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PARISH CORE GROUP PACKET

For Use Within Parish Reconfiguration Programs

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The Saint Joseph Foundation

From its beginning in 1984 to the present, The Saint Joseph Foundation (Foundation) has assisted hundreds of parish groups to challenge their bishop's decision to close their parish and/or close their parish church. The Foundation has been instrumental in the development of jurisprudence on parish mergers and church closures. Its staff continues to monitor developments in law and jurisprudence on this issue. Because the Foundation does not charge for its services, it receives a large number of inquiries from those wishing to vindicate their rights in Canon Law. Because of the very high case load and our limited staff numbers, the Foundation generally does not provide representation for parish merger or church closure cases. It is important for those seeking assistance from the Foundation staff to understand what to expect.

1. The Foundation staff will handle your case with professionalism, protect confidentiality, and in keeping with the expectations of the Gospel and the disciplines of the Church. We expect the same from our clients.

2. The Foundation staff respond to inquiries and case needs by priority of action. Higher priority is given to clients who have already established a case file with us, who follow our directions, and who communicate an immediate need. Inquiries or communications/messages that do not express a specific need are given lower priority. When contacting Foundation staff, it is very important to provide sufficient information in your messages that allow us to properly vet a priority. If you do not receive a call-back, it simply means we have vetted a higher priority. You are free to call or reach out via our website contact form to remind us you are waiting, but our non-response does not mean you are forgotten, only that we are very busy and someone else has a deadline we are striving to meet.
3. Because of the high number of parish merger cases occurring in the U.S. today, we cannot provide direct assistance to every parish group that approaches us. For that reason, we have developed the protocol established below in those cases where multiple parish mergers are anticipated within a particular diocese. It requires a diocesan core group to form in a manner recognized by Foundation staff. The Foundation will work directly with that diocesan core group. In turn, that group must work with the different parish groups in their diocese who wish to challenge a decision to merge or close their parish. The steps we recognize are:
 - A: An inquiry is made to the Foundation and a Request for Canonical Evaluation form is completed and submitted to the Foundation.
 - B: With direction and approval from Foundation staff, a diocesan core group is formed.
 - C: Only identified persons from the diocesan core group have access to communicate with Foundation staff. Parish groups communicate questions and needs through the diocesan core group.
 - D: Only parish groups willing to follow the protocol set out in this document and in ancillary documents of the Foundation are to be recognized by the diocesan core group.
 - E: The Foundation provides the diocesan core group with information, forms, and materials to assist them in helping parish groups form and challenge harmful decisions by their bishop. These materials include templates on how to file appeals and the content that should be included in the appeals.
 - F: The Foundation will assist the diocesan core group by answering questions and reviewing/editing the first appeal prepared at each stage of appeal for the parish groups.
 - G: The Foundation will assist the diocesan core group responsible for drafting petitions and appeals for those issues related to the diocese as a whole that the diocesan group wishes to pursue. This could include a petition to quash a diocesan pastoral planning program in its entirety, or some other action that involves the diocese as a whole. The assistance provided includes providing a template for the petition or action and editing the documents prepared by the diocesan core group.

It is a principle of the Foundation that when parishes work together, they are stronger and fulfill their purposes more effectively. A common tactic used by bishops when they move to close large numbers of parishes is to play them against each other. It is common that diocesan planners encourage parishes to determine which parish should stay open and which should close. This only fosters disunity among Catholics, resentment when a neighboring parish stays open and yours does not and encourages Catholics to stop attending Mass if their parish or church closes. Such an approach fosters feelings of abandonment and isolation. The Foundation rejects this approach as harmful to the Mission of the Church and discourages Catholics from participating in it. By use of the Foundation's protocol, a larger number of parishes within the same diocese can work together to protect their interests as individual parishes. If a parish group is unwilling to work within this Principle of Unitive Action, that parish group will be excluded from use of Foundation materials.

Foundation materials, strategies, and documents have been modified and used by others. Both canon lawyers and those who present themselves as experts in a particular matter of concern but who are not canonists themselves have obtained copies of our materials in various ways. Foundation staff are flattered

that their work is sought after for use, but we also recognize two points that affect that use. First, the Foundation does not charge for its work and relies entirely on donations to survive. To our knowledge, no other canonical organization in the United States exists on donations only. Those who have adopted our resources also charge for their services. That means that they are making money on the goodwill of our donors. Second, the use of our resources is not always in keeping with our approach to professionalism, respect, and the integrity of the Church's legal system.

