



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'ÉGLISE 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: _____

Address: _____ City: _____

State/Province: _____ ZIP/Postal Code _____ Country: _____

Phone: _____ Fax: _____ E-mail: _____

Annual Conference: _____ Date of session: _____ (month/day/year)

Question(s) of Law: _____

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

Constitution: _____ Book of Discipline: _____

Judicial Council Decision(s): _____

Signature: John R. Schol

Bishop of The United Methodist Church

Date: _____

(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)
- 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

Request for Rule of Law from Bishop Schol #1

Do the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, negate, ignore, and/or violate provisions of the Book of Discipline, including those provisions which take effect on January 1, 2020, including, but not limited, to paragraphs 161G, 304.3, 304.5, 341.6, 362.1(c), 362.1e), 413.3c, 413.3d(i), 415.6, 613.19, 635.1(a), 806.9, 2701.5, 2702.1b, 2706.5.c.3, 2711.3, 2715.10, and thus are the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, null and void pursuant to Judicial Council Decision 886?

Submitted by Beth Caulfield
Clergy
Franklinville/Newfield UMCS
Delaware Bay

Beth Caulfield

The United Methodist Church of Greater New Jersey

Decision of Law Request October 26, 2019

John R. Schol, Bishop

RULING OF LAW

The Greater New Jersey (GNJ) Way Forward report was shared with the Special Session of the Greater New Jersey Annual Conference (GNJAC), through the pre-conference journal, online at www.gnjumc.org and orally at the conference. Ten recommendations from the GNJ Way Forward Team were acted on by the Annual Conference and nine (9) of them are in concert with The Book of Discipline with paragraphs specifically affirming the concepts. The exception is #7 which violated The Book of Discipline in that it removes the discretion of the Cabinet to carry out their mandated responsibilities. The report itself was not adopted, approved, rejected, received nor modified by the Annual Conference. It was simply presented as a report and so there was no action that was or could be taken as to whether the report negated, ignored and/or violated The Book of Discipline (2016) as amended at the February 2019 Special Session of the General Conference.

STATEMENT OF FACTS

At the March 2019 Greater New Jersey Annual Conference Special Session, held to review the actions of the 2019 Special Session of the General Conference, a team was created called the GNJ Way Forward Team which was formed to help GNJAC move forward in light of the tension and confusion which was permeating the United Methodist Church. The team gave a report at the May 2019 Annual Conference and provided updates to the conference after each of their

meetings. A Special Session of the Annual Conference was held on October 26, 2019 to hear about the team's work. The Way Forward Team presented a written report in the pre-conference journal and an oral report at the Special Session. No action was taken whatsoever concerning the report itself except for 10 recommendations from the team which were presented for vote by the Annual Conference. These were discussed, two items were amended, and the members of the Conference voted approval.

Just before the conclusion of the conference, several members submitted questions of law for rulings by the Bishop who received them and indicated he would rule within 30 days. One question of law was as follows:

Request for Rule of Law from Bishop Schol

Do the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, negate, ignore, and/or violate provisions of the Book of Discipline, including those provisions which take effect on January 1, 2020, including, but not limited, to paragraphs 161G, 304.3, 304.5, 341.6, 362.1(c), 362.1e), 413.3c, 413.3d(i), 415.6, 613.19, 635.1(a), 806.9, 2701.5, 2702.1b, 2706.5.c.3, 2711.3, 2715.10, and thus are the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, null and void pursuant to Judicial Council Decision 886?

Beth Caulfield

Franklinville/Newfield UMC

JURISDICTION

The Judicial Council has jurisdiction under ¶2609.6 of The Book of Discipline (2016)

ANALYSIS

Of the ten (10) recommendations, nine (9) are not in violation of the paragraphs in The Book of Discipline, but specifically affirm many of the Disciplinary paragraphs including, but not limited to: Preamble to the Constitution; ¶ 4; ¶ 5; ¶ 102; ¶ 120 through 141; ¶ 162; ¶ 164; ¶ 166; ¶ 202 to 204; ¶ 216 – 221; ¶ 340, 328 and 329.

However, recommendation #7 is in violation of The Book of Discipline because it states that the Cabinet shall “honor congregational covenants...when making appointments...”. ¶ 425 through 430 gives the Cabinet the appointment making responsibilities and no one or anything can take that discretion away from them. Therefore, recommendation #7 is null and void.”

