



Going to Kansas City ...

A Musical Note from our General Convention Chair, Fr. Michael A. Boccaccio:

As described in this and previous newsletters, the forthcoming October [12]13-16 [Pre]Convention promises to be a rewarding experience in so many ways. As Convention Chair, let me share a little about the area itself, which I visited on May 22-23. Upon your arrival by air, you'll enter a 30 year structure that is the circular shaped terminal which looks remarkably new and very tidy. The Super Shuttle van ride, if you so choose, is about 30 minutes to the Hyatt, allowing for other stops.

Our hotel, the Hyatt Regency Crown Center [www.crowncenter.hyatt.com], is a tall building: 40 stories plus rotating "Skies" restaurant on the 41st floor. There are 731 guest rooms of which we have blocked only 300 – as of this writing only 15% of that block remains!. *So, a word to the PRUDENT: get your reservation in NOW!* There is a good bank of elevators servicing the hotel, with half stopping up to 27th; other, floors 28-40. Nearby, is Our Lady of Sorrows Church which is a mere 5 minute walk DOWN hill to the hotel. It is a hefty 10 minute walk UP, however!

Linked to the hotel is the Crown Center, a 3 story indoor mall [www.crowcenter.com]. With many shops and eateries, from "fine to fast," this is a convenience store galore. Unfortunately, even within a 10 minute [in any direction] walk, there is not much in fast/leisure eateries, shops, etc. Fine dining in Union Station is about a 7 minute walk [www.unionstation.org]. The indoor "LINK" from the hotel will bring you to Union Station, but that stroll is about 15 minutes. Passing through the magnificent Union Station, one will arrive at the "Freight

House" with its 3 restaurants [more on the \$\$\$ side than not].

Among day promenading, I highly recommend a visit to Union Station and its surrounding park – a very attractive site indeed. If you like trains, you'll want to stay in KCity ... I have never seen such long trains before!! A "must" day journey, if you schedule allows: the Benedictine Abbey in Conception, MO about 90 miles away [<http://abbey.solutiosoftware.com>]. Barely 11 miles distance is Independence, MO [read



Kansas City skyline with Union Station

'Truman']; website: www.ci.independence.mo.us/

As always, tourist information will be made available to all convention participants directly, as well as through the hotel staff. There is more than enough in and near KCity to do, tour, etc.; so, start exploring. Among KCity web sites to visit, I first recommend www.discoverourtown/MO/Kansas – the list of attractions therein is very impressive. Another possibility: www.visitkc.com. This is our 2nd visit to MO, but our first to KCity; we were in St. Louis, MO in '92. Hope to see you in October. ... **KANSAS CITY, HERE WE COME!** ▼

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Where Did the Summer Go?



Rev. Paul Counce

When I was a child – and I suspect this is a memory shared by many – once the school-year ended it seemed like summertime stretched

out into the future almost to infinity. The beginning of school in the fall seemed so far away it was impossible to dwell on it for long. Days, weeks, even months of recreation wrapped in delicious inactivity: those were the dreams of childhood.

Boy, how perspectives change! While I certainly hope that your summer months were tranquil ones, I no longer look on summer months as time to waste. Oh, summer's still for recreation, and I did some: I was able to get away for a three-day vacation with some old seminary classmates and spent the requisite week at the beach with my family. But I would really feel bad if I'd done nothing.

What kept me occupied? Probably, mostly, the same things you were concerned with: the daily routine, which is always busy. For me that's the usual round of canonical work in my diocesan tribunal and chancery, with pastoral work and a few "special" canonical involvements elsewhere, built as these are upon a life of prayer and reflection that it seems I'm never quite satisfied with. I try to use the summer months to nourish the soul as well as attack the omnipresent backlog of deskwork. In fact, maybe one of the reasons I think I can succeed with the latter is that I try to give the former a good effort too.

Mixed in with the usual work this year was a lot of work for the CLSA. It began with the production of the June 2008 CLSA *Newsletter*, which I took over from our then-outgoing Executive Coordinator, Art Espelage. He was

busy with his religious institute's provincial chapter, as well as getting the annual dues-notices mailed out before having to pack up and leave Washington for south Florida.

