Commonwealth Court of Pennsylvania

Reminiscences of

Daniel R. Schuckers, Prothonotary

Friday, September 28, 2007, 9:30 a.m.

Irvis Office Building

Harrisburg, Pennsylvania
My name is Daniel R. Schuckers, and I am the Prothonotary of the Commonwealth Court, here in Harrisburg Pennsylvania. Today is September 28th, 2007. I am hoping in the next few minutes to give my recollections of the Commonwealth Court.

I do this as a former law clerk here in the 1970s and as Prothonotary of the Commonwealth Court for the last 20 years, and I do it for purposes of posterity, hoping that whoever picks this up gets some idea of the Commonwealth Court and its first 37 years.

My personal background is that I was educated at Colgate University, Stanford University, and was a member of the Peace Corps in the late 1960s. While teaching in Delaware County, I met a woman named Mary Edwards who was a prominent leader in the black community in Media, Delaware County. I went to law school in September of 1970, which is
the same month the Commonwealth Court opened its doors.

After my first year, I was looking for a job, and Mary Edwards had mentioned to me, if I was ever in Harrisburg, to look up Ted Doyle, who had just been elected a state representative from Delaware County. And I did contact Representative Doyle, and in the summer of 1971, I worked as a summer intern in the office of K. Leroy Irvis, who was the then majority leader in the House of Representatives. And the building that we're in right now is the K. Leroy Irvis Office Building, which is right behind the Capitol.

After my second year in law school, I clerked for a law firm in town, Handler and Gerber, and they represented the AFL-CIO. I had done well in law school, and in the fall of 1972, the dean of the law school called me into his office and asked if I would be interested in a clerkship with Judge Roy Wilkinson of the Commonwealth Court. The dean, Dean Laub, was a very good friend of Judge Wilkinson. I told the dean I was interested, and I
interviewed. I got the job, and I immediately went out and
bought the first 8 or 10 volumes of the Commonwealth Court
reports and tried to get an idea of what the Commonwealth
Court did. I started in August of 1973 and clerked for one
year -- it was a one-year clerkship -- until August of 1974.
My clerkship, as I mentioned, was a one-year
clerkship. Judge Wilkinson was a very bright judge, very
bright man. He had been on law review at the University of
Pennsylvania Law School. In the early '70s, each judge had
one law clerk, and I was Judge Wilkinson's only law clerk.
But we noticed that Judge Crumlish in Philadelphia had two.
By about 1975 or '76, the authorization for
clerkships for each judge was expanded to 2, but then we
noticed that Judge Crumlish had 3. Somehow in the 1980s,
that was expanded to 3, and then in -- I believe in the
1990s, it was expanded to 4.

And for each judge, there was an opportunity in the
1990s to have a professional, permanent law clerk. And I
think now, the judges have a chief administrative law clerk
and a deputy chief administrative law clerk and then two
regular law clerks.

While I was with Judge Wilkinson, during that year,
I wrote 17 opinions with Judge Wilkinson writing 34 opinions.
He always divided the work that way. He would take
two-thirds, and I would take one-third. So there were 51
opinions authored by Judge Wilkinson that particular year.
He was always very, very current. Fifty-one
opinions a year doesn't sound like much, but that's all we
had at that time. And now each judge does about 120 or 130
opinions a year, but of course it's with a much greater
staff. As I mentioned, back in '73, '74, each judge only had
one law clerk.

Judge Wilkinson's philosophy was that he did not
want any law review articles. His opinions were usually 4 to
6 pages long. He disliked long opinions. His view was that
the Commonwealth Court was an intermediate appellate court
and if we got it wrong, the Pennsylvania Supreme Court would
correct our mistakes.

Judge Wilkinson was a Republican. He had been
appointed by Governor Ray Shafer, and his secretary, Sara
Fry, had been Governor Shafer's personal secretary. Judge
Wilkinson was from Bellefonte and while he was in private
practice had been chief attorney for Penn State University.
Judge Wilkinson had the greatest respect for
President Judge Bowman, and he always deferred to him on
administrative matters. Wilkinson was also particularly
close to Judge Rogers. They had served together on the Penn
Law Review back in the late 1930s. He also had great respect
for Glenn Mencer from McKean County, both were from rural
counties and had somewhat similar philosophies.
Interestingly, Judge Wilkinson also had a great
respect for Genevieve Blatt, who was a Democrat on the Court
and who had been appointed by Governor Shapp in 1972. Judge
Wilkinson had been on the Penn State University Debating Team
back in the 1930s, and Genevieve Blatt had been on the
University of Pittsburgh Debating Team back in the 1930s.
And they got along extremely well.
Judge Wilkinson was always very, very kind to me,
but I must admit he could be aloof and sometimes austere. I
don't think he was particularly close to Judge Harry Kramer.
And I know he was not particularly close to Judge Jim Crumlish who he somewhat distrusted because Judge Wilkinson regarded Judge Crumlish as being a Philadelphia Democratic politician and Judge Wilkinson always had the view that Philadelphia was somewhat different from the rest of the state.

