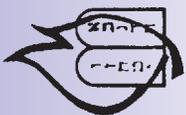


# CLSA Newsletter



A quarterly publication from the Canon Law Society of America

August 2006

## RESOURCES

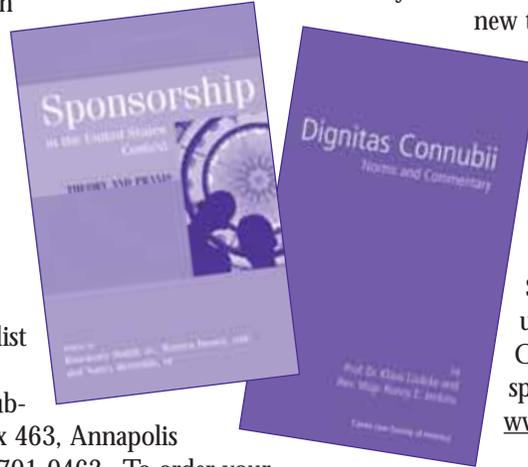
### CLSA Publications has Two New Titles Coming Out

The Canon Law Society of America announces the publication of its newest text, *Sponsorship in the United States Context: Theory and Praxis*, edited by Rosemary Smith, SC, Warren Brown, OMI, and Nancy Reynolds, SP. Alexandria, VA: Canon Law Society of America, 2006, 154 + viii pages ISBN 1-932208-14-3 for sale at a list price of \$35.00 through CLSA Publications, P.O. Box 463, Annapolis Junction, MD 20701-0463. To order your copy of *Sponsorship in the United States Context: Theory and Praxis* contact CLSA Publications by telephone at (301) 362-8197 or e-mail at [clsa@pmds.org](mailto:clsa@pmds.org). You can also order this text at the on line books store at [www.clsa.org](http://www.clsa.org). CLSA Publications offers pro forma invoices which calculate the cost of the publication, shipping and handling. CLSA members who use their membership ID number when ordering from CLSA Publications Distribution Center receive a 10% discount (20% on 20 or more copies of the same title). For additional questions contact the Office of the Executive Coordinator at (703) 739-2560 or [www.coordinator@clsa.org](http://www.coordinator@clsa.org).

The CLSA is presently preparing the first English commentary to be published on *Digital connubii*. Entitled, *DIGITAL CONNUBII. NORMS AND COMMENTARY*, the new text will be available through CLSA Publications and the Canon Law Society of America in early October 2006. With the permission of the Holy See, the new text contains the Latin-English text of the

Instruction and norms of *Digital Connubii* as well as a synopsis of *CIC – DC*, and an index of topics. For anyone involved in marriage tribunal ministry the new commentary is an indispensable commentary. Until October 15th, 2006, the Canon Law Society of America is proud to offer the

new text, *DIGITAL CONNUBII. NORMS AND COMMENTARY* by Prof. Dr. Klaus Lüdicke and Rev. Msgr. Ronny E. Jenkins, at a special pre-publication cost of \$40.00 domestic and \$50.00 international until October 1st, 2006. One can download a special order form at [www.clsa.org](http://www.clsa.org).



### From the webmaster

The website now has a *Calendar of Events* where conventions, regional meetings, OEC closings, etc. are posted. The calendar can be viewed as a standard monthly calendar or in a weekly, daily, table or list view. The Executive Coordinator's Office attempts to provide up to date information on upcoming events as information is provided by the various regions. Please email the OEC with meeting or conference information you would like posted on the calendar.

*Wish to do a Directory Search?* To use the Directory Search box, locate the text box at the top right of the Membership Directory page to lookup other CLSA Members. You can enter any search text (i.e., entering MD in the search box will return a list of CLSA members located in Maryland).

*Misplaced your CLSA.org username and/or password?* No problem. You can have your password emailed to you auto-  
(See **RESOURCES**, p. 4)

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# CLSA Representatives Visit Offices of the Holy See



*Msgr. Daniel  
Hoye*

From May 7-12, 2006, the Vice-President of CLSA, Msgr. Stephen Pedone, the Executive Coordinator, the Reverend Arthur Espelage, OFM, and I visited several offices of the

Holy See. In this Newsletter I will report on the meetings with (1): The Roman Rota, (2) the Congregation for the Clergy; and (3) the Congregation for the Doctrine of the Faith. In the

next Newsletter, reports will be made on visits to the Congregation on Consecrated Life, the Apostolic Signatura, and the Sacred Penitentiary.