Elsewhere in this *Newsletter* you can read about my travels to México and the meeting of the *Asociación Mexicana de Canonistas* in July. But here again let me say once again it was a privilege to be able to represent the CLSA at its gathering: I cannot speak highly enough about our Mexican colleagues' hospitality and eagerness to collaborate with us in our common work as canon lawyers.

July also was an unusual month in the CLSA's Washington office, since Art's service was over and Sharon Euart's term as the new Executive Coordinator wouldn't begin officially until August 1. However, the Society's outgoing bookkeeper, Mrs. Kathy Geary, and outgoing administrative assistant, Mr. Rob Graffio, cooperated with the occasional visit by Sharon to keep the mail opened, the bills paid, and the flag flying. The Society's thanks have to go out to them, not only for their "covering" the office during July but also for their hard work over the past years.

Sharon did come "on board" on August 1: welcome, Sharon! She is devoting a good deal of time to becoming familiar with the operation of the office and to seeking new staff. Elsewhere in this *Newsletter* she shares a few of the things she's already noticed and wishes to bring to your attention.

In mid-August our Vice-President/President-Elect Dan Smilanic of Chicago and our Treasurer Tom Anslow of Los Angeles joined me in Washington for a "transition meeting." The officers of the CLSA traditionally have tried to hold meetings between the outgoing and incoming presidents, but this year's transition also included Sharon's coming on board.

First we met with Mr. Joe Godbout,

our financial auditor, to review the just-closed 2007-2008 fiscal year. While a more complete report will be made by Tom at the upcoming Kansas City convention, it was good to hear that despite the recent downturn in the national economy our bank balances and investments are all still healthy. Then we turned to considering what needed still to be done in advance of the upcoming convention. We noticed happily that registrations for the upcoming convention are slightly ahead of last year's pace. If you have not yet registered with us and especially with the hotel, I urge you to do this, since last-minute bookings can get awkward.

Then we worked with Sharon as she acquainted herself with EC office operations. It's never easy to take over an office and an aging computer-system

(See **PRESIDENT**, p. 10)

CORRECTION

On p. 8 of the June 2008 CLSA *Newsletter*, in the reporting of the conversation between the CLSA officers and officials of the Supreme Tribunal of the Apostolic Signatura, one sentence was unclear and perhaps misleading. The text should have stated that "the advisability of providing parties (to matrimonial trials) with good and independent advocates was emphasized." The perspective of a party – whether supportive of the possible finding of invalidity, or opposed to or skeptical about the Church's processes – surely influences the interaction between that party and the advocate, and between the advocate and the tribunal at trial, but does not determine the advisability of advocacy, which is always urged.

An Update on a Number of Fronts



Sr. Sharon Euart,
RSM

Thank you for your many good wishes and kind words as I begin my term as Executive Coordinator. Transitions are both moments of grace and times of challenge. During the

next several months we will be working to make this transition as smooth as possible. I am especially grateful to Paul Counce and Dan Smilanic for their support and assistance in this process.

In this column, I want to update you on several matters that I hope will be helpful to you in your canonical ministries. If you find this useful, I will continue to do this in subsequent Newsletters.

- *Staff Changes:* Rob Graffio, our administrative assistant since October 2007, completed his JCL at CUA this summer and has begun a new job in the Tribunal in San Francisco. Best wishes to Rob in his new ministry! We welcome Nicole Lee, a JCL candidate at CUA, who will be working as a part-time administrative assistant for us during the coming year. Nicole began on August 1 at the OEC. We are seeking an administrative/financial assistant who will work 30 hours and oversee the management of the office. We hope to complete our staff very shortly. Many thanks to Kathye Geary, CLSA Bookkeeper who resigned her position on June 30, 2008 but very generously assisted us during July and is training our new staff in CLSA financial procedures.
- *CLSA Website:* We are working with our webmaster, Jim Frenette, to make the site more welcoming to members. The Directory is an important resource for members and we want to provide more features that will assist you in your canonical work. For example, we plan to develop a link on the home

page for regional meetings that will list dates, contact person, themes, speakers and full presentations from the most recent meetings. We will be giving you more information about new features in the near future. We also welcome any suggestions you might have for improving the website. Watch for information on the website and in future newsletters about new features.

