

Report on the Resolution to Study the Feasibility of a National Penal Tribunal in the United States

Any Penal Tribunal - national, regional, or inter-diocesan - must have the approval of USCCB or at least a statement of "no objection" before petitioning the Apostolic Signatura for approval. *See canons 1423 and 1439.*

General Issues to Consider

SCOPE

The Tribunal designated to handle penal cases for a particular diocese could be diocesan, inter-diocesan, regional or national depending on the configuration chosen by the bishop(s) involved and approved by the Apostolic Signatura. For any of those configurations of jurisdiction, there will be questions of the scope of delicts properly adjudicated by this tribunal. Does this Tribunal handle only situations of *graviora delicta*? If so, ultimate authority to choose the kind of procedure and to authorize that process rests with the Congregation for the Doctrine of the Faith. If not limited to *graviora delicta*, does this Tribunal properly adjudicate situations involving only priests, or only clergy including deacons, or any person accused of a canonical delict? USCCB includes Eparchial Bishops so would a National Tribunal include experts in both Latin and Eastern law?

A further consideration would be whether this Tribunal will handle cases solely in First Instance with appeals handled by the Congregation for the Doctrine of the Faith for *graviora delicta*, or the appropriate Vatican tribunal for other matters.

After successful experience of regional or inter-diocesan United States Tribunals, that arrangement could develop into a national penal Tribunal. Inter-diocesan Tribunals could be composed of non-neighboring dioceses so that Judges and Promoters of Justice do not have personal relationships with accused clerics causing them to recuse themselves from trials.

LOCATION

Whatever configuration of jurisdiction is agreed to by the bishop(s) involved, it may be practical to arrange for different sites where the Accused and Accusers as well as witnesses may be heard in person without extensive travel across the US, taking into consideration also the distance involved for the tribunal officials appointed to a particular penal trial or procedure. Internationally Tribunals have had success in using virtual interviews, witness statements and processes. The financial benefit to virtual tribunal work could be great. Using virtual for tribunal work would be convenient for everyone involved. Eliminating the need for extensive travel would mean processes could be completed in a shorter period of time.

BALANCING RIGHTS

Any tribunal must respect the rights of all those who are involved including their rights from natural/divine law, civil law, and international law as well as Church law. This tribunal would need to intentionally respect and balance the rights of all those involved in a particular trial or penal process. Most such tribunals are careful about the rights of the Accused but may not be as consciously aware of the rights of an Accuser including the right to have his/her name kept confidential for good reasons balanced with the right of the Accused to know his/her Accusers. There is an Advocate for the Accused. Who safeguards the rights of the Accuser(s)? There need to be protocols to safeguard the rights of the parish/ parishioners of the place of the alleged delict, the rights of the diocese and the diocesan Bishop, the rights of Advocates involved in such procedures, the rights of witnesses perhaps to have their identities kept confidential for good reasons and the additional rights of the Accused if he is a Pastor.

The experiences most canonists have had working with penal processes have resulted in frustration on many levels. Without offering specific, egregious examples, it is important to organize a consolidation of penal procedures, whether Regional, Interdiocesan or National, to benefit all of those involved in the process.

The Practical Points

Moving to a more consolidated Tribunal System for penal cases has very lofty motivations both morally and canonically. But change costs money. Serious considerations of the practicalities involved can minimize the resources needed to accomplish these goals. Although the number of penal cases for matters of *graviora delicta* have lessened, they still remain a concern. Each case must be handled with as much transparency and consistency as possible to ensure justice is served for everyone involved in the case. To accomplish this, the most practical component of any consolidation may be reliance on electronic resources.

An initial budget must first determine funding. Would the costs be split equally among the participants? Would the funding be pro rata based on each individual trial or population of the participants? Could there be a base funding by participants with an additional assessment based on trial expenses?

It is necessary that any consolidated Tribunal have a central location for everything from receiving mail communications to retaining archives. Encrypted email cuts down on the reliance on the US Postal service when used reliably. Archives are critical to maintain. If virtual resources are used, it is easier to retain a video copy of any actual proceedings with the option of transcribing proceedings only where necessary, for example if an appeal is made. A consolidated Tribunal needs one central person or department for oversight of technology used by the Tribunal. Although the initial costs of setting this up may be the major part of any budget, it will level off once the framework is in place.

