JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA

Report by Bishop on Decision of Law

This form is to be used for (please check one):

☒ Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (¶ 56.3 Const. and ¶ 2609.6 *The Book of Discipline 2016*).

☐ Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (¶ 56.2 Const. and ¶ 2609.7 *The Book of Discipline 2016*).

Name of Bishop: Laurie A. Haller

Address: 2301 Rittenhouse Street City: Des Moines

State/Province: Iowa ZIP/Postal Code 50321 Country: Polk

Phone: 515-974-8902 Fax: 515-974-8952 E-mail: bishop@iaumc.org

Annual Conference: Iowa Date of session: 06/11/2017 (month/day/year)

Question(s) of Law: See attached

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: Book of Discipline: Paragraphs 304,310,362, 605.7, 635

Judicial Council Decision(s): #920

Signature: Laurie Haller Date: June 28, 2017

Bishop of The United Methodist Church (month/day/year)

The following must be attached:

- Decision of Law, including facts, rationale and ruling
- Text of the written request for decision
- Minutes of annual conference proceedings (relevant portions only)
- List of names and addresses of interested parties
- Other relevant materials (e.g. conference rules, resolutions, policies, reports)

Send electronic copy of this form and all materials in PDF and Microsoft Word format to: secretaryjudicialcouncil@gmail.com

Mail four (4) sets of hard copies to: Secretary of the Judicial Council, 5556 N Sheridan Road, # 610; Chicago, IL 60640 USA

IOWA ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH

BISHOP'S RULING OF LAW ON QUESTION OF LAW NO. 1
PRESENTED DURING THE 2017 SESSION OF THE ANNUAL CONFERENCE

STATEMENT OF THE QUESTION OF LAW AND DECISION

BACKGROUND AND PROCEDURE

During the 174th Plenary Session of the 2017 Annual Conference on June 11, 2017 at 1:03 PM, Lay Member Craig Scott, Ed.D., of the Chariton, First United Methodist Church, after being duly recognized, rose and verbally requested that I enter a ruling on a question of law which is substantially similar to that set forth below, and attached hereto. I reminded Dr. Scott that I may only provide a ruling on a question of law submitted in writing during the annual conference session. Dr. Scott submitted his question of law in writing by the close of the Annual Conference session, which ended on the evening of Monday, June 12, 2017. This Ruling is attached to my Report for submission to the Judicial Council of The United Methodist Church. Also included with this Ruling and my Report are: Exhibit 1) the relevant Minutes of the 174th Plenary Session; Exhibit 2) a copy of Dr. Scott's signed Request for a Bishop's Decision of Law (hereinafter, "**Scott Request**"); Exhibit 3) a list of names and addresses of interested parties; Exhibit 4) a correct copy of a news article published by Iowa Annual Conference—"The Spirit is Calling Moving Inviting," http://www.iaumc.org/newsdetail/the-spirit-is-calling-moving-inviting-5117464 (last visited on June 23, 2017), and, Exhibit 5) a news article published the Iowa Annual Conference— "Bishop Trimble Dismisses Complaint," http://www.iaumc.org/newsdetail/the-spirit-is-calling-moving-inviting-5117464 (last visited on June 23, 2017). [1] These articles were referenced in Dr. Scott's Request for a Bishop's Decision of Law.[2]

REQUEST FOR DECISION OF LAW

The Scott Request is predicated on two events. Scott Request. The first was the public disclosure on June 22, 2016, at our 2016 Annual Conference, by a United Methodist elder and member in full connection, Rev. Anna Blaedel, who is duly appointed to ministry in the Annual Conference, that she, among other things, is "a self-avowed, practicing homosexual." *See* Exhibit 4 at 2. The second event was the dismissal on a complaint arising from Rev. Blaedel's June 22, 2016 statement by Bishop Julius C. Trimble, who was then serving as the resident Bishop to the Iowa Annual Conference. *See* Exhibit 5 at 2-3 (reporting Bishop Trimble's public statement regarding the matter). The Scott Request then states, accurately, that Rev. Blaedel continues to serve in the Annual Conference as an appointed elder in good standing. Scott Request.

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[1] After receiving the Scott Request, my office received an unsolicited, ex parte "friend of the court" brief via e-mail, but I have not relied on the arguments or authorities contained therein in coming to the conclusions set forth below. I do not therefore, consider that brief a part of the record to be included with my report.

[2] The internet address provided here for Exhibit 5 is slightly different than that offered by Dr. Scott, however, I believe Exhibit 5 is the correct document cited by Dr. Scott in his Request. Dr. Scott did not attach paper copies of the articles to his Request.

