



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



Notice of Appeal

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

☒ Appealing the decision of a Committee on Appeals in a judicial process within thirty (30) days (§ 2715.1 *The Book of Discipline* 2016).

☐ Appealing the decision of a Committee on Appeals in an administrative process within thirty (30) days (§ 2718.3-4 *The Book of Discipline* 2016).

APPELLANT: The Rev. David Wayne Meredith

Address: 3416 Clifton Avenue City: Cincinnati
State/Province: Ohio ZIP/Postal Code 45220 Country: USA
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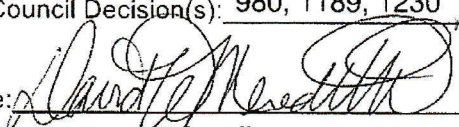
RESPONDENT: West Ohio Annual Conference
Committee on Appeals of the North Central Jurisdiction Central/Jurisdictional Conference
Date of decision of Committee on Appeals: March 9, 2018 (month/day/year)
Chairperson of Committee on Appeals: The Rev. Dr. Beverly Wilkes-Null

Address: 12846 Daiber Road City: Highland
State/Province: Illinois ZIP/Postal Code 62249 Country: USA
Phone: 618-654-8434 Fax: _____ E-mail: pastorbev@highlandhope.org

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

Constitution: Paragraph 20 Book of Discipline: Paragraph 2701, 2715, 2716, 2706

Judicial Council Decision(s): 980, 1189, 1230, 1341

Signature: 
Appellant

Date: March 26, 2018
(month/day/year)

The following must be attached on separate sheets:

- Grounds of Appeal
 - Decision of Committee on Appeals, including facts, rationale and ruling
- Eight (8) hard copies must be submitted via USPS or other delivery service to:
Secretary of the Judicial Council, 5556 N. Sheridan Road, #610, Chicago, IL 60640, USA
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to:
secretaryjudicialcouncil@gmail.com

Basis of Argument to Appeal Ruling of NCJ Committee on Appeals

1. ¶2701.2.a states unambiguously:

*In **any** judicial proceeding, the respondent (**the person to whom the procedure is being applied**) shall have a right to be heard before any final action is taken.* (Emphasis added)

There is no provision in UM polity to identify a committee as a “respondent.” There are numerous instances in which rulings apply to committees or other church bodies, but those bodies do not become the respondent in the midst of an ongoing case. Further the fact that a church body is subject to judicial direction cannot be used as justification to deprive a respondent of his/her right to be heard in judicial proceedings which address matters directly affecting the member. There is one respondent in this case and it is not the committee on investigation. The designation by the committee on appeals of the West Ohio COI as the respondent in the ongoing case is an egregious error of church law.

2. The NCJ committee acknowledges in its agenda for the meeting that this meeting concerns the matter of Rev. David Meredith. The official agenda letter states:

REFERENCE: Appeal of the October 18, 2017 Decision of the West Ohio Conference Committee on Investigation **in the matter(s) of Rev. David Wayne Meredith.** (Emphasis Added)

3. This judicial process is a part of a continuous thread of events that directly apply to the Rev. David Meredith. The process began with a complaint to which the respondent replied. It continued with a supervisory process during which the response of Rev. Meredith was heard. The judicial complaint was forwarded to the committee on investigation, where Rev. Meredith was given voice through his advocate. When the counsel for the church decided to appeal the ruling of the COI to the NCJ committee on appeals, in a continuous process that applies directly to the respondent, that committee determined that the right of the respondent to be heard in this judicial proceeding no longer applied. His voice was silenced at a critical stage of the judicial process directly applying to his case.
4. In the only previous parallel case, that of the Rev. Karen Dammaan (See JC Decision 980) the Western Jurisdiction Committee on Appeals received an appeal from the counsel for the church in the Pacific Northwest Annual Conference concerning a decision made by the committee on investigation of that annual conference. In that hearing it was clearly understood that Rev. Dammaan was the respondent, an assumption that was unchallenged by any party, including the Judicial Council in its ultimate review of the case. Decision 980 states:

the Oral hearings (of the jurisdictional committee on appeals) were held in San Diego, California on October 23, 2003. James Finkbeiner, counsel for the church, spoke. Karen Dammann,

respondent, Robert C. Ward, counsel for respondent, and Dodie Haight, a lay member of the church to which respondent is appointed, spoke.

