



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: J. Michael Lowry
 Address: 3200 E. Rosedale Street City: Fort Worth
 State/Province: Texas ZIP/Postal Code 76105 Country: United States of America
 Phone: 817-877-5222 Fax: 817-338-4541 E-mail: bishop@ctcumc.org
 Annual Conference: Central Texas Conference Date of session: June 12, 2019 (month/day/year)
 Question(s) of Law: _____

With regard to the Resolution: Transparency of Usage of Funds Used for Clergy Trails, "I am asking for a ruling of law because of the confusion of the body about the resolution. I am asking for a review by the bishop and the Judicial Council on the legality of the resolution. Central Texas Annual Conference 2019"

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

Constitution: ¶51, ¶56.3* Book of Discipline: ¶ 2609.6
 Judicial Council Decision(s): 1044, 1283, 1340, 1357

Signature:  Date: July 9, 2019
 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)
- Eight (8) hard copies must be submitted via USPS or other delivery service to:
 Clerk Price 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: secretary@umcjudicialcouncil.org.

*1) Division three - Episcopal Supervision Article VII ¶51)

*2) Divison four - The Judiciary. Article II. 3 (¶56)

Report by Bishop on Decision of Law

Report by Bishop J. Michael Lowry, Resident Bishop of the Central Texas Conference of the United Methodist Church on a Decision of Law

The Annual Meeting of the Central Texas Conference
Debate and Subsequent vote on a Resolution entitled
“Transparency of Usage of Funds Used for Clergy Trials”
June 12, 2019

Statement of Facts:

The Central Texas Conference debated and subsequently voted on a resolution entitled *“Transparency of Usage of Funds Used for Clergy Trials.”* (see attached minutes)

The Resolution expressed a desire that no “apportionment funds, mission or ministry budget dollars, nor reserved funds” be spent on clergy trials. [Note: The Resolution does not specify what type or kind of clergy trials, therefore it must be assumed that the reference is to all clergy trials.] The Resolution further states that “so far as confidentiality permits, the CTC [Central Texas Conference] will be transparent in the use of financial resources for trials.” It further directs that specific actions be taken in the budgeting process to ensure transparency in the usage of such funds (i.e. anticipated cost for trials for the upcoming year and the reporting of actual cost of clergy trials for the preceding year).

In the ensuing debate, “the Rev. Richard Reed made a point of clarification stating that one does not know whether an investigation will result” in a trial. Bishop Lowry stated that it is not his place to answer [where an investigation would lead, i.e. whether or not it would go to trial] Gary Smith (Bethel, Waxahachie) asked a question about if the resolution were adopted, where funds would come from. Rev. Clifton Howard, Conference Secretary and Assistant to the Bishop, answered: “This resolution does not bind the annual conference. It is encouraging us to spend as little funds on trials as necessary and be transparent about what is spent.” Rev. Steve Holston asked for a ruling of Law: “I am asking for a ruling of law because of the confusion of the body about the Resolution. I am asking for a review by the Bishop and the Judicial Council on the legality of the Resolution.”

Bishop Lowry ruled that “the Resolution is legal because it does not bind the conference from spending money on investigations and trials.”

The Resolution *“Transparency of Usage of Funds Used for Clergy Trials”* passed on a standing vote.

Jurisdiction:

The Judicial council has jurisdiction under ¶51 and ¶56.3 of the Constitution of the United Methodist Church and under ¶2609.6 of *The Discipline of the United Methodist Church 2016*.

Analysis and Rationale:

The Resolution expresses an aspirational desire of the Conference, “Be it therefore resolved that the CTC *desires* to spend no apportionment funds, mission or ministry budget dollars, nor reserved funds for such trials.” The critical word in the Resolution is the word “desires.” Such a statement delineates the aspirational intent of the Resolution.

The following paragraph upholds requirements in *The Discipline of the United Methodist Church 2016* regarding issues of confidentiality as noted and implied in ¶362. (See ¶362b “no verbatim record shall be made” and the limited list of those to be notified of a disposition of the complaint; see also ¶362c with a specific requirement for agreement on “any matters to be disclosed to third parties.”) Furthermore, the phrase “so far as confidentiality permits” allows room for an insurance company to insist that a proposed settlement on a matter of civil law be kept confidential.

The Resolution expresses an aspirational desire of the Conference for transparency while protecting appropriate confidentiality rights in both church law (*The Discipline*) and Civil law. Numerous Judicial Council rulings have held that a Conference may adopt aspirational resolutions as long as they do not call for action negating *The Discipline of the United Methodist Church*. Those decisions include but are not limited to Judicial Council Decisions No. 1044, 1283, 1340, and 1357. The Resolution “*Transparency of Usage of Funds Used for Clergy Trials*” is not binding on The Central Texas Conference or its officials.

Bishop’s Ruling:

The presiding bishop, J. Michael Lowry (Resident Bishop of the Central Texas Conference in the Fort Worth Episcopal Area) rules that the Resolution “*Transparency of Usage of Funds Used for Clergy Trials*” is legally before the delegates of the Central Texas Annual Conference.