The Scott Request then continues:

> Therefore, in accordance with ¶¶51 and 2609 of the *Book of Discipline,* and in light of ¶¶304.2, 304.3, 310.2d, 605.7, ¶ 2702.1 (a), (b), and (d), Judicial Council decisions 920, 1341, and other relevant church law, I request a bishop's decision of law on the following:
>
> 1. Before the complaint against the Rev. Anna Blaedel was dismissed in August, did a review process conducted in accordance with ¶362, Judicial Council Decision #920, and related church law include Rev. Blaedel retracting her statement at the 2016 Annual Conference session to say that she was not really "a self-avowed practicing homosexual," include a determination of fact otherwise being made that she was not really "a self-avowed practicing homosexual," or include Rev. Blaedel being directly asked if she was a self-avowed, practicing homosexual?
> 2. If not, was the complaint properly dismissed in accordance with ¶362 and other relevant church law?
> 3. If Rev. Blaedel has not retracted her public statement that she is "a self-avowed practicing homosexual" and her statement has not been disproven by any proper review process, may her ministerial office be subject to further review under ¶362?
> 4. Does someone who states directly to the bishop, multiple superintendents, and multiple members of the board of ordained ministry, as Rev. Blaedel did before the entire 2016 Iowa Annual Conference, that she is "a self-avowed practicing homosexual" or an "out, out, queer, partnered clergy," and never retracts or contests the accuracy of such a statement, meet the minimum requirements for ordination and appointment under 304.3 310.2d, and 2702.1 (a), (b), and (d)?
> 5. Does ¶605.7 require that the bishop/cabinet report complaints dismissed under ¶362.e.1 as pertinent information required under ¶635.2m, at least upon request in the clergy session?

Scott Request ¶¶ 1-5.

RULING, ANALYSIS AND RATIONALE

Pursuant to the requirements of The Discipline of the United Methodist Church 2016 (hereinafter, *The Discipline*), I am instructed to respond "with a ruling to all submitted questions of law." *See* "Guidelines for Bishop's Rulings on Questions of Law," Rules of Practice and Procedure, The Judicial Council of the United Methodist Church, Appendix A (last revised on October 28, 2016) ("**Guidelines**"). I must do so even "if the ruling is simply that the question is moot, hypothetical or improperly submitted." *Id.* (quoting Judicial Council Decision 799). I address each of Dr. Scott's inquiries in turn:

1. I am asked whether the proper procedure was followed by Bishop Trimble in response to the complaint filed against Rev. Blaedel, as set forth above, under Paragraph 362 of *The Discipline*. *See* Scott Request ¶ 1; Ex. 5. I have no authority to rule on this question. As the Judicial Council as ruled, a "bishop has no authority to make substantive rulings on judicial or administrative matters." Dec. 799 ("Questions which are procedural or substantive matters relating solely to action in a judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop."). To decide otherwise would be address a question is not a matter "concerning the regular business of the Annual Conference." *Id.*; *see also* Dec. 867.

2. I am asked whether the complaint, as set forth above, was properly dismissed in accordance with ¶362 and other relevant church. For the reasons and authorities set forth in my response above, I have no authority to rule on this question.

3. I am asked whether Rev. Blaedel retracted her public statement that she is "a self-avowed practicing homosexual" and her statement has not been disproven by any proper review process, may her ministerial office be subject to further review under ¶362. This request also asks me to review a judicial or administrative process, something I do not have authority to do. Dec. 799. Further, as this sub-request also asks me to determine whether Rev. Blaedel's ministerial office is subject of further review under Paragraph 362, it is moot and hypothetical. The subject complaint has been dismissed. Dec. 799 ("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."); Dec. 867.

4. I asked whether "someone who states directly to the bishop, multiple superintendents, and multiple members of the board of ordained ministry . . . that she is "a self-avowed practicing homosexual" or an "out, out, queer, partnered clergy," and never retracts or contests the accuracy of such a statement, meet the minimum requirements for ordination and appointment under 304.3 310.2d, and 2702.1 (a), (b), and (d)." This is a hypothetical question and so one on which I may not opine. Dec. 799 ("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.").

5. I am asked whether under ¶ 605.7 of *The Discipline*, that the "bishop/cabinet report complaints dismissed under ¶362.e.1 as pertinent information required under ¶ 635.2m, at least upon request in the clergy session." This request requires me to opine on a procedural matter which is not in my authority to do. Dec. 799. It is also a hypothetical. *See* Dec. 33 ("It is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded, nor to answer requests for information which involve no legal matter.").

Laurie Haller

Bishop Laurie Haller

4. RECOGNITION of those transferring from another annual conference: Okitakoyi M Lundula, Emmanuel T. Naweji, Stephanie L. Schlimm

5. COMMISSIONING as provisional elders: Elizabeth Ann Bell, Christopher Eric Childs, Elad Shapira

6. ORDINATION as elders: Melanie Ann Greengo, Nicholas Daniel Grove, Joe Hee Lee, Kayla Marie Lange, Joy Lynne Mitchell, Jeremy Michael Poland, Eric Zinnah Sayonkon, Michael Chase Slininger.

7. PRAYER for Ministry Calling: Bishop Laurie Haller

8. SCRIPTURE: Luke 9: 18-24 NRSV read by Sean McRoberts

9. MESSAGE: Will you bear the cross, or just wear it? Bishop Laurie Haller

10. OFFERING: Simpson Youth Academy

11. FOOTWASHING CEREMONY: Bishop Laurie Haller and the newly ordained

12. HOLY COMMUNION

13. CLOSING

Sunday afternoon, June 11, 2017

1. OPENING PRAYERS

2. ANNOUNCEMENTS. Nitza Dovenspike, Conference Secretary

3. QUESTION OF LAW. Craig Scott submitted a question of law regarding the appointment of Reverend Anna Blaedel in writing to the Episcopal Office. Accepted by the Bishop.

