



## PLAYING OUR POSITIONS PART 2: THE JUDGE

Continuing our discussion from last issue of the various positions of the people who work in the tribunal and the responsibilities that come with those positions, we turn our attention this month to the judge.

The marriage annulment process is a legal process, or trial, in the Church. However, an episode of *Perry Mason* it is not. Like all trials, the annulment process involves two sides, the Petitioner and the Respondent, offering evidence to prove their respective claims concerning a legal question, namely the legal status of their marriage in the Church. While, unlike TV trials, they do not do this by facing off with their lawyers in a courtroom, in a way very much like other trials, the process is overseen by a judge, who, together with two other judges, weighs the evidence provided and renders a decision that resolves the legal question, namely whether or not the Petitioner has proven the nullity of the marriage

The judge who oversees the process is called the *praeses*, or “presiding judge.” This role is normally carried out by the judicial vicar, though, if that is not possible, the judicial vicar can appoint another judge to serve in this role. The *praeses* has several responsibilities in the annulment process, including but not limited to the following:

- Determining what proofs to admit and seeking other proofs as needed, including the testimony of witnesses and experts;
- Resolving objections raised by either party during the process;
- Concluding the period for collecting proofs;
- Ordering the evidence collected, called the acts of the case, to be made available for review by the parties;
- Informing the parties of the decision and of their right to challenge the decision;
- Receiving an appeal of the decision and forwarding it to the appellate tribunal.

Once the *praeses* has concluded the gathering of proofs and has given the parties and the defender of the bond the chance to offer any final remarks, he summons the other two judges involved to discuss and decide the case. They vote, and majority rules.

While all three judges sign the decision, only one judge writes the decision. This judge is called the *ponens*. The *ponens* is normally appointed at the beginning of the process, and, in addition to writing the decision, he or she is designated by the *praeses* to carry out many of the functions that the *praeses* is tasked with doing.

That’s it for judges. Tune in next time when we will look at some of the support staff in the annulment process, including the auditor and notary. Until then, keep the faith, love God’s people, and always honor the code!

