

High court: UMC can sue for control of Southern Methodist University

by [Heather Hahn](#)

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SMU students participate in campus Holi activities, hosted by the South Asian Student Association, in March. (Facebook)

The highest court in Texas handed a significant win to United Methodist efforts to maintain strong ties with Southern Methodist University.

In [a mostly unanimous opinion released June 27](#), the Texas Supreme Court ruled that the denomination's South Central Jurisdictional Conference can advance its lawsuit to retain some governance of the Dallas university with "Methodist" in its name.

"We hold that the conference has statutory authority to sue SMU to enforce its rights" under both SMU's 1996 articles of incorporation and Texas state law, said the ruling written by Justice Debra H. Lehrmann.

With the ruling, the case has now been sent back to the trial court for further proceedings.

The almost six-year legal battle began when the university's board of trustees voted—without the jurisdictional conference's approval—to change the university's 1996 articles to remove its explicit connection to the conference and, by extension, the United Methodist Church.

The new articles, submitted to the Texas Secretary of State, delete the phrase that describes SMU as an educational institution "to be forever owned, maintained and controlled by the South Central Jurisdictional Conference of The United Methodist Church."

The South Central Jurisdictional Conference [filed the lawsuit in November 2019](#), alleging among other things, that the board had exceeded its authority by unilaterally changing the articles and breached its contract with the jurisdictional conference.

However, SMU argued that the state law governing nonmember nonprofits gave the jurisdictional conference no standing to sue.

A lower-court judge [dismissed the South Central Jurisdictional Conference's suit in 2021](#). However, an appeals court in 2023 [largely sided with the jurisdictional conference](#). The Texas Supreme Court agreed with SMU's request to take up the case last year and then [heard oral arguments on January 15](#).

SMU made the move to distance itself from the UMC after the denomination's 2019 special general conference [strengthened enforcement of bans on gay clergy and](#)

[same-sex marriage](#). SMU has long maintained a non-discrimination policy in the admission and hiring of LGBTQ people.

Last year's general conference [eliminated the denomination-wide bans](#). However, that has not ended the legal dispute.

During the January oral hearing, Lehrmann asked the South Central Jurisdictional Conference's attorney why the litigation was ongoing since the underlying disagreement around LGBTQ people has been resolved.

"The fact this dispute has been resolved about same-sex marriages and things of that nature, that's not going to let us back in the door," Sawnie A. McEntire, the attorney, answered. "They shut the door on us. We need relief."

The Texas Supreme Court largely agreed. However, the ruling did not support the conference's argument that the university had filed a false document when it filed new articles of incorporation. Lehrmann's ruling determined that, in this case, the court could steer clear of First Amendment concerns that prevent courts from interceding in religious doctrinal disputes.

The jurisdictional conference's "claims may be resolved by looking solely to Texas statutes and SMU's articles of incorporation," she wrote. Specifically, she wrote that state law authorizes the jurisdictional conference, "as a church or other religious association to assert and maintain the very right of control that SMU disputes and that its board has unilaterally purported to sever."

The ruling noted that SMU made the changes to its articles of incorporation without the consent of the jurisdictional conference or one of its designated agencies, as required by the 1996 articles.

The majority opinion also said that, for now, the jurisdictional conference can pursue its breach of contract claim as a third-party beneficiary.

"Today's favorable opinion from the Court supports our original position that SMU must seek the approval of the SCJ when making changes to its amendments," said [a statement from jurisdictional leaders](#).

Bishop Laura Merrill, president of the jurisdiction's bishops, and Derrek Belase, the mission council chair, signed the statement.

“Our desire is to see this matter brought to a peaceful resolution so that our historic connection to the University can be fruitfully maintained for future generations,” they said.

In a statement, SMU said it was pleased the justices recognized that the school followed the law when it submitted changes to its governing documents to the state and that it's prepared to defend its board's right to act in the university's best interests.

"SMU remains proud of its Methodist heritage as we move forward with advancing SMU's mission and providing enriching education for all students," said Megan Jacob, the university's director of media and community relations, in the statement.

In a separate [concurrence](#), Justice Evan A. Young explored more deeply the “church-autonomy doctrine”—[the legal idea that religious organizations must be allowed to govern themselves](#). Three other justices also joined in parts of Young's concurrence.

Young wrote that he expects lower courts to support the jurisdictional conference's rights if the case proceeds. Nevertheless, he encouraged both the jurisdictional conference and SMU to choose another way forward.

“I cannot help but express hope, however, that divisions of this sort can be repaired by those who once walked arm in arm in unity of purpose without recourse to the civil courts . . .”

Letting courts resolve the dispute, he added, “cannot help but tarnish with earthly grime what should be holy.”

What is not in dispute is that SMU has deep Methodist heritage. A predecessor of what is now the UMC founded SMU in 1911 with a gift of 133 acres, where the main campus still sits.

SMU is home to [Perkins School of Theology](#), one of 13 US United Methodist seminaries that receives support from the denomination's Ministerial Education Fund. Since SMU's founding, Perkins has trained Methodist clergy and even bishops—many of whom serve in the South Central Jurisdiction. Even now, more than half of the seminary's students are United Methodist.

SMU is also home to the Bridwell Library, [which now houses the entire collection of the World Methodist Museum previously located at Lake Junaluska, North Carolina](#).

Today, SMU [enrolls more than 12,000 students and has an endowment of \\$2.12 billion](#). —UM News