Frequently Asked Questions
United Methodist Mediation Team

How was the group which produced the Protocol formed?

In the summer of 2019, Bishop John Yambasu (Sierra Leone Episcopal Area) invited five persons from three constituencies within The United Methodist Church – traditionalists, centrists, and progressives – to meet in Chicago, Illinois to share ideas about the future of The United Methodist Church and how we might navigate the persistent conflict experienced by the denomination. The meeting occurred on July 19, 2019, and the following persons attended:

Central Conference Bishops
Bishop John Yambasu (Sierra Leone Episcopal Area)
Bishop Mande Muyombo (North Katanga Episcopal Area)
Bishop Christian Alsted (Nordic-Baltic Episcopal Area)

Traditionalists
Rev. Keith Boyette (Wesleyan Covenant Association)
Rev. Dr. Maxie Dunnam (Confessing Movement)
Patricia Miller (Confessing Movement)
Rev. Rob Renfroe (Good News)
Mark Tooley (Institute on Religion & Democracy/UM Action)

Centrists
Rev. Thomas Berlin (UMNext)
Rev. Junius Dotson (UMNext)
Rev. Adam Hamilton (UMNext)
Rev. Dr. Mark Holland (Mainstream UMC)
Rev. Jasmine R. Smothers (UMNext)

Progressives
Rev. Ginger Gaines-Cirelli (UMNext)
Janet Lawrence (Reconciling Ministries Network)
Dr. Randall Miller (Reconciling Ministries)
Karen Prudente (MIND)
Rev. Kimberly Scott (United Methodist Queer Clergy Caucus)

Those in attendance agreed that two persons from each identified perspective along with two central conference bishops would continue to meet together with an as-yet-unidentified mediator. The persons designated by each constituency to meet in the smaller group were Yambasu, Alsted, Boyette, P. Miller, Berlin, Dotson, Lawrence, and R. Miller.

What was the process for the mediated negotiation and who was ultimately involved in the final outcome?

The eight persons identified to initiate the mediated negotiation process initially met on August 16-17 at Floris United Methodist Church in Herndon, Va. They were joined by three bishops from the United States: Bishop Thomas J. Bickerton (New York Episcopal Area), Bishop Kenneth Carter (Florida Episcopal Area), and Bishop Cynthia Fierro Harvey (Louisiana Episcopal Area) and one lay person from Europe (Joris Brombach). Due to time constraints, Mr. Brombach had to drop out of the process. Later additions were Rev. Jun Equila, Jr. (Philippines Central Conference), Rev. David Meredith (representing Affirmation, MFSA, the Reconciling Ministries Network and a member of the United Methodist Queer Clergy Caucus), and Bishops LaTrelle Easterling (Washington Area), Rodolfo "Rudy" Juan (Davao Area, Philippines), & Gregory Vaughn Palmer (West Ohio Area).

It was understood from the beginning that this was an ad hoc group of persons without official authority who shared a deep love for the church as well a significant desire to see if a mediated solution could be proposed. Those who participated clearly understood that while they brought the perspectives of their various constituencies to the table, they could in no way attempt to represent all viewpoints of those in the church.

The group met for three two-day sessions with the mediator and his assistants. Those meetings were held on October 17-18, November 11-12, and December 16-17 at the offices of Kirkland & Ellis LLP in Washington, D.C. Agreement on the Protocol was achieved on December 17. The following persons were involved in at least some of the meetings which produced the Protocol and are signatories to the Protocol:

Bishop Christian Alsted
(Nordic-Baltic Episcopal Area)
Rev. Thomas Berlin
(representing UMCNext, Mainstream UMC, Uniting Methodists)
Bishop Thomas J. Bickerton
(New York Episcopal Area)
Rev. Keith Boyette
(representing the Confessing Movement, Good News, Institute on Religion & Democracy, and the Wesleyan Covenant Association)
Bishop Kenneth Carter
(Florida Episcopal Area)
Rev. Junius Dotson
(representing UMCNext, Mainstream UMC, Uniting Methodists)
Bishop LaTrelle Easterling
(Washington Episcopal Area)
Rev. Egmedio "Jun" Equila, Jr.
(Philippines Central Conference)

