

CODE OF PROFESSIONAL RESPONSIBILITY

Introduction

The Canon Law Society of America first adopted a *Code of Professional Responsibility* at its 41st Annual General Meeting in October of 1983 for an experimental period of three years. A revised version with the following structure was adopted at the 45th Annual Meeting in October of 1987:

Prologue: The Canonist in the Contemporary Church

I. The Ideals to Which the Canonist Aspires

A. Characteristics of the Canonist

B. Concerns of the Canonist

II. Duties of the Canonist

[Canons One through Nine]

The Society adopted a *Statement Concerning Professional Courtesies* for another experimental period of three years at its 55th Annual General Meeting in October 1993. A revised version of this *Statement* with the following structure was adopted at the 58th Annual Meeting in October of 1996:

Part I . Principles of Representation

Part II . Professional Courtesies

Part III . Applicability

Resolution of Commitment

The current version of the *CLSA Code of Professional Responsibility* was presented to the Board of Governors and recommended to the membership for approval at the Annual Meeting of the Society in Houston in October of 2016 and approved by the membership at that meeting.

The current version of the *CLSA Code of Professional Responsibility* follows a traditional format, setting forth canons of ethics followed by *Commentaries* and *Professional Courtesies* organized around the theme of canon law as service. The current Code incorporates many of the concepts and express provisions of the former *Code of Professional Courtesies* adapted to conform to the overall structure of the current Code.

The Code sets forth clear principles of professional conduct capable of being applied by the CLSA Committee on Professional Responsibility when called upon to consider questions of professional conduct in specific, concrete circumstances, and of providing canonists with useful guidance for carrying out their responsibilities as canonists on a day-to-day basis. The objective is to provide ethical guidelines that are both educational and useful in concrete circumstances. Our aim is to delineate boundaries of ethical and professional conduct which will help to set forth as clearly as possible what constitutes unethical or unprofessional conduct and that goes beyond minimal standards so as to help canonists grow in ethical sensitivity and professionalism over the course of their careers. It is hoped that the *CLSA Code of Professional Conduct* will also help canonists who engage in canonical ministry and Church governance and administration to reflect more deeply on the meaning and demands of ethical and professional conduct in the roles they play in Church ministry on behalf of the People of God.

The Code is organized as follows:

- I. Service to the Gospel
- II. Service to the Church.
 - a. Service to the Gospel.
 - i. Accountability to the *Magisterium*.
 - ii. Accountability to sound theology
 - b. Service to the ecclesial community.
 - i. Responsibility to contribute to good order.
 - ii. Responsibility to uphold justice.
 - 1. Canon law as prophetic voice.
 - c. Service to ecclesiastical authorities.
 - i. Accountability to the competent authority.
 - d. Service to ecclesiastical institutions.
 - i. Responsibility of loyalty.
- III. Service to Individuals.
 - i. Responsibility of loyalty.
- IV. Service to the Truth.
 - a. Responsibility of honesty.
 - b. Responsibility of integrity.
 - c. Responsibility of courage
 - d. Responsibility of perseverance.
- V. Special Duties of Tribunal Officials.
 - a. Judges.
 - b. Promotors of Justice.
 - c. Defender of the Bond.
 - d. Auditors and Relators.
 - e. Assesors
 - f. Advocates, Procurators and Other Canonists Employed by or Who Represent Others.
 - g. Notaries and Others Responsible for Official Records and Acts.
 - h. Second Instance Tribunals.
- VI. General Provisions.
 - i. Responsibility of competence.
 - ii. Responsible service.
 - b. Responsibility to respect confidentiality.
 - c. Responsibility not to harm reputations.
 - d. Compensation.

By their nature, professional canons of ethics articulate broad principles which provide those who practice a profession with standards to judge professional conduct. They are often incapable of answering specific questions in particular circumstances, but instead seek to establish general ethical norms applicable to the matters they address. Because greater specificity is required to assess specific circumstances, the Code also incorporates *Commentaries* which give greater clarity to the meaning of the canons in relation to particular questions that commonly arise. It is also anticipated that over time a “jurisprudence of ethics” will develop, as questions are addressed in specific circumstances and more common questions come to light as the Code is carried into practice. The *Commentaries* have therefore been organized so as to be added to over time as new questions arise and specific cases are judged, leading to greater clarity regarding the ethical norms involved. Additional commentaries will be worked out and proposed by the Committee on Professional Responsibility, subject to approval by the Board of Governors.