- *Profile Information Update:* We encourage you to update your profile on the website membership directory. It is an easy process to change your address and it will provide the most current contact information for mailing purposes. See the box in this Newsletter with the directions on profile update.
- *New Members:* Just a reminder that new members may obtain a copy of the registration form from the CLSA website. Please remind those you wish to recommend for membership to access the form from the website or by contacting the OEC office.
- *2008 Convention Packet:* This can also be accessed from the website.
- *Position Openings:* We are pleased to post job openings on the website as well in the CLSA Newsletter. Please send us an announcement of the position opening and we will post it for 30 days. After that time it will be removed unless you request that we post it for a longer period of time. This will preclude our maintaining openings after they have been filled.
- *Regional Meetings:* We encourage the contact persons for Regional Meetings to notify the OEC of the dates of the 2008-2009-2010 Regional Meetings and the name of the contact person. Also we ask the contact person for each Regional Meeting to be in touch with the CLSA President regarding representation from the Board of Governors at the Regional Meeting. The Board of Governors would like to have a representative at each Regional Meeting.

- *Canonical Consultation/Advocacy:* The OEC frequently receives calls from individuals and/or groups seeking the name(s) of a canonist to assist them with a situation involving matters such as the closing of a parish, an allegation of misconduct or other issues for which they need to consult with a canonist. We would like to develop a list of individual canonists whose names and contact information such as e-mail address and/or telephone number we could provide when such requests come into the office. If you are available to respond to this request please let me know either by e-mail at coordinator@clsa.org or by telephone at 202-832-2350. ▼

— Sr. Sharon Euart, RSM
Executive Coordinator
September 2008

CHANGE OF ADDRESS?

If your e-mail 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 e-mail 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 settings form to make changes to your username, e-mail address, mailing address, phone numbers, etc. While on the edit screen, select "user profile." After making your changes, select the "submit" button at the bottom of the page to save your changes. *It is important that you keep your account information current since this is the information used to generate society mailings to members.*

Mexican Canonists Emphasize Education, Personal Contacts

By Paul Counce

It was my great privilege on July 7-11, 2008, to attend the 32nd annual meeting of the *Asociación Mexicana de Canonistas*. Held again this year at the beautiful diocesan Pastoral Center in San Juan de los Lagos, about two hours north of Guadalajara, it drew about 120 canon lawyers and tribunal practitioners from all over México, as well as a handful of guests from the USA, Canada and Rome. The hospitality they offered was warm and wonderful - and unfortunately rather wet - due to unseasonable rains this year!

The rain didn't matter, though. Although every chance I've had to represent the Canon Law Society of America around the country and the world during my presidential year has been a good experience, I had particularly looked forward to this one. The U.S. Church serves increasing numbers of persons from México and elsewhere in Latin America who come to the United States for education, work and residence. In the past few years I'll bet our tribunal and chancery offices all have had to devote increased attention to persons whose only language is Spanish. Our own CLSA Board of Governors has voted to emphasize and expand our efforts to meet these increasing needs. Good contacts between the CLSA and the "Asomexcan" (as their society is known) are of great benefit: we have much to learn about the various cultures of Latin America, and our sharing of canonical expertise is of benefit to everyone.

The Mexican canonists emphasize education, too. Their annual meeting is styled as a "Curso de Actualización Canónica" (Advanced Canonical Training Course). Yes, their society holds its annual Business Meeting during the week, and yes, there were some seminars on other topics such as penal procedure. But most of the schedule is devoted to a comprehensive review of the law on matrimonial

processes and jurisprudence. The meeting is a real benefit for the many non-degreed persons who staff the increasingly active tribunals of México: about a quarter of the attendees were religious women and other laity who have not yet had more formal canonical study. I certainly would recommend that Spanish-speaking staff members of U.S. tribunals consider attending this accessible, affordable and top-quality program.

