

DIOCESE OF DALLAS

Role of the Auditor



Role of the Auditor

(As of December 4, 2014)

Canon 1428

- §1. A judge or the president of a collegiate tribunal can designate an auditor to carry out the instruction of a case, selecting one either from among the judges of the tribunal or from among the persons approved for this function by the bishop.
- §2. The bishop can approve for the function of auditor clerics or lay persons who are outstanding for their good character, prudence and learning.
- §3. The only task of the auditor is to collect the proofs according to the mandate of the judge and to present them to the judge; unless the mandate of the judge states otherwise, the auditor can in the meantime decide which proofs are to be collected and how they are to be collected if such a question perhaps arises while the auditor is exercising his or her function.

The Auditor is approved by the Bishop and selected by the Judge to “instruct” a case, *i.e.*, to gather testimony. Auditors may be clerics or lay. Their only task is to collect and present proofs, unless otherwise mandated.

The use of Auditors is very helpful as they are responsible for collecting and presenting evidence to the Court.

The roles of Advocate and Auditor are quite different. An Advocate is appointed by a party to protect his/her rights. The Auditor is appointed by the Judge to collect, with impartiality, the available evidence. The Advocate does not collect evidence but argues in favor of the Petitioner or Respondent, while the Auditor collects evidence impartially and does not write a brief.

Auditors, like all personnel who assist in the Tribunal, must promise to fulfill their functions properly and faithfully. They are bound to secrecy and forbidden to accept gifts related to their functioning in the trial. They must disqualify themselves if they are related closely to the principals.

In the Dallas Tribunal, Auditors frequently are appointed normally to take testimony by telephone but sometimes in person. The Tribunal will provide the Auditor with the necessary questionnaires to take the testimony. If other questions come to mind, the Auditor certainly should pose those questions too. The completed testimonies are returned to the Tribunal either in black ink, typewritten or via the computer.

If the Auditor makes three contacts with no return calls from the witness, he/she normally should return the materials to the Tribunal with a brief statement as to the fact that the interview could not be achieved and documenting the efforts made.

Auditors may be asked to work with the Advocate of the Petitioner or Respondent to coordinated the interviews, but the Advocate is not part of the proof collecting. While fulfilling the role of Auditor, he/she should telephone the Tribunal if there are questions.