

Answering Your Questions About Judicial Council Decision 1341 – Bishop Oliveto’s Election

- 1. What is the Judicial Council?** The Judicial Council is the highest judicial body or court of The United Methodist Church. Its nine members are elected by the General Conference. The current members are from the U.S. Europe, Africa, and the Philippines. They follow procedures, in some ways reflecting U.S. judicial processes, that are set out in the United Methodist *Book of Discipline*. They act on certain appeals, bishop’s questions of law, requests for declaratory decisions from other Church bodies, and whether acts by official bodies of the church conform with the *Book of Discipline*. The Judicial Council meets twice annually. It met on April 25 in Newark, N.J., to consider the case involving the Western Jurisdiction election and consecration of Bishop Oliveto. It released its decision on Friday, April 28.
- 2. What is the case involving Bishop Oliveto?** Just after she was elected by the delegates of the Western Jurisdictional Conference, delegates in the South Central Jurisdictional Conference, meeting in Wichita, Kansas, voted to request a declaratory decision from the Judicial Council as to whether “the nomination, election, consecration, and/or assignment as a bishop of The United Methodist Church of a person who claims to be a “self-avowed practicing homosexual” or is a spouse in a same-sex marriage [is] lawful under *The Book of Discipline* of The United Methodist Church.” **Neither Bishop Oliveto, nor the Western Jurisdiction were named in the question of law. It was, however, brought forward in response to the Western Jurisdiction election of Bishop Oliveto, and the question was intended to challenge her nomination, election, consecration and assignment.** The questions were specifically directed at the Western Jurisdiction and its process to elect, consecrate and assign a bishop in July 2016. This is an important distinction.
- 3. How Does Judicial Council Decision 1431 Affect Bishop Karen Oliveto?** **Bishop Karen continues as bishop of The Mountain Sky Area, and as a member of the Council of Bishops, with the responsibilities and rights associated with the office.** The Judicial Council’s ruling did not affect Bishop Karen’s nomination, election, or assignment. The Judicial Council said it did not have authority, under The United Methodist Church’s Constitution, to consider those issues.

The Judicial Council discussed whether Bishop Karen’s consecration by the other bishops present at the Jurisdictional Conference was legal. It ruled that Bishop Oliveto’s consecration was not unlawful, but that a future consecration of a clergyperson who was found through church process to be a “self-avowed, practicing homosexual” would be unlawful.

- 4. What Happens Next With the Decision and Bishop Oliveto?** **Bishop Oliveto will continue to be bishop of the Mountain Sky Area for the foreseeable future.** In its 19-page opinion, the Judicial Council told the Western Jurisdiction to process any pending

or future complaints filed against Bishop Oliveto. The Western Jurisdiction would have done this anyway. That means that any complaints against her would go through the detailed process outlined by the *Book of Discipline*. This is the regular procedure used by the church to handle complaints.

The process includes the initial stage of handling a complaint through what the church terms a “supervisory response.” That is a serious effort to engage the parties to try to resolve the matter. If it cannot be resolved, then the president or secretary of the College of Bishops may dismiss the complaint or refer the matter as an administrative or judicial complaint as outlined in Para 413.3d of the *Book of Discipline*. If referred as a judicial complaint, the matter proceeds to the Jurisdiction’s Committee on Investigation and, if continued, to a church trial. The primary goal throughout the process remains to reach a just resolution between the parties.

5. **Was the Judicial Council Proceeding a Trial of Bishop Oliveto?** No. It was in response to the request for declaratory decision asked by the South Central Jurisdictional Conference. Simply put, the South Central Jurisdiction asked the Judicial Council if the nomination, election, consecration and assignment of an LGBTQI person as bishop was legal in The United Methodist Church. While the question did not directly refer to Bishop Karen, it was intended to ask the Judicial Council to rule on the validity of her nomination, election, consecration and assignment.
6. **Why Was There So Much Confusion When the Decision Was Released?** Some initial news reports on the case reported, incorrectly, that Bishop Oliveto’s consecration by the bishops attending the Western Jurisdictional Conference violated church law. The decision did not say that. The decision contains a discussion about the **hypothetical election and consecration** of an LGBTQ bishop in the future, and outlined procedures that need to be followed well before that person could become a candidate for bishop.
7. **How Does This Decision Affect LGBTQI Pastors and Candidates for Ministry?** In this decision, the Judicial Council created new law related to how The United Methodist Church defines the self-avowal and practice of homosexuality when it comes to the eligibility of persons seeking ordination. The Judicial Council declared Boards of Ordained Ministry may now consider the public marriage records related to a marriage between persons of the same gender as evidence of both self-avowal and the practice of homosexuality. Heretofore, self-avowal was a specific process involving statements the person would make to a bishop, Cabinet, or Board of Ordained ministry, and practice was an admission or other objective evidence of physical sex. The new law creates a rebuttable presumption of self-avowal and practice if the person is shown by public record to be in a same-gender marriage.