The leveling off effect is true for the entire initial budget of a consolidated Tribunal. How much to budget initially needs to be studied carefully. It would include costs for location, personnel and technology. With the number of cases dissipating, how permanent and full time does the administration component of the Tribunal need to be?

For personnel, canonists and administrative personnel are needed. Should there be stand-alone personnel or shared personnel from diocesan Tribunals? Need and experience will dictate who would be required fulltime or on a case-by-case basis. The canonical personnel of any Tribunal are: Moderator, Judicial Vicar, Adjutant Judicial Vicar, Judges, Promoter of

Justice, Advocates, and Priest Notaries. There should be appointments of canonists for these roles to begin training for the job. Then these people would be ready as needed. Administrative staff can be appointed depending on the experience and qualifications of those who wish to participate.

The personnel and financing of any consolidated Tribunal are as important to this Tribunal as the scope, competence and balancing of rights.

The Goals

Whether the consolidation of a penal Tribunal system is regional, inter-diocesan or national, the goals remain the same.

Consistent procedures

Consistent application of the law

Relatively consistent results from case to case

Helps ensure properly qualified jurists and other personnel are handling such matters

Consolidates resources

More efficient processes (thus less likely to incur unnecessary delays)

Easier to educate the public and promote transparency of the nature of a penal process

Avoids potential conflicts of interest at the (arch)diocesan level

On Regional or Interdiocesan Tribunals

Presumptions

At the outset we must point out that our considerations must take into account several presumptions, which we shall endeavor to point out along the way. The goal of this effort, however, is to weigh the sometimes-competing values that are to be upheld.

The first presumption is that the national conference of bishops affirms the idea of a Tribunal outside the ambit of solely diocesan competence. There is clearly a value in direct episcopal oversight of the exercise of judicial power in matters arising in a given diocese (*canons 391 & 393*). But the challenge for a particular diocese, especially smaller dioceses with few clerics having canonical expertise, to have sufficient personnel to have a penal trial, if such is required, and the value of a transparent process when the public perception raises the question of familiarity within a given presbyterate, may advocate convincingly that a bishop delegate competence, where a founded accusation of a *graviora delicta* has been made against a cleric of his diocese, to such a Tribunal.

A second presumption is two-headed. Even if the national conference should agree on the idea, and it may be that such a consensus is not unanimous, perhaps even suggesting a desired structure for a supra/extra-diocesan Tribunal for certain cases, it will be up to the Signatura to grant competence to the conference to establish this jurisdiction. And the Signatura may affirm a structure suggested by the conference, or it may direct that a different structure be employed. The Signatura may also very well safeguard the right of individual diocesan bishops not to delegate the *munus iudicandi* proper to himself.

So, let us presume to assume, that the USCCB has come to a consensus, has asked for and received the requisite license from the Signatura, and that the Signatura has even left it to the discretion of the bishops of the United States to determine how extra-diocesan Tribunal(s) are to be established. What form might they take, and what are the respective challenges and advantages?

The USCCB has divided the United States into fifteen regions, more or less geographically contiguous. These are not canonically established but assist the bishops in coordinating their pastoral efforts. They could also serve as the starting point for establishing regional Tribunals.

The *Advantages* to a **Regional** approach are:

It is a structure already familiar to the bishops;

It would provide a significantly wider pool of canonists for each participating local ordinary than available in his diocese alone; and

It minimizes the distance participants would have to travel to appear before the Tribunal when virtual or electronic resources are not useful or appropriate;

The *Challenges* in a **Regional** approach are:

If one or more bishops in a given region declined to participate it could greatly impact the effectiveness of a Tribunal by reducing the available pool of canonists, and

it may still subject the Tribunal to a public perception of clerical favoritism because the priest participants are members of adjacent dioceses.

Another option may be the creation of **Inter-diocesan Tribunals**, independent of the USCCB regions or canonical provinces, established by mutual agreement among individual bishops in consideration of their respective canonical resources. The USCCB could offer guidelines to assist the bishops in their efforts, suggesting what resources they would need to consider in entering into an agreement with other bishop(s).

The *Advantages* to an **Inter-diocesan** Tribunal are:

Better management of personnel, because a given Tribunal would be structured on the basis of the consideration of the requirements for said Tribunal;

Greater transparency, because the priests appointed would be less likely to have personal acquaintance with the cleric against whom an accusation has been made.

