

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

THE TRUSTEES OF THE NORTH  
GEORGIA CONFERENCE OF THE  
UNITED METHODIST CHURCH, INC.,

PETITIONER,

VS

MT. BETHEL UNITED METHODIST  
CHURCH, INC. D/B/A MT. BETHEL  
UNITED METHODIST CHURCH, INC.,

RESPONDENT.

CIVIL ACTION FILE NUMBER:

21106801

**PETITIONER'S OBJECTION TO KEITH D. BOYETTE'S VERIFIED APPLICATION  
FOR PRO HAC VICE ADMISSION**

Petitioner objects to the admission of Keith D. Boyette's admission pro hac vice in this matter because he has positioned himself as a fact witness and created a conflict of interest.

Statement of Facts

Mr. Boyette is a Virginia Clergyman who has encouraged the congregation of Mt. Bethel United Methodist Church to disregard mandates and other doctrine handed down by Petitioner. *See* Exhibit A, Open Letter to the Congregation of the Mt. Bethel United Methodist Church dated July 28, 2021 wherein Rev. Keith Boyette, President Wesleyan Covenant Association; Chair, Transitional Leadership Council is listed as an author/signator.

Mr. Boyette is President of the Wesleyan Covenant Association which describes itself on its own website as follows.

The Wesleyan Covenant Association (WCA) connects Spirit-filled, orthodox churches, clergy, and laity who hold to Wesleyan theology. It is an association of individuals and congregations who share a common understanding of our Wesleyan doctrine and a desire to become a vibrant, faithful, growing 21st century church.

In light of the widely endorsed Protocol for Reconciliation and Grace through Separation, we believe The United Methodist Church will be the first old mainline Protestant denomination to reach an amicable separation over matters that have divided the church for decades. Although we regret separation, we affirm it's a necessity for the sake of the greater mission of the church universal. *See* <https://wesleyancovenant.org/about-page/>

He is president of an association dedicated to encouraging United Methodist Congregations to separate from the "mainline denomination."

One of Mr. Boyette's primary goals is to take land and buildings currently used by the United Methodist Church from the United Methodist Church so that they can be used by a newly formed denomination. See [Why a Mediated Negotiation?](https://wesleyancovenant.org/2020/01/07/why-a-mediated-negotiation/), By Keith Boyette (<https://wesleyancovenant.org/2020/01/07/why-a-mediated-negotiation/>).

The most important part of the protocol — by far in my estimation — is that every local church that decides to join a new Methodist denomination could do so with the full ownership of their buildings, real estate, and assets free of the UM Church's trust clause. If you do not understand the value of that provision, then I encourage you to talk to traditionalists who were formerly part of The Episcopal Church, the Evangelical Lutheran Church of America, and the Presbyterian Church USA. They will explain to you the trauma of spending tens of thousands of dollars litigating for their property and assets only to lose them in the end.

As evidenced by Exhibit A, Mr. Boyette has already been actively recruiting members of Mt. Bethel United Methodist Church to his organization the Wesleyan Covenant Association. One of his organizations goals is to encourage churches to do exactly the type of things that Respondent did in this matter.

He is an active participant in the activities that led to the filing of this Action. Mr. Boyette was quoted in an online article about the issues in this lawsuit as early as April 26, 2021: "Wesleyan Covenant Association President Keith Boyette, who helped negotiate the proposed protocol, described Mt. Bethel as "a very prominent church in **our movement**," but

said he had no insight into the church's decision beyond what was said at the press conference." (emphasis added). <https://religionnews.com/2021/04/26/prominent-atlanta-area-church-leaves-united-methodist-church-over-pastors-reassignment/>

On April 30 to May 3 of 2021, Mr. Boyette led a conference which Jody Ray (Respondent's Chief Executive Officer) attended wherein Mr. Boyette's organization publicly condemned Petitioner's Bishop. *See, WCA Plans New Denomination*, by Sam Hodges. <https://www.umnews.org/en/news/wca-plans-new-denomination>

### Argument

Uniform Superior Court Rule 4.4(d)(3)(a)-(e) require an application for admission pro hac vice to be denied where "a. may be detrimental to the prompt, fair and efficient administration of justice, b. may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent, c. one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk, d. the applicant has engaged in such frequent appearances as to constitute regular practice in this state, or e. should be denied, if that applicant had, prior to the application, filed or appeared in an action in the courts of this State without having secured approval pursuant to the Uniform Superior Court Rules."

