



## Future Initiatives To Be Discussed

A copy of the REPORT OF THE FUTURE INITIATIVE PROJECT COMMITTEE was mailed in the convention mailing sent to all members of the Canon Law Society of America. This report will be the focus of a presidential hearing at CLSA Convention. This important document will be the basis for future growth and change in the society. The Board of Governors welcomes the observations and comments of those members of the CLSA who are not able to

attend the October meeting and yet wish to comment on the proposals. Please send your observations either to the Reverend Paul Counce, President of the CLSA, Box 1087, Baton Rouge, LA 70821-1087 or Sister Sharon Euart, RSM, Executive Coordinator of the CLSA, 3025 Fourth Street, NE, Washington, DC 20017-1102. For those who may have misplaced their printed copy, an electronic version in pdf format is available at [www.clsa.org](http://www.clsa.org). ▼

## Convention Fees, Hotel Rates Set

For those who are planning on attending either or both the pre-convention offerings of October 12th and 13th and the 70th Annual Canon Law Society of America Convention, Monday, October 13th to Thursday, October 16th, 2008, the following information on registration fees and hotel rates may be of value. This year's convention fee, payable to the Office of the Executive Coordinator was set by the Board of Governors.

Active Members:	\$285.00
Associate Members:	\$285.00
Full Time Canon Law Students:	\$235.00
Non-Members	\$310.00

Attendees at the must secure their own guest room reservations directly with the hotel. The following information provides the hotel address and guest room rates. Those attending the CLSA Pre convention and Convention are urged to secure their guest room reserva-

tions as soon as possible.

Hyatt Regency Crown Center  
2345 McGee Street,  
Kansas City, Missouri, USA 64108  
Tel: +1 816 421 1234  
Fax: +1 816 435 4190

Three days prior and three days following the CLSA Conference dates, guest rooms are available at \$129.00 single or double room rates. Suites are available at Prevailing Rates – but not less than single/double rate. The Hyatt Regency Crown Center has a website – [www.crowncenter.hyatt.com](http://www.crowncenter.hyatt.com) – which contains more detailed information on the hotel and nearby attractions.

The convention brochures mailed to members in early May contains more information on traveling to Kansas City and also some of the special offers for air travel and shuttle service. Book your reservations today! See you in Kansas City!! ▼

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## POSITION OPENINGS

- The **Tribunal of the Diocese of Peoria**, seeks a full-time judge to work in First Instance. Minimum requirement is a licentiate in canon law. The position is open to clerics, religious or laity. Knowledge of Spanish would be helpful. Competitive salary and benefits.

*Send resume or contact for more information:*

Sr. Marianne Burkhard OSB JCL  
412 NE Madison  
Peoria, IL 61603  
309-671-1550  
srmarianne@cdop.org

- The **Legal Resource Center for Religious** is seeking a qualified candidate to serve as Associate Director for Canon Law. The Associate Director serves in a role that is primarily educative and consultative regarding the variety of canonical issues

affecting religious communities. LRRC works with CMSM, LCWR, and NATRI in assisting religious communities on the community, local and national levels. Qualifications: JCL or JCD, member of a religious community or significant work experience with religious communities.

*Send letter of interest, resume and two (2) letters of reference to:*

Rev. Daniel Ward, OSB  
8812 Cameron St.  
Silver Spring, MD 20910

- **Associate Judge/Assessor/Auditor Metropolitan Tribunal - St. Paul, Minnesota** is being sought. This is a full-time (40 hours per week), Grade 12 position, with benefits. This position is to serve as auditor, assessor and associate judge on the Metropolitan Tribunal. In accord with the norms of the 1983 Code of Canon Law, this position facilitates the Declaration of Nullity process in a

manner to assure the protection of rights for all parties tempered with a respect for Church teaching and law. Specifically, the position manifests the Church's respect for the human dignity of each person and its concern for the Sacrament of Marriage. A degree in Canon Law or indult from Rome is required.

*Qualified and interested candidates are invited to send a letter of interest and resume to:*

Rev. Christopher Beaudet  
or Dn. Richard Klisch  
Metropolitan Tribunal  
328 W. Kellogg Blvd  
St. Paul, MN 55102

- The **Archdiocese of Denver** has an opening for a full time Metropolitan judge. The position includes salary, benefits, and retirement contributions. Requirements for the position are either a JCL or JCD degree, preferably with experience.

*Interested individuals are invited to contact and forward their resume to:*

Very Rev. James S. Moreno  
1535 Logan Street  
Denver, CO 80203

- The **Diocese of Houma-Thibodaux** is seeking applicants for the position of Chancellor. Responsibilities include: Director of the Archives and Historical Research Center, Victim Assistance Coordinator, Diocesan Safe Environment Coordinator, Coordinator of the Lumen Christi Retreat Center, and Personnel Director for the Pastoral Center.

