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An information Exchange Forum

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CATHOLIC LAWYERS' GUILDS

Under the auspices of the Catholic Lawyers' Guild of the Archdiocese of Boston, a Moot Court Trial on the basis of Catholic Canon Law was conducted on January 18, 1959, at the John Hancock Hall in Boston. The president of the Guild, Richard H. Nolan, Esq., opened the trial, explaining that its purpose was to illustrate the differences, not so much in law, as in procedure, between an ecclesiastical and a civil trial. He emphasized that Church Tribunals are "very real courts in every sense of the word, jealously careful in their adherence to law and to exact procedure."

THE CATHOLIC LAWYER has already reported the Boston Lawyers' Guild, and has mentioned the Moot Trial. The present article puts before similar Guilds a script which worked out well. It could be suggestively helpful.

Important, but not in the script, were the hiring of a large intown hall and invitations not merely to the Guild but also to all judges and lawyers, their ladies and their friends; a plywood (and skillful) mock-up of a bench for three judges; desks and chairs for the Clerk of Court, the Plaintiff's Attorney and the Defender of the Bond; a single chair representing a witness stand, all with appropriate microphones.

The case was entirely "moot" and hence open to many obvious criticisms. Father James E. Tierney, Clerk of Court, briefly, introduced the Tribunal, the actual ecclesiastical Tribunal of Boston. His Excellency, Bishop MacKenzie, took over in his usual capacity of Praeses, or presiding Judge. Without using a text, he suggested, rather than conducted the first session, in which he verified, first the jurisdiction of the Boston Tribunal (jurisdiction is technically determined and is as essential as in civil law) and the Plaintiff's right to file the complaint. According to

rule, he took a vote of his associated Synodal Judges, and admitted the case. With time telescoped, he moved on to a second session, in which it appeared that both parties had been legally summoned and were present; and conducted the *contestatio litis*, the determination of the exact question at issue, outside of which no testimony would be heard. Similarly without delay, the Plaintiff and Respondent (who appeared together for the definition of issue) testified separately. A solemn oath was required in a formula noticeably different from that used in civil courts. The Presiding Judge asked all the questions; the Advocate and Defender of the Bond sending suggested questions to the Bench, but not asking them directly. There was no cross examination, as such, but the Presiding Judge could and did depart from the prepared interrogatories in order to obtain more exact and detailed answers. Two experienced Massachusetts attorneys, acted as Plaintiff and Respondent, and used the script which appears as the article on the following pages.