Judge Wilkinson had a desire to make sure we never had a backlog, and it got to the point during the summer of 1974 that he was able to persuade Judge Rogers and Judge Mencer to go to Philadelphia to hear ten cases. The Court rarely had any sessions in July and August, but at the end of July of 1973, those three judges, Judge Wilkinson and Judge Mencer and Judge Rogers, went to Philadelphia to hear ten cases just so they would help clean out the very small backlog. I know that Judge Mencer, who was from McKean County, an upstate county, was not particularly enamored by the idea of being in Philadelphia at the end of July. But
the ten cases were heard, and decisions went out fairly quickly.

In those days, the administrative staff was quite small. Ed Barker was the Prothonotary. He was an attorney, but he was not a particularly effective Prothonotary.

President Judge Bowman was not close to Ed Barker. As I understand it, when Ed left in 1976, there was a huge backlog in his office of cases to be handled.

Much of the administrative duties for the Court were handled by Cliff Leftridge, who was the Deputy Prothonotary. He was very, very close to Judge Bowman and was very effective in terms of running the Court and making sure that everything was handled in an efficient fashion.

In terms of Judge Bowman's leadership, my experience was that all the judges deferred to him. It's interesting that all the judges with, of course, the exception of Judge Blatt, were World War II veterans, and they deferred to Judge Bowman as the captain of the ship.

Judge Bowman was a big man. He was about 6-foot-3
or 6-foot-4, with a dominating personality, with a very, very
sharp mind. He was adored by his staff, particularly in the
Chief Clerk's Office. They were very loyal to him. He was
very kind to his staff.

I remember the only time that Judge Wilkinson was
ever angry with Judge Bowman. We had a party in
Philadelphia -- I think the fifth anniversary of the Court in
1975 -- and Judge Wilkinson was very upset that Judge Bowman
was smoking, something that Judge Wilkinson greatly
disfavored and something Judge Bowman was to not do.

In 1974, I left to become an Assistant Attorney
General, representing the Unemployment Compensation Board of
Review. And in the following 6 years, I argued about 160 to
170 cases in the Commonwealth Court. In those days, all
unemployment compensation cases were argued. In fact, in
those days, pro ses were allowed to argue. That, of course,
has greatly changed. Today, very few unemployment
compensation cases are argued, and pro ses are not allowed to
argue or rarely are allowed to argue.
The Court in those days -- and this has continued to the present -- was a hot court. Judge Wilkinson and Judge Rogers were so current sometimes that when introducing cases they, particularly Judge Rogers, would read the first 2 or 3 paragraphs of the opinion. The Court always read the briefs before argument and occasionally had read the records.

I remember being involved in a case where I argued in front of the Court, and the attorney on the other side said that something had been in the record. Judge Wilkinson interrupted the attorney and specifically said that he had read the record and the something that was alleged to be in the record was not there.

In those days, the Court had one courtroom on the sixth floor of the South Office Building. Arguments were Monday through Friday three times a year here in Harrisburg. En banc days were Tuesdays and Wednesdays with 3-judge panels being on Mondays, Thursdays and Fridays.

It's interesting that my recollection of the Court in 1970s -- and this I think continues to the present -- was that it rarely split along Republican and Democratic lines.

An example of that is Judge Blatt, a Democrat, could often be very conservative on certain matters and Judge Wilkinson and
Judge Rogers, both Republicans, could be somewhat liberal on certain cases. The Court rarely split along political lines. The Court expanded in 1977 with Judge MacPhail and Judge Craig being elected. I am sure that Judge Wilkinson thought very highly of both. I know he greatly admired David Craig, who was a former public official in Pittsburgh and probably the leading expert in Pennsylvania on zoning matters, which was also Judge Rogers' area of expertise.

Judge Kramer was a very feisty member of the Court, a very hard-working judge. And he passed away in 1977 after a long illness. Judge Bowman passed away in 1980, and it was a shock to everyone. I remember the funeral was a very large funeral here in Harrisburg. Judge Bowman was greatly respected as a jurist, as an administrator and as a person.