*For a full job description or to apply write to:*

Most Rev. Sam G. Jacobs, D.D.  
Bishop of Houma-Thibodaux  
P.O. Box 505  
Schriever, LA 70395-0505

- The **Archdiocese of Saint Paul and Minneapolis** is seeking a candidate for the office of Chancellor for Canonical Affairs. To be considered for this position, the candidate must

*(See OPENINGS, p. 4)*

## On a Personal Note . . .

As June 30th approaches, I would like to take a moment to express to the members and friends of the Canon Law Society of America, my gratitude and appreciation for your words of advice, encouragement and support over the past nine years. I never dreamed when I came on board in March of 1999 that I would be able to adequately fill the footsteps of my predecessors, Father Jim Provost, Father Ed Pfnausch, and especially Father Pat Cogan as Executive Coordinator. On my own merits, I never could have achieved the best that I could do without the assistance of so many other men and women with the Society and our business associates. I would especially like to acknowledge and thank Mrs. Jennifer Miller who served for many years as my Administrative Assistant before leaving in 2007 to pursue her college degree. I am also grateful to Mrs. Kay Winner, a long-time member of the CUA family, who

came out of retirement to work as our CLSA Bookkeeper and assist me in preparing the audits of Mr. Joseph Godbout our CPA. Similarly, I wish to thank the men and women of Bright Key who have worked with our office for CLSA Publications in the distribution of the Society's books. Most recently, I am thankful for the assistance rendered by Mrs. Rita Joyce, Mrs. Meghan Lau, Mrs. Kathye Geary, Mr. Charlie Blum and Mr. Robb Graffio for their work in the Office of the Executive Coordinator. The tasks entrusted to the Executive Coordinator and the complexity of details have grown over the years; but I am confident that with your support and encouragement, Sister Sharon Euart, RSM, will continue the fine work of the Canon Law Society of America. For myself, I look forward to returning to tribunal and priestly ministry in a particular church. ▼

— Fr. Art Espelage, O.F.M.

## Spring Highlights



Rev. Paul Counce

As I write these words the biennial visit of the CLSA officers to Rome has just concluded. This year's trip began in a particularly pleasant way for Dan Smilanic, Art Espelage and I: attendance at the 2008 meeting of the *Canon Law Society of Great Britain and Ireland*. This sister society of ours is celebrating its 50th anniversary this year, and so held its annual convention in Rome as part of their festivities. This gave us the chance not only to economize our own expenses — the fewer transatlantic flights the better! — but more importantly also to bring your greetings to the canonists of England, Wales, Scotland and Ireland as they gathered in the Eternal City at the Casa LaSalle on the Via Aurelia. While their meeting is smaller and generally less frenetic than our convention, the CLSGBI remains an impressive force for scholarship and pastoral practice in the field of canon law. Surely their next half-century will be as illustrious as their first!

The entire following week saw Dan, Art and I relocate to the Casa Santa Maria on the Via dell'Umiltà, the US bishops' residence for priests pursuing graduate study in Rome, where Msgr. Francis Kelly and the community of the house there welcomed us most warmly. We did our best to encourage the Americans studying canon law in Rome, priests and laity alike, to consider active membership in the CLSA to be one of their top priorities once they do obtain their degrees. It was our impression that their interest in and support for our Society is strong; I think we can look forward to many new members from among their ranks in the years ahead.

Elsewhere in this *Newsletter* a separate report on the particulars of our visit to the Roman dicasteries and universities is given. Yet I do wish to stress that our

time in Rome was much more than a series of question-and-answer meetings with academics and Vatican officials. Yes it was informational, and yes it is perhaps even more valuable in the "canonical networking" which its personal contact provides. But the trip most importantly is vital in reminding us and our Society of our place in the grander scheme of things. The community of the Catholic Church and the salvation of souls which the Lord would be accomplished through this Church are the flock we serve and the end we seek. It is always good to recall that wider audience and our very purpose for existing, and the Holy See serves as a unique locus and focal point for this reminder.

Something else that I'm especially proud of has also served as a recent reminder that we are part of a larger Church, with a very special role to play. In early Spring I wrote to each bishop in the United States asking for a donation to the CLSA *Scholarship Fund*. As you know, this fund was begun over 20 years ago, but until now has been funded almost exclusively by the freewill donations of our own membership. We never had approached the bishops before, but in these days of increasing educational costs and even greater need for canon lawyers in our country, the Board of Governors thought the time was right to do so. I am happy to report that so far this year donations from the bishops alone have totaled more than \$23,000 into our *Scholarship Fund*. Not only are the monies welcome, the letters of response from the bishops have been effusive in their praise for our canonical ministry. It is more and more clear that our bishops are grateful for our assistance and service to them and the flocks which they shepherd.

By now you should have received the publicity materials for the upcoming 2008 CLSA convention in Kansas City, MO, on October 13-16. I hope you are planning to come: the program tries to offer something for everyone, no matter

what your canonical interest or specialty. Missouri is known as the "Show Me" state, but I suspect that this year they will modify their motto a bit to "Show Us" great hospitality! One word of advice: register early for the convention both with the CLSA and especially with the convention hotel, the Hyatt Regency Crown Centre. The block of rooms set aside for us goes quickly, and last minute reservations there may be hard to get.

At the convention, please make a special effort to take part in the special Presidential Hearing on our Society's *Future Initiatives Project*. A copy of the FIP Report is posted on our website and

(See **PRESIDENT**, p. 4)

### CLSA BOARD OF GOVERNORS

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**(OPENINGS, from p. 2)**

hold a degree in canon law and have a minimum of three years experience as a canonist. The position is open to clerics, religious or laity. Understanding/experience with the law governing consecrated life is desirable, but not required. Competitive salary and benefits.

*For more information, contact:*

Sr. M. Dominica Brennan, OP  
226 Summit Ave.  
Saint Paul, MN 55102  
651-291-4437  
brennand@archspm.org

- **The Catholic University of America** invites applications and nominations for the position of Dean of the School of Canon Law, one of its twelve schools. The university was established by the Catholic bishops of the United States to serve the Catholic community and the nation. The School of Canon Law is an ecclesiastical faculty that offers graduate programs leading to the Licentiate and Doctorate in Canon Law. There are currently 10 regular full-time faculty and about 80 graduate students enrolled in the School.

