in this decision.