Submitted by: John R. Schol, Bishop

Appendix I

The GNJ Way Forward Team Calls to Leadership

1. Continue to resource congregational leaders to make disciples and grow vital congregations to transform the world.
2. Shepherd all congregations into the future recognizing our diversity of culture, ethnicity and belief.
3. Create sacred space for congregations to thrive in their context.
4. Seek to eliminate harm to the people in our communities and congregations.
5. Care for youth in our congregations and in our communities, who face discrimination, hatred and harm because of their sexuality and gender identity. Death by suicide is significantly higher among LGBTQ youth than among their heterosexual and cisgender counterparts. The Team calls all congregations to be sensitive and alert to the needs of youth in our congregations and community and to use the resources for LGBTQ youth found at gnjumc.org/protecting-children-and-youth/end-harm-to-youth.
6. Make available trained facilitators to assist interested congregations with conversations about ministry with LGBTQ persons and to develop covenants about ministry with the LGBTQ community as well as other missional commitments that empower contextual ministries of justice, mercy and peace.
7. Honor congregational covenants, particularly the cabinet when making appointments and working with congregations.
8. Engage someone to coordinate and resource the covenanting process for congregations.
9. Make training and coaching available, particularly in congregations where there are differences concerning human sexuality, so that each person can see that others matter just like they do.
10. Provide a web page for congregations to communicate that they are a welcoming congregation who affirms the full inclusion of LGBTQ people so that people from the community, especially LGBTQ people, can locate a congregation to worship with and participate in ministry.

APPENDIX II

Special Session Of Annual Conference Of Greater New Jersey October 26, 2019

Worship

The Conference praise band opened the worship with ‘Glory to God’ and other praise songs. Genesis 32:22-31 was read, and Rev. Shawn Calendar Hogan, spiritual director of the GNJ Way Forward Team, led a reflective meditation on Jacob’s story. She asked each member of Conference to consider where they see themselves in the story. She ended with a quote by Jan Richardson “If the blessing were easy, everyone could claim it. As it is, I am here to tell you that it will take some work”.

Bishop Schol began by apologizing about how the May 2019 Annual Conference Session ended. He acknowledged that he introduced concepts and action too quickly, particularly when introducing the new general and jurisdictional delegates.

Bishop Schol led the body through the Prayer of Confession. He then introduced Bishop Cho, retired bishop from the Virginia conference, now pastor of the Calvary Korean Church, East Brunswick, NJ Together they celebrated communion.

Bishop Schol asked the General and Jurisdictional Conference Delegates to stand and led the body in prayer for them.

Organizing The Conference

Rev. David Wiley set the bar of the Conference as the last row of seats on the floor. Bishop Schol announced that this would be Rev. Wiley’s last ‘setting of the bar’ and thanked him for his years of service and gifts.

Video

Bishop Schol introduced Ashley Wilson as the new Director of Mission. She presented a video on Rise Against Hunger. She presented a challenge to the conference to pack 500,000 meals on March 21, 2020.

Business

Bishop Schol began by having the body share with one another one thing that has gone well, one hope for today, and then to pray with our neighbors. He then prayed that we all would be connected to God today, not to an outcome.

Rev. Michelle Ryoo spoke about the power of words, about words that harm and hurt and words that show care. She then read James 3:2, 5-6. She reminded the body of John Wesley's three simple rules which she put this way: Do no harm; do good; and stay in love with God. She also reminded the body of the Book of Resolutions, paragraph 811, on the use of the Biblical language and images that affirm and reflect the longstanding commitment to the inclusiveness and diversity of United Methodists.

Rev. Jessica Winderweedle then taught about how to speak respectfully. She reminded the body that even if you self-identify in a particular way, not everyone is the same. She stated that everyone should realize that there are different ways to interpret scripture. She listed phrases to avoid. She stated that the term 'homosexual lifestyle' is inaccurate since it implies a choice instead of a way of being, and that homosexuality is not an inappropriate lifestyle like drinking. She went on to explain the acronym 'LGBTQ+' and asked that these terms be used. She suggested that the body not use term 'homosexual' as a noun but rather as an adjective.

Bishop Schol invited the GNJ Way Forward Team to come to the dais. Rev. Sang Won Doh, chair of the Way Forward Team, informed the body how often the team met and that the team had determined that it would be best if more than one person presented the report and that it be done in a conversation format.

The first question raised was 'What was your experience being on the Way Forward Team'? Zach Holder responded, 'are we thinking about the young people coming up in the church or are we just going to bail?' Michael Yang answered the same question by saying how important trust was to develop and it developed quickly. Rev. Tom Korkuch discussed the difference between the terms 'agreement to' rather than 'agreement with'. For him this means agreement to a path forward is welcoming people to follow their beliefs instead of agreement with a path forward which forces people to agree with things they don't believe. The next question was why the team changed direction from pilot projects toward covenants. Zach Holder explained that they felt this was more open to blessings and affirming people's feelings. Rev. Korkuch explained that some felt that pilots had a top down authority to them, but with covenants each local church would be empowered to do what they felt led to do and would be able to write it for themselves. Rev. Amanda Hemenetz explained that there was not a decision about how congregations should write their covenant. Rev. Doh explained how covenants are biblical.