Appointed by the President after consultation with the Provost and the faculty of the School, the Dean provides academic and administrative leadership to the School, represents it to the University at large and to other constituent groups, is a member of the Deans' Conference, and reports directly to the Provost. The successful candidate must hold a terminal degree in Canon Law, be qualified for appointment at a senior faculty rank, understand canonical scholarship, have a collegial manner, and have demonstrated competence in teaching and administration in higher education. The Dean must be committed to maintaining the School's uniqueness in providing a complete canonical education not only in core issues affecting the Latin code, but also in specialized areas such as history of law, administrative governance,

Church/State issues, the Eastern code, and the relationship of canon law to civil law. He or she must also be willing to engage in fund raising activities appropriate to the position. Given the nature of the School and its identity with the University's mission, candidates must be Catholic. Preference will be given to Roman Catholic priests in good standing. Salary is competitive. Review of applications and nominations will begin immediately and continue through March 21, 2008. If suitable candidates are not identified by that deadline, the review of applications and nominations will continue until the position is filled. It is hoped that the appointment will be effective on or about August 1, 2008. Applicants should submit a current curriculum vitae and provide names and addresses of 3-5 people who could serve as references to:

Prof. George E. Garvey  
The Catholic University of America  
116 McMahon Hall  
Washington, DC 20064

**(PRESIDENT, from p. 3)**

was sent to you as part of the convention publicity materials. The Board of Governors has received this Report, understanding that an important part of the implementing its recommendations is helping everyone in the Society to understand it and the things it emphasizes. I anticipate that those who have valued the past achievements of the CLSA as well as those who look for more great things in the future will agree that the coming streamlining of the Society's committee structure coupled with renewed activity in the areas of canonical discussion and education will serve our membership — and Church — well.

Finally, this is the last *Newsletter* which goes out under the editorship of our outgoing Executive Coordinator, Art Espelage. Not for the first time and not for the last time do I want to pay tribute

The Catholic University of America was founded in the name of the Catholic Church as a national university and center of research and scholarship. Regardless of their religious affiliation, all faculties are expected to respect and support the University's mission. The Catholic University of America is an Affirmative Action, Equal Opportunity Employer.

- **The Tribunal of the Diocese of Peoria**, seeks a full-time judge to work in First Instance. Minimum requirement is a licentiate in canon law. The position is open to clerics, religious or laity. Knowledge of Spanish would be helpful. Competitive salary and benefits.

*Send resume or contact for more information:*

Sr. Marianne Burkhard OSB JCL  
412 NE Madison, Peoria, IL 61603  
309-671-1550  
srmarianne@cdop.org ▼

to the job he's done for our Society over the past nine years: we all owe him a debt of gratitude. As he prepares to relocate from Washington to south Florida, where he will take up a fulltime post directing the Tribunal of the Diocese of Venice there, I suspect the heaviest thing he has to move is his heart, for his service to the CLSA has truly been a "labor of love." Thanks, Art: may the biggest challenge you face in the next few months be which golf course to choose on your day off! ▼

Visit Us On the Web  
[www.clsa.org](http://www.clsa.org)



# CLSA Officers Visit Rome

By Paul Counce and Dan Smilanic

The biennial visit to Rome of the leadership of the *Canon Law Society of America* took place from May 5 to 15, 2008. President Paul Counce, Vice-President/President-Elect Dan Smilanic, and Executive Coordinator Art Espelage, OFM, traveled to the Eternal City first to take part in the annual conference of the *Canon Law Society of Great Britain and Ireland* being held there, and stayed on to conduct what has become a valuable work of the CLSA. The CLSGBI meeting was being held in Rome this year in observance of their Society's 50th anniversary, and we congratulated them on their achievements as canonists over that first half-century.

The officers' usual trip to Rome has a three-fold purpose: to meet with officials of many of the dicasteries of the Holy See; to meet as well with the deans of many of the pontifical faculties of canon law there; and to encourage the many graduate students of canon law in Rome — especially the Americans — to join and become active in the CLSA. In every place we left a copy of the just-published *Proceedings* of the 2007 Costa Mesa convention as well as the publicity materials for our upcoming 2008 convention in Kansas City; these were appreciatively received by everyone.

Our schedule was coordinated by Bob Geisinger, SJ, of the Jesuit curia. Many thanks go out to him, both for his hard work in making contact with the various Roman officials and leaders and for his attention to detail in the management of the visit. Bob has the experience, the persistence and the commitment not just to organize such a visit but to make it a success. He even mentioned that an official in one congregation was having a birthday on the day of our visit, so that we could bring chocolates!

After the end of the CLSGBI meeting, our residence in Rome was the Casa Santa Maria on the Via dell'Umiltà, the US bishops' residence for priests pursuing graduate study in Rome. Msgr. Francis



(L to R) Father Dan Smilanic, Bishop Juan Ignacio Arrieta Ochoa de Chinchetru, Archbishop Francesco Coccopalmerio, and Father Paul Counce at the Pontifical Council for Legislative Texts

Kelly and the community of the house there welcomed us most warmly, and we are grateful for their hospitality. Opportunities for informal contacts and conversations were plentiful at the Casa, and outside of the house Dan especially did a fine job arranging several social exchanges over simple meals with some CLSA members who reside in Rome. This informal networking helps to keep contacts fresh.