Once the seminars were over, opportunities for sharing did not end. Over magnificent meals and frequent coffee (and sometimes tequila!) breaks, ideas continued to be swapped and contacts made. I had not been familiar with the programs of study and publications of the Universidad Pontificia de México and its Facultad de Derecho Canonico. Especially as our Spanish-speaking population increases these are excellent resources that are not far away and well worth exploring. It was a pleasure to meet not only some of its professors, but also a number of judicial vicars whose names I'd seen on correspondence over the years but who I'd never met in person!

The Mexican canonists with whom I met all expressed profound appreciation for the supportive involvement of the U.S. Church favoring generous reforms of immigration laws in the current legislative debates going on in our country. Many of our Mexican colleagues expressed hopes that increased collaboration between the U.S. and Mexican bishops - and canon lawyers! - will enable better pastoral service to be offered to Hispanic Catholics who enter

the USA.

I only wish that my own Spanish-language skills were better: while I did discover happily that my comprehension of written Spanish is good and of spoken Spanish is better than I'd thought, I'm still tongue-tied when trying to speak it. Still, I tried to do my best. The most interesting discussions I shared - more as an eavesdropper than a participant - still provided unique insights into Mexican family life and the economic pressures that so often overwhelm spouses and their children. Catholicism itself was a favorite topic too: while the faith remains strong in México, it is assaulted almost daily by simplistic fundamentalism on the one hand and secular materialism on the other. While the popular devotion of the Mexican faithful is legendary - and indeed the beautiful Cathedrals in San Juan de los Lagos and Guadalajara were full for Mass when I visited - there is real concern as to whether this faith is properly enabled and nourished among expatriate Mexicans.

When I left México after my weeklong visit, I had already resolved personally to return, and in the meantime to try even harder to build up the mutual relations between the CLSA and our colleagues to the south. I encourage everyone in the Society to do the same, by both individual interest and institutional involvement. As I told the "Asomexcan" in my address to their assembly, we must learn from each other and in every other way help each other, so that whatever service we can offer can be done both wisely and effectively. ▼



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www.clsa.org

CLSA PUBLICATIONS

Coming Soon!

- ___ *Canon Law Digest, Vol. 13*
- ___ *Roman Replies and CLSA Advisory Opinions (2008)*

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
- ___ *The Tribunal Handbook: Procedures for Formal Matrimonial Cases*. List Price: \$35.00 ISBN: 1-932208-07-0 – Being reprinted

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
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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.
- ___ *CLD 8* (1973-1977) List Price: \$40.00 x + 1289 pp. **OUT OF PRINT**
- ___ *CLD 9* (1978-1981) List Price: \$40.00 x + 1053 pp.
- ___ *CLD 10* (1981-1983) List Price: \$22.00 x + 357 pp.
- ___ *CLD 11* (1983-1985) List Price: \$30.00 433 pp. ISBN: 0-943616-50-6
- ___ *CLD 12* (1986-1990) List Price: \$100.00 xii + 973 pp. ISBN: 0-943616-98-0
- ___ *CLD Index* (Vols. 1 to 12) List Price: \$35.00 ISBN: 1-932208-10-0

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- ___ *CLSA Proceedings* (2001) List Price: \$8.00, vi + 371 pp. ISBN: 0-943616-91-3
- ___ *CLSA Proceedings* (2002) List Price: \$8.00, vi + 440 pp. ISBN: 0-943616-99-9
- ___ *CLSA Proceedings* (2003) List Price: \$8.00, vii + 456 pp. ISBN: 1-932208-03-8

- ___ *CLSA Proceedings* (2004) List Price: \$8.00, 464 pp. ISBN: 1-932208-08-9
- ___ *CLSA Proceedings 67* (2005) List Price: \$10.00, 464 pp. ISBN: 1-932208-12-7
- ___ *CLSA Proceedings 68* (2006) List Price: \$15.00, 344 pp. ISBN: 1-932208-17-8