5. The committee would not have been prevented for any legitimate judicial reason from permitting Rev. Meredith to be heard prior to taking any final action. In fact, *The Discipline* mandates they must do so. When it became apparent to the respondent on March 8 that the committee was re-designating the identity of the respondent in this case, the *Disciplinary* requirement in ¶2701.2.a was immediately called to the committee's attention. At that point, the committee's agenda could easily have been adjusted to comply with *The Discipline* by permitting time for the respondent to be heard as well as the counsel for the COI. Instead, the committee continued to stand by its theory of exclusion. This action on the part of the committee, coupled with a refusal on the part of the committee to allow the assistant counsel for the respondent to listen to the proceedings by telephone¹, is difficult to understand.
6. Notice that the committee intended to designate the COI as the respondent and to prevent Rev. Meredith from being heard was not communicated to Rev. Meredith in either a formal or timely manner. The agenda mailed to all parties by the committee specifies that there will be 30 minutes given for a response by "Counsel for the Respondent". The committee does not indicate that by this they mean the counsel for the COI. There is no correspondence from the committee that designates its understanding that the language that has been used up until this point in the process to designate the Rev. David Meredith, is now being re-appropriated to refer to the COI. This failure to give proper notice is in violation of ¶2701.2.b which states, in part:

Notice of any judicial process hearing shall advise the respondent of the reason for the proposed procedures, with sufficient detail to allow the respondent to prepare a response.

The committee did not provide sufficient detail to the respondent to allow a timely and thorough appeal of its intention to be filed with the body, thus depriving Rev. Meredith of his right to have sufficient time to prepare a response.

7. The failure of the committee to permit the respondent to be heard amounts to *ex parte* conversation, in violation of ¶2701.4.b which states, in part:

¹ The Rev. Scott Campbell's flight to Indianapolis was cancelled due to a snowstorm in the northeast. When it became apparent that the assistant counsel would be unable to be present, Rev. Meredith submitted an email request to the chair and the secretary of the committee on appeals that Rev. Campbell be permitted to listen to the proceedings by telephone. On the evening of March 7 Rev. Meredith received the following reply: *Please be advised that the appellant in the Hearing is the WO Conference and the respondent is the WO Conference Committee on Investigation; therefore, it would be inappropriate to grant your request.* This was the first time the respondent became aware that the committee did not intend to allow him to be heard during the hearings.

In any judicial proceeding, under no circumstance shall one party or counsel, in the absence of the other party or counsel, discuss substantive matters with members of the pending hearing, trial, or appellate body while the case is pending.

The decision to allow the counsel for the church to be heard by the appellate body, while preventing the respondent to be heard by that same body is tantamount to *ex parte* communication, in direct violation of *The Discipline*. While the respondent may have been permitted to be physically present for the hearing, the deprivation of his right to be heard amount to one-sided communication before a decision-making body.

Rev. Dr. Pamela R. Lightsey
Counsel for the Respondent

Rev. Dr. William Scott Campbell
Co-Counsel for the Respondent

**COMMITTEE ON APPEALS NORTH CENTRAL JURISDICTION
OF THE UNITED METHODIST CHURCH**

*In the Matter of the Decision of the West Ohio Conference Committee on
Investigation in the Matter of Rev. David Wayne Meredith*

(Original Jurisdiction: West Ohio Annual Conference of the United Methodist Church)

OPINION ON APPEAL

This matter was heard on March 9, 2018. Upon consideration of the record on appeal, the briefs of the parties, oral argument, and deliberations of the North Central Jurisdiction Committee on Appeals (hereinafter Committee), the Committee concludes that the weight of the evidence using the standard set forth in the Book of Discipline of the United Methodist Church (2012) of egregious error requires that charges 1 and the uncharged specification of charge 3 be remanded to the West Ohio Conference Committee on Investigation to comply fully with the instruction set forth below.

I. Factual and Procedural History

The appellant, the West Ohio Conference of United Methodist Church, contends that the West Ohio Conference Committee on Investigation (hereinafter West Ohio Committee on Investigation) failed to discharge their duties under the Book of Discipline of the United Methodist Church (2012) (hereinafter *Discipline* – 2012). The West Ohio Conference of United Methodist Church contends that the West Ohio Committee on Investigation failed to adhere and apply the *Discipline* – 2012 as interpreted by the decisions of the Judicial Council specially Judicial Council decision 1341 (hereinafter JCD 1341) to the facts contained in the Charges and Specifications of the Judicial Complaint submitted in the matter of Rev. David Wayne Meredith. The West Ohio Committee on Investigation contends that they reviewed the charges in a thorough thoughtful matter and fulfilled their duty and fully and deliberately considered the *Discipline* – 2012 and the Judicial Council Decisions.