The *Challenges* to an **Inter-diocesan** Tribunal include:
It would require more effort and initiative on the part of participant bishops;
It may require approval by the Signatura for each proposed collaboration;
Travel may be a greater challenge for parties, witnesses and members of the court if available internet and virtual resources are not used effectively.

CONCLUSION

Details to consider before requesting permission for a National or Regional Penal Tribunal

Grade of Tribunal

1. Will this Tribunal handle only First Instance cases with all of them going to CDF for Second Instance (aware CDF may delegate a Tribunal to handle Second Instance cases acting as CDF.)

Place

2. There needs to be physical space provided for this Tribunal to function, perhaps in the offices of an already existing Tribunal in the region or nation, or in the case of a National Tribunal, in the offices of the USCCB.

Type of Tribunal: decide whether to erect a regional, inter-diocesan, or national penal Tribunal

1. Signed agreement of the bishops of the (arch)dioceses involved
2. Approval or at least a statement of no opposition from the national bishops' conference
3. Petition to the Signatura to erect the Tribunal or to extend the competence of an already established regional, inter-diocesan, or national Tribunal for marriage cases to also be competent for penal processes

Personnel

4. One method would be to appoint one of the (arch)bishops as Moderator with authority to recruit and appoint Tribunal personnel

5. Personnel: an individual could self-nominate with a letter of recommendation and approval from that person's current (arch)bishop/major superior – more likely permitted for a parttime position while continuing in the current (arch) diocese or religious order. The process of self-nomination would ensure interest in taking on this additional ministry.
6. Could these Tribunal officials serve for certain specified days each month while maintaining full time other jobs?

Tribunal Director

7. Probably fulltime for a National Tribunal, possibly parttime for a regional or inter-diocesan penal Tribunal
8. Appointed by the Bishop Moderator to organize decrees for the signature of the Bishop Moderator who would appoint personnel.
9. The Tribunal Director might have the assistance of a notary/auditor (or use the support staff already working with that person in the Director's other Tribunal ministry).
10. The Tribunal Director could also prepare ordinary procedural documents for the signature of the Judicial Vicar appointed by the Bishop Moderator and at least one Adjutant Judicial Vicar for situations when the Judicial Vicar might need to recuse himself due to knowing those involved in a particular case.
11. Each (arch)diocese could be required to supply a priest as Judge or Promoter of Justice with the required canon law degree
12. Bishop Moderator could decide or delegate the Tribunal Director to decide which personnel will be fulltime or parttime and could set up a system of rotation of personnel to be assigned to cases.

Financing

13. For a national Tribunal, the Bishops' Conference could be responsible for the costs
14. Each (arch)diocese could be assessed the same fraction of the costs. (Assessing costs per trial or administrative procedure handled would be problematic if there were no cases in a given year while at least some of the personnel would be responsible for the Tribunal although other Judges or even Promoters of Justice might be called upon only as needed.
15. If proportionate costs assigned to each (arch)diocese involved, would proportionately be determined by the number of Catholics in each (arch)diocese or equally assessed?

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APPENDIX

Penal Regional and National Tribunals in Other Countries

The United States System of State and Federal Courts

International Concepts on a National or Regional Penal Tribunal

The concept of a National or Regional Penal Tribunal is not a novel one. Many countries in the Universal Church have engaged with the possibility. Below is a list of those countries and following is information related to their status. More countries are beginning to assess the idea within their own countries or regions. Those countries who have initiated national or regional Tribunals and did so before the pandemic, were hampered in exercising them. Few cases were able to go forward.

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We thank all of those who so graciously and generously shared their time, information and experience for this report.

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AUSTRALIA

Catholicism in Australia

Catholicism in Australia began with Irish convicts sent to penal colonies in Australia, never to return home. From these sad and modest beginnings, the Catholic Church is now the predominant Christian faith in Australia, approximating twenty-three percent or five and a half million Catholics in the entire population of twenty-five million, seven hundred and seventy-five.

The Catholic Church in Australia has five provinces: Adelaide, Brisbane, Melbourne, Perth and Sydney. It has thirty-five dioceses, comprising geographic areas as well as the military diocese and dioceses for the Chaldean, Maronite, Melkite and Ukrainian rites. The Catholic Church in Australia is the largest non-governmental provider of welfare and education services in Australia. Abortion and same sex marriage and no-fault divorce are legal in Australia.

