

NEW ENGLAND ANNUAL CONFERENCE
THE UNITED METHODIST CHURCH
23rd SESSION, RADDISON HOTEL, MANCHESTER, NH - JUNE 16-18, 2016

Request for a Decision of Law in the matter of Errol Leslie

I rise to request a ruling of law related to the matter of the Rev. Errol Leslie. Rev. Leslie is listed in item 46 e) of the report before this body as having had his conference membership terminated by trial. Rev. Leslie was tried by the Florida Annual Conference in January of 2016, where he was found guilty of three charges. The penalty imposed on him was termination of his membership in the New England Annual Conference. Rev. Leslie was serving in a cross conference appointment at the time a complaint was brought and he was tried under the provisions of ¶2719.1 of the 2012 *Book of Discipline*. Paragraph 2719.1 reads as follows:

Any clergy members residing beyond the bounds of the conference in which membership is held shall be subject to the procedures of ¶¶2701-2718 exercised by the appropriate officers of the conference in which he or she is a member unless the presiding bishops of the two annual conferences and the clergy member subject to the proceedings agree that fairness will be better served by having the procedures carried out by the appropriate officers of the annual conference in which he or she is serving under appointment, or if retired, currently residing.

¶33 of the Constitution of the United Methodist Church states:

The annual conference is the basic body of the Church and as such shall have reserved to it the right to vote on...all matters relating to the character and conference relations of its clergy members...

My question of law has five parts, all related to one another.

1. Is the section of ¶2719.1 that makes an exception to the requirement that a member be subject to judicial proceedings in his or her own annual conference in conflict with ¶33 of the Constitution of the United Methodist Church?
2. Do not Judicial Council Decisions 1210, 1244 and 1318, among others, establish the principle that the General Conference cannot delegate powers that are constitutionally reserved to one body to another body without amending the constitution?
3. Does the Constitution authorize an annual conference to revoke the membership of a clergy member of another annual conference?
4. If the bishop determines that the cited section of ¶2719.1 is in conflict with ¶33 of the Constitution, and is thus, by definition, unconstitutional, what will be the status of Rev. Leslie pending review of this decision of law by the Judicial Council?
5. If Rev. Leslie is determined to be a member in good standing of the New England Annual Conference while review of this decision of law is pending, is he entitled to receive an appointment in the interim?

Thank you, Bishop Devadhar, for receiving these concerns. I hasten to add that nothing in the foregoing is intended to be critical in any way of actions taken by you in this matter. The decision to refer the matter to the Florida Annual Conference was made in compliance with the *Discipline* as it now exists.

Submitted by Rev. Scott Campbell, a member in full connection of the New England Annual Conference

**NEW ENGLAND ANNUAL CONFERENCE
THE UNITED METHODIST CHURCH
23rd SESSION, RADDISON HOTEL, MANCHESTER, NH - JUNE 16-18, 2016**

DAILY PROCEEDINGS

FRIDAY MORNING, JUNE 17, 2016

CLERGY SESSION

Bishop Devadhar called the Clergy Session to order.

The Bishop asked permission for certain laity, Brenda Borchers, to be present as laity.
Approved.

Bishop Devadhar welcomed Bob Sweet as Conference Parliamentarian, and Yoo-Yun Cho-Chang and Peter Hay as BOM Co-Chairs, seated beside him.

Question 17

David Abbott – Dean of Cabinet – We strive to be and today answer "Yes" with the exception of those who are under supervision, those for whom an appointment might damage the church but we must compensate to meet the requirements of elder, and those who have been in the judicial process.

Question 18

Approved.

The Bishop explained General Conference changes to the Committee on Investigation.

Sandra Bonnette-Kim raised as a concern that all clergy serving on the Administrative Review Committee will all be white beginning in 2017.

Motion

Accepted.

Gary Shaw moved that we consider adopting the BAC report as a whole, with the exception of provisional and ordained candidates.

Amendment

Accepted as a friendly amendment.

Scott Campbell made a friendly amendment to exempt Question 47e as a separate motion.

(ed. Note: the following minutes are excerpted from later in the clergy session after the BAC document had been perfected.)