The canons of the Code represent authoritative statements of the Canon Law Society of America regarding ethical principles and norms that should be observed by canonists. They have been approved by the Board of

Governors and proposed to the Society as a whole for adoption. Revisions may be proposed for adoption during the regular business meetings of the Society's annual conventions.

Commentaries carry less weight than the canons themselves, representing statements of the Committee on Professional Responsibility and the Board of Governors regarding the applicability and proper interpretation of the canons to which they relate.

Professional Courtesies follow *Commentaries* where appropriate, and are now incorporated in the body of the Code, rather than standing alone, as a separate source of guidance for the conduct of canonists. The *Professional Courtesies* will provide guidance regarding how canonists ought to interact with one another, with those they serve, and with those who are adverse parties in canonical controversies in the everyday ministry of canon law.

With this general Introduction, the *Code of Professional Responsibility* of the Canon Law Society of America is offered to canonists as a statement of norms of professional conduct and professional courtesy for those who are members of the Society and, it is hoped, for all canonists which will lead them to deeper reflection on what constitutes professional ethical conduct in the field of canon law.

Canons of Professional Responsibility

I. Service to the Gospel.

Canon 1: Canonists look to the Gospel of Jesus Christ for the guiding principles of ethical conduct.

Canon 2: Canonists strive to observe canonical equity in all things.

Canon 3: Canonists are to keep in view that the salvation of souls must always be the supreme law in the Church.

II. Service to the Church.

a. Service to the Gospel.

i. Accountability to the *Magisterium*.

Canon 4: Canonists shall respect definitive statements of the *Magisterium* of the Church in carrying out their responsibilities and when interpreting ethical principles in the light of the Gospel.

ii. Accountability to sound theology.

Canon 5: Canonists shall consult the opinion of theologians generally recognized as competent and in full communion with the Church in carrying out their responsibilities and when interpreting ethical principles in all matters with regard to which the *Magisterium* has not spoken definitively.

b. Service to the ecclesial community.

i. Responsibility to contribute to good order.

Canon 6: Canonists shall promote the unity of the Church and good order in the ecclesial community in the exercise of their ministry.

ii. Responsibility to uphold justice.

1. Canon law as prophetic voice.

Canon 7: Canonists should not shrink from being a prophetic voice when seeking justice in the Church.

Canon 8: Canonists, in whatever role they play, shall proceed in accordance with the principles of due process and respect for the right of defense of all as those principles are understood in canonical tradition and protected by the Codes of Canon Law and other authoritative sources.

Canon 9: Canonists shall not fail to advance a more perfect understanding of procedural rights, due process and the right of defense in all canonical proceedings, in the application of canonical procedures and in Church administration.

c. Service to ecclesiastical authorities.

Canon 10: All canonists owe a duty of loyal service to the Church.

Canon 11: Canonists have a duty to respect lawful Church authorities and to follow the directions of those to whom they are subject in canon law, so long as doing so does not violate other ethical obligations or principles of professional conduct.

Canon 12: Canonists employed by Church authorities owe a special duty of loyalty and faithful service to those by whom they are employed.

Canon 13: Canonists owe respect and obedience to the competent authority.

i. Accountability to the competent authority.

Canon 14: Canonists have a duty to provide the competent authority with all information lawfully requested without delay.

Canon 15: Canonists shall, when lawfully requested, provide the competent authority with a financial accounting regarding all matters for which the competent authority is entitled to such an accounting in accordance with the Code of Canon Law or legitimate particular law, regulations or policies.

Canon 16: Canonists shall not fail to provide the competent authority with information the canonist knows the competent authority is lawfully entitled to.

d. Service to ecclesiastical institutions.

i. Responsibility of loyalty.