AMENDMENT -- CORRECTION -- MOTION

Please circle the appropriate use of the form above

CENTRAL TEXAS ANNUAL CONFERENCE

(Submit this copy to the Conference Secretary)

Date 6/12/19 Time 3:35 Preliminary Report Page No. Handout

Report Being Addressed:

Wording: With regard to the Resolution: Transparency of Usage of Funds Used for Clergy Trials

I am asking for a ruling of law because of the confusion of the body about the resolution. I am asking for a review by the bishop and the judicial Council on the legality of the resolution.

Members Signature:  Steve Holston

Church: Trinity Arlington → First Waco

Address: 1132 Knotty Oaks Dr 254-413-2614

City, Zip: Woodway TX 76712

RESOLUTION
TRANSPARENCY OF USAGE OF FUNDS
USED FOR CLERGY TRIALS
June 9, 2019

WHEREAS for decades the Central Texas Annual Conference (CTC) has been focused on innovative mission and ministry and,

WHEREAS our congregations have been persistently encouraged by Bishop Michael Lowry and the CTC cabinet to focus on our mission field and context of ministry and,

WHEREAS our desire as an Annual Conference is to be leaders in creative and innovative mission and ministry and,

WHEREAS based on historical data we are aware that the expense of clergy investigations and trials devour valuable resources, perhaps as much as \$40,000 to \$100,000¹ each for conducting said trial (pending duration, area, venue, attorney fees, presiding bishop fees, and not including the loss of clergy work hours in the local church for serving in trials), and,

WHEREAS currently those expenses will be passed on to the churches of the Annual Conference by levying future apportionments or the consumption of mission and ministry dollars by using reserve funds,

BE IT THEREFORE RESOLVED that the CTC *desires* to spend no apportionment funds, mission or ministry budget dollars, nor reserved funds for such trials.

BE IT THEREFORE FURTHER RESOLVED that, so far as confidentiality permits, the CTC will be transparent in the use of financial resources for trials and will place a line item in the CTC budget that estimates the cost of anticipated clergy misconduct investigations resulting in trials for the upcoming year; and that delineates the actual cost of clergy trials for the preceding year.

Respectfully Submitted,

Tom Harkrider
Tim Bruster
Kim Simpson
Chris Hayes
Jeff Smith
Mary Spradlin
Ginger Bassford
Mary Teague

Darlene Alfred
Casey Orr
Kathy Ezell
Bob Holloway
Judy Holloway
Marianne Brown
Glenda Whitehead
Ethan Gregory
Johnny Brower

¹ Number is approximate, based on information obtained from GCFA, 060319. VOB

Report by Bishop on Decision(s) of Law

9 July 2019

List of names and addresses of interested parties:

Rev. Margaret Stratton (“What’s Next” Resolution)

5001 Stadium

Fort Worth, TX 76133

Rev. Steve Holston (“Transparency” Resolution)

PO Box 7736

Waco, TX 76714

J. Michael Lowry

Resident Bishop, Central Texas Conference

3200 E. Rosedale

Fort Worth, TX 76105

Dr. Clifton O. Howard

Conference Secretary, Central Texas Annual Conference

3200 East Rosedale

Fort Worth, TX 76105

**MINUTES OF THE ONE HUNDRED FIFTY-THIRD SESSION OF THE
CENTRAL TEXAS CONFERENCE**

ARLINGTON CONVENTION CENTER

Arlington, Texas

June 9-12, 2019

[The sections below are excerpts from the minutes as relevant to Bishop J. Michael Lowry's decisions of law. The official minutes will be published in the fall of 2019 in the *Journal of the Central Texas Annual Conference of The United Methodist Church.*]

BUSINESS SESSION 6

WEDNESDAY AFTERNOON, JUNE 12, 2019

RESOLUTIONS (CONT.)

Conference Secretary Clifton Howard introduced another resolution: "**Transparency of Usage of Funds Used for Clergy Trials.**" The resolution was presented to the CF&A, which voted neither concurrence nor non-concurrence. Rev. Ginger Bassford (St. Barnabas) made an opening statement. Rev. Richard Reed (First Graham) spoke against the resolution. Rev. Carol Roberts (Trinity UMC) asked a question of clarification about whether all conference funds come from the connectional giving. Rev. Richard Reed made a point of clarification stating that one does not know whether an investigation will result in a trial. Bishop Lowry stated that it is not his place to answer. Gary Smith (Bethel, Waxahachie) asked a question about if the resolution were adopted, where funds would come from. Rev. Howard responded that the resolution does not bind the annual conference; it encourages us to spend as few funds on trials as necessary and be transparent about what is spent. Rev. Steve Holston (Trinity UMC) called for a ruling of law. Bishop Lowry rules that the resolution is legal because it does not bind the conference from spending money on investigations and trials. Rev. (ret.) Margaret Stratton moved to amend the resolution. No second. Motion to amend is dropped. Lynn Whitcomb (Lake Shore) spoke in favor of the resolution. Rev. Mary Spradlin (Arlington Heights) moved to call the question. Seconded. Bishop Lowry called for a vote on the motion to call the question. Passed. Bishop Lowry called for a standing vote on the main resolution. The resolution "**Transparency of Usage of Funds Used for Clergy Trials**" passed.

Clifton D. Howard

Clifton Howard, Secretary, Central Texas Annual Conference of The United Methodist Church

Notarization:

State of Texas County of Tarrant

This instrument was acknowledged before me on July 10, 2019 by Clifton Howard as secretary of The Central Texas Conference of The United Methodist Church.



Kathy M. Ezell

Notary Public's Signature