Question 46e

Scott Campbell raised the following question of law related to the matter of the Rev. Errol Leslie:

Rev. Leslie is listed in item 46 e) of the report before this body as having had his conference membership terminated by trial. Rev. Leslie was tried by the Florida Annual Conference in January of 2016, where he was found guilty of three charges. The penalty imposed on him was termination of his membership in the New England Annual Conference. Rev. Leslie was serving in a cross conference appointment at the time a complaint was brought and he was tried under the provisions of ¶2719.1 of the 2012 Book of Discipline. Paragraph 2719.1 reads as follows:

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My question of law has five parts, all related to one another.

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2. Do not Judicial Council Decisions 1210, 1244 and 1318, among others, establish the principle that the General Conference cannot delegate powers that are constitutionally reserved to one body to another body without amending the constitution?
3. Does the Constitution authorize an annual conference to revoke the membership of a clergy member of another annual conference?
4. If the bishop determines that the cited section of ¶2719.1 is in conflict with ¶33 of the Constitution, and is thus, by definition, unconstitutional, what will be the status of Rev. Leslie pending review of this decision of law by the Judicial Council?
5. If Rev. Leslie is determined to be a member in good standing of the New England Annual Conference while review of this decision of law is pending, is he entitled to receive an appointment in the interim?

Thank you, Bishop Devadhar, for receiving these concerns. I hasten to add that nothing in the foregoing is intended to be critical in any way of actions taken by you in this matter. The decision to refer the matter to the Florida Annual Conference was made in compliance with the Discipline as it now exists.

The Bishop received it and will respond within the required 30 days.
Scott requested a response from the Bishop by July 15.

Motion

Accepted.

The BAC report was presented (excepting of provisional candidates, ordination candidates, and question 46e).

Peter Hay announced that Mark Demurs will co-chair the Board of Ordained Ministry with Yoo-Yun Cho Chang. Yoo-Yun thanked Peter for his work and partnership. BOM members were invited to stand and be thanked for their ministry. The Bishop thanked Yoo-Yun and Peter for their ministry.

A request raised to have an additional Deacon appointed to the BOM.

Bishop Devadhar asked for a moment of personal privilege to celebrate Sarah and Allen Ewing Merrill's ministry, in Portland, ME, Tom Atkins ministry in Rupert, VT, and Wee-Li Tan's ministry with the Foundation.

Clergy Session adjourned.

**NEW ENGLAND ANNUAL CONFERENCE
THE UNITED METHODIST CHURCH**
23rd SESSION, RADDISON HOTEL, MANCHESTER, NH - JUNE 16-18, 2016

Request for a Decision of Law in the matter of RS-16-220

I respectfully request a decision of law by Bishop Devadhar as to the legality and constitutionality of the Action of Non Conformity which we just voted. I believe this action is clearly and intentionally in opposition to and in conflict with the Book of Discipline.

Submitted by Rev. Michael Pike, a member in full connection of the New England Annual Conference

**NEW ENGLAND ANNUAL CONFERENCE
THE UNITED METHODIST CHURCH
23rd SESSION, RADDISON HOTEL, MANCHESTER, NH - JUNE 16-18, 2016
RS-16-220 - ACTION OF NON-CONFORMITY WITH THE GENERAL CONFERENCE
OF THE UNITED METHODIST CHURCH**

(Submitted by Will Green)

(Adopted with amendments, Friday Afternoon, June 17, 2016)

The New England Annual Conference as a body affirms our commitment to a fully inclusive church.
Therefore:

The NEAC will not conform or comply with provisions of the Discipline which discriminate against LGBTQIA persons, including marriage (161.B), the incompatibility clause (161.F), ordination and appointments (304.3), homosexual unions (341.6), AC funding ban (613.19), GCFA funding ban (806.9), chargeable offenses pertaining to being "a self avowed practicing homosexual" or to officiating at weddings for couples regardless of the sex of the partners (2702.1b,d).

The NEAC and its members will not participate in or conduct judicial procedures related to the Discipline's prohibitions against LGBTQIA persons.