The Australian Catholic Bishops Conference is the national episcopal conference of the Catholic Bishops of Australia, approved by the Holy See in 1966. In the past, the rights of indigenous peoples had been an important issue to the Conference. Now, the Conference has little time to deal with much more than the sexual abuse crisis, including the publicity surrounding the conviction and then exoneration of Cardinal Pell. The Royal Commission studying the crisis recommended that the seal of confession be broken in the matter of child sexual abuse. The Conference has rejected this recommendation on the basis that it impinges on religious liberties. In the midst of this maelstrom of publicity the bishops have stated unequivocally that the sacramental seal of confession will not be broken.

The Tribunal Structure in Australia

In September 2020, the Australian Royal Commission on Child Sexual Abuse recommended (16.15) that the Australian Catholic Bishops Conference and Catholic Religious Australia, in consultation with the Holy See, should consider establishing an Australian Tribunal for trying canonical

disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.

There is confusion about that recommendation being made to the Holy See because of the current situation in Australia. The Regional Tribunals in Australia are competent for all cases including penal cases but those Tribunals usually only deal with marriage declaration of nullity cases. The Royal Commission thought that the pooling of expertise in a national Tribunal would be more effective in handling penal cases for the potential dismissal from the clerical state.

FRANCE

Catholicism in France

France has been dubbed "eldest daughter of the Church" because the Catholic Church was established there in the second century, and it has stayed in unbroken communion with the Holy See ever since. The French Church has had an extensive and varied history from its beginning through to the Holy Roman Empire through to the French Revolution. Since the beginning of the 20th century, the French government has held absolute neutrality of the state with respect to all religious doctrine. This results in a stark separation of Church and state.

Estimates of Catholics in France depend on who is actually counted as Catholic. For example, lapsed Catholics and atheist Catholics are self-described genres within the faith there. The most reliable estimates range from forty-one percent to eighty-eight percent of the general population of 65,406,257.

The Bishops Conference of France is the national episcopal conference of Bishops. It includes fifteen ecclesiastical provinces with fifteen Archdioceses. There are eighty suffragan dioceses.

Catholic education is highly regarded in France and twenty-two percent of all students are enrolled in Catholic schools, elementary and

secondary. The national shrine of France is the Shrine of Our Lady of Lourdes and has more than five million pilgrims visit every year.

On November 9, 2019, a large majority of the 120 Bishops who are members of Conference of French Bishops approved a resolution agreeing that every French Catholic Bishop would pay compensation for abuse which took place in the French Catholic Church. In June 2020, the Independent Commission on Sexual Abuse in the Church (CIASE), which was set up by the bishops in June 2019, concluded that 3,000 children in France were sexually abused by Catholic clergy and officials since 1950 and that there was an average of 40 victims per year.

The Tribunal Structure in France

In April, 2021, the Catholic bishops of France decided to create an inter-diocesan canonical criminal court on a national scale. This possibility was put forward during the March plenary assembly of the French Episcopal Conference (CEF). It is seen by many, including the bishops, as part of the overall response to the crime of the sexual abuse of minors by clerics.

"Many people suffer from the slowness of canonical procedures because officialdom is often overwhelmed," said Archbishop Eric de Moulins-Beaufort, the CEF president. "The creation of a national structure is also motivated by the difficulty of recruiting personnel for the existing offices," he added.

In the last year, marriage cases approximates 90% of the work of the ecclesiastical courts in France. Figures show that requests for marriage annulments have doubled since Pope Francis published his apostolic exhortation *Amoris Laetitia* in April 2016.

The same Tribunal officials who oversee marriage cases also deal with cases related to penal law in the Church and the number of penal cases has taken an upturn in France.

MALTA

Catholicism in Malta

The predominate religion of Malta is that of the Catholic Church. It was St. Paul who converted Malta after a very long and diverse history of religion in Malta.

Because of its strategic location in the Mediterranean Sea, there is prosperity to Malta so that it is able to support a population out of proportion to its size. It is one of the world's smallest countries and one of the most densely populated. There is a Church density of one Catholic Church per square kilometer.

In 2018, 93.9% of the population identified as Catholic and Catholicism is the official religion of Malta as declared by its Constitution.