Bishop Cynthia Fierro Harvey
(Louisiana Episcopal Area)
Bishop Rodolfo "Rudy" Juan
(Davao Episcopal Area, Philippines)
Janet Lawrence
(representing Affirmation, Methodist Federation for Social Action, and Reconciling Ministries Network)
Rev. David Meredith
(representing Affirmation, Methodist Federation for Social Action, and Reconciling Ministries Network, member of United Methodist Queer Clergy Caucus)
Patricia Miller
(representing the Confessing Movement, Good News, Institute on Religion & Democracy, and the Wesleyan Covenant Association)
Dr. Randall Miller
(representing Affirmation, Methodist Federation for Social Action, and Reconciling Ministries Network)
Bishop Gregory Vaughn Palmer
(Ohio West Episcopal Area)
Bishop John K. Yambasu
(Sierra Leone Episcopal Area)

Were there other people involved in the process?

A series of "outer circle" participants served as consultants during the mediation process. Throughout the meetings, breakout groups were present to provide advice and offer support to the constituency groups represented at the mediation table. A team of financial experts from throughout the church were also assembled to provide yet another "outer circle" of advisors when financial matters were considered.

None of the members of the "outer circles" of advisors was a part of the actual mediated negotiations.

How was the mediator selected? Who was the mediator?

Each of the constituency groups submitted the names of potential mediators. Late in the summer of 2019, a private meeting was held with Kenneth R. Feinberg, Esquire. In that meeting, Mr. Feinberg volunteered his time and expertise to the group in an attempt to create a mediated proposal for a solution to the impasse we were facing. All participants agreed to Mr. Feinberg's role as mediator. Mr. Feinberg was eminently qualified for the task and agreed to donate his services. Mr. Feinberg was ably assisted by Richard Godfrey, Esquire, and Wendy Bloom, Esquire, partners in the law firm of Kirkland & Ellis LLP, who also donated their services and whose role was to assist the participants in documenting the mediation's outcome.

Mr. Feinberg, a member of the Jewish faith, has had no vested interest in The United Methodist Church other than a deep love for religion and a significant desire to see a faith-based organization like ours reach a civil agreement in order to move forward in ministry.

What were the qualifications of the mediator?

Kenneth R. Feinberg is one of the nation's leading experts in mediation and alternative dispute resolution. He has been appointed to administer numerous high-profile compensation programs, having served as special master of the September 11th Victim Compensation Fund (appointed by the administration of President George Bush), TARP Executive Compensation, and the Agent Orange Victim Compensation Program.

Feinberg was appointed by the administration of President Barack Obama to serve as administrator of the Gulf Coast Claims Facility to compensate victims of the BP Deepwater Horizon oil spill in the Gulf of Mexico in 2010. He also served as administrator of the Aurora Victim Relief Fund following the Aurora, Colorado, shootings in 2012 as well as administrator of the Virginia Tech Hokie Spirit Memorial Fund in 2007.

Feinberg served as administrator of the One Fund Boston Victim Relief Fund, established to benefit the victims of the Boston Marathon attacks of April 15, 2013 and is currently working with the "RoundUp" weedkiller cancer case and the Boeing MaxAir 737 settlements.

He served as assistant U.S. attorney for the Southern District of New York from 1972 to 1975; special counsel for U.S. Senate Committee on the Judiciary from 1975 to 1980; chief of staff to Senator Edward M. Kennedy from 1978 to 1980; founding partner of the Washington office of Kaye Scholar in 1980; and founder of The Feinberg Group in 1993.

He has served as adjunct professor of law at Harvard Law School, Columbia Law School, University of Pennsylvania School of Law, Georgetown University Law Center, New York University School of Law, the University of Virginia School of Law, and the Benjamin N. Cardozo School of Law.
He served as a law clerk for Chief Judge Stanley H. Fuld, New York State Court of Appeals from 1970 to 1972.

Feinberg received his J.D. from New York University School of Law in 1970, where he was articles editor of the Law Review, and his B.A. from the University of Massachusetts in 1967.

How was the process which produced the Protocol funded?

Each participant was responsible for funding their participation. Some donations were received from Annual Conferences, local churches, and advocacy groups to pay for the travel and lodging expenses of some of the international participants. Later in the process, the expenses for the participation of the bishops were funded by the Council of Bishops. The services of the mediator and his assistants as well as the meeting space at Kirkland & Ellis LLP were provided at no cost.