Marriage Studies

- ___ *Judging Invalidity* (2002) List Price: \$20.95 vi + 95 pp. ISBN: 0-943616-96-4 – Being reprinted
- ___ *Jurisprudence a Collection of U.S. Tribunal Decisions* (2002) List Price: \$25.00 vii + 472 pp. ISBN: 0-943616-94-8
- ___ *Law Sections* (1994) List Price: \$8.00 iii+ 93 pp. ISBN: 0-943616-65-4
- ___ *Marriage Studies 4* (1990) List Price: \$7.00 viii + 188 pp. ISBN: 0-943616-48-4
- ___ *The Invalid Marriage* (1996) List Price: \$15.00 v + 238 pp. ISBN: 0-943616-78-6
- ___ *Dignitas Connubii: Norms and Commentaray* List Price: \$60.00 ISBN: 1-932208-15-1

General Studies

- ___ *In Time of Need* (2005) List Price: \$15.00 72 pp. ISBN: 1-932208-06-2
- ___ *Sponsorship in the United States Context: Theory and Praxis*, List Price: \$35.00 ISBN: 1-932208-14-3
- ___ *Authentic Interpretations on the 1983 Code* (1993) List Price: \$3.00 iv + 68 pp. ISBN: 0-943616-06-9
- ___ *Canonical Standards for parishes: A Self Evaluation Instrument* (2002) List Price: \$5.00 34 pp. ISBN: 0-943616-98-X
- ___ *CLSA Advisory Opinions (1984-1993)* List Price: \$15.00 xix + 504 pp. ISBN: 0-943616-67-0
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- ___ *Code, Community, Ministry* (1992) List Price: \$5.00 vi + 145 pp. ISBN: 0-943616-54-9

- ___ *Pastoral Care in Parishes Without a Pastor, Applications of Canon 517, §2* (1995) List Price: \$8.00 xiv + 71 pp. ISBN: 0-943616-68-9
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- ___ *Reception and Communion Among Churches* (1997) List Price: \$25.00 iv + 456 pp. ISBN: 0-9673864-0-3
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Roman Replies & CLSA Advisory Opinions:

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- ___ *Roman Replies and CLSA Advisory Opinions* (2003) viii + 136 pp. List Price \$17.00 ISBN: 1-932208-02-X
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- ___ *Roman Replies & CLSA Advisory Opinions* (2006) List Price: \$17.00 ISBN: 1-932208-16 X
- ___ *Roman Replies & CLSA Advisory Opinions* (2007) 110 pp List Price: \$17.00 ISBN: 1-932208-19-4

For copies of Roman Replies & CLSA Advisory Opinions before 1999 contact CLSA Publications about prices and availability.

Resolution 1

Whereas the Final Report of the Future Initiatives Project Committee included a recommended restructuring of the Committees as listed in the Constitution of the Canon Law Society of America (cf. that report, dated November 8, 2007, on pp. 5-7);

Whereas the Board of Governors of the CLSA at its winter 2008 meeting received this report, and at its spring 2008 meeting formally accepted it; and

Whereas proper implementation of the recommendations of the FIP Report necessitates a number of minor amend-

ments to the CLSA Constitution,

Therefore, BE IT RESOLVED that the wording of the Article X of the CLSA Constitution be amended and renumbered as follows:

- To provide for four, rather than five, standing committees;
- To delete all references to the *Committee on Convention Planning*;
- To amend all references to the *Budget Committee* to refer instead to the *Committee on Resource and Asset Management*; and
- To expand the mandate of the *Committee on Resource and Asset Management* to include investment oversight and scholarship fund oversight functions.

Thus, BE IT RESOLVED, that the wording of Article X of the CLSA Constitution henceforth will read as follows:

Article X (Amended)

- There shall be four standing committees of the Society as follows:
- Committee on Nominations
- Committee on Resolutions
- Committee on Resource and Asset Management
- Committee on Professional Responsibility
- The Committee on Nominations and the Committee on Resolutions shall consist of three voting members appointed by the President. Consultative members may be appointed at the discretion of the President.
- The term of office of committee members shall be for three years but shall be so arranged that each year the term of one member of each committee will expire with the close of the Annual General Meeting; the new member of each committee shall be appointed by the new President within thirty days after the close of the Annual Meeting.
- The member of each committee who is senior by appointment shall act as

chairperson of each respective committee.

