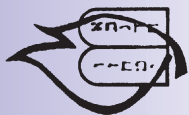


CLSA Newsletter



A quarterly publication from the Canon Law Society of America

February 2004

New CLSA Scholarship Fund

Over the past several years, the Board of Governors received a number of requests from foreign students in Africa, Asia, and Eastern Europe for financial assistance to study canon law. Likewise, CLSA members have raised concern that eligibility requirements for our existing scholarship award required two items some worthy applicants could not meet: the applicant must be a citizen of the United States of America and he or she must commit to a five years of canonical work within the United States upon completion of a licentiate degree. After considerable deliberation, a proposal was made to the board to establish a new scholarship program specifically for men and women who are foreign national students.

The name selected for the new scholarship fund was the Valentine Schaaf, O.F.M. Scholarship Fund. A member of the Cincinnati, Ohio, Province of St. John the Baptist, Father Schaaf (1883 – 1946) has the distinction of serving as the Dean of the School of Canon Law, The Catholic University of America (1933 – 1937) and professor until 1939. In 1944 Father Valentine was elected the 113th successor to St. Francis of Assisi and served as the first American Minister General of the Order of Friars Minor. Father Schaaf's family created a website on his life and activities at <http://bill.laudeman.com/schaaf>. Father Valentine's love for canon law and his Franciscan missionary zeal makes him an ideal patron for this worthy cause.

In early spring 2003, the Province of St. John the Baptist offered a contribution over the next two years based on the society's fund raising efforts for this project. At the May 2003 board meeting, the board authorized the Executive Coordinator to draft a letter sent to the men and women religious in the United States seeking funds

for this scholarship fund for religious and foreign nationals. That effort already raised approximately \$12,000 in cash with the promise of future pledges.

The Board of Governors, reviewed the progress of the Schaaf scholarship fund in January 2004 and will provide directions to the Scholarship committee for future activity. The Valentine Schaaf O.F.M. Scholarship Fund is growing and the board waits for that day when sufficient funds will exist to aid our brothers and sisters of other lands to pursue an education in canon law.

For more information on the Schaaf project or information on terms, eligibility, or details on the application process of our existing CLSA Scholarship please contact the Rev. Arthur J. Espelage, O.F.M., Office of the Executive Coordinator, Caldwell Hall 431, Washington, D.C. 20064 or the Rev. Langes Silva, Chair of the Scholarship Committee, 27 C Street, Salt Lake City, UT 84103. ▼

Roman Replies and CLSA Advisory Opinions 2004

The editors, F. Stephen Pedone and James I. Donlon, request that members who wish to submit possible entries for the 2004 volume should contact them as soon as possible. Preparation of the manuscript is normally completed in May for next year's edition. If you have answered a canonical question, or have a question which you wish answered, please contact the editors with your material.

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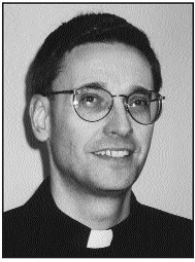
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Board Carefully Weighs Office Move



Mark Bartchak

I would like to start with a few items from the January meeting of the Board of Governors. One of the issues that generated much discussion was the relocation of the office of the CLSA Executive Coordinator. By the end of May we need to vacate the space we have occupied at The Catholic University of America. The BOG reviewed the report from the special task force made up of past presidents and treasurers. With a careful eye toward fiscal responsibility on behalf of the CLSA, the BOG decided to seek some additional information and clarification of proposals before a decision is announced. I am hoping that the final decision is reached by the time you receive this Newsletter. It will be announced to everyone (probably by a special mailing and on our website) as soon as possible. I am confident that you will be satisfied to know that the task force and the BOG took into consideration the mission of the CLSA, its current and projected financial condition, and the needs of the Executive Coordinator's office in making a decision. A number of options were considered, including possible sites in the Washington, DC area and elsewhere. I want to thank the members of the task force and the BOG for their efforts in addressing a very important and pressing need of the CLSA.

