

6. What follows is a description of dispensations from the requirement for academic degrees for a large metropolitan tribunal that were granted. These were renewals of dispensations previously given.

On April 16, 1990, the moderator of a large, Midwestern court of appeal wrote to the Signatura for an extension of the indult (dated September 20, 1985) for Revs. J.R., D.E., and T.F. to function as judges, and for Rev. R.S. to function as a defender of the bond, all in the court of appeal. A dispensation was asked for Rev. J.L. to function as a judge. He had previously functioned in the court of appeal as a defender of the bond. On September 6, 1990, the requests were granted: the indult for Rev. J.R., D.E., T.F. and R.S. was extended for five years, and the dispensation for Rev. J.L. to function as a judge was given for five years. Of worth noting is that, in the cover letter which communicated the decisions, the judicial vicar of the court of appeal was asked to send to the Signatura two decisions rendered—both in first and second instance—of “Consent Defective in its Formal Object (cc. 1055, 1057)” and one decision—either in first or second instance—of regarding the caput “the good of the spouses” (*bonum coniugum*) (c. 1055). At this writing, those decisions have been transmitted, but no further communication has been received.

On August 3, 1990, the same moderator again wrote to the Signatura for an extension of the dispensation given to Rev. J.O. to function as a defender of the bond and promoter of justice in second instance.

On October 1, 1990, the Signatura replied, extended the dispensation for Rev. J.O. for five years. The episcopal moderator was asked, within the five years, to see to it, inasmuch as possible, to prepare judges and others with the qualities which are specified in the canonical legislation.

Apostolic Signatura, 1990, Academic Requirements for Judges and Defenders of the Bond (unofficial translation), *RRAO* (1991): 39-50.

NZBC, Decree Permitting the Appointment of Qualified Lay People as Ecclesiastical Judges, October 1994.

In virtue of c. 1421, §2 the New Zealand Catholic Bishops Conference permits that the Diocesan Bishop or Moderator of any tribunal within our territory may appoint lay persons as judges. Where necessity suggests one of these may be chosen in forming a College of Judges.

NZBC, October 1994, Gen. Decr., *Code of Canon Law Annotated* (Montréal: Wilson & Lafleur Limitée, 2004): 1720.

CANON 1425

NZBC, Decree Permitting Cases to be Entrusted to a Sole Clerical Judge, October 1994.

Since in the Tribunal of First Instance for the territory of the New Zealand Catholic Bishops Conference it is not always possible to always constitute Colleges of Judges, we—for as long as the impossibility persists—permit the Moderator of the Tribunal to entrust cases to a sole clerical judge. Where possible, the sole judge is to associate with himself an assessor and auditor.

NZBC, October 1994, Gen. Decr., *Code of Canon Law Annotated* (Montréal: Wilson & Lafleur Limitée, 2004): 1720.

CANON 1443

Roman Rota, Norms for the Tribunal of the Roman Rota.

Roman Rota, April 18, 1994, Norms, *AAS* 86 (1994): 508-540; *Exegetical Commentary on the Code of Canon Law*, Ángel Marzoa, Jorge Miras and Rafael Rodríguez-Ocaña, eds., vol. 5 (Montréal: Wilson & Lafleur/Chicago: Midwest Theological Forum, 2004): 257-288.

CANON 1444

Roman Rota, Requirements for Cases Submitted to the Roman Rota.

Presented here are two items of correspondence directed to the National Conference of Catholic Bishops regarding the requirements of the Roman Rota for cases submitted to them on appeal. Archbishop Keeler forwarded the correspondence to the bishops in the form of memoranda. The first is from June 22, 1993, and the second is from December 14, 1993.

In 1988, an agreement was reached between the National Conference of Catholic Bishops and the Apostolic Tribunal of the Roman Rota regarding procedures governing cases submitted to the Tribunal by dioceses in the United States. The norms were promulgated on April 8, 1988, by Archbishop John J. May, President of the NCCB, *ad experimentum*.