How can such a small group involved in the mediation adequately represent the perspectives of constituent groups and others in the church?

The mediator advised us on the size of the group we could have and still have a successful mediation. We actually stretched his maximum size by a few people. There was never an attempt for us to represent the whole church. We each brought a unique voice to the table, our experiences in the church, and our hope for the future of the church. We acknowledged from the beginning that we could speak for ourselves and from our experiences, but not for all of any group. Even the advocacy group leaders in the room made it clear they could only speak for their boards and not for all of their constituency. Each person in the mediation regularly consulted with others outside of the room as negotiations progressed.

Why were there no representatives of the ethnic caucuses at the mediation table?

No table is ever large enough to have representatives from all persons within the church. Ethnic persons were present among the participants. We discussed missing voices each time we gathered to remind ourselves that we could not speak for those not present, but we could be intentional about the work we were doing.

What is the Protocol?

The Protocol is a formal agreement signed by the persons involved in the mediated negotiation which records the terms of the resolution agreed to by the participants. The signatories to the Protocol have agreed to support the development and implementation of legislation necessary to implement the terms of the Protocol.

What must occur for the terms of the Protocol to be implemented?

For the terms of the Protocol to be implemented, legislation incorporating its terms will have to be presented to the 2020 General Conference and such legislation will have to be adopted by the delegates to the 2020 General Conference. Such legislation is currently being drafted and will be presented to one or more annual conferences of The United Methodist Church in special session for adoption as a petition to the 2020 General Conference. Under ¶ 507.6 of the *Book of Discipline*, legislation from an annual conference must be adopted by March 20, 2020 in order to be considered by the 2020 General Conference. Alternatively, such legislation can be scheduled at the discretion of the Committee on Reference or moved as a substitute for a petition already pending before the 2020 General Conference.

What have the signatories to the Protocol agreed to do in support of the Protocol?

The signatories to the Protocol have agreed to:

- Fully support the Protocol and each other in a joint effort to seek its implementation.
- To recommend the Protocol's implementing legislation to be voted upon and adopted by the 2020 General Conference of The United Methodist Church.
- To not challenge the constitutionality or legality of the implementing legislation, and to jointly and individually defend the provisions of the Protocol and its enabling legislation in case of review by the Judicial Council of The United Methodist Church.
- To use their best efforts to persuade any groups or organizations with which they are affiliated to support the legislation necessary to implement the Protocol, and to not participate in or support legislation or other efforts that are inconsistent with the principles and terms of the Protocol and its implementing legislation.

How will restructuring through separation be accomplished?

When adopted by the 2020 General Conference, the implementing legislation will require those who wish to form a new Methodist denomination pursuant to the Protocol to register such intent with the Secretary of the Council of Bishops not later than May 15, 2021.

Following the adjournment of the 2020 General Conference, central and annual conferences, and local churches may vote to align with any such new Methodist denominations formed pursuant to the Protocol.

A Central Conference may choose with a two-thirds vote to affiliate with a new Methodist denomination pursuant to the Protocol. Such an affiliation vote must be taken no later than December 31, 2021. If no vote is taken, the Central Conference remains part of the post-separation United Methodist Church.

Annual Conferences, whether in the Central or Jurisdictional Conferences, may choose to vote on whether to affiliate with a new Methodist denomination pursuant to the Protocol. A vote must be held if 20% of those voting at an Annual Conference session support a motion to conduct such a vote. Such an affiliation vote must be taken before July 1, 2021. In order to affiliate with a new Methodist denomination pursuant to the Protocol, the vote to affiliate must be supported by 57% of those voting. If an Annual Conference does not take a vote on affiliation, it remains part of the post-separation United Methodist Church.

Local churches which desire a different affiliation than its Annual Conference may conduct an affiliation vote to consider a different affiliation. If such a vote occurs, the church council (e.g., its Administrative Board or Council or its Leadership Board) shall determine a voting threshold of either a simple majority or two-thirds of those present and voting at a duly called church conference in order for the motion to opt for a different affiliation to be adopted. The vote on a motion to opt for a different affiliation shall occur in a church conference held not more than

60 days after the request for such a vote is made by the church council. The church conference must be held in consultation with the District Superintendent who shall authorize such a church conference to be conducted. Decisions about affiliation by a local church must be made by December 31, 2024. If a local church does not vote, it remains a part of the Methodist denomination selected by its Annual Conference.