The topic of strategic planning also resurfaced during the January BOG meeting. Whenever the BOG tries to address for example how to run a canon law publishing business, questions inevitably emerge about who we are as a society of canonists and what we want to accomplish in service to our members and to the people of God. We did not have much time to spend on strategic

planning in the January meeting because the agenda was so full, but it will be on the agenda for the April meeting. There was a consensus among the members of the BOG that a strategic planning process is overdue not only for the benefit of the BOG, but for the good of the CLSA. More about this after the April meeting.

Elsewhere in this newsletter you will read about a new scholarship fund that will some day assist canon law students from places throughout the world where financial resources are extremely limited. The great need for such financial aid was underscored when I visited with students at St. Paul University in Ottawa, Canada on February 3rd. They share an enthusiasm for the study of canon law and a desire to continue that study at least through the publications of the CLSA when they return home to places all around the world. However, even the cost of student membership in the CLSA is beyond their means.

Speaking of Ottawa, it allowed me to visit with two BOG members who are professors at St. Paul's: Lynda Robataille and Patrick Cogan. Dean Roland Jacques, OMI was a gracious host at the university where I gave a lecture: *The Role of the Advocate in Cases of Sexual Abuse of Minors by Clergy*. Msgr. Patrick Powers, President of the Canadian Canon Law Society, gave me a quick tour of the city and I had the pleasure of meeting with Most Rev. Marcel Gervais, Archbishop of Ottawa who invited me to stay at his residence.

I had a similarly enjoyable experience at the end of October when I visited the School of Canon Law at the Catholic University of America in Washington. I gave the students a lot of credit for being so attentive during my talk in the late afternoon! The Dean, Msgr. Brian Ferme, was a great host and I had a chance to greet a number of the professors. The next day I was accompanied

(See **PRESIDENT**, p. 8

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- In early December 2003, the Executive Coordinator's Office received notification that the society's long time friend, **Mr. Don Brophy**, was retiring as in-house editor for Paulist Press after 37 years in the office. Don was a guiding force in the production of both the 1985, *THE CODE OF CANON LAW: TEXT AND COMMENTARY* and the (2000) *NEW COMMENTARY ON THE CODE OF CANON LAW*. Over the years, he was also a valuable resource for the Executive Coordinator's regarding publishing matters. We wish him well in retirement as he pursues his own writing projects.
- The CLSA congratulates **Archbishop Raymond L. Burke** on his appointment as the Metropolitan

Archbishop of Saint Louis, Missouri, on 2 December 2003. Born June 30, 1948 in Richland Center, Wisconsin, the archbishop was ordained for the Diocese of La Crosse on June 29, 1975 and appointed bishop of La Crosse on December 10, 1994. A member of the Canon Law Society of America since 1981, the society awarded Archbishop Burke the CLSA ROLE OF LAW AWARD in October of 2000.

- The Diocese of Austin, Texas announced that as of December 1, 2003, the **Reverend Matthew Iwuji, J.U.D.** assumed the office of Judicial Vicar. A member of the CLSA, Father Iwuji was born and received his primary and secondary education in Enugu, Nigeria. He received his

J.U.D. in 1983 from the Pontifical Lateran University in Rome, Italy. He is a founding member of the Canon Law Society of Nigeria and later served as Adjutant Judicial Vicar of the Diocese of Gary, Indiana. Best wishes as he begins his new service to the Church.