4. WORKING BUDGET: Jon Disburg moved the working budget located on page 14 of the pre-conference manual. Adopted.

5. CONSTITUTIONAL AMENDMENTS. Nitza Dovenspike, Conference Secretary, presented the constitutional amendments. Vote totals from across the denomination will be added together and results reported by the Council of Bishops per ¶59, *2016 Book of Discipline*. A 2/3 majority of all votes is required for adoption.

   5.1. Nitza Dovenspike moved Action Item #101, Proposed Constitutional Amendment – I. Vote was taken.

   5.2. Nitza Dovenspike moved Action Item #102, Proposed Constitutional Amendment – II. Vote was taken.

   5.3. Nitza Dovenspike moved Action Item #103, Proposed Constitutional Amendment – III. Vote was taken.

EXHIBIT 2

Request for a bishop's decision of law

Whereas, the Rev. Anna Blaedel publicly stated at the 2016 Iowa Annual Conference that she is "a self-avowed, practicing homosexual" (http://www.iaumc.org/newsdetail/the-spirit-is-calling-moving-inviting-5117464); and

Whereas, the Iowa Conference website reported that Bishop Julius Trimble dismissed a complaint made against Rev. Blaedel in response to this statement (http://northwest.iaumc.org/newsdetail/bishop-trimble-dismisses-complaint-5968248); and

Whereas, Rev. Anna Blaedel remains an appointed elder in good standing;

Therefore, in accordance with ¶¶51 and 2609 of the *Book of Discipline*, and in light of ¶¶304.2, 304.3, 310.2d, 605.7, ¶ 2702.1 (a), (b), and (d), Judicial Council decisions 920, 1341, and other relevant church law, I request a bishop's decision of law on the following:

1. Before the complaint against the Rev. Anna Blaedel was dismissed in August, did a review process conducted in accordance with ¶362, Judicial Council Decision #920, and related church law include Rev. Blaedel retracting her statement at the 2016 Annual Conference session to say that she was not really "a self-avowed practicing homosexual," include a determination of fact otherwise being made that she was not really "a self-avowed practicing homosexual," or include Rev. Blaedel being directly asked if she was a self-avowed, practicing homosexual?
2. If not, was the complaint properly dismissed in accordance with ¶362 and other relevant church law?
3. If Rev. Blaedel has not retracted her public statement that she is "a self-avowed practicing homosexual" and her statement has not been disproven by any proper review process, may her ministerial office be subject to further review under ¶362?
4. Does someone who states directly to the bishop, multiple superintendents, and multiple members of the board of ordained ministry, as Rev. Blaedel did before the entire 2016 Iowa Annual Conference, that she is "a self-avowed practicing homosexual" or an "out, out, queer, partnered clergy," and never retracts or contests the accuracy of such a statement, meet the minimum requirements for ordination and appointment under ¶¶ 304.3 310.2d, and 2702.1 (a), (b), and (d)?
5. Does ¶605.7 require that the bishop/cabinet report complaints dismissed under ¶362.e.1 as pertinent information required under ¶635.2m, at least upon request in the clergy session?

Request presented by:

Craig Scott

Craig Scott, Ed.D.
1120 N. 12th Street
Chariton, Iowa 50049

EXHIBIT 3

INTERESTED PARTIES

Craig Scott, Ed.D.
1120 N. 12th Street
Chariton, Iowa 50049

Bishop Julius C. Trimble
301 Pennsylvania Parkway, Suite 300
Indianapolis, Indiana 46280-1396

Rev. Anna Blaedel
Wesley Foundation at the University of Iowa
120 North Dubuque Street
Iowa City, Iowa 52245

EXHIBIT 4

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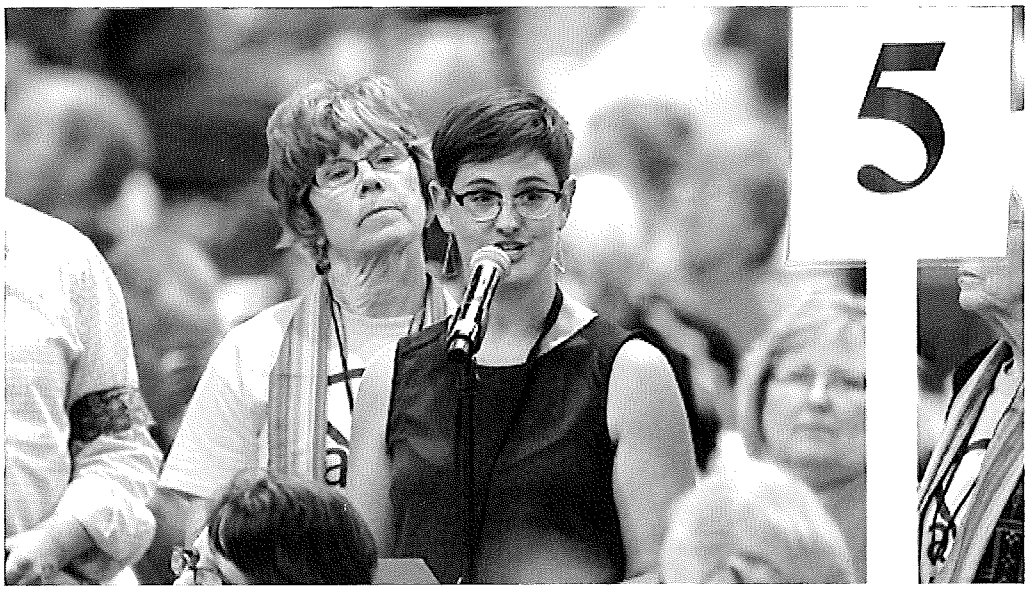
'The Spirit is calling, moving, inviting'