Because we have a large number of cases and our resources are widely used by clients throughout North America, we cannot completely control the acquisition of our materials. However, we do expect our clients to maintain control of our resources only for their own use. Foundation clients should not be sharing our materials with third parties who are not recognized by the Foundation staff as a party to their case, including news organizations and reporters. Our materials are copyrighted, and the sharing of our materials should only be done in compliance with our protocols and permission.

Organizing a Parish Core Group

Purpose: To organize those within a parish who have concerns over the pastoral planning or pastoral activities affecting the parish.

Goals:

1. To unite Catholics with a common focus on ecclesial unity and pastoral care that is faithful to the Magisterium of the Catholic Church.
2. To encourage active engagement to influence decisions that could harm the parish; specifically, those decisions that harm spirituality, pastoral care, and viability.
3. When necessary, to use Canon Law resources to challenge harmful decisions.

Dioceses and parishes are defined by the Church as a community of persons (Canons 369 and 515). This is very important to keep in mind. All the property and finances of a diocese or parish exist in service to the People of God; to provide grace and pastoral care to the souls who constitute the diocese and parishes.

Because dioceses and parishes are communities of persons, each has a spirituality and pastoral needs that are unique. This is a simple truth about any community of persons, even those in the secular world.

Under Canon Law, a diocese and its parishes are separate juridic persons (corporate entities) with the parish being a subsidiary juridic person. That means the parish relies on the diocese for its existence, but the parish enjoys a strong autonomy of self-governance within the norms of Canon Law. This can be a delicate thing, but generally means the bishop has less authority over a pastor or over parish properties than most people believe. While he does have some discretion over the merging of parishes, he does not have *carte blanche* authority to do what he wants. The Vatican instruction, "*The pastoral conversion of the Parish community in the service of the evangelising mission of the Church*", of the Congregation for the Clergy (20 July 2020), explains this well. Anyone withing to address concerns related to parish reconfigurations should read this document thoroughly.

Regarding parish mergers, when two or more communities come together, the blending requires substantial changes to each community. Circumstances that cause the blending, the personalities within each community, and the unique spiritualities each community possesses will affect whether the blending has a good or bad effect on the salvation of souls and the mission of the parish. Generally speaking, stable parish communities forced into a merger or aggregate will suffer more harm than good. Statistically, at least 20% of active parishioners will stop attending Mass under a forced merger or aggregate situation, and some circumstances will drive that percentage up to 60%.

As an example, the Archdiocese of St. Louis admitted that it expected to lose 20% of Catholics because of its reconfiguration planning. Most dioceses are not that honest, but the reality still exists: Catholics leave the Church over these programs.

Parishioners who wish to challenge the implementation of the program in their parish must organize effectively in order to defend their unique and beautiful parish communities. It takes persistent effort from a group of people who share a commitment to save their parish from loss. Here are the steps.

1. A group of five to nine parishioners who have a common focus and goals should meet first and identify specific roles. This is your Parish Core Group (PCG). The roles within the group should include:
 - a. **Coordinator** of the Group to coordinate the activities of the PCG: Must have strong leadership skills that include the ability to multitask, organize and coordinate the efforts of a dozen or so people, and able to address sensitive issues with charity, clarity, and decisive action.
 - b. **Procurator** (may or may not be the Coordinator): Helpful if the person has name recognition in the diocese, but not essential. What is essential is that the person must be generally available to send and receive mail (not a frequent traveler), able to withstand public scrutiny, and able to represent the people of the parish, including those with varying Catholic spiritualities. More on the Procurator is explained below.
 - c. **Runners or Communication people**: There should be a minimum of two or three on the PCG. These people are the worker bees. They are responsible for developing contact lists of parishioners, distributing information between the PCG and parishioners, doing research, assisting with mailings, help set up websites and social media presentations, etc. Basically, they do whatever the PCG needs done.
 - d. **Spokesperson**: This is your PR person. The Coordinator or Procurator could be this person, or it could be someone else. The role is to provide public statements that are necessary. The person should be able to control press interviews, remain charitable and respectful when doing presentations, and always prudent not to say too much or break confidentiality.
 - e. **Counselors**: The Coordinator should have two or three people who have experience within the parish and diocese to help assess situations and develop strategies. These people do not have to be parishioners. Former parish or diocesan leaders or employees can make ideal counselors, if they share your common goals.
2. The PCG should call a meeting of all interested parishioners and explain the focus and goals of the group. At that time, the Procurator Mandate should be presented to parishioners for signing (see below).
3. As events occur, the PCG responds, always in a transparent manner with all mandaters.
4. It is highly encouraged that regular meetings be held with parishioners/mandaters. The meetings should include prayer (Rosary is very effective) for the parish, information sharing/gathering about the situation, and social time (even if brief).

