A Lot of Change and Not a Lot of Change

By Frederick Cabell Jr.

Election Day has come and gone, and we are entering a new year and a new legislative session in Pennsylvania. I love new legislative sessions because they remind me of spring. Any bill that did not pass last session, regardless of how far it went through the legislative process, must start again.

For some lawyers, cases can drag on and on and become as annoying as the dog next door that just will not stop barking. Maybe some people like that, but what I enjoy about lobbying is that every two years everything starts nice and fresh. Among the things that start fresh are the individuals involved. This new session has seen a lot of legislator turnover. In the Senate, there were three voluntary retirements and three involuntary ones, for a total of six new senators. All six of the departing senators were majority chairs of committees. Quick note, and a fact, not an opinion: The majority, both leaders and chairs, has most of the power, for good or for ill, and thus my focus in this column is on the majority.

The House has experienced even more change: eight involuntary retirements and 28 voluntary retirements for a total of 36! Ten of those House members not returning were majority chairs of committees. To put that in context, the House has 25 legislative committees.

So, your legislative affairs department staff has to meet 42 new members of the General Assembly and, even more importantly, 16 new chairs! Lobbyists will be scrambling to meet these new chairpersons, learn about their priorities and style of committee management and hopefully establish good working relationships. Chairs of committees are really, really important.

There will be new majority chairs of both the House and Senate Judiciary Committees. Sen. Greenleaf and Rep. Marsico, both of whom retired, were excellent chairs who worked very closely with the PBA. They will be dearly missed. As of the writing of this column, we do not know who will be the Judiciary Committee chairs for the 2019-20 session.

How are we doing with the number of lawyers in the General Assembly? In the House we lost eight incumbent lawyer-legislators and gained eight new lawyer-legislators. In the Senate we lost three incumbent lawyer-legislators and gained three new lawyer-legislators. The trend continues of gaining lawyer-legislators who have very limited experience or very narrow practices. The days of the general practitioner or the attorney with an active specialized practice running for the Legislature seem to be gone. Most, but not all, lawyer-legislators will likely remain lawyers by license but not by profession.

The top leadership posts in the House will see a bit of change. The speaker will remain Rep. Mike Turzai, but there will be a new majority leader in the House. Rep. Bryan Cutler, a lawyer and PBA member from Lancaster County, will be the new leader there. Rep. Cutler is of counsel to the law firm of Nikolaus & Hohenadel LLP, the firm in which PBA Past President Matt Creme and former Zone 3 Governor Bernadette Hohenadel are partners. Rep. Cutler also serves on the board of the Pennsylvania Legal Aid Network.

The Senate’s top leadership remains the same. Sen. Joseph Scarnati will continue as the president pro tempore of the Senate, and Sen. Jake Corman will remain the majority leader. They are both well-known entities in the Capitol.

So what does all of this change mean for the legislative process moving forward? My educated guess: not much. Despite all the excitement regarding the November election, in Pennsylvania, the governor is a Democrat who won re-election by a large margin, and the House (Republicans 110/Democrats 93) and Senate (Republicans 29/Democrats 21) remain firmly in Republican hands. Ideologically, I don’t anticipate much of a shift. If anything, it could be argued that both the House and the Senate have become more concentratedly — My editor assures me it’s a real word — conservative. The Republican losses in the House and Senate were almost entirely more moderate members. Some of the new Democratic members of both chambers have been closely identified with more liberal organizations. The combination of more conservative Republicans and more liberal Democrats should make for quite a fireworks display. Legislative debates may not be for the faint of heart!
As for the PBA’s operation in this legislative environment, I don’t see much of a difference. Almost everything we work on is of a bipartisan nature. Even our seemingly eternal fight against a sales tax on legal services does not break down along party lines.
Stay tuned. ☝

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