- The CLSA congratulates the **Monsignor Lawrence E. Brandt** of the Diocese of Erie, Pennsylvania, on his appointment as bishop of the Diocese of Greensburg, Pennsylvania. A member of the CLSA since 1984, Bishop Brandt earned a Ph.D from the University of Innsbruck in Austria in 1966 and a J.C.D. from the Pontifical Lateran University in Rome in 1983.
- The CLSA further congratulates **Chorbishop Gregory J. Mansour** named third bishop of the Eparchy of St. Maron of Brooklyn. The St. Maron Eparchy's territory includes the District of Columbia and 16 Eastern states. A member of the CLSA since 1995, Bishop Mansour holds an STB from The Catholic University of America (1980) and a STL from the Gregorian University (1982). ▼

Pittsburgh, Pennsylvania's Convention Site

Time approaches for the sixty-sixth annual CLSA Convention, October 11 – 14, 2004. This year's meeting will be held at the Hilton Pittsburgh Gateway Center, 600 Commonwealth Plaza, Pittsburgh Pennsylvania. The hotel sits at the point where the Allegheny and Monongahela rivers meet to form the Ohio. The hotel is easily accessible by automobile from the Ft. Dusquesne Bridge of the Ft. Pitt Bridge.

The theme of the convention will be *VITA SACRAMENTORUM: WORSHIP AND SANCTIFICATION*. For budgeting purposes, you may wish to jot down that the fee for the convention this year will be \$195.00 for CLSA members and \$245.00 for non members. Room rates at the Pittsburgh Hilton will be \$142.00 for 1 person/1 bed; 2 persons/ 1 bed; or 2 persons/ 2 beds. Pennsylvania state sales tax is 14%. Registration cards with other information will be mailed with the convention invitation packets.

As in previous years, the CLSA will host two pre-convention workshops on October 10 – 11, 2004. We also expect to have a number of exhibitors present at

the convention with ample opportunity for convention attendees to wander among the booths during coffee breaks and free time.

Plans are to send out the 2004 CLSA Convention Invitation Packets on May 3, 2004. Due to this year's relocation of the Executive Offices, please follow the mailing instructions available in the convention materials so as to avoid postal delays.

For those traveling to Pittsburgh by air, the CLSA has made arrangements with US Airways for a special gold file number for discounts between October 7 – 17, 2004 on valid round trip tickets. Discounts could be as much as 10% off with 7 day advance reservations/ticketing and 15% off with 60 day advance reservations/ticketing. All other rules and restrictions apply. For more information on obtaining this discount, please telephone the Executive Coordinator's Office for the toll free reservation office number and gold file number.

Make your plans today to meet at the Sixty-sixth annual convention of the Canon Law Society of America, October 11 – 14, 2004. ▼

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RESOURCES

- The **Legal Resource Center for Religious** will hold their **LEGAL SEMINAR 2004**, "Governance Through the Prism of Law," from March 11 – 14, 2004 at the Denver Marriott Tech Center, 4900 S. Syracuse Street, Denver Colorado 80237. Workshops include: Giving Civil Effect to Canonical Authority, Sexual Abuse Update, Corporate Models for Institutes and their Ministries, Leadership and Bishops, The Religious Institute as Employer, Restructuring Religious Institutes, HIPAA and related issues. For more information check the website, www.LRCR.org. For more information on this upcoming event, contact Legal Resource Center for Religious, 8812 Cameron Street, Silver Spring, MD 20910. Tel: 301/589-8143.
- The *Proceedings of the Canon Law Society of Australia & New Zealand*, September 15-18, 2003, were recently published and reached the United States. The 127 pages contain articles of interest: "Catholic Health Care in Australia: Governance and Structure

Issues," by Sr. Helen Delaney, RSM; "The Promoter of Justice," by Rev. Brendan Daly; "The Administration of Goods – The Principles of Canon Law," by Rev. Peter Slack; "Role and Function of the Auditor," by Rev. Anthony Malone, OFM; "Fortieth Anniversary of Vatican II: Canonical Hopes and Realities," by Rev. Ian Waters, and "Associations of Christ's Faithful (Selected Issues)," by Rev. Roch Page.