Specific activities to focus on are addressed below.

Procurator and Procurator Mandate

A “procurator” in Canon Law is someone who acts in the name of another person. In Common Law, this is called a “power of attorney”. In Canon Law, if you do not have a Procurator, you must act directly and individually. That means if 300 people in a parish oppose the bishop closing your parish, unless those 300 people sign a procurator mandate, all 300 must sign every letter, petition, and appeal sent or the people who do not sign will lose standing. If you appoint someone to act on your behalf, that person

becomes your procurator. That person has a serious obligation to act on your behalf to protect your interests. The procurator will sign all letters, petitions and appeals in the canonical process, and be the recipient of all documents from Church authorities who respond. The procurator has an obligation to make these documents available for all who sign a mandate, and to preserve necessary confidentiality in all matters of the case.

The procurator mandate identifies the specific interests you have and the obligations of the procurator. The procurator only speaks and acts on those matters of interest identified in the mandate.

A procurator for your parish group should be someone who is faithful to the Magisterium of the Church (Catholic in good standing), who has the time and availability to sign and mail documents, receive documents from the diocesan bishop and Vatican officials. Because appeal processes only allow a short amount of time between receiving a decision and appealing, the procurator must be reliable in sharing with the PCG all letters and documents received within 24 hours of receiving them.

Practically speaking, stay-at-home moms and retired parishioners tend to have the most availability to serve as procurator. It's important to note that the procurator does not have to be Catholic; just 18 years of age and of sound mind. That means a non-Catholic spouse of a Catholic parishioner could serve in this capacity.

The procurator mandate also serves as a sort of petition. It identifies the specific areas of action to be addressed. It specifies what the procurator may do and is expected to do. The mandate allows the procurator to initiate and pursue petitions and appeals in Canon Law to pursue the specific areas of action identified in the mandate. It should also give the procurator the power to appoint a *pro tem* (temporary) procurator with the same powers if the procurator becomes unable to fulfill the duties of procurator. This protects the integrity of any actions taking place. The mandate may also include appointment of two procurators in order of ability to act. If the mandate includes this language, the second person listed has no power to act unless the first person is impeded during the time in which an action must take place.

The goal is to get as many parishioners to sign a mandate as possible. Anyone 14 years old or older who is a parishioner (either registered or living in the territory of the parish) can sign a mandate. Others with interest would include active donors to the parish, non-Catholic spouses of a parishioner, and parish employees even if they are not Catholic. Mandates should be acquired as soon as possible.

A template of the procurator mandate used for parishes is attached. It will be necessary to fill in information noted and add the procurator's name and address on the form.

When a person signs the mandate, there are three pieces of information that must be put on the form for it to be valid: 1. The person's signature; 2. The person's printed name and full address; 3. The signatures and addresses of two witnesses. The witnesses take the place of a notary public. You must have two witnesses attesting the signature is true. Family members can witness each other's mandate.

Action Items

Now that you have a PCG, procurator, and the parishioners have met to organize themselves properly, the following action items should be pursued:

1. Gather Procurator Mandates: As noted above, you will want to obtain as many mandates as possible. You can gather mandates while you are pursuing other action items noted below. Mandates can be gathered up to the day you first present the with a formal action in law (e.g. when a petition or appeal is made).
2. Gather Information: The following information is important to gather as soon as possible. We have often seen that the information used by a diocese or the third-party contractor used by a diocese is

inaccurate. So, developing first-hand information you can present is very important. Here is a list to gather:

A: Statistical data on parish growth or decline, going back at least five years, but go back ten or more years if possible. This would include annual information on number of families in the parish, number of parishioners, baptisms, confirmations, weddings, and funerals celebrated.