June 22, 2016

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by Arthur McClanahan*

"The Spirit is calling, moving, inviting," said Rev. Anna Blaedel during the 2016 session of the Iowa Annual Conference. "**Be** the church. Now. **Be** the body of Christ," she added.

Rising to a moment of personal privilege, surrounded by colleagues and friends offered a glimpse into her life story and journey of faith. "I have been a United Methodist almost my entire life." She recalled the time when her parents came to faith when she was four and when she was baptized at the United Methodist Church in De Ridder, LA. "I was baptized, confirmed, called, commissioned, and ordained into this church," she added.

Click here to see the video of the moment of personal privilege (https://vimeo.com/171830436)

For Blaedel, campus minister at the University of Iowa Wesley Center, it was important that members of the Annual Conference know, "This has been my place of spiritual belonging, of vocational calling, my faith community, my faith home."

The Iowa Events Center was quiet as she said, "I am a self-avowed, practicing homosexual. Or, in my language, I am out, queer, partnered clergy." Noting that for many "this is not news," Blaedel acknowledged, "by simply speaking this truth to you, aloud, here, I could be brought up on charges, face a formal complaint. I could lose my job, lose my clergy credentials, lose my space of spiritual belonging, of vocational calling, my faith community, my faith home."

'Horrible, harmful untruths'

Citing the fact that The United Methodist Church is not of one mind about homosexuality and that for LGBTQ persons this is a painful reality she observed, "This institution is instilling in me and other LGBTQ people some horrible, harmful untruths. That we are unloved, and unlovable. That we are unworthy. That we are incompatible, disordered, divisive. That at our core, at the core of our createdness, there is something shameful, sick, sinful."

Addressing language within the Book of Discipline, she said, "That, friends, is incompatible with Christian teaching." Challenging the controversial paragraph Blaedel added, "Allegiance and adherence to unjust laws in incompatible with Christian teaching." Relegating LGBTQ persons to a shunned status and "Welcoming us and our ministry only if we hide, be quiet, and stay in the shadows is incompatible with Christian teaching. Isolation and oppression are incompatible with Christian teaching."

She talked about "the persistent pain and weary woundedness of being raised in and called to a church that continues to call my being and my loving a chargeable offense, that continues to identify my being and my loving as incompatible with Christian teaching." From her anguish she wondered, "I do not know if it is faithful or just plain foolish of me to continue giving my prayers, presence, gifts, service, and witness to a denomination that continues to call me and so many I love an abomination, an issue, a divisive distraction."

Challenging the denomination that is closed to so many, Blaedel asked, "How can I be in honest study, prayer, and conversation within this connection when I am not, when we LGBTQ people are not, safe to speak the truth of our living, and our loving?"

Church as a more inclusive community

She invited the church to be a more inclusive community. "How can the hand say to the foot, 'Therefore go,' I have no need of you? How can the ear say to the eye, 'Therefore go,' I have no need of you?"

As in past moments when the church excluded persons, because of their race or their gender, Blaedel said that it's time for change..." It's so long past time... Stop the complaints, stop the charges, stop the prohibitions, stop the harm."

"**Be** the church," she said. "**Be** the Body of Christ."

The assembled body of the 2016 Iowa Annual Conference Session was silent for moments after Rev.

Anna Blaedel finished her moments of personal privilege. And then significant, extended applause.

(Note: Within hours of Rev. Blaedel's personal witness a complaint was filed against her. There will be more to come on this developing story."