- From the **Pontifical Atheneum Antonianum** in Rome, Italy, comes the notification of a new publication in canon law by J.E. Horta Espinoza. *Perserveranze e misericordia: due risposte alla crisi di un religioso cherico. La dispensa dall'ordine sacro e dai voti perpetui*, 2003, 281 pages. (Euro

22,50) For more information contact Pontificio Ateneo Antonianum, Via Merulana 124, 00185 Roma.

- Members may wish to read a new contribution on the issue of clergy sexual abuse. **Ladislav Orsy, S.J.**, "Bishops' Norms: Commentary and Evaluation," *Boston College Law Review* 44 July/September 2003, 999-1029.
- From the **National Association of Church Personnel Administrators** comes three new items: *Parish Job Description Manual*, *Parish Pay Manual*, and *Parish Personnel Administration Manual*. For more information contact: NACPA, 100 East Eighth Street, Cincinnati, OH 45202-2129. Tel: 513/421-3134. ▼

IN MEMORIAM

In response to the Advent Scholarship Appeal 2004, the Executive Coordinator's Office learned of the deaths of **Reverend Monsignor Thomas F. Heneghan** of the Archdiocese of New York. Born in 1926, Monsignor was ordained in 1951. He earned an S.T.L. at the Gregorian University in Rome in 1952 and a J.C.D. from the Gregorian in 1955. He served in the chancery of the Archdiocese from 1957 onwards and listed his ministry as pastor as late as 1993. The CLSA also learned of the passing of the **Reverend Maurice B. Walsh, S.J.** who retired in 2000 to the Campion Jesuit Community fo Weston MA. Father Walsh earned his J.C.D. at the Gregorian University in Rome in 1952. For many years he served as canonical consultant to the Antilles Episcopal Conference and was Chancellor and Judicial Vicar of the regional tribunal of the Archdiocese of Kingston. He also served as President of the Antilles Canon Law Society.

The Judicial Vicar of the Diocese of Orange, California, informed the CLSA of the passing of **Monsignor Daniel H. Brennan** after a very active and fruitful ministry of sixty years. A member of the

CLSA since 1982, Monsignor ministered in the Diocese of Pittsburgh, PA and Orange, CA.

The Diocese of San Angelo, Texas, notified the society of the sudden death on January 16, 2004 of **Monsignor Timothy J. Murphy**. Born in 1935 Monsignor Murphy was ordained in 1962. He studied at both the Pontifical College Josephinum, Columbus, Ohio and The Catholic University of America, Washington, DC where he received his JCL in 1964. Over the years, he served his diocese in the capacity of pastor, judicial vicar, chancellor, and vicar general. ▼

CLSA Proceedings Mailed

The CLSA Proceedings 65 (2003) of the Portland, Oregon convention went out of the mail house on February 17, 2004 to members. Please contact the Office of the Executive Coordinator if there were problems in receiving your copy.

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For a description of individual items, please consult the CLSA website.

Marriage Studies V

Presently in the final stages of production, this latest volume of the CLSA Marriage Research Committee, *Marriage Studies V: Sources in Matrimonial Law*, contains a collection of resources for the composition of law sections on eighteen different grounds used in the adjudication of marriage nullity cases. The format for each ground follows the same sequence: 1) identification of pertinent canons; 2) papal and/or conciliar teachings on marriage, with special emphasis on the aspects of marriage subsumed within the specific ground, and on Papal allocutions to the Rota addressing the ground or issues within the ground; 3) passages

from rotal jurisprudence; 4) types of proofs required for the specific ground; and 5) a final subsection which provides lengthier references or presents specialized matters relative to the specific ground. This volume attempts to be user friendly and to be a resource for canonists actively involved in tribunal ministry. The paperback volume also comes with a CD of the complete text.

Marriage Studies V: Sources in Matrimonial Law is a volume which will prove a useful resource to both the seasoned canonist as well as those newly entered into the field of marriage jurisprudence. The goal of the

creators of this text is to protect the dignity, sanctity, and indissolubility of marriage. The text should sharpen the thinking of the judge, defender of the bond, or advocate as they construct arguments that reflect significant jurisprudence presently in the Catholic Church's tribunals.