At the Rota we met with three Judges: Monsignors Robert Sable, Kenneth Boccafolo and Gerald McKay. At the meeting I expressed gratitude for Monsignor Boccafolo's willingness to present a pre-convention workshop on Rotal Jurisprudence at the Fort Worth Convention, October 2006. The officers had a list of five suggested topics.

- Could the Rota offer any guidance on dealing with contentious respondents appealing to delay the process on local and appeal levels?
- Is the Petitioner or Respondent responsible for payments in appeals by a contentious respondent?
- Could the Rota comment on an "average" time line required for the processing of appeals cases at the Rota?
- The CLSA would welcome the opportunity to publish more Rotal decisions in English translations.
- Would the Rota have any material suitable for publication in the CLSA's *Roman Replies* or *Canon Law Digest*?

The major part of the informal discussion focused on the contentious respondent. With respect to the fee of \$850 agreed upon some time ago by the USCCB and the Rota, there is no change. It is the Diocese who sends the money for a case. The Rota requires the Petitioner in the case to have an Advocate and upon receipt of the case will send the Petitioner a list of advocates and other items of an informational nature. The judges pointed out that the actor does not change at the Rota in the event that the Respondent is the one who appeals a case. It is the *judges who* decide whether or not the Respondent must have an

Advocate. The judges pointed out that it would not be proper for a diocese to make the Respondent pay as an indication of the person's serious intention before they would consider sending the case to Rome. Such a procedure could lead to a violation of the right of appeal.

Regarding the length of time an appeal case could be at the Rota, the judges offered their opinion that the normal length, barring problems, would be around two years with a ratification process of approximately six months. Time depends upon the dates of arrival at the Rota as well as the "quality" of the Acts. For example, Acts should number the pages and include a table of contents. On yet another point, the judges noted that it is not necessary to put the three vota of a collegiate case into the acts for the Rota. They did stress the importance of interrogating the parties and witnesses as they have noted in the past.

The officers met later with two officials of the Congregation for the Clergy: Msgr. Anthony Mc Daid, Monsignor Gerard O'Connor and Msgr. Raigosa Alzate Jorge. The issue of dispensations from the obligations which arise from sacred orders was discussed. As of August 1, 2005, competence for the cases was transferred from the Congregation for the Sacraments to the Congregation for the Clergy. Those cases already given a protocol by the Congregation for the Sacraments remain with that dicastery. At the present time, the same formularies used in the past to present cases to the Holy Father will continue. Normally, if a case is submitted for a priest under the age of forty, the case will be kept on file and activated when the priest reaches the standard age of 40.

We also spoke about the dispensing a permanent deacon so he could remarry after the death of his spouse. The

*(See PRESIDENT, p. 8)*

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Canon Law Society of America  
108 North Payne Street, Suite C  
Alexandria, VA 22314-2906

Tel 703.739.2560  
Fax 703.739.2562  
coordinator@cls.org  
www.cls.org

This morning, June 19, 2006, the Tribunal Office of the Diocese of Seattle, Washington informed the Executive Coordinator's Office that our friend and colleague, **Charlene Cram**, was called home to God. She had been battling cancer for the last year and a half. We share feelings of sadness at our loss and take comfort in the promise of Resurrection. Charlene was a woman of great faith who loved the law. She will be greatly missed by many family, friends, and colleagues. Any condolences may be sent to The Cram Family at 3436 62nd Ave. S.W., Seattle, WA 98116.