- In the event of death or resignation of a committee member, the President shall appoint a new member to complete the unexpired portion of the office.
- In addition to its members, the Committee on Nominations shall have the Past President as a non-voting member and secretary.
- The Committee on Resource and Asset Management shall consist of the Vice President, the Treasurer, and a senior consultant and two additional members appointed by the President. The Treasurer shall act as Chair of this committee.
- The Committee on Professional Responsibility shall consist of the three senior consultants of the Board of Governors.
- The functions of the Committee on Nominations shall be:
- To submit to the active members, at least one month prior to the date of election, the names of nominees as provided for in Article IX of the *Constitution*;
- To formulate and recommend to the Board of Governors plans for maintaining and increasing the membership of the Society.
- The functions of the Committee on Resolutions shall be:
- To solicit, develop and draft proposed resolutions which will express the concerns of the Canon Law Society of America;
- To consult with the membership at large and, in particular with the Board of Governors, the standing and *ad hoc* committees of the Society, and the organizers of the annual convention;
- To formulate proposed resolutions on given points in response to requests of the members of the Society;
- To compose differences in the formulation of similar proposals and to revise all proposals so that the meaning of each is clear;

(See RESOLUTION 1, p.8)

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CLSA Convention 2008 Program: Kansas City, Missouri (October 13 - 16, 2008)

The 1983 Code of Canon Law: Twenty-five Years Later

Keynote Address:

Twenty-five Years of the 1983 Code: Reflections on the Past, Thoughts on the Future

Presenter: Rev. Francis Morrissey,
OMI

Major Address:

The Reception of Vatican II in Participatory Structures of the Church: Facts and Friction

Presenter: Dr. Bradford Hinze

Closing Address:

Shepherding the Faithful: A Bishop's Perspective on the 1983 Code of Canon Law

Presenter: Most Reverend Randolph Calvo, Bishop of Reno

Presidential Hearing:

Future Initiative Project Report (Please bring your copy of the FIP Report sent with Convention materials; also available at www.clsa.org February 19, 2008 posting)

Seminars:

Catholic Identity – Ministry – Liability – Employment: Trends and Challenges for U.S. Dioceses and Religious Institutes/Societies

Sr. Lynn Jarrell, OSU, and Rev. Daniel Ward, OSB

Recent Developments in Tribunal Jurisprudence

Msgr. John G. Johnson

Defective Convalidation

Rev. Augustine Mendonça

“The Newness of the Council Constitutes the Newness of the Code” (John Paul II): Vatican II in the Application of the Law
Dr. Myriam Wijlens

Perspectives on Tribunal Ministry: The 1960s to the Present

Rev. Ronald J. Bowers, SM

Back to the Future: Implementing Summorum Pontificium

Rev. James Baldovin, SJ

To Protect by Civilly Valid Means: Reorganization and the Canonical-Civil Restructuring of Dioceses and Parishes

Rev. John Foster

Associations of the Faithful in the Communion of the Local Church

Rev. Robert W. Oliver, BH

Developments in Sacramental Law in the Years Following the Code

Rev. James Conn, SJ

Recent Developments Concerning Temporal Goods, Including Complementary USCCB Norms

Most Reverend Thomas Paprocki

Navigating the Minefield of the Psychological Evaluation

Rev. Mr. Jerry Jorgensen

(RESOLUTION 1, from p. 7)

- To encourage resolutions which authentically express in a positive way the activities and concerns of the Society.
- The functions of the Committee on Resource and Asset Management shall be:
 - to develop a comprehensive budget for all the activities of the Society and report on the funding available for projects;
 - to submit the proposed budget for the coming fiscal year to the Board of Governors for approval at its spring meeting;
 - to conserve, invest and disburse the monies of the Scholarship Fund in accord with the criteria established by the Society;
 - to select recipients for CLSA scholarships based on criteria approved by the Board of Governors;
 - to advise the Treasurer on all matters pertaining to the Society's investments.
- The functions of the Committee on Professional Responsibility shall be: Regarding complaints:
 - To receive complaints of any party aggrieved with respect to provisions of the *Code of Professional Responsibility* originally adopted by the CLSA in October, 1983, and its canon 9d(i);
 - To make an initial finding that the complaint is not frivolous but is serious in character;
 - By majority vote to refer the matter to the hearing officers.
- To issue advisory opinions and decisions on the application of the *Code of Professional Responsibility*; and
- To advise on all other questions concerning the professional responsibility of canonists (Canon Nine, Section d. (i) of the PR Code).
- Standing Committees may be assigned other duties at the discretion of the President.
- The President shall have discretionary power to appoint such other special committees as the general welfare of the Society shall demand. ▼