The NEAC insists that any benefits available to clergy and employees and their families are available to all clergy and employees and their families, regardless of the sexes or genders of the partners, and requires the District Superintendents to inform all clergy under their supervision of this right.

The NEAC will realign its funding to reflect these commitments, using no reserve funds to pay for judicial procedures related to the Discipline's prohibitions against LGBTQIA persons, and instead requests the Connectional table and CCFA develop and fund programs of cultural competency, anti-racism, anti-ageism, anti-sexism, anti-oppression and anti-homophobia training at the conference and district levels, as well as for advocacy and implementation efforts related to the same.

**NEW ENGLAND ANNUAL CONFERENCE
THE UNITED METHODIST CHURCH**
23rd SESSION, RADDISON HOTEL, MANCHESTER, NH - JUNE 16-18, 2016

DAILY PROCEEDINGS

FRIDAY MORNING, JUNE 17, 2016

OPENING WORSHIP -Marcia McFee and the worship team led worship at 10:35 A.M.

CONVENED – Bishop Devadhar called the conference to order at 10:42 A.M.

OPENING PRAYER –Stephanie Cyr, Lay Leader (CWM) led us in prayer.

(ed. Note: the following minutes are excerpted from later in the morning organizing motions and the Historic Questions to the Ordinands.)

RS-16-220 - ACTION OF NON-CONFORMITY WITH THE GENERAL CONFERENCE OF THE UNITED METHODIST CHURCH -

Bishop Devadhar asked John Blackadar to present RS-16-220. John removed himself to the floor, while Kristen White sat next to the Bishop as acting secretary.

John Blackadar thanked the body for electing him to preside over the committee as a whole. "I apologize for my embarrassed and anxious laughter last evening that was hurtful to some." He presented RS-16-220 for vote indicating the decision to bring the resolution was overwhelmingly supported. Additionally, the committee of the whole wished to bring an additional resolution to add "anti-sexism" in paragraph 5, line 4 of the motion. The second motion to add "anti-sexism" was seconded and adopted by the body.

MOTION TO REFER – John Marshall moved that we refer this resolution to Bishop Devadhar to take to the Council of Bishops. The motion was seconded.

CALL THE QUESTION -Michelle Grube moved to call the question. The motion to call the question was seconded and adopted.

Motion to refer was not adopted.

SILENT PRAYER – The Bishop led us in silent prayer before the vote.

MOTION TO APPROVE –RS 16-220 - ACTION OF NON-CONFORMITY WITH THE GENERAL CONFERENCE OF THE UNITED METHODIST CHURCH

RS 16-220 FRIENDLY AMENDMENT - Shannon Keeney presented friendly amendment for RS 16-220 to add "anti-ageism" in paragraph 5, line 4 of the motion. The friendly amendment was seconded and adopted.

RS 16-220 FRIENDLY AMENDMENT - Patricia Pena presented a friendly amendment to add "anti-oppression" in paragraph 5, line 4 of the motion. The friendly amendment was seconded and adopted.

RS 16-220 – There were two speeches heard in favor of motion and one speech against before adjourning for lunch.

GRACE – Director of Council of Churches, Laura Everett led us in grace before lunch at 12:05 P.M.

FRIDAY AFTERNOON JUNE 17, 2016

CALL TO ORDER - Bishop Devadhar called the conference to order at 1:33 P.M.

PRAYER – Ruby Blake (MBH) Lay Leader led us in prayer.

QUESTIONS – Bill Hewig noted questions will be answered as stated in the Book of Discipline (2609.06)

RS 16-220 AMENDMENT – Ralph Howe moved to amend paragraph 5 by: a. deleting the words "general church apportionments or" and b. adding after the word "instead" in the third line: "requests the Connectional Table and CCFA develop and fund programs" and c. Deleting "funding" in line 3. The motion was seconded. Becca Girrell moved the questions be separated. It was accepted by the maker of the amendment.

RS 16-220 Amendment Section a – Motion was seconded and approved.

RS 16-220 Amendment Section b, c – Motion was seconded and approved.

Additional speeches were made in favor of and against the original motion.

CALL THE QUESTION – Vote in favor of calling the question.