The Tribunal Structure in Malta

The two dioceses in the Republic of Malta, the Archdiocese of Malta and the Diocese of Gozo, each have their own respective Tribunal for cases of matrimonial nullity in the first instance, while the Metropolitan Tribunal acts in second instance. Penal trials, however, are constituted by the delegation of members of those Tribunals by the appropriate Congregation in Rome for the specific case. In one case, because the accuser was personally known to members of the respective Tribunals, a judge was required to be delegated from another country. Paucity of qualified clergy is a challenge.

THE NETHERLANDS

Catholicism in the Netherlands

The Catholic Church is the largest religious group in the Netherlands, despite the loss of 650,000 members since 2003. This decrease has been happening steadily every year at the rate of one-half a percent annually.

Catholics through history there were discriminated against until the second half of the twentieth century. In 1580 the Catholic faith was officially banned in the Netherlands. The Episcopal Hierarchy was not restored until 1853. The discrimination against Catholics was to the point of confining them to live in specific sections of the Southern part of the country, where they flourished. Most Catholics still reside in the southern parts of the country with the Protestant Church based in the North.

Wim Deetman, a former Minister of Education, published a report of child abuse in the Netherlands. The report was published in 2011 and caused a tremendous scandal in the country. It alleged more than eighteen hundred incidences of child abuse by Clergy and staff and volunteers within the Dioceses that occurred since the fifties. In 2014 Cardinal Wim Eijk blocked a planned visit by Pope Francis, allegedly because of a total lack of interest in the visit by the Dutch people.

The Tribunal Structure in the Netherlands

Netherlands has established with a nihil obstat from the Signatura the Interdiocesan Tribunal of first instance for handling penal processes for the Archdiocese of Utrecht, the dioceses of Breda, Groningen-Leeuwarden, Haarlem-Amsterdam, Hertogenbosch, Roermond, Rotterdam. A Decree issued in October 2011 called for the Tribunal to begin as of 1 January 2012. The Judicial Vicar, Adjunct Vicars Judicial, Judges, Promoters of Justice and their substitutes are appointed by the Archbishop and Bishops by an absolute majority of votes for a period of five years, able to be appointed again. Other ministers such as notaries, auditors, secretaries as well as court-appointed private investigators and peritus are appointed by the Bishop of Haarlem-Amsterdam designated as Moderator. The expenses are paid proportionately by the Archdiocese and Dioceses. An annual report must be

made to the Signatura. As far as the NPT committee was able to find out, no penal trials have been held.

NEW ZEALAND

Catholicism in New Zealand

The area covered by New Zealand is 104,751 square miles and its current population is 4,857,452 people. The native population of this British dominion is known as the Maoris. There is a vast amount of quality grazing land in New Zealand, so it produces a great amount of wool, meat and dairy. It has a great depth of excellent timber and mineral resources.

It was Irish emigrants who were the pioneers of Catholic colonization in New Zealand. Once that foothold was gained, French missionaries formalized the faith there in 1838. Today Catholicism is the main Christian denomination of New Zealand. The Catholic population is 12.61% with twenty-five percent of those attending Mass regularly. It surpassed the Anglican Church as the predominant Christian faith in 2018.

The New Zealand Catholic Bishops Conference leads the Catholic Church in New Zealand. The Archdiocese of Wellington is the only archdiocese. The five suffragan dioceses are Auckland, Christchurch, Dunedin, Hamilton and Palmerston North.

The Tribunal Structure in New Zealand

Before 1987 marriage cases in the Second Instance from Australia and New Zealand were handled by a joint Tribunal between Australia and New Zealand, but at that time the Signatura established a separate, inter-diocesan Tribunal in New Zealand for penal cases from New Zealand while Sydney, Australia, was made competent for marriage cases in the Second Instance from New Zealand. This may have been because New Zealand is subject to the Congregation for the Evangelization of Peoples while Australia, in matters concerning discipline of the clergy, is under the Congregation for the

Clergy. There was also concern expressed by the Signatura, in regard to marriage cases, that under the prior arrangement some personnel might be involved in the same case on two instances. In practice, disciplinary measures, when needed, have been handled administratively by the respective bishops of New Zealand and no penal trials have been required.

NORWAY

Catholicism in Norway

Norway has a general population that approximates five million people. The Catholic population approximates two and one-half percent. In Norway, the Church receives a government subsidy based on the number of registered Church members.