Curial visits began on Friday, May 9, with a visit to the *Pontifical Council for Legislative Texts*. We were met by Archbishop Francesco Coccopalmerio, the president, and Bishop Juan Ignacio Arrieta Ochoa de Chinchetru, the secretary. Msgr. Bernard Hebda, the undersecretary, also joined the meeting. The highlight of the conversation easily was the officials' excitement over the direction, which has been recently given to the Council by the Holy Father, to review the *Code of Canon Law* — now 25 years old — with a view toward identifying those places and ways in which it might be improved. While details as to how this will be accomplished in an organized and thorough way are still being formulated, the Church's more than two decades' experience with the present Code has prompted a few suggestions already.

The CLSA officers suggested a careful development especially of procedural law, which in penal matters as well as the more ubiquitous matrimonial arena might be made more responsive in light of the current, lived experience of the modern Church.

On Saturday, visits to the *Congregation for Institutes of Consecrated Life and Societies of Apostolic Life* and to the *Tribunal of the Roman Rota* took place. At the former venue, Cardinal Franc Rodé, CM, the prefect, greeted us and expressed his sentiments of gratitude and esteem for the assistance our Society provides to religious in the USA. We also were introduced to Father Sebastiano Paciolla, OCist, the newest undersecretary of the congregation. Then Sister Sharon Holland, IHM — herself a CLSA member who received our Society's "Role of Law" award in 1999 — led a discussion. Much interest was expressed regarding the work of the Society's Religious Life committee, and especially in its planned exploration of the canonical issues surrounding the relationships between religious institutes and their "associates" or other affiliated persons. We raised concerns over agreements between religious institutes whereby the apostolates of older institutes are transferred to newer

(See **ROME VISIT**, p. 6)

(ROME VISIT, from p. 5)

or younger institutes; the need for sufficient consultation, especially with the local diocesan authorities, needs to be a vital part of these changes. The officials of CICLSAL also made it clear that it is not their practice to grant the favor of a requested departure from an institute when a petitioner's actions have been such that dismissal is warranted, lest it appear that bad behavior is being rewarded. Here — and at many of the other dicasteries visited later in the week — the concern of American canonists over liability issues and the need to properly handle cases of “boundary violations” in human behavior was raised. It is important for religious and clerics to know how to circumscribe the propriety of their behaviors, given the litigious societies in which we all now live.

At the Rota, its dean, Bishop Antoni Stankiewicz, and vice-dean, Msgr. Kenneth Boccafolo, met with us. We discussed the importance of making proper use of experts in the instruction of annulment cases on the grounds of judgmental or marital incapacity, so judges might be fully informed of the psychic factors that impacted the party/ies. The Rotal leadership also shared their thoughts regarding the proper adjudication of cases in which “Defective Convalidation” is alleged, a topic which the Apostolic Signatura has recently brought to the attention both of the Rota and of subordinate tribunals.

Monday, May 12, was the busiest day. The dean of the faculty of canon law at the *Pontifical University of St. Thomas in Urbe (Angelicum)*, Father Bruno Esposito, OP, welcomed us first. “Justice as the first concern of the Church” was the lead topic of discussion, and a number of ways in which canonists can advance this cause were explored. In particular we sought ideas for speakers and topics at the CLSA's national and regional meetings, to provide quality “continuing education” to canonists in our country. Father Esposito expressed an interest that was heard again and again during our visit: communication among all canonists must be fostered.

Then the venue moved to the Vatican for meetings with officials at the *Congre-*

*gation for the Clergy* and at the *Congregation for the Oriental Churches*. At the former, ways to streamline the process of handling recourses to the Holy See were discussed. We raised the issue of how best to deal with clergy who are, for various reasons, unable to be assigned to typical parochial or other institutional ministry. Msgr. Christopher Nalty, an official of the congregation, stressed that the Congregation always considers questions of possible procedural flaw in situations of recourse first. While the issues *in decernendo* are important and also reviewed, the Holy See cannot “micromanage” the Church around the world, and so ordinarily defers to the decisions of local bishops except in cases of obvious error or injustice.



*Father Sebastiano Paciolla, OCist, and Sister Sharon Holland, IHM, with Fathers Paul Counce (L) and Dan Smilanic at the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life*

Cardinal Leonardo Sandri, the Prefect of the *Congregation for the Oriental Churches*, met us in his offices in the Palazzo del Bramante. Renewed violence in Lebanon had begun the preceding week, and His Eminence stressed the efforts being made by the Holy See to mediate among the various factions as well as to alleviate the suffering of those victimized. Our discussion also focused on the increasing numbers of Palestinian, Syrian and Chaldean Catholics, as well as other Arab Oriental Christians, emigrating from the Middle East, many to the United States. We shared our concerns that the Church in the USA is struggling to cope with this influx of believers belonging to these ancient

Churches.

The officers then pushed on to the *Pontifical University Antonianum*, where we were met by the dean, Father Priamo Etzi, OFM, and the vice-dean, Father David-Maria Jaeger, OFM. Although its Faculty of Canon Law presently has no Americans among its students, the CLSA officers wanted to visit this Franciscan university. They have a very international academic community and encourage American students to consider their courses of study. Father Jaeger is a frequent and expert contributor to the “Canonlaw” internet discussion group in which many CLSA members participate. And, of course, it was a chance for our outgoing Executive Coordinator, Father Espelage, to stay in touch with his Franciscan canonical traditions! Father Jaeger was kind enough to host us for lunch at the “delegation,” the Roman headquarters of the Franciscan Custody of the Holy Land.

At the Casa Santa Maria that evening, we met with the American students of canon law residing in Rome. Father Larry Kozak of Philadelphia coordinated the get-together, and his hard work paid off. Over 30 men and women attended the presentation and discussion, which was followed by a reception in the Casa's “Red Room.”