B: Priestly, diaconal, and religious vocations that have come from your parish.

C: Financial data going back five years at least, but ten or more if possible. This information should include amount of income, sources of income, expenditures, assets (including real estate), current savings, and projected budget for the next three years.

D: Demographic information for your area (population, population growth/decline rates, ethnic diversity, etc.).

E: Make an assessment of your parish infrastructure, especially the condition of your parish church. Unfortunately, there have been cases of pastors and bishops allowing churches to fall into neglect, then using that situation as a reason to close and demolish a church. There are also cases of bishops claiming a church is in disrepair and dangerous to enter, without providing any proof of the claim, and having it demolished quickly. You will want to have multiple parishioners (if possible, an engineer, builder, etc.) to make an inspection of the church and other buildings. Take pictures. This is very important. Take lots of pictures of the structure, the foundation, the windows, the walls, even those things people don't notice (like foundation lines at the ground). This will give you a base-line packet of evidence on the integrity of the sacred building itself and any other buildings that may be part of your parish compound.

F: Survey the parishioners. Ask them if they agree or disagree with the archdiocesan plan for their parish. Ask them what they prefer to see happen (eg: leave us alone, help us develop outreaches, etc.). The survey should be directed only to parishioners of your parish.

3. Develop an alternate proposal and have the Procurator send it to the Diocesan Bishop with a copy to the Pastor. The proposal should highlight the viability of your parish. It should also include explanations of how your parish engages in evangelization (visits to the sick and nursing homes, homeschool co-ops that include non-parishioners, youth group activities that provide services outside the parish, etc.). Finally, the proposal should include ways your parish can assist with vocation development.
4. Encourage all parishioners to write directly to the Diocesan Bishop their personal letters concerning the situation of your parish. Those letters should be copied to the Pastor and to the Procurator. Make sure the Procurator gets a copy of everything.
5. Establish a financial foundation or trust fund for your parish. It's a common understanding that if you control the money you control the situation. Some dioceses have a policy utilizing techniques to control parish money from parishes. If obligatory, those policies are illegal under Canon Law. Those policies often allow the diocese significant control over parish funds. This prejudices the pastor and the parishioners if a decision is made to merge a parish or close a church. In Europe, there are a very large number of private trust funds that provide financial support to specific churches, cathedrals, and parishes. In some cases, these funds are the primary means for the parish or church to pay its bills. These are completely legal in Canon Law and in Common Law. If you set it up correctly, use of these funds will remove a big enticement from archdiocesan control—the money. The St. Joseph Foundation has encouraged these funds for decades, and those who set up the fund correctly and use them properly generally have good success.

The St. Joseph Foundation has cases in several countries, and each country will have different laws on how these funds are established and regulated. The St. Joseph Foundation does not provide

assistance in secular law, and if your PCG wishes to start such a fund, you are highly encouraged to seek the assistance of a competent secular lawyer in your area. In the United States, these funds are often established as non-profit corporations. Because the majority of Foundation cases are in the United States, and because the Foundation is located in the United States, an outline of how to start such a fund in the United States is offered below. Nonetheless, PCG's are highly encouraged to obtain competent legal assistance from a lawyer in your place of residence.

Starting a non-profit is easy to do; maintaining it takes dedication and long-term investment of time. So, you will want at least three people who are willing to run your non-profit to make it workable. They should devote their energies just to this one endeavor in the parish; but it is an important one.

It's also possible for multiple Parish Core Groups to start one non-profit foundation to fund multiple parishes. It just takes a little more book keeping, but the collaboration between PCGs can be helpful.

Here's how to do it:

- A: Start by filing paperwork with the Secretary of State. You can go to the Secretary of State website for your state to download the forms and review the fees. In most states, it costs between \$10.00 and \$100.00 to start your non-profit, and you do it online. When you start it, you will want to identify it for religious purposes—the financial support of your particular parish.
- B: Once you have the non-profit formed, you apply for 501(c)3 recognition from the IRS. This is where it gets tricky. If you think your new foundation will raise more than \$50,000.00/year, you must complete the long form and pay about \$1000.00 in fees to obtain the recognition letter. It will take about six months to receive your letter from the IRS. Until you receive the recognition letter, donations are still tax deductible, but if the tax payer is audited, there is more work to prove that the donation went to a tax deductible charity. When you get the recognition letter, it will be retroactive to the date of the corporation's creation.