The Catholic Church of Norway is part of the Scandinavian Bishops Conference which includes the Bishops of Norway, Finland, Iceland, Denmark, and Sweden. At present, it has 12 members who represent all five Catholic dioceses and two territorial prelatures in the Nordic countries. It is unusual for bishops' conferences to be organized including several different countries. The reason for this may be that there are fewer than one-half million Catholics in these countries combined. Here there is strength in unity.

Today Norway is divided into three Church Districts, the Diocese of Oslo, and the prelatures of Trondheim and Tromsø, and these three consist of thirty-eight parishes.

The Tribunal Structure in Norway

The Tribunal of the Diocese of Oslo was re-formed in the early 1970s to handle all cases for the Diocese of Oslo and then extended by the Apostolic Signatura to the Territorial Prelatures of Tromsø and Trondheim. This Tribunal is competent for all contentious cases. It is directly funded and staffed by the Diocese of Oslo, with the Prelatures contributing on a per case

basis. The Moderator and the Administrator of the Tribunal are the only posts whose positions are full time. Other positions are part time or filled from parish priest nominations and input from Catholic organizations. As the Norwegian church is increasingly multi-national and multi-ethnic, considerable use is made of translators, both volunteer and paid. Although the Bishops Conference covers all Nordic countries, the Tribunal of the Diocese of Oslo serves only Norway. There have been no *graviora delicta* cases before the Oslo Catholic Tribunal. Those, so far, have all been handled administratively, with the help of Tribunal officials where necessary.

Even though Norway's Catholic population is small, the country is large and the Catholic population spans the country. The Diocese of Oslo is very technologically savvy. Its technology department is extremely advanced. It has, too, its own publishing house that is also highly regarded. Because of the size of the country and extremes of weather from September to May, the Tribunal has been experimenting for five years, with virtual interviews, taking of statements and consulting. It has great experience in dealing securely and comprehensively with its virtual procedures with great success. The Tribunal plans on expanding this technological experience as it moves forward. It could serve as an example to other Tribunals in transitioning to post-pandemic practices.

THE PHILIPPINES

Catholicism in the Philippines

Catholicism started in the Philippines in the 16th century with the influx of Spanish explorers and settlers with a goal of capitalizing on the spice trade.

Of the estimated eighty-four million Catholics in the Philippines, thirty-seven percent are estimated to attend Mass regularly. The general population of the Philippines surpasses one hundred and ten million and eighty-five percent of that is Catholic. In addition, The Philippines is home to many of the world's major religious congregations. Today the Philippines, along with Timor, have the largest, national Catholic populations in Asia.

The Catholic population of the Philippines is third internationally behind Brazil and Mexico.

The Catholic Church is involved in education at all levels. It has founded and continues to sponsor hundreds of secondary and primary schools as well as a number of colleges and internationally known universities.

The Episcopal Conference responsible for governing the faithful is The Catholic Bishops Conference of the Philippines. The Catholic Church in the Philippines governed by the Conference is organized into seventy-two dioceses in sixteen ecclesiastical provinces.

The Tribunal Structure of the Philippines

The Philippines National Second Instance Tribunal was erected in 1984 but their records of marriage cases date back only to 1996. The Tribunal was established for marriage cases but is competent for all cases. Three Judges make up the Tribunal, one bishop and two priests, who take turns acting as Instructor Delegate or Auditor, as ponens or as Associate Judge. Three priest Defenders of the Bond may function instead as the Procurator/Advocate or Promoter of Justice for a case if needed. There is a priest who is ecclesiastical notary. The bishop responsible for the Tribunal is appointed by the Conference of Bishops and he selects any other Tribunal staff members and appoints them to Second Instance. There is a fixed fee per case for which the parties in the causes are responsible. Currently the bishop responsible for the Tribunal seeks funding through various sources. The Tribunal is centrally located in Manila, the capital of the country. Ideally the Tribunal would be supported by the Conference of Bishops which is the wish of Pope Francis in *Mitis Iudex*.

SCOTLAND

The Catholic Church in Scotland

The Catholic population of Scotland is 16% of the total population. The Catholic Church is the second largest Church in Scotland after the Church of Scotland. The Bishop's Conference of Scotland is made up of the presiding Bishops of Scotland's eight dioceses and Bishops who have retired. The Church in Scotland is governed by its own hierarchy and Bishops Conference independent of any other Bishops Conference in the United Kingdom.

Christianity was introduced in Scotland as early as the fourth century and remained stable and under papal authority until the Scottish Reformation in the sixteenth century when any association with Catholicism was illegal. The Catholic hierarchy was re-established by Pope Leo XIII .

