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## RELIGION

# Splinter explainer: Why defectors have resorted to lawsuits against UMC officials



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## Key Points

Amid splintering in the UMC, large groups of churches have sued local UMC officials in Georgia, Maryland, North Carolina and Florida.

Experts explain there are two kinds of state laws that matter most in church property dispute cases: neutral principles of law and the deference method.

Large scale lawsuits in deference method states will face greatest challenges, experts say.

Escalating an already emotionally charged divorce in the United Methodist Church, some defectors are resorting to lawsuits against UMC leadership. But their success is uncertain.

Recently, a group of 187 churches in Georgia and a group of 38 churches in Maryland and West Virginia sued local UMC officials. Also, a North Carolina judge dismissed a similar lawsuit from a group of 36 churches.

These large-party suits, in addition to another in Florida involving 70-plus churches, have received heightened attention because they illustrate how messy the splintering of the UMC is.

But experts say depending on some state laws, the more conventional route might be simpler.

“Winning a case can be an expensive process and no matter how strong a case you think you have, there’s no such thing as a perfect set of facts,” said Lloyd Lunceford, a Louisiana attorney and editor of “A Guide to Church Property Law.”

**UMC splinter and property disputes:** Splinter explainer: Why church property plays major role in split of United Methodist Church

**UMC splinter and higher education:** Explainer: United Methodist higher education and the denomination's splintering

Most churches involved in lawsuits are trying to leave the UMC amid a splintering following disagreements over theology and church policy, including dealing with LGBTQ rights. Many are joining a more conservative breakaway denomination, the Global Methodist Church.

But to predict the lawsuits' outcome requires understanding basic UMC polity, or governance, and state laws.

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## Arguing for another pathway

For many, the debate is over a process that has become the standard way for churches to leave the UMC, also known as disaffiliating.

The main process, often called Paragraph 2553 (its designation in the UMC Book of Discipline), requires congregation approval, paying an exit fee and ratification within annual conferences, which are regional bodies of authority.

Before an August ruling by the denomination's highest court, churches used other UMC policies dealing with church property and the "trust clause" to negotiate their exit. A trust clause is part of a deed and says a church owns its property for the benefit of the denomination.

Many of the current lawsuits argue for the alternatives and are against the Paragraph 2553 process.

There are outliers, though. For example, nine current and former ministers in Louisiana sued their annual conference for allegedly being too lenient on churches trying to leave the UMC. A judge dismissed that suit on March 24.

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## It depends on which state

Two kinds of state laws matter the most in church property dispute cases, Lunceford said.

One is the neutral principles of law method and the other is the deference method.

A state that uses the deference method adopts a denomination's policy as that of the civil court, making it nearly impossible for a church to win against the church authority it's fighting. In contrast, a neutral principles state treats the case like any other property dispute.

"In neutral principles of law states, the outcome will vary depending upon the facts," Lunceford said. "It will depend upon what the owner of the property has put in writing."

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## Large-party suits vs. a party of one

The most sensational examples are the cases with large groups of churches that are decrying unfair treatment by bureaucrats.

The National Center for Life and Liberty, a Christian legal group, and its lead attorney, David C. Gibbs III, are representing the groups of churches in Florida, Maryland, North Carolina, and Georgia.

Gibbs is known for his involvement with and work in deeply conservative Christian spaces, including independent fundamental Baptists and a ministry that sued the Southern Poverty Law Center over being labeled an anti-LGBTQ hate group.

In a similar spirit, Gibbs' UMC lawsuits argue the churches' fundamental rights are hindered and calls the exit fee required by Paragraph 2553 a "ransom," according to the North Carolina lawsuit.

Gibbs' newest case, the lawsuit from 187 churches in Georgia, is slightly more complex than the others because the North Georgia Conference has suspended all disaffiliations, including through the Paragraph 2553 process. In other words, it's virtually impossible for a church to leave.

But the same basic principles apply and in Lunceford's opinion, lawsuits with large groups of churches have a tough case to make.

**Florida lawsuit:** LGBTQ marriage fight, schism leads to massive lawsuit by 106 Florida Methodist churches

"The type of lawsuit that would have the least probability of success would be where a church or a group of churches files suit...in a state that uses the deference method, where courts are

simply going to determine what the conference has decided and defer to that,” Lunceford said.

A judge’s ruling in the Florida case is expected soon.

Other trust clause cases in Wisconsin and Missouri found little success. A more complicated case in Georgia ended in a settlement.

A church is suing the Arkansas Conference after conference delegates voted against ratifying a disaffiliation request that otherwise underwent the proper procedure.

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