Canon 17: Canonists owe a duty of loyalty to the particular ecclesiastical institutions they serve. Therefore:

a. Canonists must always act in the best interests of the institution or institutions they serve in the manner of a good householder (that is, as a fiduciary duty).

b. They must hold sacred the confidentiality of information pertaining to the institutions they serve that the institution is legally and canonically entitled to have kept confidential.

c. They must avoid even the semblance of any conflict of interest between the institutions they serve and other institutions or parties. If a conflict exists, or appears to exist, the canonist must reveal the actual, apparent or potential conflict to the institution, institutions or individual or individuals he or she serves. She or he must follow the direction of those who have the legal competence to give such direction with regard to whether or not the canonist may continue the representation when there is an apparent or potential, but not a real, conflict of interest.

d. In the case of real conflicts of interest, a canonist must reveal the conflict to all relevant persons and immediately withdraw from acting further or further representing any of the parties with regard to whom the conflict exists.

e. Even after employment by or representation of an institution or individual has ended, a canonist may not use information gained during representation to the detriment of any institution or individual they have served.

III. Service to Individuals.

i. Responsibility of loyalty.

Canon 18: Canonists owe a duty of loyalty to individuals by whom they are employed or represent. Therefore:

a. Canonists must always act in the best interests of the individuals they serve in the manner of a good householder (that is, as a fiduciary duty).

- b. **They must hold sacred the confidentiality of information regarding individuals they represent that the individual is legally and canonically entitled to have kept confidential.**
- c. **A canonist must also keep confidential other information concerning a client or employer, or respecting the client or employer's interests, even if the information is not covered by specific norms of confidentiality, unless the canonist is legally or canonically required to disclose the information to someone other than the client, unless he has first obtained in writing the permission of the client to disclose.**
- d. **Canonists must avoid even the appearance of any conflict of interest in their representation of individuals. If a conflict exists, or appears to exist, canonists must reveal the actual, apparent or potential conflict to those regarding whom the conflict exists. If the conflict is apparent but not real, the canonist should seek to remove the appearance of a conflict. If the appearance of a conflict cannot be dispelled, the canonist should seek to follow the reasonable requests of whoever's interests might be compromised by the appearance of the conflict regarding whether or not the canonist may continue to be involved in the matter, provided this can be done without damaging the rights or significant interests of the other party or parties with regard to whom the apparent conflict exists.**
- e. **In the case of a real conflict of interest, canonists must reveal the conflict to those with regard to whom the conflict exists and immediately withdraw from representing any of them in the matter if the conflict cannot be resolved in some way that removes the possibility of the conflict working to the disadvantage of any of them, and assuming that everyone involved who has a right to know has been fully informed of all the facts and circumstances and explicitly agrees in writing to a proposed resolution other than withdrawal of the canonist from the matter.**
- f. **If a canonist withdraws from representation because of a conflict of interest, he may not allow any other person to gain an advantage as a result of the conflict after terminating his or her professional relationship with the client or clients or former client or clients involved.**
- g. **After employment by or representation of the client has ended, the canonist may not use information gained during the representation in any way that is to the detriment of a former client.**

IV. **Service to the Truth.**

- a. **Responsibility of honesty.**

Canon 19: Canonists must be honest and truthful in all things.

- b. **Responsibility of integrity.**

Canon 20: Canonists must always act with integrity in their professional and personal lives and interactions with others.

- c. **Responsibility of courage.**

Canon 21: Canonists shall act courageously in their employment by or representation of others.

- d. **Responsibility of perseverance.**

Canon 22: Canonists shall pursue their employment and representation of others with due diligence and perseverance.

V. Special Duties of Tribunal Officials.
a. Judges.

Canon 23: Canonists who serve in the role of judge on any ecclesiastical tribunal shall fulfill their responsibilities impartially, unswayed by fear or favor.

Canon 24: Canonists who serve in the role of judge on any ecclesiastical tribunal shall exercise independent judgment in carrying out their role.

Canon 25: Ecclesiastical judges should bear particularly in mind the juridical maxim *Nemo iudex in causa sua* (no one can be a judge in his own case).

Canon 26: Canonists who serve as judge on any ecclesiastical tribunal shall fulfill their responsibilities with due diligence. They must not allow the course of canonical justice to be delayed, keeping in mind that very often “justice delayed is justice denied.”

b. Promotors of Justice.

Canon 27: Canonists who serve as Promotor of Justice have a duty to promote the common good, motivated in their actions solely by that end unswayed by fear or favor.

Canon 28: Canonists who serve as Promotor of Justice must fulfill their role impartially, interpreting the facts and the law objectively and not favoring one side or the other in any matter in which they are involved, other than as indicated by the facts and the law as understood in good conscience.

Canon 29: Those who serve as Promotor of Justice shall exercise independent judgment in fulfilling their role.