If you think the foundation will raise less than \$50,000.00/year for the first three years, you can take the shorter route and complete the expedited form. The fee is half the cost and it only takes about three weeks to get the recognition letter.

It is advisable to get help from a competent attorney. There is one in Steubenville, OH who only does non-profit filings for Catholic groups. His business is called, "Guardian Angel Non-Profit Services." The attorney's name is Jim Hostetler. He does not operate a website, but he can be reached at the following number: (740) 282-0883. His fees are reasonable.

You can also do a Google search for how to start a non-profit in your state and find several law firms that specialize in the process. Their fees vary.

- C: Once the non-profit is formed, you can begin accepting donations. Parishioners should be encouraged to donate to the non-profit instead of the parish. By doing so, their money still goes to the financial care of the parish, but not to a diocesan operated fund but one operated by fellow parishioners. Transparency is very important. On at least a monthly basis, the donation amounts should be provided to parishioners by way of some newsletter or email list. The amount available for use by the parish should also be sent to the pastor each week with an invitation that he submit parish bills for payment. He gives you the bills, you pay them and provide him a receipt. It's simple but does take work. Make sure you have three people who are well organized and know how to handle money properly. Transparency is very important, so everyone remains confident and comfortable that their donations are being used properly for the parish.

Please be aware that the Vatican has allowed this approach in several contested cases. This approach has been used in Europe for centuries. Please also be aware that the diocesan bishop has no authority to demand you shut down the fund or turn it over to him. He may try, and you should refuse. And, the account remains tax free, both from the state and from the diocese.

Because the fund is considered private in Canon Law, the bishop cannot tax it. That's the beauty of it; the parishioners control the money in a way that is protected in law for the exclusive care of the parish.

6. When and if a decision is made against your parish that you disagree with, your Procurator will have ten calendar days to postmark an appeal to the bishop. If the pastor makes the decision that harms the parish (like changing the Mass schedule to adversely affect attendance, or closes the school, etc.), an appeal to the bishop must be postmarked within 15 calendar days. A copy of the Administrative Appeal Procedure is attached to this packet. If you have questions about how to implement appeals, please contact your Diocesan Core Group Coordinator.

Miscellaneous Information

Diocesan and Third-Party Surveys: It is often reported that a diocese or a third party under contract with a diocese (e.g.: Catholic Leadership Institute) distribute surveys to gather data for pastoral planning purposes. Based on reports coming from a variety of places, these surveys often allow anyone to access them online. Apart from personal policing, it is often reported that there was nothing to keep the same person from completing the survey as many times as they wanted.

Surveys are tricky. To be valid, the surveyors must be able to demonstrate that reasonable means were used to avoid multiple responses from the same person. And, when a target audience is intended, only the target audience should receive the survey. Dioceses use surveys at times to develop the bishop's pastoral planning objectives. With rare exceptions, the dioceses do not publish the raw data from the surveys but do make claims based on information that the survey purportedly provided.

Based on experience, some questions come to mind for a PCG to consider: How was the survey developed in the first place? Were objective measures used to establish parameters for the questions, or was the survey developed by a few people who imposed their personal opinions of what constitutes a healthy parish into the survey? What technique is used to grade the survey or its responses? What measures were in place to ensure the responses came from the targeted audience? What are the results? Will the raw data results ever be published?

Pastor Transfers: A common tactic used by bishops is to transfer pastors just before merging parishes. This throws people off balance and allows a bishop to choose which priests will be supportive of his plans and use them as pastors.