**Arthur McClanahan is director of communications for the Iowa Annual Conference*

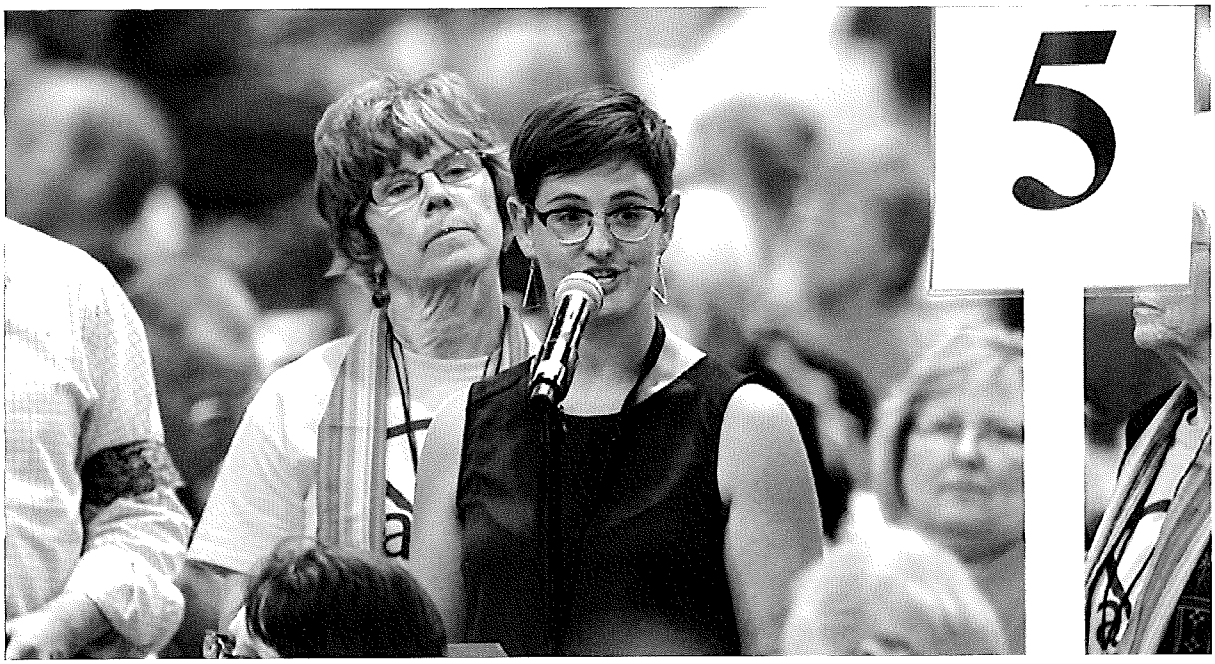
creating grace-filled communities

CONTACTING US

The Iowa Annual Conference of The United Methodist Church
2301 Rittenhouse St. Des Moines, IA 50321 | (515) 974-8900 | communications@iaumc.org (mailto:communications@iaumc.org)

EXHIBIT 5

Bishop Trimble dismisses complaint



September 12, 2016

share (https://www.facebook.com/IowaAnnualConference) (https://twitter.com/iowaconference)

A complaint, filed in June, by three Iowa Conference clergy against one of their fellow clergy was dismissed on August 30, 2016 by Bishop Julius C. Trimble.

His brief statement, conveyed to all parties involved, said, in part, "In accordance with Paragraph 363.e of 2012 Book of Discipline I have decided to dismiss the complaint against Rev. Anna Blaedel. The rationale was shared with the appointive cabinet."

Rev. Craig Peters, Rev. Gary Hoyt, and Pastor Ben Blanchard filed a complaint with the Bishop and Cabinet in response to remarks made by Rev. Blaedel during the 2016 session of the Iowa Annual Conference. In part, she said, "I am a self-avowed, practicing homosexual. Or, in my language, I am out, queer, partnered clergy."

Paragraph 363.e of the Book of Discipline directs a bishop to initiate a "supervisory response process... within 90 days after the receipt" of a "written and signed complaint." During those 90 days, if "the complaint resolution is not achieved" a bishop has the option to "Dismiss the complaint with the consent of the cabinet giving the reasons therefore in writing, a copy of which shall be placed in the clergyperson's file."

When, after consultation with all parties involved during that timeframe, a resolution was not achieved, Bishop Trimble dismissed the complaint. He wrote, "The dismissal includes a letter of reprimand to be placed in the file of Rev. Blaedel."

The Book of Discipline calls for the process to be confidential. In informing all parties involved of the rationale for his decision, Bishop Trimble's intention was to honor that confidentiality.

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CONTACTING US

The Iowa Annual Conference of The United Methodist Church
2301 Rittenhouse St. Des Moines, IA 50321 | (515) 974-8900 | communications@iaumc.org
(mailto:communications@iaumc.org)

RULES OF PRACTICE AND PROCEDURE

Revised October 28, 2016

THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

TABLE OF CONTENTS

I. AUTHORITY FOR RULES

These Rules of Practice and Procedure for the Judicial Council of The United Methodist Church are adopted pursuant to the authority granted by The Constitution of The United Methodist Church, Division Four - The Judiciary, ¶¶55-58 of *The Discipline of the United Methodist Church 2012* [hereinafter *The Discipline*].

II. 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. Prior to the adjournment of the General Conference at which new members are elected, the continuing and newly elected members shall conduct an organizational meeting. The President of the Judicial Council shall preside during the election of officers. If the President of the Judicial Council is a continuing member, then a member of the Judicial Council whose term is due to expire and whose service as a member will conclude shall serve as the presiding officer for the purpose of said election.

B. The President shall perform 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 *The 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 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. Assure that a correct and complete record of all proceedings, actions, and decisions of the Judicial Council are kept.

3. Assure that an accurate and current docket of all matters that come before the Judicial Council for consideration, including any administrative matters that relate to the Judicial Council's manner of operation is prepared and maintained.

4. Cause, at the earliest possible date upon the completion of the work, copies of the decisions of the Judicial Council to be provided to other members of the Council, to all parties to each docket item, and to such other persons or organizations as authorized by the President.