Canon 30: Those who serve as Promotor of Justice shall carry out their responsibilities with due diligence and comply with all reasonable deadlines legitimately established.

Canon 31: Those who serve as Promotors of Justice have a solemn duty to seek justice tempered by mercy and canonical equity in all matters in which they are involved, and in a particular way in penal matters.

c. Defender of the Bond.

Canon 32: Those who serve as Defender of the Bond in matrimonial cases have a duty to exercise their role in an objective manner, assessing the facts and interpreting applicable law objectively and not with a view toward obtaining any particular result.

Canon 33: Those who serve as Defender of the Bond have a solemn duty to advance all reasonable arguments in favor of the validity of the matrimonial bond under investigation on the basis of the available facts and applicable law.

d. Auditors and Relators.

Canon 34: Canonists who serve as Auditors and Relators have a duty to carry out their function with the same objectivity and impartiality as Judges of ecclesiastical tribunals.

Canon 35: Canonists who serve as Auditors and Relators have a duty to carry out their function with due diligence.

e. Assessors.

Canon 36: Canonists who serve as Assessors have a duty to carry out their function with the same objectivity and impartiality as Judges of ecclesiastical tribunals.

Canon 37: Canonists who serve as Assessors have a duty to carry out their function with due diligence.

f. Advocates, Procurators and Other Canonists Employed by or Who Represent Others.

The ethical standards that apply to advocates, procurators and others to undertake canonical employment or representation are based in part on the following principles of representation, which should be taken into consideration and applied when interpreting the applicable canons of this Code:

Principles of Representation

PRINCIPLE ONE

Anyone whose canonical rights or interests are at stake has the right to consult a qualified canon lawyer for advice and counsel. Anyone who deems it necessary or advisable to engage a canonist, either for advice and counsel or to be represented, has a right to engage a canonist and be represented by him or her if agreed to by the canonist.

PRINCIPLE TWO

A party to a formal canonical action has a right to canonical representation, whether by a procurator (proxy) or an advocate (defender).

PRINCIPLE THREE

Each party to a formal canonical action is entitled to be represented by a canonist in cases where advocates are required by law. The parties are free to appoint their representatives, whether procurator or an advocate. An advocate must be assigned by the court or Church authority if a party required to have one has failed to select one himself or herself.

PRINCIPLE FOUR

Canonical representatives exercise the function of assisting in the resolution of disputes by clarifying and properly interpreting the facts, representing the interests and concerns of the party they represent, and seeking to protect his or her rights, thus facilitating the functioning of the Church's system of justice and equity.

PRINCIPLE FIVE

Communication between a party and the person's canonical representative and the canonist's work product are privileged.

PRINCIPLE SIX

Advocates, Procurators, and all canonists and others involved in canonical controversies are to strive diligently to avoid litigation among the people of God as much as possible and, without prejudice to justice, to persuade everyone involved to resolve litigation peacefully as soon as possible.

Canon 38: Advocates and Procurators shall exercise due diligence when representing or otherwise employed by a client.

Canon 39: Advocates and Procurators shall carry out their responsibilities on behalf of those they represent zealously, with due regard for their other ethical duties toward the truth, justice, mercy and canonical equity.