CLSA Pre-Convention Workshops **Kansas City, Missouri (October 12 -13, 2008)**

So What Is It That You Really Want?
Simulation in Tribunal Practice

Presenters: Rev. Anthony E. Bawyn
Rev. Paul Pluth
Dr. Lynda A. Robitaille

Aiming for Fair Results: Prescription
and the Right of Defense in Canon Law,
Statutes of Limitation and Due Process in
American Civil Law

Presenters: Rev. Phillip J. Brown
William J. Wagner

Gregorian University Canon Law Colloquium

The week of July 21st, I attended the biannual Gregorian University Canon Law Colloquium. It ran from Monday, July 21st to Friday, July 25th, and was held at St. Charles Seminary in Overbrook, Pennsylvania. I went not as an officer of the Canon Law Society but simply as a canonist practicing in the United States. The colloquium is not limited to graduates of the Canon Law faculty of the Gregorian University, so the attendees came from a variety of backgrounds. While the principle speakers are members of the Gregorian University Canon Law faculty, there were also others involved. Among the members of two different panel discussions were Msgr. Mark Barchak and Fr. Ed Lohse from Erie, Pennsylvania and Fr. Joe Taphorn from Omaha, Nebraska. Participants included canonists from diverse ministries such as Ms. Tish Dugan, in private practice as a civil attorney/canonist, and Fr. Bob Cannon, a US Air Force Chaplain. The practical substance of the colloquium was the interaction of theory and practice in the Church's canonical ministry. Although most of the presentations had a strong academic content, there were always practical implications that were drawn out. Archbishop Francesco Coccopalmerio, the President of the Pontifical Council for Legislative Texts, spoke on *The Role of the Legislator in the Church*. His talk was based on the perception that the Roman Curia exists to assist the Holy Father; it is not autonomous and does not have activities of its own. After stating that principle, he then explained the consequences of it.

Fr. Norman Tanner sj presented a paper on *Eastern Influences on the Canon Law of Western Councils since 1054*. This was a very erudite presentation with some interesting conclusions. For example, after noting that following the schism of 1054 the Western Church was rather hesitant

about doctrinal statements before Trent, he observed that the canonical legislation of same period was heavily dependent on the earlier Ecumenical Councils. He then posed a question current for present-day canonists: is it really possible to separate Canon Law from theology? Fr. Janusz Kowal sj dealt with an issue that has been part of canonical conversations after some dioceses received a recent communication from the Apostolic Signatura: *The Simple Convalidation of Civil Marriage*. Understanding the distinction between an in-existent marriage and an invalid marriage bears upon the practical instruction of marriage cases in our Tribunals.

The presentation of Fr. Jim Conn sj was entitled *The Development & Use of Directories and Instructions since the Promulgation of the 1983 Code*. He was careful to note that the terms, labels and nomenclature on documents are not used always consistently. Consequently, in assessing the canonical weight of a document, the identifying title may not be the only criteria for such determination. In his talk, Fr. Bob Geisinger sj raised some important issues that we all have to face: how does communication and information dissemination through modern technology affect governance? In *Competent Authority, Virtual Governance and Cyber-Communio: Some Questions in the Canonical-Moral Order*, the question of the supervision of teachings and the implementation of norms by ecclesiastical authorities was discussed. Does facile communication make facile consultation and facile consensus more possible? For the security of the faithful, how does a blog-site receive a *Nihil Obstat* and *Imprimatur*?