Within the Court, the question arose concerning the means of succession. Of course, there would be by a vote of, at that time, eight judges. And the question came down to
whether seniority would be followed or not.

I know that Judge Wilkinson strongly believed in seniority, as established by Governor Shafer and the Legislature in 1970. What's interesting there is that Judge Bowman, a Republican, was chosen as the President Judge. Judge Crumlish, a Democrat, was number two, and Judge Kramer, a Democrat, was number three in seniority -- and, of course, he passed away in 1977 -- and Roy Wilkinson, a Republican, was fourth. I have heard from at least one judge that Judge Wilkinson was approached about running for President Judge but that he declined. I know that he believed in the seniority system. And Judge Crumlish was chosen as President Judge.

Interestingly, Judge Wilkinson left the Court soon thereafter to take a short appointment to the Pennsylvania Supreme Court, and Judge Mencer left the following year to take a position as a U.S. District Court Judge in the Western District of Pennsylvania.

There always have been rumors -- and I don't know
if I can characterize it by anything more than saying that there were rumors -- concerning the selection of Judge Crumlish. One prominent rumor was that the offices of Commonwealth Court would remain in Harrisburg with the selection of the new President Judge in 1980, but, of course, that provision is actually statutory.

From 1980 to 1984, I had very little contact with the Commonwealth Court. I became a Deputy General Counsel in Labor and Industry in 1980 and did that for a couple of years, and then I became a Deputy Attorney General in 1982 where I remained until 1984. I served under Attorney General Leroy Zimmerman who ran a very efficient, professional office. I was assigned to the general litigation division.

I did have three cases, however, assigned to me which were in the Commonwealth Court's original jurisdiction. The first case involved an action involving a discharge or some sort of discipline of a black employee in the Department of General Services. That case was before Judge Doyle. A
lengthy hearing was the result, and the Department was successful. Judge Doyle had been elected in 1981 in a partisan election in which he defeated Madaline Palladino who had been appointed by Governor Thornburg to replace Judge Bowman.

I was before Judge Williams, who was elected in 1979, in a case involving a denial of an elevator inspector's license by the Department of Labor and Industry.

The third case that I was involved in when I was in the Attorney General's Office was a case in which I was second chair. And that case was before Judge MacPhail, who was appointed to the Court in 1977. The case involved the defense in Pennsylvania courts of Pennsylvania's 1982 Abortion Control Act. Of those three cases, by far, the most interesting case was the defense of the Abortion Control Act.

I came back to the Commonwealth Court in 1984. In June of '84, I was arguing a case before the Court en banc in a complicated unemployment compensation case and was asked by Ron Darlington and Tom Brogan, who was Deputy Prothonotary at that time, if I was interested in returning to the Commonwealth Court as an administrator.

I told them I would talk to my wife, and I did.

And she said that I should take it. I interviewed with
President Judge Crumlish and got the job.

Tom Brogan was leaving as Deputy Prothonotary in August of 1984, and I returned to the Commonwealth Court in August of '84, ten years after having left it in August of '74.

From 1984 to 1987, I was Deputy Prothonotary. And then in 1987, the Administrative Offices of Pennsylvania Courts, AOPC, created the position of Executive Administrator. And Ron was chosen for that position, and I was promoted to Prothonotary.

In terms of reflections on the Court's jurisdiction, it's a very unusual court. We do have unique jurisdiction in that we essentially deal with administrative law, governmental law, public law. There's only one other court in the country that has this type of jurisdiction, and that is the Federal D.C. Circuit which deals with administrative agency appeals involving federal administrative agencies.
We also are unique in terms of our original jurisdiction. Ten percent of our cases are in our original jurisdiction, and that has been a statistic which has remained fairly constant over the years.

The staff and the judges of the Commonwealth Court have to know not only the appellate rules, which involve 90 percent of the work we have, but also have to know the civil rules, which are applicable in about 10 percent of the cases in light of the fact that the civil rules do come into play in original jurisdiction matters.

In terms of reflections on the President Judges, we've had six President Judges, Judge Bowman being the first and serving for ten years. As I mentioned, he was a very tall individual with a dominating personality, very kind and considerate and beloved by the Court and, as far as I could see, an outstanding administrator.

Judge Crumlish did not like to come to Harrisburg. He lived in Philadelphia where he had been a district attorney, and I think his father had been very prominent in
Philadelphia. But he was always very kind to me, but I do know that there were some sharp divisions between him and some of the other judges. Judge Crumlish served as President Judge for ten years.