Charlene joined the Canon Law Society in March of 1981. She had earned a B.A. in Theology in 1974 from Seattle University and an M.A. in Theology in 1977 from St. Thomas Major Seminary, Kenmore, Washington. From 1979 onwards Charlene was associated with the Tribunal office of the Archdiocese during which time she received a MS degree in Counseling from Seattle Pacific University in 1984 before enrolling at the Faculty of Canon Law, St. Paul University, Ottawa, Ontario, Canada where she earned a JCB in 1990 and a JCL in 1991. Charlene's legal passion was for the rights of individuals. She was particularly interested in the Rights of Respondents in Marriage Nullity Cases, the protection of the rights of the Christian Faithful. Truly a kind and generous lady, the CLSA and the Catholic Church in Seattle was blessed to have her among us.

■ The Diocese of Brownsville announced that we are saddened to announce that **Bishop John J. Fitzpatrick**, who served for 20 years as the third bishop of the Diocese of Brownsville, passed away this afternoon (Saturday, July 15) at his home. He was living in the rectory at St. Mary, Mother of the Church in Brownsville.

"Bishop John Fitzpatrick will be long remembered as a true champion of the poor and underprivileged. His outreach to farm workers and refugees was note-

worthy. He was a quiet, simple man who served the Church with fidelity and steadfastness. All the bishops of Texas who served during his time held him in high esteem and will remember him fondly," said Bishop Raymundo J. Peña.

Bishop Fitzpatrick, age 87, was appointed bishop of the Diocese of Brownsville on April 12, 1971 and installed at the Immaculate Conception Cathedral on May 27, 1971. He retired on Nov. 30, 1991 and remained in Brownsville throughout his retirement, where he continued celebrating Mass at St. Mary, Mother of the Church in Brownsville.

He was born on Oct. 12, 1918 in Trenton, Ontario, Canada and grew up in western New York where he attended Catholic grammar school and the diocesan preparatory seminary. He pursued his studies at the Seminary for the Propagation of the Faith in Rome and the Seminary of Our Lady of the Angels in Niagara Falls, New York. He was ordained on Dec. 13, 1942 for the Diocese of Buffalo, where he served in several parishes before going to Florida in 1948.

While in Florida he was pastor of several parishes, editor of two diocesan newspapers, director of the oldest Marian Shrines in the United States, and director of the archdiocesan program for Cuban refugees. He was also involved in the Christian Family Movement and the Cursillo Movement.

He was consecrated Auxiliary Bishop of Miami on Aug. 28, 1968, three years before his appointment to the Brownsville Diocese. A member of the Canon Law Society of America since 1982, when he wrote, "my reason for wanting to join is precisely to attend the national meetings – with an eye to implementing the revised code as knowledgeably as possible.

■ The Reverend Warren Brown, OMI, wished to inform the membership of the sudden death of **Father Ray Wilhelm, OMI**, age 74, on July 5th, 2006. Father Ray was a long time member of the CLSA, joining in the 1960s after he received his JCL degree from the Gregorian University in Rome,

(See IN MEMORIAM, p. 6)

#### POSITION OPENING

*If you have not visit the CLSA Website lately, you will notice that there are two sections available at the Site Index. These include a Position Openings section and a Positions Wanted Section .*

*New listing: Daniela Bachmann, graduate student in Theology at Marquette University in Milwaukee, WI. Daniela was born and raised in Germany and has lived in the U.S. for approximately 10 years. "I have an M.A. in English/Spanish/Business administration from Giessen University, Germany. After working as a project manager in the foreign language translation industry for several years, I decided to go back to school to become a canon lawyer. Taking some canon law classes at a local seminary confirmed that*

decision. I am currently attending Marquette University in Milwaukee, WI, where I just finished my first year of the MA program in theology. I expect to graduate next year, in May 2007, and would like to start at Catholic University in the fall of 2007. When I met with the dean of the canon law school, Msgr. Ferme, two years ago, he assured me that admission would not be a problem. In fact, he was delighted with my language background. My native language is German, and I speak English with native fluency. I also speak Spanish and studied Latin (6 yrs.) and French (5 yrs.) in middle and high school." Daniela's resume is available as a download on the CLSA website for more information on her professional background.