5. Cause to be delivered signed copies of Judicial Council decisions that are 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. Cause to be sent signed copies of all decisions of the Judicial Council to the President and Secretary of the Council of Bishops, and all other persons specified in ¶ 2612 of *The Discipline.*

7. Cause to be notified the Committee on Correlation and Revision of *The Discipline* of any action of the Judicial Council which declares unconstitutional any paragraph of the *The Discipline.*

8. Cause to be sent to the General Commission on Archives and History 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. The General Commission on Archives and History of The United Methodist Church shall hold any and all such materials under seal and shall not make them available for examination for a period of twenty- five years from the time they are received.

9. Cause to be published each quadrennium a bound volume of all decisions of the previous quadrennium.

E. The Judicial Council shall employ a part-time Clerk, who shall assist the Secretary to perform the above stated duties and such other duties as may from time to time be assigned by the Secretary or the Council.

F. The Executive Committee shall be composed of the officers. The Clerk shall take minutes.

III. ELIGIBILITY TO CONTINUE SERVING AFTER ELECTION

A. The Judicial Council is a constitutional body of The United Methodist Church and the selection of its members is authorized in Division Four, Article I of the Constitution (¶ 55).

B. The General Conference, in determining the size of the Judicial Council and the method for electing its members and alternates, has established a plan whereby the Judicial Council will have precise numbers of lay and clergy members at all times. Members and alternates are selected either as "clergy" or "lay" members of the Council. Alternates are seated in the manner that ensures only clergy alternates will be seated for clergy members, and only lay alternates will be seated for lay members. In its judgment, the General Conference has determined that no more than five nor fewer than four clergy or lay persons will be seated when the Judicial Council meets.

C. In the event that a clergy member of the Judicial Council, a lay member of the Judicial Council, or an alternate in either category, has a change of category (clergy to

lay/lay to clergy) during her/his term, that individual's seat on the Council or place on the list of alternates shall be considered vacant. The vacancy shall be filled in accordance with ¶ 2604 of *The Discipline*.

IV. MEETINGS

A. There shall be a regularly scheduled meeting of the Judicial Council between the 15th of October and the 15th of November and the third or fourth full week of April each year, except in the year of General Conference when the meeting just before and during General Conference shall take the place of the regularly scheduled April meeting. As a rule, meeting dates and places should be selected at least four (4) months prior to being held. This shall include the October meeting following General Conference.

B. The President, in consultation with the Secretary, may determine that the matters before the Judicial Council are insufficient to warrant a meeting. In such a case, an announcement of the cancellation of a regularly scheduled meeting shall be published in *The Interpreter* and on official United Methodist websites.

C. In the event 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.

D. Members of the Judicial Council shall register for a scheduled meeting at least fifty (50) days before the start of the meeting through the offices of the General Council on Finance and Administration (GCFA). The Secretary shall be authorized to arrange for an alternate to attend a meeting as a replacement for any member of the Judicial Council who has not registered forty (40) days before the meeting is scheduled to begin.

V. DOCKETS AND BRIEFS

A. All matters proposed for inclusion on the Judicial Council Docket shall be received by the Secretary by July 15 or December 31 for inclusion on the fall or spring docket, respectively.

B. The Secretary shall assure that the docket is posted on the Judicial Council pages of the official United Methodist website at least ninety (90) days before the session at which the case will be considered. The posting shall include the complete wording of the request for a decision (¶ 2608.1 of *The Discipline*).

C. It shall be the responsibility of the secretary of the 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 all materials relating to the matter being appealed, including a copy of the minutes where such matter arose in the normal proceedings of the body, transcripts, minutes, and decisions in church trials, and any other documents relevant to the case. All such documents and materials must be received by the Secretary no later than sixty (60) days before the day of the session at which the case will be considered. Materials may be added to the record by a party after this date only by leave of the Judicial Council.

D. When the docket for the regularly scheduled fall and spring meetings has been set, the Secretary or Clerk shall send copies to other members of the Judicial Council, The United Methodist News Service, *The Interpreter*, and to all parties and to such other persons or organizations as may be deemed appropriate.

E. 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 and all contact information 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.

F. Any interested party or other person who wishes to comment on any matter coming before the Judicial Council may submit a brief. For Judicial Council purposes, "interested party" used in this document is an individual or a representative of an institution named in a proceeding over which the Judicial Council has jurisdiction.

G. All briefs submitted to the Judicial Council shall be submitted to the Secretary no less than seventy (70) days before the session at which the matter will be considered, and conform to the Format for Briefs (Appendix C). Four (4) copies of each brief shall be printed and submitted on 8½ x 11 inch or A4 paper, and signed by the person submitting the brief. An electronic copy of the brief in both Word and PDF format (with securities features disabled) must be filed with the Secretary of the Judicial Council at secretaryjudicialcouncil@gmail.com. Each submitting party shall provide all other interested parties with an electronic copy of their brief.

H. Any person identified as a interested party shall submit to the Secretary a list of the person(s) to whom the brief has been sent, certifying thereby that all the persons identified as interested parties have been sent copies.

I. Any reply to a brief must be received within ten (10) days after the deadline for filing briefs.

J. All persons, whether in the submission of written documents or oral communications, shall at all times conduct themselves with dignity and propriety being aware that this is a church proceeding. They shall yield gracefully to the rulings of the Judicial Council and avoid detrimental remarks, both in session and out, and shall at all times promote respect for the Judicial Council.

