



INFORMATION ABOUT LEGAL ADVICE AND ADVOCATES

DIOCESE OF MADISON-TRIBUNAL · 702 S. High Point Road, Suite 225 · Madison, WI 53719-4926 · 608-821-3060 · tribunal@madisondiocese.org

A petition for a declaration of nullity is not a request for a favor. It is an allegation of a juridic fact, namely that the indissoluble bond of marriage did not come into being at the time of consent. It is an allegation that begins a judicial trial. The Church presumes that all marriages are valid until proven to the contrary (c. 1060). Therefore, the burden of proof rests on the Petitioner to demonstrate beyond a reasonable doubt that his/her marriage was not valid. Since parties are not expected to be experts in canon law or the marriage nullity procedure, there are many persons who are able to assist them prior to and during the trial.

Free Legal Advice Prior to the Introduction of a Case (DC, art. 113)

Since the ministers of the tribunal, such as the judges and Defender of the Bond, must remain impartial with regard to a specific case, at every tribunal there is to be someone available who can freely and quickly provide advice about the possibility of alleging the nullity of a marriage and the procedure for alleging the nullity of a marriage. This person only assists parties prior to the introduction of a case and provides the following services:

- Answer questions about the marriage nullity process and the grounds of nullity
- Assist petitioners in determining the ground(s) of nullity consistent with the facts of their case
- Help petitioners brainstorm good witnesses to be named in the *libellus* (petition)
- Help petitioners obtain necessary documents to be submitted with the petition

The person in the Tribunal of the Diocese of Madison entrusted with this task is Ms. Amy Klarkowski. She may be reached via phone at (608)-821-3068 or via email at amy.klarkowski@madisondiocese.org. There is no fee for this legal advice.

Stable Advocates (DC, art. 113 §3)

The parties in a marriage nullity process are not presumed to have expert knowledge regarding either the substantive or procedural law at play in the process. While advocates are not able to place acts on a party's behalf, they are able to provide the following services:

- Offer legal advice to the party during the process
- Write a legal brief on behalf of the party at the conclusion of the cause
- Assist the party in understanding the reasons in law and in fact indicated in the definitive sentence
- Offer legal advice about the possibility of an appeal and procedure for the appeal

If you wish to have the assistance of a stable advocate of the Tribunal of the Diocese of Madison Tribunal, please contact the Tribunal directly, and one will be appointed to you. The fee for using a stable advocate is \$400. If you need to ask for a total or partial reduction of the advocate fee or for a payment plan, please complete and submit the FINANCIAL AFFIDAVIT FOR THE GRATUITOUS SERVICES OF A CANONICAL ADVOCATE form when requesting a stable advocate.

External Advocates (DC, art. 112)

External advocates are able to provide all of the same services as stable advocates, but also offer an independent, outside perspective on a case. These advocates have their own individual fee structure, though it is monitored by the Tribunal to ensure that no one is being charged exorbitant fees. The means of payment is to be worked out between the party and the advocate. If you would like a list of external advocates that are admitted before the Tribunal of the Diocese of Madison or who usually represent parties here, please contact the Tribunal for a list. If you desire another qualified advocate not on the list, you may request that he/she be admitted to serve in this function.