



27th April, 2011

45/2011

ADMISSION OR EXCLUSION OF ADVOCATES FROM THE ECCLESIASTICAL TRIBUNAL

Without referring to any particular case, the principles for the admission or exclusion of advocates from the Album of an Ecclesiastical Tribunal are taken from these documents.

The Apostolic Letter *Justi Judicis* (art. 6) of 1988 states that “Furthermore from the Album should be removed ... those who agree with or are active in associations or movements which promote ways of thinking or acting that are contrary to the faith and the Catholic teachings about morals, or defend proposals and advice about civil order which go against the precepts of natural and christian law”.

The Supreme Tribunal of the Apostolic Signatura, on July 12, 1993 in a reply to an express query laid down this norm “according to canon 1483 the advocate must be of good repute... The proper treatment of marriage nullity cases presupposes the right doctrine about marriage and its indissolubility, which right doctrine also requires that it be manifested in life. “

Furthermore Pope Paul John II in his address to the Roman Rota on the 22nd January 2002 said: “Legal workers in the civil field should avoid being personally involved in anything that could imply cooperation towards divorce.”

The Ecclesiastical Authorities need to take such decisions because the advocate’s role is not only to defend the interests of his/her client but also to defend the validity of marriage as a life long commitment. Embracing divorce hinders this aspect of the advocate’s mission in the Tribunal.

During their years of formation the advocates are informed about these norms so that they can be aware of the consequences of their options. The advocate remains free to make his/her choices in life even to be in favour of divorce but they already know that this incides on their participation in the Ecclesiastical Tribunal.

The procedure comes into action when a client proposes an advocate to assist him in the Tribunal. It is at that moment that the Tribunal informs the client of the decision about the advocate.

It is to be pointed out that this is not the first time that an advocate was not admitted or was excluded from the Album.