

**Summary of United Methodist Judicial Process**  
**Prepared by the Marriage Equality Task Force**  
**Metropolitan Memorial United Methodist Church, Washington, D.C.**

Recent trials of United Methodist clergy for conducting same-gender marriages have given rise to many questions as to the judicial process under Church law. *Why has this occurred and how are charges brought against ministers?* This summary provides an overview of the process; links to the primary sources are included at the end of this summary. A more detailed summary, to answer questions not addressed herein, has also been prepared by a Metropolitan Memorial committee.

Doctrinal standards, and the structure and administration of the Church, are set out in the UMC Book of Discipline (the Discipline), which is developed and approved by the General Conference as the main governing body of the Church. The Discipline prescribes (§2702.1) a list of chargeable offenses for clergy, including practices that are declared by the UMC to be incompatible with Christian teachings. Effective January 2005, language was added to provide that such offenses include, but are not limited to: “conducting same-sex marriage ceremonies (or being a self-avowed practicing homosexual”. Subject to a six year statute of limitations, (a) clergy may be subject to trial when charged with this offense (or any of the other listed offenses<sup>1</sup>). The process set out in the Discipline begins with the filing of a complaint with the bishop. A complaint may be made by anyone, whether or not a member of the UMC, and whether or not directly affected by the alleged offense. While the complaint process could be abused, it permits reporting of dangerous offenses where a victim may – as in the case of sexual or child abuse – be afraid to come forward. A formal process for any trial is also provided which is designed to ensure fairness.

The judicial process includes a number of steps and potential outcomes. On receipt of a formal complaint, the bishop first responds with a pastoral effort to resolve the controversy administratively. Wide latitude is given to conducting this process, and it is informal. Church trials are regarded as ‘an expedient of last resort’ (§ 2707) after every effort to ‘correct any wrong’. The objective of the pre-trial process is the restoration of community and healing. The UMC Judicial and Administrative Handbook discusses in more detail the goal of reconciliation and provides guidance on handling sensitive issues in the review or trial process.

If (within 90 days), a satisfactory resolution is not achieved, the bishop will either dismiss the complaint with the consent of the cabinet (district superintendents) or refer the complaint to the counsel for the church, who is appointed by this bishop. It appears, without being entirely clear, that there is very limited discretion for a bishop to dismiss a case if the conduct that is the subject of the complaint is a chargeable offense and appears to be supported by the evidence. (Discussed below is an alternative non-judicial procedure that may be invoked at any time during the informal review or trial process). Counsel for the Church, who must be clergy, conducts an investigation and either prepares charges or recommends dismissal. Church counsel represents the church and its doctrines, and, by inference, not the person filing the complaint.

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<sup>1</sup> Other chargeable offenses include immorality, a crime, disobedience to Church standards, child or sexual abuse or misconduct, harassment or racial/gender discrimination.

If the Church counsel determines charges are warranted, a Bill of Charges is prepared and a trial convened. The bishop appoints a bishop as the presiding official (analogous to a judge), and a thirteen member (plus 2 alternates) jury is selected from a pool of clergy. The trial is conducted with procedures intended to assure fairness, including ability to strike jurors, to receive the charges, to examine witnesses and to present evidence. The accused has a right to clergy as counsel, with an assistant counsel that may be a lawyer, but who is not allowed to speak at the trial. At least nine of the thirteen jurors must vote for a conviction. If convicted, a separate vote is taken in which seven jurors must approve a penalty. Jurors have broad discretion in determining, in their own judgment, the penalty, which may range from removal, to suspension, to other lesser penalties.

Following a trial, an accused has a right to appeal, based exclusively on an error of church law, or a lack of evidence in the record of the trial. The Church may not appeal an acquittal (except in very limited cases on points of law). Appeals are heard by a nine person committee nominated by the college of bishops, and composed of clergy, a deacon, a local pastor, and three lay UMC members. The decision of the appeals committee is final, subject to appeal to the Judicial Council regarding errors of Church law.

As an alternative procedure – at any point in the supervisory, complaint, or trial process – the bishop may initiate a formal ‘just resolution’ process with a goal of a written agreement between the counsel for the Church and the respondent which achieves the goal of reconciliation. The parties must agree to this procedure, which is conducted by a trained, impartial third party facilitator or mediator. Any agreement reached is a final resolution of the charges, in lieu of any trial.

Many lay members and clergy within the UMC have expressed the view that trials for conducting same gender marriages, and their prohibition by the Discipline, are contradictory to Christian teaching, and to the Church’s own fundamental doctrines of full inclusion and protection of those who have been marginalized by society.

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<http://www.gcfa.org/administrative-and-judicial-procedures-handbook>