- Canon 40:** Advocates and Procurators shall be scrupulously honest to all persons in carrying out their responsibilities, with due regard for their ethical duties respecting confidentiality.
- Canon 41:** Advocates and Procurators shall deal fairly with all persons, especially adverse Parties and their Advocates and Procurators, bearing in mind that uncovering the truth is the ultimate objective of canonical processes and representation, not winning advantage for one's client.
- g. Notaries and Others Responsible for Official Records and Acts.
- Canon 42:** Notaries shall carry out their responsibilities with due diligence and in a timely manner, taking special pains to avoid undue delay in canonical processes.
- Canon 43:** Notaries shall not fail to properly authenticate and notarize all documents they are required by law to notarize and authenticate.
- Canon 44:** Notaries have a particularly solemn duty to safeguard official documents that have been authenticated and notarized. They shall not add to nor detract from official records, but shall take diligent care to preserve all official records intact, including those in the secret archive and those identified as sensitive, confidential or under pontifical or other canonically recognized secret.
- Canon 45:** Any canonist who removes or destroys any part of an official record or judicial or administrative act once it has been created shall be reported to the authority competent to deal with the matter with a recommendation that the canonist be subjected to canonical penalties commensurate with the seriousness of the conduct and the nature of the case. Members of the CLSA who engage in such conduct shall be disciplined according to the disciplinary norms of this Code and the Society and shall be expelled and barred from membership in the Canon Law Society of America if the seriousness of the conduct so warrants.
- h. Second Instance Tribunals.
- Canon 46:** Canonists who serve on tribunals of second instance shall give due deference to the decisions of first instance tribunals according to the norm of law.
- Canon 47:** Canonists who serve on second instance tribunals shall carry out their responsibilities impartially, unswayed by fear or favor.
- Canon 48:** Canonists who serve on second instance tribunals shall exercise their own independent judgment regarding all matters in carrying out their responsibilities.
- Canon 49:** Canonists who serve on second instance tribunals shall carry out their responsibilities with due diligence. They shall be especially vigilant to avoid undue delay in the resolution of cases and other matters that come before them, bearing ever in mind the principle that very often "justice delayed is justice denied."
- Canon 50:** Canonists who serve on second instance tribunals shall act courageously in carrying out their responsibilities, unswayed by fear or favor and rendering judgment according to the dictates of their own consciences in accordance with the standard of moral certainty.

- VI. General Provisions.
i. Responsibility of competence.

Canon 51: Canonists are to provide competent service and representation to the institutions and individuals they serve. They must, therefore:

- a. Acquire professional competence in the particular areas of canon law or Church administration in which they serve through education and continuing education and training. They are to:
- i. Become familiar with the canonical issues involved and the canonical nature of all work or representation they undertake in a reasonably comprehensive way through assiduous study of all the facts and circumstances, the pertinent canonical norms, and any auxiliary study required to comprehend the matter fully and provide competent service.
 - ii. Decline employment or representation if they know or seriously doubt their own competence in the area of canon law involved, or doubt their capacity to acquire that competence in a sufficiently short time to avoid any disadvantage to the client or lack of competence on their own part in the work or representation involved.
- ii. Responsible service.

Canon 52: Canonists owe a duty of responsible service to the institutions and individuals they are employed by or represent.

Canon 53: Canonists have a duty to provide canonical advice and representation to those in legitimate need.

- b. Responsibility to respect confidentiality.

Canon 54: Canonists shall scrupulously respect the norms of confidentiality found in the Code of Canon Law, other legitimate and binding sources of canon law, canonical tradition, the moral and ethical principles of Catholic teaching regarding professional secrets, and this Code.

- c. Responsibility not to harm reputations.

Canon 55: Canonists shall not unlawfully harm the reputation of another.

- d. Compensation.

Introduction and General Principles

The CLSA ethical guidelines regarding compensation provide standards for the remuneration of canonists for their services, especially advocates and procurators. Canonists often provide services as part of a regular position of employment for which they receive a salary. Advocates and procurators who provide private representation are entitled to just compensation. Ethical standards are needed to assist in determining what constitutes just and fair compensation for canonical services and the reimbursement of expenses incurred, especially in the context of private canonical representation that is not undertaken in connection with a regular position of employment for which the canonist receives a salary.

Representation is often necessary for justice to be done in canonical processes. Justice also requires that canonists be reimbursed for expenses incurred and be compensated for the services they provide. When a client is unable to pay or has significantly limited resources, the vindication of his or her rights can be impaired. In such circumstances, assistance should be given to enable the person to effectively protect her or his rights. This principle is stated explicitly in canon 1334 of the Code of Canons of the Eastern Churches:

The poor, that is, those who are totally unable to pay court costs, have a right to gratuitous legal assistance; those who can pay only part of the court costs, to a diminution of expenses.

While there is no parallel provision in the Latin Code, this right to assistance is implicit in canons 221 and 1649, §1, 3°, as well as in other canons dealing with advocacy and the right of defense.

For canonical trials, canon 1649 CIC and canon 1335 CCEO respectively designate the bishop moderating a tribunal and the tribunal itself as agents for determining compensation for judicial expenses and honoraria for advocates and procurators. Policies for advocates in marriage nullity cases currently exist in most dioceses, most tribunals having a stable corps of advocates as recommended by canons 1490 CIC and 1148 CCEO. Where they do not already exist, policies for the reimbursement and remuneration of advocates in other judicial processes should be put in place and regularly reviewed.