# CLSA Convention: Still Time to Get Onboard!

Come to Fort Worth where the *Los Angeles Times* says, “Cowboys and culture happily coexist deep in the heart of Texas.” The City offers many sights and experiences for any leisure time that you could build into your convention trip. There are exhibits and centers and ranches to visit that represent the western heritage of the city. Do not miss a visit to the Stockyards National Historic District. There are at least sixteen museums and cultural centers in the immediate area, including the Texas Cowboy Hall of Fame, and the National Cowgirl Museum and Hall of Fame, the Museum of Science and History, the Museum of Modern Art, the Sid Richardson Collection of Western Art and Texas Rangers baseball. The convention hotel is located in historic Sundance Square the home of restaurants and entertainment and shopping. Stop in Leddy’s Ranch at Sundance for a fun look at western wear. There are at least 25 restaurants of all types that are all within convenient walking distance of the Renaissance. There is live theater, comedy and a combined 20-screen movie theaters across from the hotel. The people are friendly, the temperature is warm, dress is casual and the hotel is relaxing with a waterfall in the lobby.

The board of governors will offer a resolution for a proposed constitutional amendment at the Fort Worth Convention. Prepared by Br. Patrick Shea, O.F.M. and Rev. Gregory Bittner, the substance of the proposal is reported below.

## Proposed Amendments

### Constitutions

Art. VII, §7 Of the seven Consultors, one shall *ex officio* be the immediate past President, whose term of office as Consultor shall extend for the entire time that his or her successor as President is in office. Six Consultors shall be elected to terms of ~~two~~ **three** years. Their elections shall be so

arranged that ~~three~~ **two** Consultors are elected each year.

Art. IX, §3. The President and Vice President shall hold office for one year; the Secretary, Treasurer and the elected Consultors shall hold office for ~~two~~ **three** years. Terms of office shall end at the close of the Annual Meeting at which new officers are elected. **The terms of the Secretary and Treasurer shall end in different years so that both do not go out of office in the same year.**

### By-Laws

§17(b) For the election of Consultors:

There shall be at least ~~six~~ **four** nominees for the office of Consultor, plus any others who may be nominated from the floor. Members shall, on one ballot, vote for ~~three~~ **two** Consultors. If anyone names the same Consultor twice, that vote for this office shall be considered invalid. An election shall be determined by an absolute majority of the active members present and voting.

- If an absolute majority is not reached by anyone on the ballot, the names of the top ~~four~~ **three** candidates shall again be proposed to the electorate. Again the membership shall vote for ~~three~~ **two** candidates. The ~~three~~ **two**

with the highest number of votes are considered elected.

- If in the first ballot only one person receives an absolute majority, the other top ~~three~~ **two** candidates shall be placed on the second ballot. The ~~two~~ **one** with the most number of votes ~~are~~ **is** considered elected.
- ~~If in the first ballot only two person receive an absolute majority, the other top two candidates shall be placed on the second ballot~~
- (3) If on the first ballot, there are ~~four~~ **three** or ~~five~~ **four** persons who have received a majority of the votes, the ~~three~~ **two** with the most votes shall be considered elected.

### Effective Date

These amendments shall fully take effect no more than two (2) years from the date of passage. During the two year interval before it takes effect, the Board of Governors shall devise and implement a transition plan by which it will be so arranged that two Consultors are elected each year. The Board of Governors may do this by arranging that some Consultors are elected or selected for terms of one, two or three years so that the Consultors may ultimately be divided into three groups of two so that two are elected each year. ▼

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### (RESOURCES, from p. 1)

atically. To do this, click the link titled “Request new password” just below the username and password sign-in form at the lower left corner of the CLSA.org website. Enter your username or your e-mail address and a new password will be e-mailed to you at that time.

*Change of address?* If your email address changes, it is important to keep it current at the CLSA.org website so you can automatically retrieve your username and/or password. Your email address, username and password can be viewed by selecting “My Account” from the upper left menu of the CLSA.org website. Select the “edit” tab to access the account set-

tings form to make changes to your username, email address, etc. While you are signed in, you might also want to update your mailing address, phone numbers, etc. To do this select “My Account” then the edit tab. While on the edit screen, select “user profile.” Select the “Submit” button at the bottom of the page when you are done to save your changes.