WRITTEN BALLOT – John Marshall requested a written ballot. Vote in favor to have a paper ballot.

John Blackadar read the RS-16-220 with the amendments before the body.

Will Green spoke before voting on RS 16-220. It doesn't matter what the law is, it's up to us to act. Do not let fear keep you from doing the right thing. We take this action knowing it's against the Discipline, but not against justice.

MOMENT OF SILENCE – A moment of silence was held before balloting.

RS 16-220 – A written ballot was taken for RS 16-220.

(ed. Note: later in the afternoon at 3:30 the following appears in the minutes)

BALLOT RESULTS FOR RS-16-220 – John Blackadar announced the results of the ballot on RS-16-220. There were 445 Yes, 179 No, 17 Abstained, and 2 Blanks. Bishop Devadhar declared RS-16-200 adopted.

PERSONAL PRIVILEGE Will Green thanked our Bishop and John Blackadar for their leadership. "We are planting seeds of decision," he said.

PERSONAL PRIVILEGE Michael Pike raised the following Question of Law relative to adoption of the motion just adopted. "I respectfully request a decision of law by Bishop Devadhar as to the legality and constitutionality of the Action of Non Conformity which we just voted. I believe this action is clearly and intentionally in opposition to and in conflict with the Book of Discipline." The Bishop received it and will respond within the required 30 days.



John M. Blackadar
23 Birchdale Rd.
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MANCHESTER NH 031

11 JUL 2016 PM 1 L



*The Rev. Luan-Vu Tran
Secretary of the Judicial Council of the United Methodist Church
11138 Del Amo Boulevard, Suite 134
Lakewood, California 90715*

90715-110338



**JUDICIAL COUNCIL
UNITED METHODIST CHURCH**

BISHOP'S REPLY TO QUESTION OF
LAW RAISED IN NEW ENGLAND ANNUAL
CONFERENCE - JUNE 17, 2016

Docket No. _____

STATEMENT OF FACTS

At the Clergy Session of the New England Annual Conference on Friday, June 17, 2016, a report was received concerning clergy status which listed a clergy member of the New England Annual Conference as having his conference membership terminated by trial. This clergy was tried by the Florida Annual Conference in January of 2016, where he was found guilty of three charges. The penalty imposed on him was termination of his membership in the New England Annual Conference. The clergy person was serving in a cross conference appointment at the time the complaint was brought, and he was tried under the provisions of Par. 2719.1 of the *2012 Book of Discipline* ("*2012 Discipline*"). The New England Annual Conference clergy session had no authority to vote on the matter and merely received the report. This reply to question of law is submitted pursuant to the provisions of Par. 2609.6 of the *2012 Discipline* of the United Methodist Church.

The Judicial Council has jurisdiction over this issue under Pars. 51 and 56.3 of the Constitution of The United Methodist Church and under Par. 2609 of the *2012 Discipline*, interpreted by Judicial Council Decision 1244.

QUESTION OF LAW

After receiving this report in question, a clergy member requested a ruling of law from presiding Bishop Sudarshana Devadhar on five (5) questions:

"1. Is the section of Par. 2719.1 that makes an exception to the requirement that a member be subject to judicial proceedings in his or her own annual conference in conflict with Par. 33 of the Constitution of the United Methodist Church?

2. Do not Judicial Council Decisions 1210, 1244 and 1318, among others, establish the principle that the General Conference cannot delegate powers that are constitutionally reserved to one body to another body without amending the constitution?

3. Does the constitution authorize an annual conference to revoke the membership of a clergy member of another annual conference?

4. If the Bishop determines that the cited section of Par. 2719.1 is in conflict with Par. 33 of the Constitution, and is thus, by definition, unconstitutional, what will be the status of Rev. Leslie ending review of this decision of law by the Judicial Council?

5. If Rev. Leslie is determined to be a member in good standing of the New England Annual Conference while review of this decision of law is pending, is he entitled to receive an appointment in the interim?"

The clergy member asking for the Ruling of Law specifically noted that the decision to refer the matter to the Florida Annual Conference was made in compliance with the *2012 Book of Discipline*, Par. 2719.1.