For canonical actions of an administrative rather than a judicial nature, policies should be modeled on those for judicial matters.

The following canons contain guidelines suggested as standards for the reimbursement and compensation of canonical advocates in non-matrimonial processes, both judicial and administrative.

The Services of an Advocate

When an advocate is asked to accept a case by a prospective client, the advocate's expectations for reimbursement and compensation should be discussed before he or she accepts the representation. If the advocate agrees to serve, it is best that the advocate and client enter into a written agreement concerning reimbursement for expenses and compensation. Unless a client is destitute, he or she is expected to reimburse the canonist for expenses and compensate the canonist justly and fairly for his or her services.

Clients who have taken a vow of poverty do not have personal resources to reimburse or compensate a canonist. Since the protection and vindication of rights is a genuine need, the institute to which the vowed person belongs has a responsibility to provide for this need (canons 619 and 670 CIC and canon 421 CCEO).

Once an advocate in a formal proceeding has been selected and has agreed to represent a client in a formal proceeding, the client must execute a mandate appointing the advocate, specifying whether the advocate also serves as procurator, and delineating the extent and limitations of the advocate's responsibility. The mandate is then presented to the ecclesial authority involved in the matter.

In cases that do not involve a formal proceeding, or that are purely administrative in nature, the agreement for reimbursement and compensation of the canonist is a matter of private contact between the canonist and the client.

Reimbursement for Expenses

It is just and reasonable that advocates and other canonists be reimbursed fully for expenses incurred in representing a client (e.g. travel, lodging, telephone, postage, etc.).

If a client is not able to provide reimbursement, he or she should nevertheless not be placed at a disadvantage in securing an adequate defense for his or her canonical rights in canonical proceedings. No accused person, in particular, should ever be denied an adequate defense because of lack of funds. Therefore, when a client is not able to fully reimburse an advocate for expenses incurred in a formal proceeding, the ecclesial authorities involved have a canonical responsibility to provide reasonable reimbursement for documented expenses.

Fees for Services

In addition to reimbursement of expenses, a canonist may charge fees for her or his services. Fees are appropriate when advocacy is performed independently of any diocesan or other institutional employment that the canonist may hold, provided services to private clients are supplied outside of time that should be devoted to the canonist's employment by the diocese or other institution.

Fees may be charged on a daily or hourly basis, or as a flat fee for specific services. The amount of the fee should be based on the nature of the case, the expertise required, the canonist's experience, the amount charged by other canonists with similar expertise and experience and the amount charged by other professionals who provide comparable services. Canonists should take the economic circumstances of their clients into consideration in determining the amount of fees, and should be willing to charge a lower fee for persons with meager resources.

Specific Types of Cases

Policies for the reimbursement and compensation of canonists should take into account the unique nature of different canonical processes:

1. In all penal cases, whether judicial or administrative, the ecclesial authority initiating the penal action has a responsibility to be sure the right of defense of the accused is fully protected (canons 1481, §2 and 1723 CIC and canons 1139, §2 and 1474 CCEO). Thus, in penal cases, the ecclesial authority should fully reimburse the expenses of the advocate when the accused is unable to do so. Likewise, when the accused is unable to do so the authority bringing a penal action should provide fair and reasonable compensation for the advocate's time, expertise and labor. Only thus can the accused be confident of securing a meaningful and appropriate defense.
2. In processes to remove a person from ecclesiastical office or employment, to transfer a person to a different ecclesiastical office, or to declare a cleric impeded from the exercise of orders, the ecclesial authority initiating the action should fully reimburse the expenses of the advocate of the one against whom the process is initiated when that person is unable to do so himself or herself. A fair and just fee should also be provided to the advocate for his or her time, expertise and labor.
3. In other canonical processes, individuals who seek administrative recourse or who bring an action against another individual or individuals, a group or a juridic person shall bear the burden of reimbursing and compensating their own advocates as a matter of private contract. The parties to a dispute should stipulate how the payment of court costs is to be made as part of the resolution of the case.

Pro Bono Services

In service of justice and as a duty of professional responsibility, canonists should be willing to provide a certain amount of advocacy on a pro bono basis.

Canon 56: Canonists are entitled to receive reasonable, just and fair compensation for their services.

Canon 57: When representation is fee-based, the canonist shall notify the client at the time he or she agrees to represent the client, preferably in writing, what the fee will be for his or her services.