**Saint Mary’s University of MN** in Winona offers a masters and certificate program in Pastoral Ministry and Pastoral Administration; it is looking into the possibility of adding a program in canon law. For more information contact. ▼

# 68th Annual CLSA Convention Program

The Renaissance Worthington Hotel • 200 Main Street, Fort Worth, TX 76102 • October 9th – 12th, 2006

## Monday, October 9, 2006

1:30 pm – 5:00 pm Registration

4:00 pm – 4:25 pm Convention Opening

4:30 pm – 6:00 pm

**Keynote Address:** “Consultation in the Life of the Church: In Service of *Communio*” by Oscar Andrés Cardinal Rodríguez, Archbishop of Tegucigalpa, Honduras

6:00 pm – 7:00 pm Reception

## Tuesday, October 10, 2006

7:30 am – 8:00 am Mass

8:30 am – 9:00 am Coffee & Tea

9:00 am – 10:30 am Seminars

A. Brother Patrick Shea, OFM, “Parish Finance Councils: Instruments of Financial Accountability and Consultation in the Parish”

B. Sr. Nancy Bauer, OSB, “Canons 631-633: Different Kinds of Chapters but the Same Spirit”

C. Margaret Poll-Chalmers, “Negligence, *Dolus*, and Personal Canonical Liability in Tribunals”

D. Barbara Anne Cusack & Sr. Mary Bendyna, RSM, “Exploring Diocesan and Eparchial Pastoral Councils.”

10:30 am – 11:00 am Coffee & Tea

11:00 am – 12:30 pm Seminars

A. Rev. Patrick Brennan, “Collaboration, Consultation, and *Communio* between Bishops and Priests: Structures and Issues.”

B. Dr. Lynda Robataille, “Incapacity and Simulation cases involving the *bonum coniugum*: obtaining, interpreting, and assessing evidence.”

C. Rev. Paul Golden, C.M., “Advocacy for Clerics Accused of Sex Abuse”

D. Sr. Victoria Vondenberger, RSM “The Office of Assessor in the Tribunal”

1:45 pm – 2:30 pm Candidates Forum

2:30 pm – 4:00 pm Seminars

A. Reverend Jobe Abbass, OFM Conv., “The Eastern Code at the Service of Inter ecclesial Communion”

B. Sr. Marilyn Vassallo, CSJ “Lay Advocate: Collaborative Bridge between Tribunals and Parishes.”

C. Repeat: Patrick Shea, OFM

D. Repeat: Patrick Brennan

4:30 pm – 6:00 pm Budget Report and Open Hearing on Resolutions

6:15 pm – 7:30 pm

Alumni Receptions:

- Catholic University of America
- Saint Paul University
- Louvain University
- Rome, Italy Universities

## Wednesday, October 11, 2006

7:30 am – 8:30 am Past Presidents' Breakfast

8:30 am – 9:00 am Coffee & Tea

9:00 am – 10:30 am

**Major Address:** “Consultation in Church Governance: Taking Care of Business By Taking After Business” by the Reverend John Beal, The Catholic University of America, Washington, DC

11:00 am – 12:15 pm

Sixty-Eighth Annual Business Meeting

1:45 pm – 2:30 pm

Caucus and Committee Meetings

2:30 pm – 4:00 pm

Seminars

A. Repeat: Rev. Paul Golden, C.M.

B. Repeat: Sr. Marilyn Vassallo, CSJ

C. Repeat: Sr. Nancy Bauer, OSB

D. Repeat: Dr. Lynda Robitaille

5:00 pm – 6:15 pm

Convention Mass

6:30 pm – 7:30 pm

Convention Reception

7:30 pm – 9:00 pm

Convention Banquet

## Thursday, October 12, 2006

7:30 am – 8:00 am Mass

8:00 am – 8:30 am Coffee & Tea

8:30 am – 9:00 am

Convention Prayer Service and Installation of Officers

9:00 am – 10:30 am

**Major Address:** “Consultation in the Documents and Practice of the Holy See Since Vatican II.” by Msgr. John Strykowski, Archdiocese of Brooklyn, NY

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## Practical Information

Convention Fees for the 2006 Fort Worth Convention will be \$275.00 for active and associate members of the CLSA; \$200.00 for Student members, and \$300.00 for non-members.

