

***PENNSYLVANIA BAR MEDAL PRESENTATION TO  
CHIEF JUSTICE RALPH CAPPY BY PBA PRESIDENT ANDREW F. SUKSO  
PBA COMMITTEE/SECTION DAY, HOLIDAY INN EAST  
NOVEMBER 29, 2007***

We assemble here today for a very special presentation to pay public tribute to our retiring Pennsylvania Supreme Court Chief Justice Ralph Cappy. I certainly know that one of the moments that I will always recall as your bar president is the day I received a copy of the Chief Justice's letter to Governor Ed Rendell announcing that he was resigning his commission as justice of the Supreme Court effective midnight, December 31, 2007.

As of that point in time, the Chief will have served as a judge in the Pennsylvania Court system for just under 30 years, 18 of which were spent as a sitting justice of the Supreme Court. And while I know that Justice Castille will continue the wonderful tradition of outstanding chief justices of the Supreme Court, we know that as the passing of the torch occurs, it is entirely appropriate and fitting that we pause to reflect on what has truly been a watershed time for betterment of the Pennsylvania Supreme Court and the justice system under Chief Justice Cappy's leadership, especially during the past five years as the Chief.

That tenure, as with his entire service on the bench, reflects certain central defining attributes that we should consider and celebrate, even if only for these few moments that we share here together during our PBA Committee/Section Day.

Chief Justice Cappy's entire judicial career reflects his deep personal commitment to and passion for an improving, effective and fair justice system – a system that he has constantly challenged to be better and a system that he has nurtured and changed for the better, just as he challenges himself in everything he does. This deep, overarching commitment, history will record, has significantly advanced the justice system, the legal profession and the interests of the public at large.

This personal commitment has willed the modernization of our courts and our court system. Although work remains to be done, the Supreme Court and the lower courts have flourished through his innovation and achievement bringing us “problem-solving courts” such as specialized drug treatment courts, an office of the Supreme Court of Pennsylvania Judicial Council, the Statewide Unification Committee, the soon-to-be-completed judicial center at the capitol, the development of the Office of Children and Families in the courts, the Interbranch Commission on Gender, Racial and Ethnic Fairness, the computerization of the courts, including making criminal dockets and basic information available to be tracked online by the public and legal profession, to name but a few – a legacy of significant advancement of our justice system and the administration of justice in Pennsylvania.

Chief Justice’s Cappy’s tenure on the Supreme Court has been filled with clarity of vision, decisiveness of purpose and innovation for the betterment of our justice system.

Now I know Chief Justice Cappy well enough, although not as well as many, to know that he is probably thinking I am engaged in too much praise here, but that is also a measure of the man – someone who all too often avoids the pat on the back and praise for what has been a lifetime of selfless dedication, professional excellence and substantial accomplishment.

Perhaps his most endearing and enduring characteristic is the courage of his conviction. Two examples come to mind – the first one relating to the medical malpractice crisis. Justice Cappy’s leadership in restoring reason to the venue rule in medical malpractice cases and also in requiring a common sense certificate of merit before the filing of a lawsuit brought a much needed solution to this crises. Along with other changes, including an Affidavit of Non-Involvement Rule and the legislative changes occasioned by the Medical Care Availability and Reduction of Error Act, we have witnessed a dramatic drop in the pressure against our legal

system, which threatened the very fabric of the integrity of the jury trial system and consequent relief in terms of both the volume of medical malpractice cases and total payout amounts. These were not small steps but rather bold and courageous actions that bettered our justice system.

Similarly, Justice Cappy exhibited steely resolve and courage in the initiative that resulted in the 2005 pay raise. While upheaval followed for a time, the concept of separating judicial pay from the politics of everyday business in Harrisburg was a noble one and the increase in compensation for judges was, in fact, highly appropriate and deserved. Justice Cappy's leadership in this area cannot be overestimated and, now that we have returned to historic norms after the retention elections, the pay raise will be placed in its proper context – that the Chief put himself directly on the firing line for needed adequate compensation for the bench and, although many questioned the personal hit that he took for participating in and then going public about his role in the process, Justice Cappy did not flinch or hesitate in doing what he believed was right.

There is a quote which many at the bar association know that I am extremely fond of that applies to lawyers generally that has direct applicability to Justice Cappy. Marvin Comisky, a former bar president stated – and I am paraphrasing – on the diamond anniversary of the PBA in 1971 that, “Seventy-five years ago, the typical lawyer was much more his own person than most of us are today. We were not nearly so much the prisoner of our clients. No client and no client's interests stifled our independence. We said what we thought on every issue. We were looked up to in our community because we had courage and character and because we valued our independence more than our income. Put to the choice, we chose quickly and we chose the right, no matter what the cost to ourselves.”

Justice Cappy has consistently chosen what he believed in his heart was right, what was right for the justice system, what was right for the legal profession and what was right for Pennsylvanians. It is this courage of conviction and willingness to do what he thinks is right, no matter what the personal cost or sacrifice, that I believe I admire the most about our chief.

Our Chief Justice, closer to the home of our own organization, has been a steadfast supporter of the Pennsylvania Bar Association. His support of the organized bar's efforts, generally in trying to make a meaningful difference, have been so vitally important to our legal profession.

On a personal note, I know that it is difficult for someone in the Chief's position to know just how important that support is to an organization and, especially, to its president. But that support, when heartfelt as it is in Chief Justice Cappy's case – and we know going forward with soon-to-be Chief Justice Castille's case – that support is vital to the continued vibrancy and vitality of the organized bar. We will forever be grateful for this chief justice's support of the Pennsylvania Bar Association. His participation at our PBA Meetings, both as a featured speaker like today or simply as a member sharing and providing his perspective on legal issues and challenges confronting our profession, his Honor has made himself directly accessible to each of us and has done so without pretense. He was a justice when the court recognized our PBA as being most representative of Pennsylvania's lawyers. The court, through his initiative, gave us the PBA's Commission on Justice Initiatives, which is allowing for improvement and positive change to our justice system. These things he has done with an unequivocal and selfless commitment of his personal time.

And so, it is my privilege and high honor to present the Chief with the Pennsylvania Bar Association's highest honor, the Pennsylvania Bar Medal. This presentation to our Chief

required a two-thirds vote of your Board of Governors – in this case, it was unanimous. It is awarded “to a PBA member whose efforts have advanced the administration of justice or the legal profession or who have performed outstanding service to the Association, the profession or the community in general.

Past recipients of the award have included most recently Reg Belden, Tom Cooper and Bill Hoffmeyer. In fact, only eight other individuals have received the Medal in our 113 year history.

It gives me great personal pleasure and is my high honor and privilege to present this Medal of Honor, which is, in our view, so very well deserved and earned. We give Chief Justice Ralph Cappy the highest honor that the PBA can bestow – our Pennsylvania Bar Medal.