II. Jurisdiction

The Committee has jurisdiction under ¶ 2715 and ¶ 2716 of the *Discipline* – 2012.

III. Appeal Procedures

¶ 2715(1) of the *Discipline* – 2012 provides, in pertinent part, as follows:

In all cases of appeal, the appellant shall within thirty days give written notice of appeal and at the same time shall furnish to the officer receiving such notice (¶¶ 2716.2, 2717.1, 2718.2) and to the

counsel a written statement of the grounds of the appeal, and the hearing in the appellate body shall be limited to the grounds set forth in such statement. [Footnote omitted.]

¶ 2715(10) provides, in pertinent part as follows:

The Church shall have no right of appeal from findings of the trial court. In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional committee on appeals by counsel for the Church. The committee on investigation's decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.

Counsel for Rev. David Wayne Meredith has maintained that he is properly the respondent in this action. This position was not advanced by either the West Ohio Conference of the United Methodist Church or the West Ohio Committee on Investigation. This appeal is very narrow in its scope and defined by the specific provisions of the *Discipline* – 2012 ¶ 2715. The only remedy allowed is a remand with instructions to the West Ohio Committee on Investigation or to affirm their decision. A respondent must be the entity which can be guided, governed or instructed by the appellate body. Our sole duty is to review the record as present and address one specific issue. We cannot guide, govern or instruct Rev. David Wayne Meredith. While we appreciate if these charges result in a church trial and if there is a verdict by that fact finding body then he would then be an appellant in that appeal. We do not believe that at this time he can be considered a respondent. Rev. Meredith does not have standing in this appeal. Charge 3 and specifications a, b, c, d and e as found by the West Ohio Committee on Investigation are not before us. Only the presented specification 3a which was not charged is before us. This further supports the position that Reverend Meredith is not a respondent as this action did not allow him to appeal from this decision to certify this charge.

IV. Analysis

The West Ohio Committee on Investigation was forwarded three charges each supported with documents and specifications. These charges were:

CHARGE I Willfully engaging in practices not compatible with Christian teaching by being a self-avowed practicing homosexual in violation of ¶ 2702.1(b) of the *Discipline* – 2012, relating to the Complaints by the following

complainants noted above: Alice, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

CHARGE II Immorality, including, but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage pursuant to ¶ 2702.1.(a) of the *Discipline – 2012*, relating to the complaint by the following complainants noted above: Alice, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

CHARGE III Dis-obedience to the order and discipline of The United Methodist Church pursuant to ¶ 2702.1.(d) of *Discipline – 2012*, relating to the Complaints by Alice, Brown, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

The West Ohio Committee on Investigation did not forward charges 1 or 2 and did forward charge 3 but deleted specification a) from the cited specifications.

Specification a) of Charge 3 stated:

- (a) ¶ 341.6 of the *Discipline – 2012* states that, “Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches.” Rev. Meredith’s celebration of his homosexual union with his partner held at Broad Street United Methodist Church on May 7, 2016, was held in direct violation of the *Discipline – 2012* which forbids the celebration of a homosexual union in a United Methodist Church.

Discipline – 2012 ¶ 2706 governs the West Ohio Committee on Investigation. This section provides that the options available to the West Ohio Committee on Investigation which are to find that there are reasonable grounds and to refer the bill of charges and specifications for trial or to find that there are not reasonable grounds. Each of these results require an explanation with reasoning. To do otherwise places this Committee in a position to speculate. From the record presented to us it is not possible to tell which of the actions set forth in *Discipline – 2012* was intended. It is our conclusion that the West Ohio Committee on Investigation is required to be more diligent in either the forwarding or dismissing of each of the charges and specifications, by providing clear rationale and identifying the specific steps taken in the process of a new hearing that leads them to the conclusions they reach and addressing the alternative actions set forth in *Discipline – 2012* ¶ 2706.5(c).

Under the facts of this case and *Discipline – 2012* ¶ 2715 these acts in light of duties of the Committee are evidence of an egregious error of church law. A reasonable person is unable, due to the absence of information and rationale, to determine how conclusions were reached.