RENAISSANCE WORTHINGTON  
HOTEL

The Renaissance Worthington Hotel, 200 Main Street, Fort Worth, TX 76102, sits at the historic Sundance Square – a 16 block collection of graciously restored and replicated turn-of-the-century shops and restaurants appointed with colorful

landscaping and brick-paved streets. According to promotional brochures, “here, you’ll find an incredible array of things to see and do, including performing arts venues, movie theaters, jazz clubs, restaurants, museums and more than 50 quaint shops and retail stores. You can find more information on the hotel at [www.renaissancehotels.com](http://www.renaissancehotels.com) or telephone them at 817/870-1000. For more information on the city of Fort Worth, try [www.fortworth.com](http://www.fortworth.com) where you can request copies of visitors guides, maps, and other information items be sent to you. Hotel rates for the CLSA convention are \$160.00 per night plus taxes for a single and a double per night plus taxes.

### AIR TRAVELERS:

The Renaissance Worthington Hotel is approximately eighteen miles west of the Dallas/Fort Worth International Airport which accommodates almost 1900 flights daily. For information on Airlines which service DFW consult use your browser to search DFW Airports.

### AUTOMOBILE TRANSPORTATION:

Yellow Checker Shuttle operates shuttle service to and from DFW Airport and all major downtown Fort Worth hotels every half-hour from 5 am to 10 pm at a current price of 15.00 one way. We are attempting to secure discount coupons. For those who wish to rent a car, Dallas/Fort Worth Airport consolidates all of its rental car companies into one location; it also has other carriers who provide door to door service: Yellow cab is approximately \$52.00 one way; The Super Shuttle at \$25.00 one way; and Executive Taxi at \$55.00 one way.

### CONVENTION REGISTRATION:

Please return the completed registration form to: **Conventions, Office of the Executive Coordinator, 108 N. Payne Street, Suite C, Alexandria, VA 22314-2906.** You may register by check or credit card (Visa or Master Card only). Each registration will be confirmed in writing upon receipt. If you need to cancel, there is a \$50.00 fee for cancellation of a reservation after September 1, 2006.

## ANNOUNCEMENTS

- The Reverend John Conneely, President of *The Canon Law Society of Great Britain and Ireland*, announced at the society's annual conference of 15 to 19 May, 2006 at the Sligo Park Hotel, Sligo, Ireland, the award of Honorary Membership upon **Monsignor Ralph Brown**. Born in Warsenaar, The Hague, Netherlands on the 30th of June 1931, to John William and Josephine Brown, and brother to Norman Brown and Lydia Laura Soward, Monsignor Brown was ordained Westminster Cathedral by Cardinal Godfrey on 23 May 1959. He has served the Catholic Church and the Canon Law Society of his country with distinction for many years.
- Monsignor Brown's *curriculum vitae* is impressive and is repeated for younger members of the CLSA. He was educated at St Aidan, Grahamstown, South Africa; St George's, Port Elizabeth South Africa; Highgate School. Commissioned into Middlesex Regiment 1950; subaltern in Korea 1950-1951; wounded 1951. National Service 1951-1953. Seminary, Allen Hall, 1953-1959; Ordained 23 May 1959. Gregorian University 1959-1963, Doctorate of Canon Law. Vice-Chancellor, Vice-Officialis 1964-1969; Officialis 1969-1976; Vicar General 1976 to date. Canonical Advisor to the British Military Ordinatee 1987-1992; President Canon Law Society of Great Britain and Ireland 1980-1986; Secretary Canon Law Society 1974-1980; 1986-1989. Judicial Vicar 1988 to date. Appointed Papal Chamberlain 1972; National Co-ordinator for Papal Visit to England and Wales 1982; Prelate of Honor to HH The Pope 1987. Elected to the Old Brotherhood of the English Secular Clergy 1987, Secretary 1992. Appointed Proto notary Apostolic 2000. Hon. Member: Canon Law Society of Australia and New Zealand 1975; Canadian Canon Law Society 1979; Canon Law Society of America 1979. KHS 1985

appointed KCHS 1991; appointed Prior Westminster Section KHS 1996. Publications: *Marriage Annulment* 1969, revised edition 1990; editor *Matrimonial Decisions of Great Britain and Ireland* 1969 to date; co-translator *The Code of Canon Law in English Translation* 1983; co-editor *The Canon Law: Letter and Spirit* 1995; articles in *Heythrop Journal*, *Studia Canonica*, *Theological Digest*, *The Jurist*.