What happens to the property, assets, and liabilities of local churches or conferences which choose to affiliate with a new Methodist denomination pursuant to the Protocol?

A local church that affiliates with a Methodist denomination pursuant to the Protocol other than the post-separation United Methodist Church retains its assets and liabilities. The Annual Conference to which the local church belongs at the time of its separation will not exercise its trust clause and shall release such a local church from the provisions of any and all trust clauses. Such a local church, prior to its separation, shall be expected to maintain its connectional responsibilities through the date of separation. At separation, such a local church shall not be required to pay any sums to the Annual Conference other than previously documented loans from the Annual Conference which shall be paid according to the terms of such loans.

Should a local church (or its successor) that separates subsequently close, or a Methodist denomination with which it affiliates cease to exist, the property of such a local church will be subject to a lien in favor of Wespath on its assets in the amount of that local church's then proportionate share of future unfunded pension liabilities.

Local churches which opt to disaffiliate from The United Methodist Church and not become part of a Methodist denomination pursuant to the Protocol must comply with ¶ 2553 of the Book of Discipline of The United Methodist Church.

Property, assets, and liabilities of Annual, Jurisdictional, and Central Conferences are retained by those entities regardless of any affiliation decision that each makes under the Protocol.

What happens to the pension plans of The United Methodist Church and the pension benefits of its clergy?

The pension plans of The United Methodist Church will remain in place for all current clergy and lay employees affiliated with The United Methodist Church, regardless of the Methodist denomination under this Protocol with which they affiliate. The liability of Annual Conferences and local churches for pension benefits shall transfer with such entities to the Methodist denomination pursuant to the Protocol with which they affiliate.

How were the voting threshold percentages determined?

The Protocol was achieved as the result of intense negotiations and numerous compromises in order to reach a unanimous agreement. All participants made significant compromises. Strong, persuasive arguments were made by various participants as to why the voting threshold on affiliation votes should be either a simple majority or a two-thirds vote. The voting thresholds for affiliation votes by central conferences (two-thirds), by annual conferences (57%), and by local churches (either simple majority or two-thirds as determined by the local church council) were the result of negotiation and compromise to reach a unanimous comprehensive agreement. The last major item dividing the participants was the voting threshold for annual conferences with parties firmly committed to either a simple majority or a two-thirds vote. A specific threshold had to be determined and the mediator brokered the compromise at 57%. A 57% voting threshold at the annual conference level ensures that a sufficient majority supports the alignment chosen without permitting a smaller minority of an annual conference to thwart the preference of the majority. The signatories to the Protocol urge the delegates to the 2020 General Conference to adopt these voting thresholds since they were arduously negotiated to achieve unanimous agreement.

Do the new Methodist denominations which form under the Protocol receive any financial assets from The United Methodist Church?

Twenty-five million dollars is to be paid by the General Conference on Finance and Administration over the 2021-2024 quadrennium to the traditionalist Methodist denomination established pursuant to the Protocol after it is formed and incorporated.

Two million dollars is to be escrowed by the General Council on Finance and Administration for payment to potential additional Methodist denominations pursuant to this Protocol after they are formed and incorporated over the 2021-2024 quadrennium.

How were the figures of $25 Million and $2 Million determined?

The figures were arrived at after review of the financial health of the church, and discussion with experts from GCFA and the Connectional Table. It was agreed as a part of this financial settlement that no further claim would be made on any properties or assets retained by the post-separation United Methodist Church.

The $2 Million was identified to acknowledge that there are groups other than traditionalists looking at next steps that might lead to the formation of another denomination. No groups other than the traditional advocacy groups have taken steps to set up the legal and governance structures needed for a denomination.

The Protocol references one "traditional" denomination. What if more than one emerges after the General Conference?

A total sum of $25M has been identified for a traditional denomination. If more than one emerges, then an agreement will have to be worked out between those parties.

