

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1395** Session of
1977

INTRODUCED BY MESSRS. IRVIS, MANDERINO, BERSON, SCIRICA, YOHN
AND ENGLEHART, JUNE 23, 1977

AS REPORTED FROM COMMITTEE ON JUDICIARY, AS AMENDED, HOUSE OF
REPRESENTATIVES, DECEMBER 6, 1977

A JOINT RESOLUTION

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

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

8 Section 1. ~~The 1975 Report of the Administrative Office of <—~~
9 ~~Pennsylvania Courts states that for the calendar year 1975 there~~
10 ~~were filed in the Superior Court of Pennsylvania, which is~~
11 ~~presently fixed at a constitutional complement of seven judges,~~
12 ~~2996 appeals and 5448 other miscellaneous petitions and other~~
13 ~~matters. The report reveals that the filings for such year~~
14 ~~represent a continuation of a trend of increasing judicial~~
15 ~~business in that court. The constant increase in the judicial~~
16 ~~business of the Superior Court has imposed unmanageable burdens~~
17 ~~upon its judges. The failure to act decisively by permitting an~~
18 ~~increase in the number of Superior Court judges threatens to~~
19 ~~result directly in a breakdown of the administration of civil~~

1 ~~and criminal appellate justice in this Commonwealth. The General~~
2 ~~Assembly finds and determines that there presently exists a~~
3 ~~critical need to provide for an increase in the number of~~
4 ~~Superior Court judges, that existing conditions meet the~~
5 ~~requirements of Article XI, section 1(a) of the Constitution of~~
6 ~~Pennsylvania, and that the safety and welfare of the~~
7 ~~Commonwealth require prompt amendment of the Constitution of~~
8 ~~Pennsylvania in the manner herein provided.~~

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

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

14 ARTICLE V

15 THE JUDICIARY

16 § 3. Superior Court.

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

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

25 * * *

26 (b) A vacancy in the office of justice, judge or justice of
27 the peace shall be filled by appointment by the Governor. The
28 appointment shall be with the advice and consent of two-thirds
29 of the members elected to the Senate, except in the case of
30 justices of the peace which shall be by a majority. The person

1 so appointed shall serve for an initial term ending on the first
2 Monday of January following the next municipal election more
3 than ten months after the vacancy occurs, except in the case of
4 persons selected as additional judges to the Superior Court,
5 where the General Assembly may stagger and fix the length of the
6 initial terms of such additional judges by reference to any of
7 the first, second and third municipal elections more than ten
8 months after the additional judges are selected. The manner by
9 which any additional judges are selected shall be provided by
10 the General Assembly.

11 * * *

12 SCHEDULE TO JUDICIARY ARTICLE

13 § 11. Selection of president judges.

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

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

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