



STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT

PATRICIA D. GARDNER
JUDGE OF PROBATE
ASSIGNED TO FAMILY DIVISION

SUITE 9200 B
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751

October 11, 2019

To the Judges in West Michigan:

Re: 10/14/19 Red Mass at St. Andrew's Cathedral

We understand you may have received an invitation to the Red Mass from the Catholic Lawyers Association scheduled for Monday, October 14. We wanted to share an update with you regarding concerns recently presented to the Board of the Catholic Lawyers Association.

This year a number of judges have decided they will not attend the Red Mass because of the developments this past year. We wanted you, as colleagues, to be aware of the issue leading to the non-participation. Fr. Scott Nolan (from St. Stephen's parish) serves as Chaplain to the Catholic Lawyer's Association; in that capacity, he serves as the spiritual director of the Association. This is a recent appointment within the last year. In January 2019, Fr. Nolan publicly shunned two legally married women in the presence of their young daughter who attended school at St. Stephen's as they were about to receive communion. This occurred without notice to the individuals and in the presence of the congregation. This hurtful and humiliating action of publicly denying communion because they are gay has caused much hardship at the parish and in the greater community.

We acknowledge Fr. Nolan's right, under the authority of the Church, to deny communion to those who are not in conformity with the teaching of the Church. However, the pastoral letters of the Church and the encouragement of Pope Francis recommends the clergy to address the issue of participation in the sacraments in a manner that is just, private and allows spiritual direction. A public denial of communion without prior pastoral involvement between the priest and communicant is not recommended, is not just, and leads to the complete breakdown of any pastoral relationship for the individuals involved and for the parish at large.

As judges and lawyers, we naturally are involved in discussions as well as legal proceedings that intersect with the disciplines of law, ethics, culture and faith. It is important for us to encourage and maintain an open discussion of the issues to ensure a proper vetting of all perspectives without denying or denigrating the rights of those who practice a certain faith or belief system. In addition to the fallout caused by the actions taken by the spiritual director of the Association, we also raised concern over whether the

Association might take action against judges or lawyers based on a more narrow application of faith that may be appropriate in the ecclesial administration of a parish but not a social organization of lawyers. The Catholic Lawyers Association is not an ecclesial organization and does not have a formal relationship with the Diocese of Grand Rapids. The mission of the Catholic Lawyers is to "foster, stimulate and maintain high standards of religious, charitable, moral, social, just and ethical ideals and practices." Fr. Nolan serving as Chaplain does not align with this mission nor is it appropriate when the Red Mass in an open invitation to all lawyers and judges regardless of faith or sexual orientation.

A number of judges have met with Fr. Nolan and the leadership of the Catholic Lawyers Association and asked Fr. Nolan to resign as Chaplain, and for the Association to eliminate the position of chaplain. Both Fr. Nolan and the leadership have declined to make any changes.


We considered whether it was appropriate to attend the Red Mass given our concerns. We recognize that not everyone would choose to abstain from the Red Mass but we believed it was important to raise the issue because you have been invited to attend in your official capacity. In response to our meetings, the Association has requested Judge T.J. Ackert to serve on the Board to ensure these concerns are voiced within the Association. However, Judge Ackert also recognizes the right of others to decline participation in the Red Mass, and he joins us in this communication. We cannot in good conscience attend a service sponsored by an organization who supports a Chaplain who demeans citizens we are charged with protecting from discrimination and unfair treatment.

You will of course make an independent decision about whether you will or will not attend the Red Mass this year. Thank you for considering this Information.

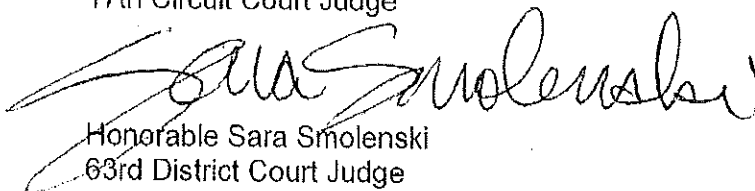
Very truly yours,



Honorable Patricia D. Gardner
17th Circuit Court Judge, Family Division



Honorable T.J. Ackert
17th Circuit Court Judge



Honorable Sara Smolenski
63rd District Court Judge