Rev. Doh invited Rev. Myna Bethke forward to share a covenant the Cabinet put together to give an idea as to what a covenant could be like. She explained that the Cabinet is a very diverse group on multiple levels and then read their covenant.

Our Way Forward Covenant – The GNJ District Superintendents

The District Superintendents of the GNJ are a theologically diverse team that seeks to model

what it means to live in community and to carry out our mandate as the church to make disciples of Jesus Christ for the transformation of the world.

As congregations and clergy seek to understand their ministry with the LGBTQ community, we covenant to:

- Focus our efforts to resource pastors and congregations to THRIVE in the mission field.
- Work with each pastor and congregation, realizing our diversity—culturally, ethnically and theologically—so that all may minister with integrity in each unique context and from a sense of calling from our Wesleyan heritage.
- Appoint pastors that align with the congregation’s understanding of themselves and their ministry.
- Use congregational and clergy advisory forms and congregational covenants to appoint clergy to align appointments with the beliefs and needs of a congregation and pastor.

As we do this important work, we commit to:

1. Guide our clergy and congregations to stay focused on the mission and GNJ strategic plan and goals.
2. Respect congregations and clergy in their convictions.
3. Give attention to the complexities of culture and ethnicity when discerning matters of human sexuality in making appointments.
4. Resource pastors and congregations to grow in intercultural competency.
5. Work for faith, hope, love and justice for all with courage and joy.

Episcopal Address

Bishop Schol thanked the GNJ Way Forward Team for all their work and the time they gave to GNJ and the gift they give the church. He shared that his first calling is as a pastor and to be pastoral and a bishop of all. He gave examples of statements shared with him from all different perspectives. He then stated that there is truth to the assertion that if The United Methodist Church had dealt forthrightly with racism and privilege, today we would not marginalize or oppress others and there is mistrust today because we haven’t finished the work of privilege and oppression. We have not eliminated racism, sexism and classism in the church, let alone society. He went on to say that in the Shalom community, if one person hurts, every one hurts, and this is the purpose to end discrimination and racism.

Bishop Schol spoke of how trials do not promote or extend grace, how trials create division, pain and harm to the mission and witness of the church. He shared that he would not forward complaints for trial against LGBTQ people who serve the church or those who bless gays and lesbians in marriage. He believes it is the pastoral action to take. The LGBTQ community should not live in fear of what the church will do to them because they pursue their calling or because they want to serve people, or because they seek God’s blessing because all people are of sacred worth.

He reminded the body that, today, the Way Forward Team is asking for our prayers and space for all our congregations to thrive.

Bishop went on to encourage the body by stating that we can make this work. We can be faithful to God and rely on God to lead us through this time. We can bless our congregations to thrive in ministry. We can create space for congregations to covenant with God to be in ministry with and by LGBTQ persons. We can support congregations who want to have graceful conversations about their calling and convictions. Just as the Council of Jerusalem in Acts 15 gave permission to Paul not to require new gentile Christians to follow all the laws, particularly circumcision, so too we can make way for congregations to create covenants that allow ministry with the LGBTQ community.

Bishop Schol went on to share numerous, historical ways GNJ has engaged change in the past. He stated that time has come again for us to be bold and sensitive, to be courageous and humble, to be convicted and searching. He reminded the body that The Way Forward Team is also calling us to take a courageous and humble step; a bold step and a sensitive step; a step of conviction and a step of searching; a step that recognizes differences among us; a step that says we may not all believe alike, but we can love alike, and we can serve together. “Let the love and service begin with us.”

The praise band led the body in singing ‘Lord, I Need You’.

Calls to Leadership

Bishop Schol invited the Way Forward Team panel back on the dais to answer questions from the floor.

Rev. Tom Korkuch, chair of BOOM, shared with the body that the BOOM would not inquire into the sexual orientation of any candidate.

There were numerous questions from the members which the panel answered.

Motion

Rev. Sang Won Doh asked the Way Forward Team to stand and thanked them for their work. He then made a motion to approve the ten Calls to Leadership.

Amendment

Rev. Drew Dyson made a motion to add to the original language of item #6 on page six by adding the phrase “as well as other missional commitments that empower contextual ministries of justice, mercy and peace” and insert the word “interested” between the words assist and congregations. The amendment passed.