The presentation of Msgr. Gregory Smith (Vancouver, BC) on *The Canonical Visitation of Parishes* was based not only on his recent doctoral dissertation, but also on his diocesan experience. By way of beginning, he suggested that there is an 'under-man-

agement epidemic' in the Church. He then articulated three observations about the canonical visitation of parishes: it is best understood in the context of a theology of the Episcopal office; it is a very practical and determined canonical institute; and historically it has been an instrument of reform. The subsequent give and take involved a substantial discussion of the practicalities of an organized program of canonical visitation of parishes. How would the parish staff receive this? How is it to be understood as part of customary Church governance and not part of penal law? This topic was later followed by a very practical panel discussion on *The Restructuring of Parishes*. What began as a concrete approach soon tackled a theoretical question: the canonical definition and nature of a personal parish (Canon 518), and how membership in it is determined. If it is determined that there are no members, then might the juridic person of the parish have become extinct? The subsequent disposition of the assets and liabilities would depend on this.

The colloquium's formal sessions ended with a panel discussion on *Penal Procedures*. Fr. Mike Hilbert sj provided the academic substance, while Msgr. Mark Barchak and I raised some practical questions. It was clear from the discussion that the instruction of a penal trial is a developing skill.

Perhaps most beneficial were the opportunities for private discussions between canonists. As we all know, the practice of canon law is an art. It is not merely the application of an ordinance to a situation. In the conversations, canonists were able to describe particular situations and to share methodologies for the service of the People of God. ▼

— Fr. Dan Smilanic

Procedures for Cases Heard Before the ROTA

Recently, several Tribunals have received decisions from the Rota which contain a specific direction for the staff of the Court of First Instance. The direction involves the pursuit of the appeal at the Rota.

With regard to hearing a case by means of the ordinary process in second instance, both the 1983 Code and *Dignitas connubii* are vague. Canon 1640 states that the appellate procedure is the same as the first instance procedure “with appropriate adjustments (*congrua congruis referendo*);” article 266 uses the same terminology. Neither indicate what those appropriate adjustments might be.

The “Norms of the Tribunal of the Roman Rota,” (English translation in the *Exegetical Commentary*, vol. V, pp. 257-288) contains a further explanation of how this will take place, at least before the Rota in Title III.

What is of greatest and most immediate interest to canonists who may be assisting those whose cases were appealed to the Rota in second instance can be found in Article 58§2. After stating the initial choice that the Rota has of either confirming the first instance affirmative decision or admitting the case to an ordinary process, the Norm states that “the *ponens*, with the will of the parties known about the prosecution of the case, will take care to move the case ahead....”

It is the phrase, “with the will of the

parties known about the prosecution of the case (*cognita partium voluntate de iudicio prosequendo*),” that is most important. For most second instance cases, the prosecution of the appeal proceeds automatically. This is not true of cases heard at the Tribunal of the Roman Rota. In these cases, the parties must make their intention known that they wish to prosecute the matter further. In the absence of any manifestation of will on the part of at least one of the parties, the action will be abated after one year, according to Article 65 of the Norms.

The instruction about this matter is usually contained at the end of the decree, after the decision is given that the first instance sentence cannot be confirmed and that the case must be admitted to the ordinary process in second instance. It is not always reflected in the cover letter that accompanies the decree, so the judicial vicar must be clear in his instructions to the parties, informing them that if they wish the case to proceed, they must indicate this to the *ponens*. The judicial vicar, of course, can assist the parties in making their intentions known to the Rota. But without a clear manifestation of the intention of at least one of the parties, the action will be abated and the case will be placed in the Rotal archives. ▼

— Chicago, Illinois
Rev. Patrick R. Lagges, J.C.D.

(PRESIDENT, from p. 2)

designed by someone else, so I admit we spent a good bit of time trying to become familiar with the system. Dan and Sharon reviewed the work of the Society’s committees, and we briefly discussed implementation of the recommendations of the Future Initiatives Project that the Board of Governors approved at its April meeting. In the middle of the week Sharon was able to move the ongoing project of publishing *Canon Law Digest* volume 13 a step further, making arrangements for its indexing, the last step prior to printing.

Now I’m back at home, writing for the *Newsletter*, making some encouraging calls to committee chairs, and beginning to look over the “script” for the upcoming convention. Plus tribunal work and a couple of classes that I teach are demanding attention. It seems the “busy-ness” of the summer is continuing . . . so perhaps I’d best go grab my Bible and say a prayer or two so that I can continue to cope! ▼

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