What other financial terms are addressed in the Protocol?

The parties to the Protocol have agreed that the sum of thirty-nine million dollars is to be allocated by the General Council on Finance and Administration in their budget recommendations over the next two quadrennia (2021-2024 and 2025-2028) to support communities historically marginalized by the sin of racism. The goal of these earmarked funds shall be to strengthen ministries by and for Asian, Black, Hispanic-Latino, Native American, and Pacific Islander Communities, encourage the full participation of historically marginalized communities in the governance and decision-making of the church, and ensure that the vital work of training the next generation of leaders by Africa University will be maintained. Thirteen million dollars of the sum represents a contribution from the post-separation Traditional Methodist Denomination, made possible by their decision to forego receiving these funds and instead contribute them for this purpose. The post-separation United Methodist Church will contribute $26 million for a total of $39 million over eight years for this purpose. Churches which align with the traditional Methodist denomination under this Protocol shall have the option to participate in programs and grants which serve their respective ethnic groups if they otherwise meet the requirements for such participation through the 8-year period.

What is the relation of the Mediation Team's adoption of the Protocol to the work of the Delegates to the 2020 General Conference?

The Mediation Team has done this work in service to the delegates, in order that they might do their best work on behalf of the Church and God's mission. The members of the team have kept this in the framework of their discussions throughout and are offering this work in humility to the delegates who will assemble in Minnesota later in 2020. This work is offered out of a sincere desire that outcomes might be attained at the next General Conference that will move us beyond the present status quo.

How can the United Methodist Church afford to maintain the current structure once other denominations are formed and churches leave?

The United Methodist Church will be smaller. The church will need to quickly assess the impact of churches leaving and adjust infrastructure and spending accordingly. The long-term solution lies in the broad reform that is needed. Both are beyond the scope of the mediation.

Will there be any continuing relationship between the post-separation United Methodist Church and the new Methodist denominations formed under the Protocol?

The post-separation United Methodist Church, through its Council of Bishops, is to offer to enter into ecumenical agreements with Methodist denominations formed under the Protocol. Such ecumenical agreements may include participation in Boards and Agencies, continuation of various mission activities, and any other matters within the scope of ecumenical agreements. Any new Methodist denominations that emerge will have the option as to whether to enter into such agreements.

What happens between now and the 2020 General Conference with respect to pending administrative or judicial processes, and proposed closure of local churches?

The signatories to the Protocol agree that all administrative or judicial processes addressing restrictions in the *Book of Discipline* related to self-avowed practicing homosexuals or same-sex weddings shall be held in abeyance beginning January 1, 2020 through the adjournment of the first conference of the post-separation United Methodist Church. Clergy shall continue to remain in good standing while such complaints are held in abeyance.

In addition, the signatories to the Protocol agree that if there are churches proposed for closure, the church and the annual conference shall delay final actions of closure of churches until after the 2020 General Conference of The United Methodist Church, except in those situations where there are exigent circumstances and/or a congregation has voluntarily discerned it is necessary to close due to a lack of participation or financial insolvency.

What does the term "being held in abeyance" mean?

No one can prohibit a person from filing a complaint. Neither can a person be prohibited from requesting and seeking a trial. However, a complaint being held in abeyance means that it is a temporary state of inactivity or suspended and not acted on until an appropriate time. To hold complaints in abeyance until the separation takes place enables the post-separation United Methodist Church to re-organize itself in relationship to the current restrictive rules found within our United Methodist Book of Discipline.

What steps will be taken with respect to the Protocol prior to the 2020 General Conference and at the 2020 General Conference?

The signatories to the Protocol have asked the Council of Bishops to request a declaratory decision from the Judicial Council regarding the constitutionality of proposed legislation implementing the Protocol prior to the opening session of the 2020 General Conference.

The Council of Bishops is also asked to request a report from the General Council on Finance and Administration related to the financial impacts of the Protocol and its implementing legislation to be shared prior to the 2020 General Conference.

The Council of Bishops, working with the Commission on the General Conference, is asked to identify an appropriate time on the agenda of the 2020 General Conference for the Protocol and its implementing legislation to be presented.

Assuming that the implementing legislation is adopted, the Council of Bishops will provide meeting space for those interested in creating other Methodist denominations pursuant to the Protocol to meet at the adjournment of the 2020 General Conference session.