Sectarian violence was the norm into the 1980s when the United Kingdom government passed several provisions specifically targeting sectarian violence as crime.

The Tribunal Structure in Scotland

In the 1970's the Scottish National Tribunal was established as a national Tribunal serving the eight dioceses of Scotland. It was established to handle all cases including marriage and penal cases. The Tribunal has always been located in Glasgow. It comes specifically under the governance of the Bishops Conference. Finances come into play in a general manner. Each Diocese pays an annual amount to the Bishops Conference based on a *pro rata* amount linked to the population of the Diocese. The Conference then funds the Tribunal from the general fund of the Bishops Conference.

Staffing of the Tribunal is not governed by any protocol. The Bishops Conference meets every month. The bishops are in regular communication with each other in between. It works for them to deal with matters as they become important or pressing. They address Tribunal issues on an ongoing basis, just as they do all matters under their jurisdiction. As vacancies and staff openings arise, they deal with them. The Tribunal has dealt with three

penal cases, none of which involved *graviora delicta*. Any cases that did were all handled administratively.

TORONTO CANADA

Catholicism in Toronto Canada

The Archdiocese of Toronto was established in 1841. It is one of the most ethnically diverse dioceses in the world. There are thirty-six ethnic and linguistic cultures in the Diocese and Mass is celebrated in each language every week. Geographically the Archdiocese is made up of four pastoral regions and each one has an auxiliary bishop. Within these four regions are fourteen pastoral zones, which comprised of parishes.

The Regional Tribunal Structure of Toronto Canada

The Toronto Regional Tribunal has been established as competent for all cases—marriage nullity and penal cases. It consists of 7 dioceses and 2 provinces, covering 4 million Catholics. Their competence was expanded to include penal cases as of January 1, 2020, but no penal trials have been held since then. The bishops of the region nominate persons for Judicial Vicar, and the Judicial Vicar is appointed by the moderator of the region. The Judicial Vicar is to meet with each bishop at least once a year. The Tribunal Staff consists of 30 full-time persons, half of whom are canonists. To date, their primary work has been marriage nullity cases. On penal matters, individual bishops conduct their own preliminary investigations. If a bishop requests from the Congregation for the Doctrine of the Faith, to proceed administratively, then the Toronto Regional Tribunal is not involved. Because their Tribunal primarily handles marriage nullity cases and is funded as such, they do not intend to charge separately for handling a penal matter unless it is particularly unique with unusual expenses.

The United States National Tribunal

The State and Federal Court Systems

In the United States there is one national court system, the Federal Court system. As a national tribunal system, it has set many examples worth studying. Its Mission states: “The United States Courts are an independent, national judiciary providing fair and impartial justice within the jurisdiction conferred by the Constitution and Congress. As an equal branch of government, the federal judiciary preserves and enhances its core values as the courts meet changing national and local needs.” The Federal Judicial System was established by the Federal Judiciary Act of 1789. It was one of the first acts of the first Congress signed into law by President George Washington. This system has worked in much the same initial fashion since then. It encompasses all fifty states by breaking them in to ninety-four district courts at the base level. These are the trial courts for criminal and civil disputes.

The next level of courts is the circuit or appellate level. There are thirteen of these circuit courts that serve as the appellate level courts for the 94 district courts. They are delineated regionally throughout the United States. The final level of federal court is the United States Supreme Court which is the ultimate appellate court for the entire country.

Federal Courts are courts of limited jurisdiction in that they can only hear cases that are authorized by the United States Constitution or by federal statute.

The District Court would be the same level as the Tribunal in Canon Law. The Appellate or Circuit Court would be the same level as the Second Instance Tribunal. At the apex, the United States Supreme Court would be the Holy See with its courts and congregations.

The District Court cases can go forward before a judge or a jury. Circuit Court proceedings occur en banc with three Appellate Judges deciding an appeal. Most of the forms and filings are uniform but some local variations occur where necessary. Each court has its own court houses, budgets and staff. District Courts can vary radically but at the Appellate level the decisions smooth out the conflicts and any contradictions in the law.

In 2020 U.S. District Courts determined five hundred and eleven thousand cases. The Appellate Courts decided just under thirty-eight thousand cases.

Additional Information on Federal Courts can be found at:

<https://www.uscourts.gov/>