For a limited time, until May 1, 2004, the Executive Coordinator's Office will hold a prepaid pre-publication offer of *Marriage Studies V: Sources in Matrimonial Law* at the price of \$29.99 per copy or \$35.00 per copy International. (No further membership discounts allowed on this special offer.)



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(PRESIDENT, from p. 1)

by our Executive Coordinator to visit the Apostolic Nuncio, Archbishop Gabriel Montalvo. He was very interested in the work of the CLSA. We presented him with a copy of the newest publication, *Comparative Sacramental Discipline in the CCEO and CIC*. He requested additional copies for the staff at the Nunciature. Archbishop Montalvo was also interested in discussing current canonical and pastoral issues that occupy canonists' attention, besides the clergy abuse cases.

POSITION OPENINGS

The Tribunal of the Diocese of Phoenix seeks a full time judge to work in both first and second instance courts. The position also includes canonical advice to diocesan offices and parishes. Minimum qualifications are a licentiate in canon law. The position is open to clerics, religious or laity. Knowledge of Spanish would be desirable. A full range of benefits is provided. Send resume or contact for more information:

Rev. Timothy R. Davern, JCL
Tribunal
400 East Monroe
Phoenix, AZ 85004
602-354-2276
FrDavern@diocesephoenix.org

With less than two weeks notice, the USCCB General Secretary sent me an invitation to attend the November meeting of the bishops, so I quickly made arrangements to return to Washington. I attended all but the executive sessions. The many bishops who greeted me expressed their thanks for the work of the CLSA for the good of the Church.

In early December I had my first experience of representing the CLSA at a regional meeting of canonists. I had a wonderful time in Baton Rouge, Louisiana at the Regional Canon Law Conference for the Provinces of New Orleans and Mobile. The presenter was Attorney John Grogan who was a speaker at the 2002 CLSA Convention in Cincinnati. I plan to attend more regional meetings in the coming months, although Past President Larry

REGIONAL MEETINGS

The **Western Region** will hold its annual meeting in 2004 from March 1st to the 3rd in Sacramento, California. For more information, contact Reverend David L. Deibel, JCL.

The **Texas Regional Conference** will hold its 29th annual Spring Conference, March 9 & 10, 2004 at the Oblate Renewal Center, San Antonio, Texas. This year's presenter will be the Reverend John P. Beal, JCD.



O'Keefe will take my place when I am in Rome.

At the time these reflections were written, last minute preparations were being made for the biennial visit of the CLSA President and Vice-President to the Holy See. Art Espelage, OFM will be with us to handle many of the logistics. Our meetings at the various dicasteries begin March 1st and the last appointment is scheduled for March 12th. A report on the Rome trip will be included in a future Newsletter.

Today's Gospel reading was about Peter rebuking Jesus after being told that the Christ would undergo rejection, suffering, death, and resurrection. Unfortunately, Peter didn't realize at the time that this was Good News! Prayerful best wishes for all of us to realize again this Good News during the time of Lent and Easter. ▼

The **Northwest Regional Meeting** will be held April 19th to 21st 2004 in Seattle, Washington.

The **Midwest CLSA Association** will hold its annual meeting in Evansville, Indiana, April 26th to the 28th 2004 at the Aztar Hotel. The speaker will be the Reverend Francis Morissey, O.M.I.

The **Eastern Regional Meeting** this year will be in Miami/Palm Beach, Florida, May 10th to the 12th 2004. ▼

The Newsletter of the Canon Law Society is published as a service to members four times a year by the Office of the Executive Coordinator, Canon Law Society of America, Catholic University, Washington, D.C. 20064. Membership in the Society is open to interested persons as active or associate members, depending on specific qualifications of training and experience in canon law. The annual membership fee is \$100.00. Application forms are available from the Office of the Executive Coordinator.

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