When making determinations about attorneys appearing pro hac vice, the trial court may properly consider the Georgia Rules of Professional Conduct. *See generally, Ford Motor Co. v. Young*, 322 Ga. App. 348 (2013) (where the trial court properly considered the Georgia Rules of Professional Conduct when deciding whether to revoke a pro hac vice admission). A lawyer may not represent a client where there is a significant risk that the lawyer's interests will "materially and adversely" affect the client's. Georgia Rules of Professional Conduct 1.7(a). "If the propriety of a

lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client objective advice." *See* Georgia Rules of Professional Conduct 1.7, Comment 6.

In the present case, Keith D. Boyette's application should be denied because under USCR 4.4(d)(3)(a), he has a conflict of interest that will affect the representation. His conduct during the transactions shows that he is acting in the interest of the Wesleyan Covenant Association and actively recruiting members of Mt. Bethel United Methodist Church to break away from Petitioner. He is acting in the interest of the Wesleyan Covenant Association, and cannot simultaneously act in the interests of Respondent. Therefore under Rule 1.7 of the Georgia Rules of Professional Conduct, he has a conflict of interest.

Secondly, pursuant to USCR 4.4(d)(3)(b), admission of Mr. Boyette is detrimental to Petitioner's legitimate interests. Mr. Boyette has participated in some of the events described in the petition. He is a fact witness necessary to Petitioner's case. Petitioner believes the pro hac vice application may be an attempt to prevent discovery into communications between and actions taken by Respondent and Mr. Boyette as they relate to the claims in this matter. Under USCR 4.4(d)(3)(b), this Court should consider Petitioner's legitimate interests and deny Keith D. Boyette's application.

Respondent has excellent counsel and is not in need of the services of Mr. Boyette whose presence in this case is a conflict of interest and harms the legitimate interests of Petitioner. Mr. Boyette's request should be denied.

This 30th day of September 2021.

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Certificate of Service

The undersigned hereby certifies a copy of the foregoing was served upon counsel of record

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This 30th day of September 2021.

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EXHIBIT A

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Mt. Bethel | July 28, 2021

## Open Letter

An Open Letter from United Methodist Renewal Leaders  
to the Congregation at Mt. Bethel United Methodist Church

Dear Mt Bethel,

Greetings in the name of our Lord and Savior, Jesus Christ. We write as renewal leaders and traditionalists within The United Methodist Church to express our solidarity with you as you seek a faithful way forward in this most difficult time. We know these last few months have been incredibly trying for the members of Mt. Bethel, and we want you to know that we stand with you.

You may have been told that the problems disrupting your congregation were created by your leaders' failure to follow proper procedures. However, along with all objective observers, we know you did not create the crisis you are facing. It began when an episcopal leader determined to remove and replace your senior pastor in a manner that disregarded the *Book of Discipline* and its requirement that the church and the pastor be consulted before a change is made. Not only was this precipitous action contrary to the *Book of Discipline* but it was also disrespectful to you, one of our finest congregations, and to Dr. Ray, one of our most effective pastors.

You deserved better. You deserved to be consulted. You deserved to be heard. You deserved a reason why the change was in the church's best interest. You deserved to have your questions answered. We are genuinely saddened that, instead of being treated as a

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your church.

Many of us signing this letter know your church and your leaders. We have spent time on your campus, in your worship services, and with your people. We know who you are – a congregation that is incredibly welcoming, open to all, committed to the historic Christian faith, and driven by a desire to care for the least and the last both in the greater Atlanta area and all around the world. We know many of your duly elected leaders. We know their character and their commitment to a healthy and faithful Mt. Bethel Church.