VI. ORAL HEARINGS

A. An oral hearing may be requested by any interested party. All requests for oral hearing must be submitted to the Secretary of the Judicial Council no later than the deadline for the filing of briefs with copies of such request sent to all other interested parties. The Secretary will immediately forward the request for oral hearing to the President for a decision. The President may, but is not required to, consult with the remaining members of the Judicial Council before deciding whether to grant an oral hearing.

B. An oral hearing normally will not be granted in cases involving the review of a bishop's decision of law.

C. The President's decision granting or denying the request for oral hearing will be communicated to the parties in writing by the Secretary of the Judicial Council.

D. The petitioner opens and has the authority to conclude the argument if five (5) minutes of the allotted time has been reserved.

E. The President will determine the time allowed for oral hearing. If more than one person is speaking to the issue before the Judicial Council for the same position, all such persons, including *amicus curiae*, shall share the allotted time. The petitioner may reserve up to five (5) minutes of the allotted time for rebuttal, provided that such time for rebuttal is requested before the petitioner's oral statement begins.

VII. DECISIONS AND MEMORANDA

A. Decisions of the Judicial Council shall be in writing and shall include the reasons and rationale upon which the decision is based. Decisions shall include a digest, a statement of facts, a jurisdictional statement, an analysis and rationale and a final ruling that disposes of all issues raised.

B. The decisions will be released to all interested parties as soon as practicable on order of the President, and shall carry the disclaimer "Subject to further correction and revision." Decisions shall be signed by the President and the Secretary. Any member who desires to sign a controlling decision has the right to do so.

C. Each decision and/or memorandum shall be made available to The United Methodist News Service, and printed in *The Interpreter* within ninety (90) days following the decision or disposition as required by ¶ 2612 of *The Discipline*.

D. As soon as practicable following its meetings, the decisions of the Judicial Council shall be posted by the Secretary or Clerk on the official United Methodist Internet site.

E. Following necessary corrections and revisions, the decisions shall be sent to the Secretary of the General Conference, and all other persons specified in ¶ 2612 of the *The Discipline*.

F. Signed copies of the decisions shall be forwarded to the United Methodist Archives.

G. Any member of the Judicial Council who wishes to write a dissenting or concurring opinion shall announce their intent to do so before adjournment of the session at which the majority or controlling decision is adopted. In such cases, the member shall prepare and submit the dissenting or concurring opinion to the Secretary prior to adjournment. The controlling decision or memorandum and the dissenting or concurring opinions shall be published simultaneously.

H. Whenever the Judicial Council concludes that it lacks jurisdiction to consider a docket item, the issue(s) raised may be decided by a memorandum that includes a statement of the relevant facts and a brief reference to the reasons why the Judicial Council lacks jurisdiction.

VIII. NO DISCUSSION OUTSIDE COUNCIL MEETINGS

A. Members of the Judicial Council shall not permit or participate in any discussion on any matters pending before the Judicial Council, or that may be referred to the Judicial Council for determination with any persons who are not Judicial Council members. (¶ 2607 of *The Discipline*)

B. While strictly observing the intent of the preceding paragraph, a member of the Judicial Council to whom a docket item has been assigned by the President may request that the Secretary or Clerk 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 or Clerk to all members of the Judicial Council.

C. The President, Secretary, or Clerk of the Judicial Council may provide parties or other interested persons with information on procedural matters relating to docketed items.

D. No member of the Judicial Council shall interpret or comment on any decision made by the Judicial Council.

IX. RECONSIDERATION OF COUNCIL ACTION

A. Whenever a decision of the Judicial Council is shown 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 an interested party 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 or electronic ballot to the Secretary.

C. Any request for reconsideration must be filed with the Secretary or President of the Judicial Council within a period of forty-five (45) 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 Judicial Council as soon as the votes of the members are received. A denial of reconsideration shall be reported with the decisions made at the next regularly scheduled meeting of the Judicial Council.

E. 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.

F. 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; and/or

3. A specific explanation of the error or manifest injustice found in the Judicial Council ruling.

G. When the petition for reconsideration is made by the Judicial Council on its own motion, the Judicial Council, in its discretion, may notify the interested parties of the issues of facts, law and/or error/mistakes which have caused the Judicial Council to reconsider its ruling. When so notified, parties shall have sixty (60) days after receiving notification in which to respond.

H. A request for reconsideration of the denial of reconsideration will not be entertained by the Judicial Council.

X. RECUSAL AND CONFLICTS OF INTEREST

A. Each regular member and alternate member of the Judicial Council shall observe high standards of conduct to preserve the integrity and impartiality of the judicial process.

B. A Judicial Council member shall avoid even the appearance of any and all impropriety and conduct all judicial and extrajudicial activities so they do not cast doubt on the member's ability to act fairly and impartially.

C. A Judicial Council member who is acquainted with the parties to a pending matter or who has prior knowledge of the operative facts of a case or who is a constituent member of the body bringing or opposing the matter should carefully examine their knowledge of and preconceptions about the case. When a member is convinced that a conflict of interest exists in a particular case or when the member's impartiality can reasonably be questioned, the member shall notify the President and Secretary in advance

of the meeting dates to announce recusal from or inhibition concerning the matter and shall refrain from any form of participation or discussion in that particular case.