The office of "pastor" is the most stable office in the Church, especially if given for an indeterminate period of time. A pastor has significant authority, and discretion to exercise that authority. For example, he is the administrator of the parish and represents it in all matters of law (Canons 519, 532). That means, he makes decisions about the use of the money. Of course, those decisions must fall within the parameters of ordinary administration as determined by the bishop, but the pastor is the one making the discretionary call about who is hired, whether a piece of property is to be sold, or even what the Mass schedule will look like. The office of pastor is intended to be stable because the parish is where the rubber meets the road in the discharge of the Church's Mission. It is the parish where we encounter the Church at a practical level. Parishes are how the Church implements and pursues her Mission. When parishes fail, the Church fails. Because of this, the Church favors stability for a pastor so relationships with parishioners can develop trust and pastoral care can be more effective. For that reason, if a bishop chooses to transfer a pastor, he must have good reason to do so. And, if the pastor believes the reasons are not good enough, he can say "no". There is a special process for that appeal (Canons 1748-1752). Admittedly, it is rarely used. Hopefully, that could change in your diocese if the bishop chooses to transfer a lot of pastors in the near future.

We need to pray for and support our priests; and encourage them to act with courage for the salvation of souls. The PCG and its members/outreach should regularly & OFTEN encourage parishioners to pray for their priests, publicly acknowledge the good they are doing, and have Masses offered for the bishop and his priests.

As an aside, a transfer from one ecclesiastical office to another in Canon Law does not involve a demotion. When a transfer involves a pastor, a transfer requires the bishop to give the pastor another parish pastorate (not chaplaincy, not assistant pastor, not even a position in the chancery). Any office less stable in law is a demotion, and chaplaincy, assistant pastor and positions in a chancery are less stable. If a demotion occurs without demonstrating the pastor's inability to serve as pastor, and the pastor appeals, the appeal is usually won.

About mailing letters: Anytime a procurator sends a letter to the pastor, diocesan bishop, or Vatican officials, the letter should be sent using some tracking method. The preferred method is Priority Mail with Confirmation Delivery. Registered Mail also works, but signature delivery should be waived. This allows proof that a particular action was mailed on time and when it was delivered. When mailed to the Vatican, the letters can be mailed through the office of the Apostolic Nunciature. There is a protocol for this. The St. Joseph Foundation can provide that protocol to the PCG.

Canon lawyers for hire: Many people are asking where they can find a canon lawyer to represent them or their parish group rather than using the process outlined by The Saint Joseph Foundation. The Foundation encourages people to hire a canon lawyer if they believe that is best for them. The Canon Law Society of America (CLSA) maintains a list of canon lawyers willing to serve as advocates. Their website can be found at clsa.org, and they can be reached at: 202-832-2350. There are two pontifical universities in North America who lecture in English with faculties of Canon Law: Catholic University of America in Washington, D.C., and St. Paul University in Ottawa, Canada. Some of the professors take private cases from time-to-time. A group could contact either university, ask for the faculty of canon law, and ask for a referral for an advocate. Finally, you could just do a Google search for "canon lawyers". By way of information, the range of cost includes \$0.00 to \$10,000.00 retainer and \$150.00/hour to \$275.00/hour or more in fees. Total cost for a canon lawyer in the United States to handle a parish merger case up to the point of appeal to the Apostolic Signatura is estimated to be between \$15,000.00 and \$25,000.00.

Final Appeal: As noted on the administrative appeal handout, the last level of appeal is to the Supreme Tribunal of the Apostolic Signatura (aka: Signatura or HST). It is the supreme court of the Church. When a case reaches this level of appeal, the particular law of the Vatican requires that appellants pay court costs and hire an advocate on bar at the HST. Currently, the court cost is 1,550 EUR. There is a short list of about a dozen canon lawyers approved to argue cases at the HST. Their costs range between 7,000 and 10,000 EUR to handle a case from start to finish at the HST. Some of them allow payments to be made, others do not.

When a case is initially appealed to the HST, it will be evaluated for probability of success. This is known as the *in limine* review. If the review results in a probability of success, the case will be accepted and the appellant will be given a specific timeframe within which to hire an advocate and pay the court fees. If the case is rejected *in limine*, the appellant will be given one opportunity to appeal for a hearing. In order to appeal, the court costs and hiring of an advocate is required. One rare occasion, The St. Joseph Foundation has seen the HST charge half court costs and require an advocate be hired during the *in limine* stage. This means that most appellants will not have to pay a fee until the *in limine* phase is complete. That is, most appellants will know whether there is a probability of success before having to pay the fees.