I indicated that I would issue my ruling within thirty (30) days as required by Par. 2609.6.

DECISION OF LAW AND ANALYSIS

I rule that Par. 2719.1 is constitutional and therefore, a clergy member tried, convicted and sentenced by trial court assembled in a different annual conference from the one in which the clergy holds his membership, can have his membership terminated in his conference of membership.

It has been argued that Par. 33 which states in pertinent part: "The annual conference is the basic body in the Church and as such shall have reserved to it the right to vote...on all matters relating to the character and conference relations of its clergy members...", means that an annual conference where a clergy is not a member, cannot vote on his conference relations. I disagree with that interpretation as it applies to the trial situation.

Par. 33 specifically refers to the annual conference's reserved right to vote on these matters, (emphasis added). In the instance of a trial and imposition of penalty, no annual conference votes. Even if the trial of the clergy at issue had taken place in New England and the same penalty had been imposed, the clergy session of annual conference still would not have had the right to vote to affirm or reject the penalty.

Par. 2711 describes the powers of the trial court. Clearly, the annual conference either as a full body or by its clergy sessions is not a part of this voting or decision making in trial matters.

Additionally, the Judicial Council has affirmed the finality of a trial court ruling in Judicial Council Decision 1201 which states: "The meaning of the *Discipline* is clear in Par. 2711. 'The trial court shall have full power to try the respondent.' It does so within the boundaries of the *Discipline* for determining guilt, and the trial court alone has the authority to reach a determination with regard to a penalty in the circumstance where it has made a finding of guilt. Only the trial court has the authority to set a penalty, and it must do so within the range of options specified by the *Discipline* (Par. 2711.3). No other entity outside of the operations of the trial court can usurp it, modify it, supplant it, or enter a suggestion into the decision by the trial court as the *Discipline* makes clear."

Par. 2719.1 does not describe an action at all similar to those actions ruled unconstitutional in Judicial Council Decisions 1210, 1244, and 1318. Rather it simply provides a venue which has been agreed to by the bishops of both conferences invoked and the respondent. That is exactly what occurred in the instant matter. There was no usurping of authority from the New England Annual Conference in violation of Par. 33.

My decision that Par. 2719.1 is constitutional makes the remaining questions moot. If, however, the Judicial Council rules Par. 2719.1 unconstitutional, then I believe that all trials ever held under this provision must be ruled invalid, and new trials must be granted to all respondents whose trial occurred in an annual conference other than the one where the respondent had his/her membership.

DECISIONS SUMMARY

Question #1 - Par. 2719.1 is not a violation of Par. 33 and is therefore constitutional.

Respectfully submitted,

Sudarshana Devadhar, Bishop
New England Annual Conference

Date: _____

CERTIFICATE OF SERVICE

I, Brenda Borchers, hereby certify that on the below date, I served a copy of the foregoing Bishop's Reply to Question of Law, postage prepaid, to the following:

Rev. Luan-Vu Tran
Secretary, Judicial Council
11138 Del Amo Blvd., Suite 134
Lakewood, CA 90715 (13 copies)

Rev. Scott Campbell
36 May Street
Cambridge, MA 02138 (1 copy)

Signature of Certifying Official

By: _____

Rev. Luan-Vu Tran
Secretary of the Judicial Council of the United Methodist Church
11138 Del Amo Boulevard, Suite 134
Lakewood, California 90715

July 9, 2016

Dear Rev. Tran

At the New England Annual Conference this year there were two requests for our Bishop, Sudarshana Devadhar, to rule on a question of Law. This letter is simply an attempt to alert the Judicial Council to these matters and to expect our Bishop's ruling on each of these requests.

One request concerns the matter of Rev. Errol Leslie and the other request concerns the matter of RS-16-220 – a resolution adopted by our annual conference this year. I have attached copies of each of the requests, copies of the Daily Proceedings pursuant to the matters, and also a copy of the resolution RS-16-220.

I would be most happy to send any other material you or the Judicial Council would request on these matters.

Sincerely,



John Blackadar
Conference Secretary
New England Annual Conference