A JOINT RESOLUTION

Proposing an emergency amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to confirmation and initial terms, and further providing for the president judge of the Superior Court.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The 1975 Report of the Administrative Office of Pennsylvania Courts states that for the calendar year 1975 there were filed in the Superior Court of Pennsylvania, which is presently fixed at a constitutional complement of seven judges, 2996 appeals and 5448 other miscellaneous petitions and other matters. The report reveals that the filings for such year represent a continuation of a trend of increasing judicial business in that court. The constant increase in the judicial business of the Superior Court has imposed unmanageable burdens upon its judges. The failure to act decisively by permitting an increase in the number of Superior Court judges threatens to result directly in a breakdown of the administration of civil
and criminal appellate justice in this Commonwealth. The General
Assembly finds and determines that there presently exists a
critical need to provide for an increase in the number of
Superior Court judges, that existing conditions meet the
requirements of Article XI, section 1(a) of the Constitution of
Pennsylvania, and that the safety and welfare of the
Commonwealth require prompt amendment of the Constitution of
Pennsylvania in the manner herein provided.

Section 2. The following amendments to the Constitution of
the Commonwealth of Pennsylvania are proposed in accordance with
the provisions of Article XI, section 1(a) thereof:

That section 3 and subsection (b) of section 13 of Article V
and section 11 of the Schedule to Article V be amended to read:

ARTICLE V

THE JUDICIARY

§ 3. Superior Court.

The Superior Court shall be a statewide court, and shall
consist of the number of judges, which shall be not less than
seven judges, [one of whom shall be the president judge,] and
[its] have such jurisdiction as shall be [as] provided by [law]
this Constitution or by the General Assembly. One of its judges
shall be the president judge.

§ 13. Election of justices, judges and justices of the peace;

vacancies.

* * *

(b) A vacancy in the office of justice, judge or justice of
the peace shall be filled by appointment by the Governor. The
appointment shall be with the advice and consent of two-thirds
of the members elected to the Senate, except in the case of
justices of the peace which shall be by a majority. The person
so appointed shall serve for an initial term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs, except in the case of persons selected as additional judges to the Superior Court, where the General Assembly may stagger and fix the length of the initial terms of such additional judges by reference to any of the first, second and third municipal elections more than ten months after the additional judges are selected. The manner by which any additional judges are selected shall be provided by the General Assembly.

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SCHEDULE TO JUDICIARY ARTICLE

§ 11. Selection of president judges.

(a) Except in the City of Philadelphia, section 10(d) of the article shall become effective upon the expiration of the term of the present president judge, or upon earlier vacancy.

(b) Notwithstanding section 10(d) of the article the president judge of the Superior Court shall be the judge longest in continuous service on such court if such judge was a member of such court on the first Monday of January 1977. If no such judge exists or is willing to serve as president judge the president judge shall be selected as provided by this article.

Section 3. The Secretary of the Commonwealth shall advertise this proposed amendment and schedule as required by Article XI, section 1(a) of the Constitution of Pennsylvania and shall submit it to the qualified electors of the State, at the first primary election or election next held at least one month after this proposal has been agreed to by at least two-thirds of the members elected to each House of the General Assembly.