On May 28, 1993 Archbishop Ernesto Fiore, Dean of the Rota, in a letter to me, noted that the Apostolic Tribunal has found the agreement to be “quite satisfactory.” He also indicated that they would like to continue

the 1988 agreement with *two* modifications and asked that I communicate them to you. The first modification concerns the matter in which the acts are submitted to the Rota for processing. The second change raised the stipend for processing a case in order to defray administrative costs and fees for service of the *ex officio* advocates and substitute defenders of the bond assigned to the cases.

The norms agreed upon on April 8, 1988, as well as the modifications (in italics) are listed below:

1. Six good copies of the acts are to be sent to the Rota. Given international postal rates, and the difficulty of mailing parcels, the Tribunals may prefer to furnish *one* clearly legible copy of the acts (with its index and certificate of authenticity) ready for photocopying. The Rota would then see to the duplication of the acts in the necessary quantity.
 - a. Each case should be accompanied by an index of the acts of the case and of the process.
 - b. All handwritten material should be accompanied by a typewritten transcript. Styles of calligraphy vary a great deal so that what is entirely legible to some may be altogether illegible to others. Moreover, photocopying does not usually enhance handwritten material.
2. The Rota will assign cases to judges who are knowledgeable in English.
3. The Rota will assign advocates on an *ex officio* basis. This provision is without prejudice to the right of the parties to select advocates themselves and to remunerate them according to a schedule of fees they agree upon.
4. The U.S. Tribunal will send a stipend of \$750-850 to the Rota. No other fees or monies for cases submitted under this agreement are requested or required. Any solicitation made by anyone for additional sums for any case for any reasons should not be honored. Such unauthorized requests should be referred to the Rota immediately. The parties to the cases should be so instructed. If, in a given case, the parties are unable to sustain the stipend of \$750-850, they may apply for gratuitous patronage according to the usual norms.

The revised norms will take effect January 1, 1994. Please share this information with the appropriate personnel in your diocese.

The second memo (Prot. No. 612) included the following letter from Msgr. Mario Pompedda, the dean of the Rota [English original]:

My predecessor as Dean of the Roman Rota, the Most Reverend Ernesto Fiore, wrote to you on May 28, 1993, to solicit your collaboration in revising somewhat the agreement your predecessor, Archbishop John L. May, had entered into with the Rota some five years earlier. You graciously wrote to the Their Eminences and Excellencies the Diocesan Bishops of the United States, members of your Episcopal Conference, on our behalf. We are very grateful to you for your kind cooperation in this regard.

Now, as Archbishop Fiore's successor, I come to you with yet another request. We would be very grateful if you would call to the attention of the Bishops norm 1 of our agreement, concerning the submission of the written acts of cases to the Rota. Perhaps the other norms seem to be more important, but lapses in the observance of the first item cause us some difficulties.

When clearly typewritten pages are photocopied, the result is usually very good. Handwritten material, however, is another matter: all colors do not copy equally well; lightly written lines often do not come out on copies; photocopiers do not always accurately reproduce the shadings of the original; certain inks do not copy at all. Most of all, of course, is the fact that handwriting systems vary greatly from continent to continent, sometimes from country to country. It is often not possible for us to read the handwriting submitted to us, even when it is very clearly copied.

We solicit, through you, the cooperation of the tribunals, so that they will provide only typewritten material to us. If for some reason the fact of a given item's being handwritten is particularly important, that item may be sent, but always with a typewritten text. Even poorly typewritten material is preferable to holographic documents.

This may seem quite a small point to you, but consider that many people are unfamiliar with the handwriting used must nonetheless be able to read and understand the material—a price, I suppose, of our Tribunal's multinational character.

We would be grateful too if you would remind the Tribunals that our service to them is much simplified if cases come to us paginated and with an index. It also helps if at least the principal documents in a case are given their titles as found in the English translations of the *Code of Canon Law*.