XI. 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.

Adopted: April 21, 2010
Revised: April 20, 2013
Revised: October 25, 2013
Revised: April 26, 2014
Revised: October 28, 2016

APPENDICES

The Appendices are not part of the Rules. They are added for information. The Guidelines for Bishops' Decisions of Law are actually taken directly from Decision 799 and should not have changes made in them. A copy of those guidelines and the Guidelines For The Submission Of Briefs are included below.

APPENDIX A

GUIDELINES FOR BISHOPS' RULINGS ON QUESTIONS OF LAW

The Judicial Council has received a significant number of rulings by bishops who are asked to decide "questions of law" under ¶ 2609 of *The Discipline.* The following guidelines are a direct quote from Decision 799.

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. This principal has been followed in numerous decisions including more recent Decisions 396, 651, 746, 747, 762 and 763.

"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."

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 and *The Discipline* have placed the authority to resolve such questions in these bodies. To do otherwise would violate the principle of separation and balance of powers among the church bodies 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. These questions are properly addressed by an appeal to the presiding officer of a Trial Court. 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.

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 *The 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 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 the bishop has no authority to rule on such matters.

c) Guidelines:

The Judicial Council has jurisdiction to review decisions of law made by bishops in central, district, annual or jurisdictional conference. Such decisions are made upon submission of questions of law submitted to them in writing in the regular business of a session.

1. Questions of law may only be submitted to the presiding bishop by a member of the central, district, annual or jurisdictional conference.

2. Questions of law shall be germane to the regular business, consideration, or discussion of the conference session 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. 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 (¶ 2609). While there are no restrictions on presentation of a "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 "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 the business of the conference session.

4. Questions of law shall be entered in the conference journal record as an exact statement of the questions, and the ruling of the bishop by the secretary of the conference and properly submitted to the Judicial Council (¶ 2609).

APPENDIX B

GUIDELINES FOR THE PREPARATION OF BRIEFS

The Judicial Council invites any person to file a brief in any case on its docket. It is not necessary to be an interested party 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 interested party who chooses to file a brief must abide by Rule V of the Rules of Practice and Procedure, which requires that a copy of the brief be supplied to each of the other interested parties, 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 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 seventy (70) days prior to the session at which the case is to be considered. Any person submitting a brief must follow the Format for Briefs (Appendix C) and provide the Secretary of the Judicial Council with a list of those to whom copies of the brief have been sent as a means of certification of delivery. Interested parties must send four (4) printed copies and an electronic copy in both Word and PDF format (with sercurity features disabled) of each brief to the Secretary of the Judicial Council, and an electronic copy to each interested party.

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

I. Declaratory Decisions

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 initiated a petition for a declaratory decision, it is assumed that the member feels there has been some violation of the Constitution or *The Discipline* or there is a need for interpretation of some part of the Constitution or *The 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:

A. State the basis for the jurisdiction of the Judicial Council. Note that *The Book of 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.

B. State the relationship between the action, *The Discipline*, and the group petitioning for the decision.

C. Identify the specific paragraph of the Constitution or *The Discipline* thought to have been violated.

D. Identify and discuss previous decisions of the Judicial Council bearing on the issue.

E. State any other supporting arguments or information.

F. 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 an 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

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 applicable paragraph of *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

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

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. Other 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 judicial decisions, and point to a conclusion.

V. Delivery of Briefs

All briefs must conform to the Format for Briefs (Appendix C) and be delivered to the Secretary of the Judicial Council not less than seventy (70) days prior to the Judicial Council session at which the matter will be heard. Interested parties should send four (4) 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 both Word and PDF format (with security features disabled) is to be filed with the Secretary of the Judicial Council at secretaryjudicialcouncil@gmail.com if possible. Each brief must include the signature of the person responsible for submitting the brief.

APPENDIX C

FORMAT FOR BRIEFS

1. On 8 ½ X 11 inch or A4, white paper. No acid and high rag content is preferred for archive purposes.
2. Printed on one side only.
3. Double space in 12-point, serifed font.
4. One-inch margins, left justified.
5. Each page numbered at the bottom right.
6. Name of the author on the first and last page.
7. Docket number (if known) at the bottom left of the page.
8. Maximum thirty (30) pages for briefs and twenty (20) pages for responses.
9. Four (4) hard copies submitted via USPS or other delivery service to the Secretary of the Judicial Council.
10. Electronic copies in both Word and PDF (with security features disabled) submitted to the Secretary of the Council.

List of Interested Parties in Docket No. 1017-5

Bishop Laurie A. Haller
2301 Rittenhouse Street
Des Moines, Iowa 50321
Phone: (515) 974-8902
E-mail: bishop@iaumc.org

Craig Scott, Ed.D.
1120 N. 12th Street
Chariton, Iowa 50049
E-mail: scott.craig@mchsi.com

Bishop Julius C. Trimble
301 Pennsylvania Parkway, Suite 300
Indianapolis, Indiana 46280-13 96
E-mail: bishop@inumc.org

Rev. Anna Blaedel
Wesley Foundation at the University of Iowa
120 North Dubuque Street
Iowa City, Iowa 52245
E-mail: anna-blaedel@uiowa.edu