On Tuesday perhaps the most important business meeting of the trip occurred: a conversation with Father Giuseppe Costa, SDB, the director of the *Libreria Editrice Vaticana*, in his offices in Vatican City. The LEV is charged with governing the various copyright and reprint permissions of texts of the Holy See, something which the CLSA needs to handle properly in order to continue to produce *Canon Law Digest* and other such publications in the future. In former times these kinds of permissions were often arranged informally or just presumed, yet now the Holy See takes a more official, contractual approach. In the course of that meeting, the CLSA officers personally requested and obtained the necessary assurances permitting us to forge ahead with our publishing plans. Immediately upon returning to the United States, this important exchange

was summarized in a letter from the CLSA president to Father Costa, to assure that written protocols for such arrangements will soon be more formally in place.

Then the officers returned to the *Palazzi delle Congregazioni* facing St. Peter's Basilica, for a meeting at the *Congregation for Divine Worship and the Discipline of the Sacraments*. The prefect, Cardinal Francis Arinze, greeted us, and Msgr. Thomas Fucinaro, an official of the congregation, then coordinated a lively discussion. One topic raised was the need to define more precisely what is meant by the terms "public" and "private" Mass. The dicastery also restated that the canonical norms restricting the number of Masses which may be celebrated by an individual priest each day — i.e., bination on weekdays and trination on Sundays and holy days — are serious obligations which bind bishops and priests. Other recent canonical legislation dealing with liturgical matters was discussed, such as the more precise descriptions of materials and rubrics within the directives governing divine worship.

Wednesday the officers went first to the *Congregation for Catholic Education (and Seminaries)*, where its prefect, Cardinal Zenon Grocholewski, greeted us. Then, Father Friedrich Bechina, FSO, and Sister Elizabeth Przedwojewski, RSM, shared with us some of the principal concerns of the Congregation, including the ongoing efforts at fully implementing the 1990 Apostolic Constitution *Ex corde Ecclesiae*. They also shared the Holy See's interest in the so-called "Bologna Process," an intergovernmental initiative seeking to standardize the European system of higher education. Begun in 1999, its broad objectives are to establish a common structure of higher educational systems across Europe based on an undergraduate cycle and two graduate cycles (roughly corresponding to the familiar bachelors, masters/license and doctoral cycles); remove obstacles to student mobility; and to enhance the attractiveness and worldwide integration of European higher education. Over 46 countries now participate in the planning and implementation of the process,



(L to R) Father Dan Smilanic, Cardinal Francis Arinze, Father Paul Counce and Father Art Espelage at the *Congregation for Divine Worship and the Discipline of the Sacraments*

including the Holy See and the USA.

Next on the schedule was a visit to the offices of the *Pontifical Commission Ecclesia Dei*. With the 2007 papal *motu proprio* titled *Summorum Pontificum*, this dicastery's work has increased markedly. After a lengthy discussion with Msgr. Arthur Calkins, we were able to meet briefly with Cardinal Dario Castrillón Hoyos, the Commission's president. He was especially pleased to hear of the scheduled seminar at the 2008 CLSA convention on issues surrounding the implementation of the *motu proprio*.

The CLSA officers then moved across the courtyard in the Palazzo della Congregazione per la Dottrina della Fede to the offices of the *Congregation for the Doctrine of the Faith*, where we were greeted by Msgr. Charles Scicluna, the dicastery's promoter of justice, and by Msgr. Robert Deeley, a past president of the CLSA (2000-2001) now serving on the staff of the CDF. Here the extremely helpful discussion concentrated on issues of penal procedure. It was clarified that the original *acta* of a penal process are the property of the curia which developed or received them, mindful of the rules (see can. 489, §2) regarding annual or at least decennial destruction of most of them. When a definitive sentence has been given in a penal trial, its text is to be shared by the promoter of justice with the diocesan bishop, as well as with the CDF. In exe-

cuting the sentence, the ordinary can and indeed should make public the juridic facts of the dispositive section, that is, that the defendant has or has not been found guilty of a delict (e.g., of sexual activity with a minor) on a particular date; with the penalty (e.g., of dismissal from the clerical state) imposed; etc. Should questions arise, the officials of the CDF made it clear that it will dispense from the obligation to maintain "pontifical secrecy" when warranted and properly requested. The officials of the CDF also drew our attention to the consequences of the deadline of the Feast of Christ the King in 2004 for the referral of pre-existing cases of grave delicts.

One topic which came up by virtue of the CDF's role in preparing causes of marriage for dissolution "in favor of the faith" was that it is not possible for the Supreme Pontiff to delegate this faculty to others, even pontifical legates in the various nations.

In the late afternoon we paid a visit to the Faculty of Canon Law at the *Pontifical University of the Holy Cross* off the Piazza di Sant'Apollinare. It is the newest canonical school in Rome, and already has a number of American students. Greeting us were the dean, Father Luis Navarro, and the vice-dean, Father Pablo Gefaell. They presented a look at *Santa Croce's* unique, more "systematic" approach to  
(See **ROME VISIT**, p.8)



**(ROME VISIT, from p. 7)**

the teaching of canon law, and they showed off their recently-renovated — and indeed beautiful — campus.