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### **(IN MEMORIAM, from p. 3)**

Italy. Over the years, he worked tirelessly in Brownsville, Austin, and San Antonio. At the time of his passing, Father Ray was Defender of the Bond for the 2nd instance Court of Appeal for the Dioceses of Texas as well as parochial vicar of Our Lady of Guadalupe Catholic Church in Midland, Texas. Mass of the Resurrection will be celebrated in his parish on July 8th in Midland, Texas with a second mass and burial at the Oblate School of Theology, San Antonio, with burial in the Oblate Cemetery. Father Ray was a frequent attendee of the Society's annual convention and always a most friendly and warm canonist and priest. May he rest in peace and our prayers with his family and the members of the Oblates of Mary Immaculate.

■ Margaret Gillett of the Dallas, Texas, Tribunal wished to notify the members of the society of the passing of **Margie Baker**, a long-time Procurator Advocate for the Dallas Tribunal. Margie died early on August 2, 2006 after a long struggle with cancer. She was buried Friday, August 4, 2006 from St. Mark the Evangelist Church in Plano, Texas.

■ **The Most Reverend Gabriel Montalvo Higuera**, who last served as Nuncio to the United States passed away in Rome on 2 August 2006 in Rome, Italy, at age 76. Born on the 27 of January 1930 in Bogota, Colombia,

- A member of the *Canon Law Society of America* since the late 1970s, Monsignor Brown is well known and respected among English speaking canonists of the world. We congratulate him on this recognition, and we thank him for his skill and expertise in guiding all of us in the search to fulfill the supreme law of the Church, the salvation of souls. ▼

Archbishop Montalvo was ordained a priest in 1953 and entered the diplomatic service of the Holy See in 1957 where he specialized in church relations with the Communist governments of Eastern Europe. He also served in Nicaragua, Libya and Serbia before coming to the United States in 1998. During his stay in the United States, Archbishop Montalvo was always interested in the activities of the members of the Canon Law Society of America, setting aside time to visit yearly with the CLSA Presidents and to discuss the studies and work of the CLSA members.

■ Sister Adelbert OSF informed the Executive Coordinator's Office of the death due to a major heart attack while undergoing dialysis on July 12, 2006 of **Sister Anna Walter Mossdorf, OSF**. A member of the CLSA since 1993, she earned her BS in European History from LeMoyne College in Syracuse, New York, before going on to earn a MA in Education and Permanent Certification in Supervision and Administration from Scranton University and Cortland University. From 1989 until her death, Sister Anna served the Syracuse Tribunal as a canonical advocate for people seeking a declaration of sacramental nullity. Sister Adelbert, a long time friend of Sister wrote: "This is a great loss to all of us who considered Sister a friend. Her infectious smile and wonderful outlook on everything will be greatly missed by all." ▼

# CLSA PUBLICATIONS

## Latest Publications

- \_\_\_ *In Time of Need* (2005) List Price: \$15.00 72 pp. ISBN: 1-932208-06-2

## Handbook Series

- \_\_\_ *Church Finance Handbook* (1999) List Price: \$18.00 xvii + 330 pp. ISBN: 0-943616-80-8
- \_\_\_ *Comparative Sacramental Discipline in the CCEO and CIC* (2003) List Price: 35.00 xiv + 258 pp. ISBN: 1-932208-01-0
- \_\_\_ *Procedural Handbook for Institutes of Consecrated Life* (2001) List Price: \$35.00 viii + 287 pp. ISBN: 0-943616-89-1