We know that for over 180 years together you have dedicated yourselves *“to love like Christ so that our lives, our city, and the world will be transformed for the glory of God.”* All who follow Christ should be grateful for your history and your ministry and should be honored to call you our brothers and sisters.

It is hard to describe how disheartened we have been by statements that have characterized you as having a heart of war and which have stated that conference officials might be in some physical danger if they were to come on your campus. No one who knows you would ever make such an accusation. We know who you are. Please, don't you forget. And please, do not change! Continue to be people who combine grace and truth, who are open-hearted and remarkably hospitable, and who are strong enough to do what's right even when it is costly.

What was behind the bishop's intention to remove Dr. Ray? Of course, we cannot know for sure. But the context of her decision is clear. Mt. Bethel is a traditional church that was likely to leave the current denomination to join other orthodox Methodist churches to form the Global Methodist Church once the Protocol for separation is passed by General Conference. The bishop and the North Georgia Conference would lose their largest church and its resources with no payment or recompense. How do you prevent that? You could remove its leader in a way that is disrespectful, disruptive, and unfair. You could do that to be punitive. You could do that so the church would have little choice but to disaffiliate and pay millions of dollars to the Conference to do so. Or you could hope that your actions angered many of its members to the point that they would leave. Perhaps those who stay would be willing to remain in the post-separation United Methodist Church, along with the church's property and assets. The fact that other traditional senior pastors in some other annual conferences have been removed from their churches by their bishops without consultation suggests that what has been done to Mt. Bethel is part of a greater strategy to mitigate any potential adverse impact to the post-separation UMC posed by impending separation.

What has befallen you is part of a greater struggle. Many of us have known for decades that the United Methodist Church is deeply divided over the inspiration and the authority of the Scriptures as God's word. We have sadly acknowledged that we would not be able to remain as one church. The creation of the Protocol by persons of diverse theological perspectives was an admission that we could no longer live together but it was also a commitment that we would separate in a way that was respectful and kind. But not all are through with the fighting. Not all are committed to a gracious parting. There are still those who are determined to have winners and losers and who are committed to winning, even if



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a different view of “the faith once and for all delivered to the saints” and a belief that victory can be achieved through power and intimidation

The attempt of your bishop and those representing the North Georgia Conference to seize control of your property and your assets, as a thriving church, is unprecedented as far as we are aware. Other churches in your conference are frightened that if this can be done to you, it can certainly be done to them. Orthodox churches around the country with progressive bishops are also watching closely, knowing that how your situation is resolved may embolden or restrain their bishop from following Bishop Hauptert Johnson’s lead. We know you have a heart of peace, but this is a battle. It’s not one you wanted or created. But it is one, nonetheless. And you are fighting it for all of us. We are grateful for you. We are encouraged by you. We are praying for you. We are with you. And, once we are beyond this current season, we look forward to being with you in a unified and faithful international Methodist church of many cultures and races committed to Wesleyan teaching and evangelizing the world.

Yours in Christ,

Rev. Matt Abel, WCA Global Council Member

Dr. William J. Abraham

John Agee, WCA Global Council Member

Sara L. Anderson, UMAction Steering Committee Member

Rev. Tom Anderson, President, Michigan WCA Chapter

Rev. Larry Baird, Confessing Movement Board Member

Rev. Ryan Barnett, Good News Board Member

Rev. Jim Bass, Texas Conference WCA

Rev. Karl Baumgardner, UMAction Advisory Board Member

Rev. David Bennett, President, Peninsula-Delaware WCA Chapter

Rev. Thomas Bentum, Good News Board Member

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Rev. Christopher T. Bounds, Ph.D., Good News Board Member

Rev. Keith Boyette, President Wesleyan Covenant Association; Chair, Transitional Leadership Council

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