

October 28, 2014

Statement of Counsel for the Church of the Eastern Pennsylvania Conference in Response to Judicial Council Decision 1421.

We would like to thank the Judicial Council for their hard work in clarifying the legality of the penalty. Future juries will now hopefully have clearer directions on such matters.

While the outcome was not entirely unexpected, we are disappointed with the Decision. We don't agree with the court's analysis, but it's a case that could have gone either way. The ruling hinges on obscure legal technicalities, and put aside a jury's attempt at just resolution and reconciliation.

We know that the jury was trying to give the Respondent a chance to avoid being removed from clergy orders if he would recommit to uphold the Discipline. We do not think such a request was unlawful or unreasonable. Every pastor in The United Methodist Church is expected to make the same commitment as the basic condition of doing ministry.

The effect of the Decision is that future juries will be reluctant to offer grace or give such a final opportunity for reconciliation. Unless General Conference changes the rules for penalties, future juries will have no discretion to apply more than one penalty even in complex cases, nor to give conditions that might lead to reinstatement. They may be pushed to harsher penalties to avoid ambiguity or risk running afoul of this Decision. We think this is sad, because the express disciplinary goal of the judicial process is just resolution and reconciliation.

Finally, although the Decision is strictly about the legality of the penalty, unfortunately it can easily be perceived as meaning that any pastor can declare he or she won't uphold the Discipline anymore, and it doesn't matter. This is not encouraging at a time when there are already deep divisions threatening the unity of the Church, since the Discipline is the covenant that binds the Church together. Hopefully, the General Conference will remove this misperception.

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