Amendment

Jane Rehmke made a motion to add the words “and cisgender” after the word “heterosexual” to item #5 on page six. The amendment passed.

Motion

Tom O’Hearn made a motion to postpone the vote until the adjournment of the General Conference 2020. The motion did not pass.

After three speeches for and against, Bishop Schol led the body in a moment of prayer before the vote on the amended motion. He then called for a vote. The motion passed.

Sending And Benediction

Bishop Schol noted the vote that was just taken may make some congregations move forward, but he also acknowledged that this vote may have made some congregations feel marginalized. He praised the Way Forward Team for modeling such diversity with compassion and commitment.

Motion

Rev. Virginia Cetuk made a motion: Be it resolved that the GNJAC affirms Bishop Schol’s prayerful declaration that he will not forward for trial any charges arising out the ministry of LGBTQ+ clergy or any clergy persons ministry for the LGBTQ+ community. In addition, we affirm the principled decision of the BOOM to disregard sexual orientation or gender identity as a basis for recommending candidates for ministry, and we affirm the spirit-led witness of local churches and clergy who will create covenants for ministry with the LGBTQ+ ministry while recognizing the courageous leadership of churches and pastors who have been engaged in this ministry for years.

Motion

Rev. Derrick Doherty made a motion to postpone the vote on Rev. Cetuk’s motion to next Annual Conference. The motion did not pass.

The Cetuk motion passed.

Decisions of Law

Rev. Dave Wiley read several Requests for Decisions on Questions of Law that were brought forward.

The first two were asked by Rev. Beth Caulfield:

Do the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, negate, ignore, and/or violate provisions of the Book of Discipline, including those provisions which take effect on January 1, 2020, including, but not limited,

to Paragraphs 161G, 304.3, 304.5, 341.6, 362.1(c), 362.1e), 413.3c, 413.3d(i), 415.6, 613.19, 635.1(a), 806.9, 2701.5, 2702.1b, 2706.5.c.3, 2711.3, 2715.10, and thus are the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, null and void pursuant to Judicial Council Decision 886?

Can the provisions of the GNJ Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, which have not been nor will be voted on at this special session be implemented without those provisions having been affirmed by the vote of the delegates to a meeting of the Greater New Jersey Annual Conference? See Paragraph 604 of the Book of Discipline.

The third request for a decision of law was asked by Gyuchang Sim:

Does the GNJAC have a power or authority to make a decision for the local churches in the conference that negates, ignores and violates the rules and laws of the United Methodist Church, the provisions in the Book of Discipline, as the report of the GNJ Way Forward Team has presented, modified and passed by the members of the conference at the special session of the GNJAC on October 26, 2019?

Creed Pogue requested two additional Decisions of law. The first:

In light of the various paragraphs in the Book of Discipline and the Judicial Council decisions, including but not limited to those related to ordination, appointments, chargeable offenses, delegation of authority and elsewhere, specifically including but not limited to paragraphs 33, 304.3, 425 to 430, 604.3, 613.19, and 2702 (both as stated in the 2016 edition of the Book of Discipline and amendments which became effective on January 1, 2020) and in numerous Judicial Council decisions including but not limited to 886, 1044, 1052, 1111, 1120, 1262, 1292, and 1340: Is it permissible for an annual conference to adopt legislation which: (a) delegates to any committee, bishop, clergy or local church the right to exercise an option to establish rules under which local churches would be governed regarding matters reserved to the General Conference's legislative actions, such as has been delegated in the legislation of the October 26, 2019 Special Session of the Greater NJ Annual Conference; (b) under which conference leadership, personnel and assets are utilized in "making available" facilitators and directing conference leadership to "engage" someone to coordinate the development of local church "covenants", as presented in conference legislative action authorizing implementation of some of the Way Forward report recommendations; and (c) under which conference legislation is adopted which includes a call for the Cabinet to be bound by such local church covenants; and further, should not the Greater NJ annual Conference legislation

of October 26, 2019 be declared null and void because it is in contradiction with numerous segments of the Book of Discipline, 2016 edition, as amended by the actions of the 2019 Special Session of General Conference?

That the Conference's motion to affirm Bishop Schol's declaration that he will not move forward with certain complaints and BOOM's disclosure of their resolution regarding candidates are in violation of multiple paragraphs of the Book of Discipline and Judicial Council decisions.

Bishop Schol announced that he has thirty days to rule on these.

Adjournment

Bishop Schol gave the benediction.

Appendix III

The United Methodist Church of Greater New Jersey
Decision of Law Request October 26, 2019
John R. Schol, Bishop

Interested Parties

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