Assuming that the implementing legislation is adopted, the Council of Bishops will call the first session of the General Conference of the post-separation United Methodist Church to organize itself and, if such legislation has not been passed, consider matters pertaining to creating Regional Conferences.

Assuming that the implementing legislation is adopted, the Council of Bishops will call the first session of a United States Regional Conference to consider legislation related to changes in adaptable portions of the *Book of Discipline* including repeal of Traditional Plan legislation and all other portions related to LGBTQ persons.

What happens to petitions currently pending before the 2020 General Conference which seek to address the conflict which has existed in The United Methodist Church?

Plans such as the Indianapolis Plan for Amicable Separation, the Next Generation UMC legislation and other such petitions continue to be petitions to be considered by the 2020 General Conference. However, the signatories to the Protocol have agreed to not participate in or support legislation or other efforts that are inconsistent with the principles and terms of the Protocol and its implementing legislation. The signatories have also agreed to use their best efforts to persuade any groups or organizations with which they are affiliated to support the legislation necessary to implement the Protocol. The Protocol urges that the General Conference consider its implementing legislation before addressing such other legislation because of the comprehensive representative nature of the signatories to the Protocol.

Why is this work important?

For the past 47 years, The United Methodist Church has struggled unsuccessfully to achieve consensus and compliance with regard to matters of human sexuality. The Special Session of General Conference in 2019 caused significant harm. This work is a significant attempt to not replicate the mood or climate created in St. Louis in 2019. It acknowledges that even in the midst of faithful attempts to stay together, we no longer can remain as one denomination. The divisions are simply too vast. This work is important because it provides a pathway of reconciliation and grace through separation and offers us an opportunity to bless and send one another into a new reality rather than continue to fight and rend our way into irrelevance and destruction.

What is the expected outcome?

It is the hope of the Meditation Team to provide a pathway that enables all groups, no matter their theological conviction, to serve and live out their calling without the threat of punishment or compromise. We hope that this work will be the stimulus for a gracious acknowledgement that while we share a common heritage we cannot share a common structure moving forward. We hope that the outcome of this work will be a civil process of separation that in a pre-determined time frame will preserve The United Methodist Church and allow for one or more Methodist denominations to emerge with their own mission, vision, and structure.

What does this potentially mean for Local Churches and Annual Conferences?

As stated above, if a local church or an Annual Conference wishes to remain within The United Methodist Church, there are no actions required. If a local church or an Annual Conference wishes to affiliate with another Methodist denomination, there is a clearly stated process that will enable them to do so. And, if a local church or Annual Conference wishes to disaffiliate altogether, there is an approved process in the Book of Discipline that spells out those requirements.

Inevitably, the impact of this Protocol of Separation will be greater in some places than in others. Regardless of the setting, strong efforts of collaboration and cooperation will be needed from all sides in order to create a consistent narrative concerning the options being considered; to provide strong, non-anxious leadership in the midst of the transitions; and to model how we can bless and send one another into new expressions of who we are as Methodists.

Beyond the decision-making process, Local Churches and Annual Conferences that remain within the post-separation United Methodist Church should be prepared for changes that will most likely occur in things like reconstituted boundaries both on a Jurisdictional and Annual Conference level, structures that will need to be re-evaluated and streamlined, and financial obligations that will need to be adjusted as a result of the losses sustained by the Local Churches and Annual Conferences that depart.

Local Churches and Annual Conferences that separate should be prepared for the disciplinary and structural changes that will be approved and instituted by any new Methodist denomination that emerges.

Regardless, each Local Church and Annual Conference can expect change to occur. They can also expect to be supported in their efforts to provide meaningful, contextual ministry to the people in their communities and under their care as well as to continue every effort to make disciples of Jesus Christ for the transformation of the world.

How will this become real?

No institution as large as our current United Methodist Church can be altered or re-organized quickly. This will take time. One of the key components of the work yet to be done is to create a realistic yet timely manner in which these changes can be implemented. Care will need to be taken to make sure that all aspects of our work are cared for in a manner that honors the Protocol and the decisions made at the upcoming General Conference and any subsequent conferences before the separation takes place.