On our last day in Rome, May 15, we were welcomed at the *Supreme Tribunal of the Apostolic Signatura* by Bishop Frans Daneels, OPraem, now its new secretary, and by Msgr. Joseph Punderson, the defender of the bond. Various issues of matrimonial procedure were discussed, with the Roman officials making it clear that the right of defense is denied to a respondent if the acts of a trial are published to his/her procurator alone without this fact being also communicated to the respondent. The advisability of providing parties with good and independent advocates, especially those opposed to or skeptical about the Church's processes, was emphasized. The Signatura's renewed interest in the ground of "Defective Convalidation," and proper approaches to handling cases of this sort, were also discussed. The Signatural officials were pleased that a seminar addressing this topic is planned for the 2008 CLSA Kansas City convention. They were also interested in the ways the CLSA, the USCCB's *Committee on Canonical Affairs and Church Governance*, and local bishops collaborate in providing evaluative "visitations" of diocesan tribunals in the USA.

The officials of the Signatura made it clear that the provisions of the instruction *Dignitas connubii* cannot be ignored by invoking a claim of legitimate custom. Similarly, they discouraged the notion that it might be possible for a national tribunal of Third Instance to be established in the United States. Yet they did note that joint requests from the conferences of bishops of neighboring nations (e.g., of Canada-USA-México, or of England and Wales-Scotland-Ireland) for an indult exempting from the clause in can. 1673, 3° "*dummodo utraque pars in territorio eiusdem Episcoporum conferentiae degat*" would likely be looked upon favorably, given the fluid situation of migrant persons in many areas.

Cardinal James Francis Stafford then welcomed us to the *Apostolic Penitentiary*, the dicastery of the Holy See concerned most with the internal forum. We dis-



*(L to R) CLSA vice-president Father Dan Smilanic, the dean of the Roman Rota Bishop Antoni Stankiewicz, the vice-dean Msgr. Kenneth Boccafolà, and the CLSA president Father Paul Counce*

cussed questions of definition, scope and confidentiality of the non-sacramental internal forum. Cardinal Stafford and the Penitentiary's archivist, Dr. Johan Ickx, proudly presented their plans to hold a major symposium in Rome on January 13-14, 2009, entitled "The Apostolic Penitentiary and the Sacrament of Penance: Historical-Juridic-Theological Courses and Pastoral Prospects." This symposium is most timely because the nature and extent of the internal forum has become so significant, not just in canon law but also in civil law. Information about the symposium will be available on the CLSA website.

The final visit of the trip was to the *Pontifical Gregorian University*. There Father Michael Hilbert, SJ, the dean of its faculty of canon law, Father Gianfranco Ghirlanda, SJ, the rector of the university, and a number of the other faculty members joined in a brief discussion and then hosted us for lunch. Here as at all of the universities, we indicated our interest in suggestions for topics and prospective speakers at our annual and regional conventions, and offered the assistance of the Society in consultation, research and the application of law at every level. To cap off the visit, the officers were able to greet briefly Cardinal Urbano Navarrete, SJ, *emeritus* professor of canon law and rector.

It was a busy time, but a productive one. We feel that the dialogue which we enjoyed with the personnel of the Holy

See and of the pontifical universities in Rome will continue to enhance our work. The areas suggested for further work and study by the CLSA — e.g., fostering communication among canonists, expanding canonical education, etc. — are eagerly received and implemented by us. A reasonable question we all periodically need to ask ourselves professionally, of course, is how what is very good can be even better. In light of Art's experience with four sets of these biennial Roman visits, and Bob's assistance now with the two most recent ones, as President and Vice-President we thought it important to conclude with an on-the-scene evaluation to assure that optimal use is being made of time and resources (both personal and financial) in these visits. On the penultimate evening of our stay, an extensive, frank, and lively business discussion took place among the four of us concerning all imaginable facets of the trip. This timely report is but one small thing upon which we all agreed. Other concrete areas have been identified to be put in place — or at least considered further — for we wish to be more proactive in our preparation for future visits. This biennial trip, in a way, belongs to the whole Society. CLSA members' opinions, questions, and suggestions are always welcome in this regard. The CLSA officers will again visit Rome in the spring of 2010. In the meantime, our experience of the 2008 trip was and is very positive. We are confident that we can continue to profit from the information gathered and given, and from the contacts made or refreshed. ▼

**NEW MEMBERS**

- Mr. Marcos de Bethencourt  
Madrid, SPAIN
- Mrs. Nora Smith  
McKinney, Texas
- Sr. Amy Hereford, CJS  
St. Louis, Missouri
- Deacon Daniel G. Welter  
Chicago, Illinois
- Rev. Jeffrey E. Waldrep  
Jackson, Mississippi
- Sr. Barbara Kosinska  
Chicago, Illinois



**CLSA Resolution Form  
Kansas City, MO 2008**

PROPOSED BY \_\_\_\_\_

DATE \_\_\_\_\_

TITLE

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STATEMENT OF RATIONALE

*(Indicate simply, precisely and directly the reasons for the resolution)*

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BE IT RESOLVED THAT

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IMPLEMENTATION BY MEANS OF

*(Committee assignment, task force, report/study)*

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ANTICIPATED COST \_\_\_\_\_

COST SUPPLIED BY \_\_\_\_\_

GUIDELINES FOR RESOLUTIONS ON REVERSE SIDE

# GUIDELINES FOR PRESENTING RESOLUTIONS

*Resolutions are central to the functioning of the Canon Law Society of America. A majority of the research activities and special publications of the Society are a result of proposals to the Annual Meeting of the CLSA in the form of resolutions. (Revised 1 May 2004)*

