

**Request for Ruling of Law #1**  
**The Arkansas Annual Conference**

During the June 21, 2014, session of the Arkansas Annual Conference, Rev. David Orr made the following request:

*I request a ruling of church law regarding the Arkansas Conference practice of non-district superintendents participating in the making of appointments.*

*Specifically, does the Structure of the Arkansas Conference as found in the 2013 Conference Journal defining the Appointive Cabinet (page 445, "PURPOSE: Working with the Bishop, the appointive cabinet facilitates and administers the appointive process. STRUCTURE: The membership of the Appointive Cabinet shall be determined by the presiding Bishop to address the missional needs of the Annual Conference"); and, the Arkansas Conference's current practice of non-district superintendents participating in the making of clergy appointments comply with The 2012 Book of Discipline paragraphs 403.2, 424, 428, 419.2, and 608.6?*

It might be appropriate to declare this request for a ruling of law as inappropriately moot and hypothetical because it was not an item related to any business undertaken during the 2014 annual conference, but legislation addressed in a previous annual conference session. See Judicial Council decisions 1214, 1086, 799 and 33. Further, it might be inappropriate because it asks for a ruling of law about an entity, "the appointive cabinet," that does not exist in, and is not defined by, *The Book of Discipline*.

Nevertheless, I will address the request in a substantive manner.

*The Book of Discipline* always takes precedence over annual conference standing rules. If there is a discrepancy between the two, annual conference standing rules must be changed. The bishop's authority to compose the cabinet resides in *The Book of Discipline* and not the Arkansas Conference Standing Rules. In this instance the Arkansas Conference Standing Rules concerning the composition of the "appointive cabinet" is consistent with the cited paragraphs in the request for the ruling of law. However, since *The Discipline* addresses this matter, this particular standing rule is redundant and unnecessary.

The question of whether the Arkansas Conference "current practice" of including persons who are not district superintendents in providing consultation to the bishop in the making of appointments is not a conference practice. It is an act undertaken by the bishop based on the responsibilities given him by *The Book of Discipline*.

¶54 *Article X* makes it clear that district superintendents serve in a consultative role to the bishop, "The bishops shall appoint, after consultation with the district

superintendents, ministers to the charges....” ¶419 states that the district superintendent is “an extension of the office of bishop.” See also ¶ 403.2. ¶425.1 states that it is the bishop who makes appointments: “Clergy shall be appointed by the bishop, who is empowered to make and fix all appointments in the episcopal area of which the annual conference is a part.”

In sum, district superintendents do not make appointments but serve a consultative function to the bishop. As such, any actions they take concerning appointments while meeting as part of the cabinet are merely advisory in nature.

¶424 clearly indicates that all district superintendents are members of “the cabinet.” ¶428 prescribes the role of the “cabinet as a whole” in considering all appointments, but it does not preclude the bishop from considering information obtained from other persons, including those with whom the bishop consults in determining the ministry settings that are most appropriate for particular clergy as a part of the bishop’s exercise of his or her appointment authority. Likewise, while ¶419.2 provides that the district superintendent “...shall work with the bishop and cabinet in the process of appointment and assignment for ordained and licensed clergy,” it does not preclude the bishop from consulting with others, including members of the extended cabinet.

¶619.2 mandates that the director of administrative services “...shall be present when the cabinet considers matters relating to conference administration related to the conference treasurer’s or conference treasure/director of administrative service’s responsibilities, or other matters as the cabinet and director may determine.”

¶608b states that the director of connectional ministries (or designated person) “...shall serve as an officer of the conference and shall sit with the cabinet when the cabinet considers matters relating to coordination, implementation or administration of the conference program, and other matters as the cabinet and director may determine.”

¶607.6 states, “The conference lay leader shall meet with the cabinet when matters relating to the coordination, implementation, or administration of the conference program, or other matters as the cabinet may determine are on the agenda.”

¶619.2 explicitly states that the director of administrative services shall not meet with the cabinet when it is considering appointments. However, ¶607.6 and ¶608b do not have such a restriction.

While ¶424 is the section of *The Discipline* that addresses the role and function of the cabinet, it never defines its membership to exclude persons who are not district superintendents, particularly since the work of the cabinet is not limited to appointments. Further, the commonly used phrase “appointive cabinet” never

appears in *The Book of Discipline*, and only ¶609b mentions the “extended cabinet” at all.

While the district superintendents are always part of the cabinet - and while it is mandated that certain persons be present at particular times - *The Book of Discipline*, with one limited exception involving the director of administrative services, never states that bishops may not invite others to participate in the cabinet either during the making of appointments or any of its other work.

In sum, the relevant sections of *The Book of Discipline* include the district superintendents as members of the cabinet and also describe the cabinet as a fluid entity purposely designed by *The Discipline* with maximum flexibility to help the bishop carry out her or his leadership duties in the annual conference, including appointments.

**Therefore, I rule that, within the limitations explicitly outlined by *The Book of Discipline*, including the tenure of district superintendents, ¶¶403.2, 424, 428, 419.2, and 608.6 give the bishop the right to include those who are not superintendents in a consultative fashion in cabinet meetings that address the making of appointments. The standing rule addressing the composition of the “appointive cabinet”, while substantively in compliance with *The Book of Discipline*, is not binding on the bishop and is unnecessary since it is addressed by *The Book of Discipline*.**

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