## Codes of Canon Law

- \_\_\_ *Code of Canon Law, Latin-English Edition, New English Translation* (1999) List Price: \$15.00 xliii + 751 pp. ISBN: 0-9463616-79-4
- \_\_\_ *Code of Canons of the Eastern Churches, Latin-English Edition, New English Translation*. (2001) List Price: \$60.00 xli + 860 pp. ISBN: 0-943616-88-3
- \_\_\_ *Index Verborum ac Locutionum Codicis Iuris Canonici* (1983) List Price: \$55.00 xvi + 593 pp. ISBN: 84-499-7489-4 (no discounts allowed)

## Canon Law Digest

- \_\_\_ *CLD 6* (1963-1967) List Price: \$40.00 vii + 998 pp.
- \_\_\_ *CLD 7* (1968-1972) List Price: \$40.00 ix + 1072 pp.
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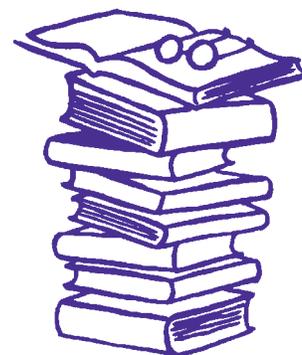
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**(PRESIDENT, from p. 2)**

original requirements the dispensation were (1) minor children; (2) aged parents who are dependent; (3) the bishop needs the deacon for ministry in the church. Originally all three were needed; under Pope John Paul II only one of three was needed for deacon dispensation; now under Pope Benedict XVI, two of three (minor children and necessity of the deacons service) are needed. There was a brief discussion of the implications of canon 1044 on irregularities for those who proceed without the proper dispensations, but this is an area under study by a number of congregations.

As for transmittal of cases involving deacons to the congregation, only one copy of the *acta* is necessary (3 copies remain for dispensations for priests) The congregation outlined the procedure for the preparation of the *votum* for the Holy Father. The basic outline of a marriage procedure case would be an analogous procedure.

There was also a short discussion of the use of psychological assessments and reports from formation personnel being placed in the dispensation *acta*. If these materials do not exist, state this fact; if other materials can be inserted, i.e. testimony from peers, this might be helpful. A case of *articulo mortis* was also cited. This should be noted on the first page of the Acts. If a request is made immediately after leaving active ministry, there should be indication exactly what the ordinary did to return

the man to the active ministry.

The Congregation wished to emphasize that it remains very committed to defending the rights of priests. The final segment of this report deals with the meeting at the Congregation for the Doctrine of the Faith. We met with Cardinal William Levada, and Monsignors Charles Scicluna and Robert Deeley. I presented some possible discussion topics offered by CLSA members.

- Regarding SST, what is the most effective way from the CDF's perspective for communication regarding specific cases? Does the congregation prefer that the bishop communicate with the prefect or for a delegate of the bishop to communicate with a staff member?
- Similarly, how can the rights of an accused priest be appropriately addressed in light of justice? How can advocates effectively communicate with the congregation?
- Is there any possibility of knowing how many cases have been presented, resolved, and still remain pending? Even a percentage number might be helpful to the members to understand the scope of the issue.
- Is there a time-frame limitation beyond which, in justice, a preliminary investigation should be brought to a conclusion?
- Since the CDF does not publish its jurisprudence, could the congregation suggest how canonists might benefit from the experience in recent years?

- Could the congregation comment as to any significance to the revised wording of the CDF decrees that mention "for the good of the church?"
- If canon 223 should be employed to remove a priest from active ministry, is the CDF competent to hear an appeal when non-penal case hints of sexual abuse of a minor but cannot be substantiated and judgment is made for the common good that the priest should not function in active ministry? In a related case, what about matters not involving sexual abuse of a minor. Could the congregation comment on appeal relationships with itself and the Apostolic Signatura?
- As a point of praxis, as a case comes to a close, what, if anything, can be made public about the disposition of a case?
- Could the congregation offer any comments concerning sustenance for a cleric accused of sexual abuse of a minor who is not laicized but no longer publicly functioning in active ministry?
- Would the congregation have any materials which might be published by the CLSA in *Roman Replies* and *Canon Law Digest*?

Due to time constraints, not all of these topics were discussed.

We began with a series of comments provided by the Officials. The Congregation deals directly with bishops. While auxiliary questions can be addressed by staff, their responses are unofficial. ▼

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