## Criteria for Submitting Resolutions (CLSA By-Law No. 3b)

1. Their content shall be simple, precise, direct and in language befitting a professional society; vague or ambiguous phrases should be avoided, and “whereas” clauses should be kept at a minimum.
  - Resolution wording is to be clear and specific concerning its intended outcome;
  - Resolutions generally call for some action to be taken on the part of the Society. Therefore, the following terms serve to clarify the resolution:
    - receive** – if the CLSA is asked to recognize the completed work of the group or committee;
    - accept** – if the CLSA is asked to recognize the completed work of the group or committee and to agree with the work produced;
    - endorse** – if the CLSA is asked recognize the completed work of the group or committee, to agree with the work produced and to make the work its own (*fullest commitment available*).
2. They shall be positive in nature, and in keeping with the scope, purpose and resources of the Society.
  - Resolutions should avoid criticism of persons and be worded so as to improve existing structures and serve to build and encourage the work of the CLSA;
  - Resolutions should fit within the context of the overall purpose of the Society and may not be *contra legem*;
  - Anticipated costs for implementation of the resolution should be realistic and definite (avoiding such phrases as “costs minimal”);
  - If costs are anticipated, it is requested that the author(s) contact the Office of Executive Coordinator for guidelines;
  - Resolutions should be clear about how much human resource will be needed to achieve the resolution’s intended outcome.

## The Contents of the Written Resolution

1. **Proposed by** – The name(s) of the author(s) proposing the resolution;
2. **Title** – The title should focus the membership on the point of the resolution;
3. **Statement of Rationale** – (The “Whereas” clause or clauses) Should be a brief statement presenting the background and foundation for the resolution;
4. **Be It Resolved That** – This is the heart of the resolution whereby a simple, precise and direct statement proposes the intended outcome;
5. **Implementation By Means Of** – A clear statement presenting the timeline for completion, human resources required and anticipated costs.

Once the resolution has been written, it may be submitted directly to the Chairperson of the Resolutions Committee. The Resolutions Committee will then review the resolution. If changes are necessary, the Chairperson will contact the author for further discussion. Clarifications, modifications and amendments, may also be made to the resolution by CLSA members, with the concurrence of the author(s), at the Resolutions Hearing and the Annual Business Meeting. Resolutions may also be presented at the time of the Resolutions Hearing or the Business Meeting. Should this be the case the “member shall read the resolution and explain it briefly and submit one copy of the resolution in writing.” Submit the resolution(s) to the Chairperson of the Resolutions Committee:

Dr. Margaret Poll Chalmers  
202 Riverdale Lane  
Tuscaloosa, AL 35406

Office: 205-752-8668  
Fax: 205-776-7165

Resolutions received **before August 4** will be included in the September 2008 CLSA *Newsletter*.

## ANNOUNCEMENTS

- The **Board of Governors** of the CLSA held their April meeting at the Hecker Center for Ministry in Washington, DC, April 30th to May 2nd, 2008. As in previous years, the board heard the reports of the President, Treasurer, and Executive Coordinator on activities in their respective offices as well as heard the reports of the various CLSA committees. The board approved the budget for the next fiscal year which will appear in the October convention reports as well as undertook a number of policy considerations for the upcoming fiscal year.
- The **2008-2009 Membership Dues** notices for active, associate, and student members will be mailed from the Office of the Executive Coordinator on July 1st, 2008. New members who joined the CLSA in May or June of 2007 have their dues paid up until June 30th, 2009. Dues may be paid by Visa or Master Card credit cards or by personal checks in U.S. dollars. Unfortunately, we are not able to process electronic transfers. Your prompt attention to this matter is appreciated. All receipts are acknowledged by e-mail if possible or through the U.S. Postal system.
- A **Resolution Form** for the 2008 Kansas City, Missouri, Convention is printed in this issue of the June Newsletter. Members who wish to submit a resolution for consideration are asked to send it to this year's Resolution Chair: Dr. Margaret Poll-Chalmers, 202 Riverdale Lane, Tuscaloosa, AL 35406. Resolutions received by the end of July will be printed in the September CLSA Newsletter.
- The **Marriage Research Committee** of the Canon Law Society of America is beginning an effort to publish Rotal decisions in English. With the permission of the Dean of the Rota, we soon will ask the Rotal auditors to provide our team of translators with copies of their decisions in order to

make this important jurisprudence more widely available. As part of this project, we need to identify translators who are (1) fluent in English and the many other languages quoted in Rotal Sentences and (2) have a background in jurisprudence. If you qualify and would be interested in assisting in our efforts, please contact me privately at the e-mail, FAX, or address indicated below.

Our plan is to have one person translate a given decision from its original language(s) into English and have a second person, also fluent in both English and the language(s) involved, review the translation. Then the translations will be reviewed again for clarity in expressing in English the jurisprudence as well as for grammar and syntax. The resulting English text of each Sentence will be sent to the ponens at the Rota for final review. I hope that many of you will consider assisting in this major effort to make Rotal jurisprudence available in English in a timely manner so that we may comply with *Dignitas Connubii*, article 35, and Pastor Bonus, article 126.

Sr. Victoria Vondenberger, RSM  
100 E. Eighth St.  
Cincinnati, OH 45202  
Tel: 513-421-3131 ext. 1229  
Fax: 513-723-1035

- His Holiness Pope Benedict XVI has accepted the resignation of the Most Rev. Oscar Lipscomb of the Archdiocese of Mobile in accord with can. 401, §1 of the Code of Canon Law, and has nominated as the Second Metropolitan Archbishop of Mobile the Most Rev. Thomas J. Rodi, presently bishop of Biloxi. Archbishop Lipscomb has been a long time friend of the CLSA, speaking last at our 1999 CLSA Convention in Minneapolis, Minnesota. Archbishop Rodi joined the Canon Law Society of America in 1986. The members of the CLSA thank them for their contributions to the Church and will

keep both gentlemen in our prayers for the future.

