

**A DECISION OF LAW MADE BY BISHOP SUDARSHANA DEVADHAR  
IN RESPONSE TO A WRITTEN QUESTION DURING  
THE 20<sup>TH</sup> SESSION OF THE NEW ENGLAND ANNUAL CONFERENCE  
(¶s 51 and 2609.6 OF THE 2012 *DISCIPLINE*)**

**STATEMENT OF FACTS**

At the New England Annual Conference held June 12-15, 2013 at Gordon College in Wenham, Massachusetts, after the Conference members had adopted the Agenda on June 13, 2013, as presented in the Pre-Conference Booklet, Kevin M. Nelson, lay member was recognized and made the following statements and asked for two (2) rulings of law.

“Bishop Devadhar, pursuant to ¶51 and ¶2609.6 in the Book of Discipline, I am requesting a ruling of law.

Judicial Council decisions 367 and 876 state in part, ‘Any organizational structure in an Annual Conference dealing with legislative matters must protect: the rights of the Annual Conference to receive and act on all proposals brought to it...and the rights of individual members of the conference to be informed on and to participate fully in legislative decisions.’

In addition, ¶605.4 and ¶605.5, direct that ‘the business of annual conference shall include receiving and acting upon reports...’ that come from a variety of sources.

Before this body, we have 33 action items, including #101-120, 201-209, and 301-304.

Paragraph 605.2 authorizes the Annual Conference to adopt an agenda in order to expedite the transaction of its business.

My questions are this:

- 1) When setting the agenda pursuant to ¶605.2 and in light of the principles expressed in Judicial Council Decisions 367 and 876, do action items, specifically including resolutions focused on social issues such as #207 and #208, have the same standing as business items as reports do under ¶605.4 and ¶605.5?
  
- 2) As business/action items, must they thus be given precedence, along with other business items mandated in ¶605, over other agenda items during the Annual Conference session that are not covered under ¶605 and thus are not mandatory?”

On the morning of June 14, 2013, Ralph Oduor (Conference Secretary) re-read Kevin Nelson’s question from the previous day. The Bishop’s response will be printed in the Journal and will be reviewed by the Judicial Council.

Furthermore, later during the day, a concern was shared with the Bishop privately by Kevin Nelson and another clergy member that the Judicial Council may deny the jurisdiction to questions of law submitted by Kevin Nelson if it is not affirmed by “one-fifth of...conference present and voting in the regular business of a session...” (¶2609.6). Therefore, on the afternoon of June 14, 2013, the Bishop recognized Kevin Nelson so that the conference could accommodate his questions of law and so that the ruling of the law could be sent to the Judicial Council. Accordingly, as it is stated in the daily proceedings of the New England Annual Conference, “Kevin Nelson asked for a vote of the body to authorize a Judicial Council review of any ruling that the bishop may make on his request made yesterday afternoon. It was adopted by a majority vote.”

**JURISDICTION**

Pursuant to ¶2609.6, “The Judicial Council shall pass upon and affirm, modify, or reverse the decisions of law made by bishops in central, district, annual, or jurisdictional conferences upon questions of law submitted to them in writing when

such appeal has been made by one-fifth of that conference present and voting in the regular business of a session...”, and ¶156.3 “The Judicial Council shall have authority: to pass upon decisions of law made by bishops in annual conferences”.

**ANALYSIS AND RATIONAL**

Judicial Council decisions 367 and 876 are not relevant to the matter at hand. Decision 367 approved the process in the North Georgia Annual Conference to have legislative committees because they, “in no way, impaired the right of North Georgia’s Annual Conference members to take final action and make final decisions on all legislative matters as required by the Discipline”. (p. 230)

Decision 876 ruled the California Annual Conference use of the discernment model as being in conflict with the Discipline.

In the instant matter, the New England Annual Conference neither used legislative committees (which were indeed ruled to be acceptable) nor was any member prohibited from voting in any matter.

Also, by Decision 33, and all the following affirming Judicial Council decisions, “Moot and hypothetical questions shall not be decided”. The Judicial Council went on to state: “It is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded, nor to answer requests for information which involve no legal matter.”

There was no matter pending before the Annual Conference which directly related to these questions, which appear to request information.

Also, as the questions are worded, they appear to call for some type of Parliamentary procedure ruling, which is not under the jurisdiction of the Judicial Council.

**DECISION**

New England Annual Conference does not require decisions of law by the presiding Bishop because the requests related to no issue before the Annual Conference and they appear to be asking for a clarification of a Parliamentary procedure, not an issue of law.