Canon 58: Fees for canonical services may be divided between or among canonists only in proportion to the services actually performed by the canonist who receives compensation according to such division.

Canon 59: Canonists may not perform services or charge a fee therefore during times that she or he is obligated to be working for another entity or client.

Canon 60: Canonists may not request, require or suggest a fee that is contingent on the results obtained.

Sample Form

Case Names

Prot. Number: C

**CANON LAW SOCIETY OF AMERICA
BILL OF COMPLAINT**

Regarding a violation of the
CODE OF PROFESSIONAL RESPONSIBILITIES

I, _____, believing that I have been aggrieved by the action(s) of a member-canonist of the Canon Law Society of America (henceforth, CLSA) who has acted in violation of the Society's Code of Professional Responsibility (henceforth, CPR), do hereby make this complaint to the Board of Governors of the CLSA.

In making this complaint I am asking for an investigation, determination, and, if deemed necessary, an application of appropriate remedial actions.

Name of member-canonist in question: _____

Member-canonist's present position and contact information: _____

Referring to section II of the CPR ("The Duties of the Canonist"), please indicate the canon or clause that has been violated:

My specific **REASONS** for making this complaint are as follows: *(Please make a clear, precise, and enumerated list. Use additional pages if necessary. Please feel free to submit additional documentary evidence as appropriate.):*

I fully realize that a Complaint does not bind the Board of Governors to accept the case for the complete review.

Should this complaint be accepted, the Board of Governors will follow the procedures outlined in Section II, Canon Nine of the CPR. A party making a complaint will be expected to cooperate fully in the review and investigation of the alleged violation.

For the following statements that are true, check in the "Yes" column. For the following statements that are not true, check the "No" column and write below (or on an additional page) to explain your reason for not attempting this step.

Yes	No	
_____	_____	1. I made attempts to rectify this situation by direct interaction with the member-canonist in question.
_____	_____	2. I made attempts to rectify this situation by recourse to the member-canonist's superior, supervisor, and/or ordinary.
_____	_____	3. I sought the advice and opinion of other qualified canonists in deciding to offer this complaint.

Additional Procedural Steps of note:

As a result of this alleged violation of the CPR, how have you been adversely affected?

In presenting this Complaint, I accept the Canon Law of the Roman Catholic Church and the procedures and by-laws of the CLSA Board of Governors as governing all matters of this case; furthermore I acknowledge and commit myself to the following conditions:

1. I will make myself available to the Board of Governors or its appointed Hearing Officer in the following ways:
 - a. By giving further answers and statements that may be desired from me, whether these are to be given in writing, by some appropriate electronic means, or, when affected the CLSA itself, in person.
 - b. If the Board of Governors or its appointed Hearing Officer so requires, by providing the names and contact information of additional, cooperative witnesses to be heard regarding this complaint.

- c. If essential to the case, by signing appropriate release forms for any necessary witness so bound by some waivable form of confidentiality.
- 2. The Board of Governors or its appointed Hearing Officer, at its discretion and according to its evaluation of the weight of evidence provided, either determines to take further statements from witnesses or declines to do so. I acknowledge the Board of Governors or its appointed Hearing Officer's right and freedom to approach and take statements from any persons who know the circumstances of the incident(s) in question.
- 3. The decision of the Board of Governors or the recommendation of its appointed Hearing Officer will depend on:
 - a. Evidence showing that a canon or clause of Section II of the CPR has been violated; or
 - b. Evidence showing that a canon or clause of Section II of the CPR has been culpably disregarded.

Other concerns will not affect the decision.

- 4. My claims in this complaint will be made known to the member-canonist so that he/she may offer comments and testimony from his/her point of view.
- 5. No assurance can be given as to the time it will take to review this complaint.
- 6. While the complaint is being processed, I promise to keep the Board of Governors or its appointed Hearing Officer informed, through timely notifications, of any change in contact information.
- 7. The processing of this complaint is of a nature solely internal to the good of the Canon Law Society of America as a professional society. Any information gained by my access to the information gathered by the Board of Governors or its appointed Hearing Officer shall not be the basis, either directly or indirectly, for actions taken in any other *fora* whatsoever (i.e., before civil authorities or a media of social communications).

So help me God.

Signature: Complainant

Address

City, State, Zip Code

Home Telephone Number

Work Telephone Number

E-mail

Date