



PONTIFICIUM CONSILIUM  
DE LEGUM TEXTIBUS

**Prot. N. 15139/2015**

1st October 2015

Dear Msgr.

responding to your letter of 13th September regarding a clarification of the presuppositions of the shorter process, introduced by the Motu Proprio *Mitis Iudex* we observe the following: The brief process cannot be used, if the respondent remains silent, does not sign the petition or declare his consent.

The new canon 1683 and Art. 15 of the procedural norms make clear that the consent of the petitioner and the respondent (whether given by a joint signature of the parties or by other means) is a preliminary condition to initiate the brief process. The consent of both parties required to initiate this procedure is a condition *sine qua non*. This explicit consent is foremost necessary because the brief process is an exception to the general norm.

While the legislator formulated a presumption regarding the disposition of the respondent in art. 11 §2 of the procedural norms, this presumption applies only to the ordinary process and not to the brief process. Though the consent of the respondent can be given by several means, those means must however guarantee publicly and unequivocally his or her will, also for the protection of the judge and the parties. Otherwise, the brief process cannot be introduced.

Hoping that this answer, which can be made known among other canonists will be helpful for your important work in the tribunal, I am

Yours sincerely *in Domino*,

Francesco Card. Coccopalmerio  
*President*

+ Juan Ignacio Arrieta  
*Secretary*