RESOLUTION IN OPPOSITION TO REDUCTIONS IN THE NUMBER OF PENNSYLVANIA SUPREME COURT JUSTICES AND SUPERIOR COURT JUDGES

WHEREAS, the Pennsylvania Supreme Court is the oldest appellate court in the nation and the Pennsylvania Constitution provides for seven Justices to address the more than 3,000 requests for appellate review annually, the administration of the Unified Judicial System, the prescription of general rules governing practice, procedure and conduct before all the courts, and the exercise of plenary jurisdiction on matters of immediate public importance, and

WHEREAS, the Pennsylvania Superior Court is among one of the busiest courts in the nation and is mandated, under Section 541 of Title 42 of the Pennsylvania Consolidated Statutes, to consist of fifteen commissioned judges to handle nearly 8,000 cases annually, and is responsible, on average, for more than one decision per day, per judge, and

WHEREAS, Senate Bill 324 was recently amended to reduce the number of Supreme Court Justices by two and the number of Superior Court judges by four through constitutional amendment, and

WHEREAS, the recent amendment proposing to reduce the number of Supreme Court Justices and the number of Superior Court judges is not supported by any caseload survey, comparative analysis of the workload of appellate courts in other jurisdictions, or other study of the consequences of the proposal, and

WHEREAS, the proposed reduction in number of Supreme Court Justices would distress the current system, delay rulings and otherwise adversely impact access to justice, as well as cause inefficiencies in the administration of the entire Commonwealth judicial system, and

WHEREAS, a smaller Supreme Court would have serious ramifications because each Justice would have an increase in the number of cases. Further, a smaller number of Justices could impact the variety of viewpoints and the diversity of backgrounds that contribute to the wisdom of the Court’s decisions, and

WHEREAS, the legislature expanded the number of commissioned Superior Court judges from 7 to 15 in 1980 in response to increased workload, and

WHEREAS, the Commonwealth of Pennsylvania has over twelve million citizens currently served by fifteen commissioned judges, and any reduction in Superior Court judges would greatly hinder the efficiency and therefore adversely impact access to justice to those citizens as the only court available to handle most appeals,

NOW THEREFORE, BE IT RESOLVED, that the Pennsylvania Bar Association (PBA), which is committed to the fair and efficient administration of justice, opposes any attempt to encumber it, such as decreasing the number of Supreme Court Justices or the number of Superior Court judges, and

THEREFORE BE IT FURTHER RESOLVED, that the PBA opposes Senate Bill 324, as amended, of the 2013-2014 legislative session, and any similar legislation, that would impose undue hardship on the Unified Judicial System, and
THEREFORE BE IT FURTHER RESOLVED, that the PBA authorizes its president to communicate the content of this resolution to the Pennsylvania General Assembly, the Bar’s membership, to the press, and the general public.

Respectfully Submitted,

Hon. Thomas K. Kistler
Chair, PBA Judicial Administration Committee
June 10, 2014

*Approved, by the Board of Governors, acting in lieu of the House of Delegates, on June 11, 2014.*