Archbishop Rodi was born in New Orleans, Louisiana on the 27th of March 1949 where he completed his elementary and secondary education in Catholic schools in New Orleans. He attended Georgetown University in Washington from 1967 to 1971 and Tulane University in New Orleans from 1971 to 1974 where he earned a civil law degree. In 1974 he entered Notre Dame Seminary in the Archdiocese of New Orleans to study theology, and was ordained a priest of the archdiocese on the 20th of May 1978. He went on from there to earn his license in canon law from the Catholic University of America in Washington, DC, in 1986. Archbishop Rodi was nominated as bishop of the Diocese of Biloxi on the 15th of May 2001, and ordained bishop the 2nd of July 2001.

- Pope Benedict XVI has named Most Rev. Michael G. Duca, a presbyter of the Diocese of Dallas and until now Rector of Holy Trinity Seminary in Irving, to be the Second Bishop of Shreveport.

Bishop Duca, 55, is a native of Dallas, attending Catholic elementary and high schools in that city. His priestly formation took place at Holy Trinity Seminary. He was ordained a priest in 1978, and later earned the licentiate in canon law from the Pontifical University of St. Thomas Aquinas (the *Angelicum*) in Rome. He is a member of the Canon Law Society of America.

His ecclesiastical service includes postings as parochial vicar at All Saints and St. Patrick Parishes in Dallas, and St. Luke Parish in Irving. He was named diocesan Vocations Director in 1985, when he also became chaplain at the Southern Methodist University Catholic student center in Dallas. He was named Rector of Holy Trinity Seminary in 1996. He has been a member

(See ANNOUNCEMENTS, p. 12)



# Internet Discussion Group for Canonists

There is an Internet Discussion Group for professional canon lawyers throughout the world. Over 1,000 canonists are currently subscribed. Although not a formal work of the Canon Law Society of America, various CLSA members supervise its operations.

The administrator of the Group is Father Paul Hartmann of Milwaukee.

Here follows information on the Discussion Group – frequently referred to as the “canonlaw listserve” group – as received at the Executive Coordinator’s Office:

**1. MEMBERSHIP** – The purpose of this Group is to assist those whose primary ministry is in the area of canon law, so that members ordinarily are expected to possess a canonical degree, be a student working toward such a degree in a recognized canonical faculty, or working in some office or ministry related significantly to canon science. A decision may be made not to accept an application if in the minds of the Group’s supervisors, these criteria do not apply.

Membership in the Group can no longer be granted by action of the system Administrator. Membership requests instead must be made directly through the Yahoo! Group’s system by using the website address – <http://Groups.yahoo.com/Group/canonlaw> – and following the instructions there. Therefore, the applicant **MUST** already have a Yahoo! ID and be able to access the Yahoo! Groups website. In the application process the person who wishes to join the Group **MUST** supply the following information: Full name; If religious, the religious institute

of membership (with abbreviation); If a secular cleric, the diocese/eparchy of incardination; Canonical degree and the pontifical faculty which granted it; Present canonical position; Present diocese of residence or work; and the Name of a present member of the Canon Law Discussion Group recommending membership.

**2. “LOST” MEMBERS** – Every now and then, e-mails to members begin to “bounce.” This means that the e-mails from the Group to the member are longer accepted by his/her own e-mail system or e-mail mailbox. This usually occurs when the member changes his/her e-mail address without informing the Discussion Group’s Administrator, or some new filtering or anti-spam application will not accept messages from a group like this without prior approval from the user or the user’s own system administrator. In any case, membership in the Discussion Group is eventually cancelled if e-mail messages “bounce” for too long. Former members must re-join the Group by taking the same steps as a person wishing to join for the first time.

**3. GROUP ETIQUETTE** – The Group has very few rules, but they are serious ones:

- Each posting must be **SIGNED** with the contributor’s full name and location.
- Care should be taken in responding, since to **REPLY** to any message sends the response to the entire Group (in other words, to respond privately, do not use the reply button on the e-mail!).
- As a general rule, the discussion focuses upon canonical issues, so that if a particular canon or ecclesiastical norm cannot

be cited in the question or response, it is not an appropriate posting. Postings that hinder the good order of the Group may be removed (some examples of such inappropriate postings include, but are not limited to: promoting a personal agenda; seeking personal profit or gain; lack of professional courtesy; breach of confidentiality).

d) All members are expected to respect the spirit and fact of the confidentiality of the Discussion Group. Any violation (direct or indirect, intentional or unintentional) of this expectation or misuse of the texts of messages to the Group can result in immediate revocation of membership at the discretion of the Group owners. Moreover, review, retention, dissemination, distribution, or copying of this information to persons outside the Group is strictly prohibited, and may be a violation of pertinent federal and state laws. ▼

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## (ANNOUNCEMENTS, from p. 11)

of the diocesan College of Consultors, as well as its Presbyteral Council and Priests’ Personnel Board.

Congratulations are in order for the Bishop, and indeed also extend to the community of the Christian faithful of the Diocese of Shreveport, which was vacant since the retirement of its first shepherd, Bishop William Friend, in 2006. ▼

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, The Hecker Center, 3025 Fourth Street, NE, Suite 111, Washington, DC 20017-1102. 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 \$200.00. Application forms are available from the Office of the Executive Coordinator or at [www.clsa.org](http://www.clsa.org).

**Canon Law Society of America**  
The Hecker Center  
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