

Motion

- 1) The Texas Annual Conference request the Judicial Council for declaratory decision on the constitutionality of lay members on the Board of Ministry voting on the final disposition of penalty as a consequence of a church trial (§33 Article II, ¶2711.1, ¶2711.3).
- 2) Furthermore, we request the Judicial Council for declaratory decision on the legality of a final disposition of penalty as a consequence of a church trial being handed down without the defendant be afforded a 30-day period for appeal (¶2713.5, ¶2715.1).

Rationale

- 1) In June of 2015 the Texas Annual Conference Board of Ministry acted as an extension of a church trial in order to terminate Rev. Carla Badgett's conference membership by trial as reported to the clergy session of the 2016 Annual Conference on May 30, 2016. This action is in violation of §33 Article II which limits board of ministry lay involvement in clergy matters to ordination, character, and conference membership. This limited exception does not include the execution of judicial action by church trial. That role remains entirely with the clergy members comprising the trial court which according to ¶2711.1 shall be a continuing body until the final disposition of the charge. While the charge may leave open the possibility of termination of conference membership, the execution of that decision shall not reside with the laity. The trial court did not dispose the final penalty of termination in accordance with ¶2711.3; rather, an unconstitutionally convened extension of the trial court composed of the lay and clergy members of the board of ministry did.
- 2) Rev. Carla Badgett's trial decision placed her on suspension as affirmed by the 2012 clergy session of the annual conference. However, the final penalty of termination of conference membership by trial was levied and subsequently presented to the clergy session of the annual conference on May 30, 2016. ¶2713.5 and ¶2715.1 afford the defendant a 30-day period for appeal at the disposition of the final penalty. Seeing that the appeal was not afforded at the time of final disposition due process was not met and these proceedings were concluded in violation of discipline standards.

Submitted by Rev. Jason Burnham