Further, the Committee is bound by the language of JCD 980 that “where the facts concede a practice which the discipline declares to be incompatible with Christian teaching, reasonable grounds exist to bring a bill of charges and specifications and it is egregious error of Church law not to bring such a bill of charges and specifications.”

The Committee does agree that even with the lack of rational based on the transcript of the hearing alone that there was not egregious error in failing to refer charge number 2 in light of JCD 1341.

V. Decision

1. The Committee finds with clarity that the West Ohio Committee on Investigation was the respondent, i.e., the body that would be directed by the decision. Rev. David Meredith was not the body or person whom the West Ohio Committee on Appeals would direct. Further, the communications by the Committee to Rev. Meredith and his counsel were done as a courtesy. As we have deliberated we have been mindful that we are all the Church and no one party has that label exclusively.
2. The Committee affirms the West Ohio Committee on Investigation’s decision not to refer for trial Charge 2, Immorality, in light of JCD 1341.
3. The Committee finds that there are “egregious errors of church law” as noted which constitute grounds for remanding to a new hearing pursuant to *Discipline* – 2012 ¶ 2715.10:
 - The Committee finds that there has been a failure of the West Ohio Committee on Investigation to apply ¶ 304.3 and ¶ 2702 of the *Discipline* – 2012 and JCD 886, 920, 980 and 1341 to the uncontested facts stated in the bill of charges and specifications numbers 1 and 3 specification a. which constitutes an egregious error of Church law.
 - The Committee finds there was a failure exhibited by the West Ohio Committee on Investigation that rose to the level of egregious errors of law. The conclusions reported by the West Ohio Committee on Investigation were done so without discernable rationale supported by church law as noted in *Discipline* – 2012 & 2016 and Judicial Council Decisions.
 - The Committee finds the West Ohio Committee on Investigation failed to provide evidence to demonstrate their position for refusal to refer charges and specifications 1 and 3.a,
 - Pursuant to ¶ 2716.4 & ¶ 2706.2.b, the Committee orders the West Ohio Conference of United Methodist Church to engage competent counsel for the West Ohio Committee on Investigation so that thorough and applicable work is completed.

4. The Committee is aware of the current dynamics of conflict in regard to human sexuality in the UMC and culture. Mindful of the Statement of the Council of Bishops delivered and adopted as the way forward at the 2016 General Conference which concludes with this language:

“We will continue to explore options to help the church live in grace with one another - including ways to avoid further complaints, trials and harm while we uphold the Discipline. We will continue our conversation on this matter and report our progress to you and to the whole church. Today, as a way of beginning to find our way forward, we suggest that in place of the allotted legislative time we spend 1-2 hours of plenary time in prayer, confession and exploration of a creative way forward. The bishops are prepared to provide questions to guide your conversations. Your conversations will be the first step to a way forward”.

In fairness to all parties, we order, pursuant to, ¶ 2716.4 & ¶ 2706.2.b that the West Ohio Conference of United Methodist Church pause this judicial proceeding until after the proceedings of the Special Called Session of the General Conference in 2019 are concluded.

IT IS SO FOUND AND SO ORDERED.

DATED: March 19, 2018

Rev. Benton R. Heisler, Secretary, NCJ Committee on Appeals

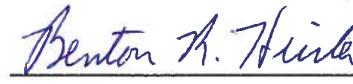
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Investigation in the matter(s) of Rev. David Wayne Meredith.

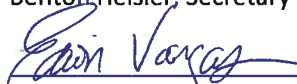
DATED: **March 9, 2018**

COMMITTEE MEMBERS JOINING IN ALL PARTS OF THE OPINION:

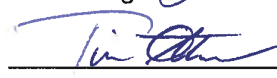

Beverly Wilkes-Null, Chairperson

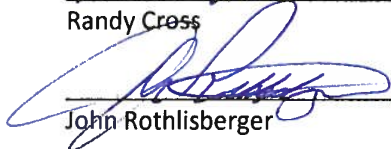

Benton Heisler, Secretary


Sandy Harlan


Edwin Vargas


Randy Cross


Tim Ottmar


John Rothlisberger


Cindy Patterson

COMMITTEE MEMBERS NOT JOINING IN ALL PARTS OF THE OPINION:


Lonnie Chaffin