Judge Craig became President Judge in 1990 and served for four and a half years. A brilliant man, an excellent judge who could have made a considerable amount of money in private practice because he was a walking encyclopedia of zoning law and just a very bright, brilliant jurist.

He could be somewhat austere, but he was extremely analytical. He was always very kind to me. And I think at times, he became very frustrated with being President Judge because he had to sometimes deal with irrationality. And Judge Craig was an extremely rational individual, and he could never quite understand irrationality, particularly if it came from the Pennsylvania Supreme Court.

Judge Colins served two five-year terms as
President Judge from 1994 to '99 and then from 2001 through 2006. What's interesting to note concerning the selection of Judge Crumlish and Judge Craig is that they were the most senior members of the Court and they were selected President Judge, Judge Crumlish in 1980, Judge Craig in 1990.

When Judge Craig left the Court in 1994, the question came up once again concerning succession and whether seniority would be used as the main criteria. It was not. There were two judges who were interested in becoming President Judge. Judge Doyle, who had been elected in 1981 and was the more senior, got four votes at judicial conference, and Judge Colins, who had been elected in 1983, got four votes at judicial conference. And as a result, the matter had to be decided by the Pennsylvania Supreme Court, and the Pennsylvania Supreme Court selected Judge Colins. He served for five years until 1999; very friendly, gregarious individual, very quick on his feet, very quick to make a decision. And occasionally he could be mercurial.

In 1999, at the end of Judge Colins' five-year term -- and parenthetically, by that time, the Pennsylvania
Supreme Court, through its rule-making powers, had decided that a President Judge could serve only for five years. But in 1999, Judge Colins stepped down as President Judge, and Judge Doyle was selected as the President Judge. And he served for 28 months as the President Judge until he turned 70. Judge Doyle was a very thoughtful individual, but I think he found being President Judge very frustrating. He was always very kind to me and very considerate to me and to the staff, but I think he found being President Judge very frustrating.

In the beginning of 2002, Judge Colins was re-elected as the President Judge and served five more years. There was a question concerning that election. As I understand it, at judicial conference, Judge Colins received six votes and Judge Pellegrini, who had been elected in 1989, received three votes. And that decision was made in early 2002 when the three new judges came on the Court because of the election of 2001, and those judges being Judge Simpson, Judge Leavitt and Judge Cohn Jubelirer.

At the end of 2006, Judge Colins' second term as PJ ended, and Judge Leadbetter, Bonnie Leadbetter, who had been
appointed by Governor Ridge in 1996 and who was elected to a 10-year term in 1997, was chosen as the new President Judge for a five-year term. The staff has worked with her for the last nine months; a very pleasant individual, very analytical. She's a graduate of Rice University and the University of Pittsburgh Law School where she served on law review. She has been extremely considerate of staff, always willing to take into account their concerns, very even-tempered. I've always found her to think legally first and there's no need for a second explanation; a very bright individual. My reflections on some of the judges. Some were brilliant. Three who jump out at me immediately are Ted Rogers, George Kelton -- he was a senior judge here in the 1990s. He had been a common pleas court judge in Bucks County, and he was an extremely bright, brilliant man. And David Craig. Those would be the three judges I would consider brilliant, and they could have served with distinction on any court in the country.
Some were very bright; Judge Bowman, for example, not only being an excellent administrator, he was a very bright man. He was a walking encyclopedia of jurisdiction and procedure. Judge Wilkinson was a very bright jurist; also Judge Mencer, also Judge Pellegrini I would say. Judge Pellegrini's understanding of government and the law and how law affects government just amazes me. Judge Leadbetter is very bright. Madaline Palladino was on the Court for a little over ten years, and she also was a very bright judge. A couple of our senior judges were very bright. Silvestri

Silvestri was a senior judge with us for several years from Pittsburgh, and Judge Jess Juiliante from Erie was a senior judge for several years, also very bright. Those judges just did not miss very much. I also had the highest regard for Emil Narick, who was a senior judge with us for 15 years; he was a bright, practical judge.

Every judge that I've dealt with I've essentially looked for three things, and invariably they've been there:
Hard-working, honest and bright. I think every one of our judges has met that criteria. Every one of the judges, over 30 judges I've dealt with, met that criteria, and some of them were truly outstanding.

Reflections on the size of the Court. Of course, the original court was set up in 1970, and there were only seven judges. That was expanded to nine in 1977 with the election of David Craig and John MacPhail, and that was due to increasing workload.

In the 1980s, mid 1980s, we began to use senior judges. These were common pleas court judges who would be appointed to our Court by the Pennsylvania Supreme Court. And we also started to use visiting senior judges. These would be judges who would come in and would not sit on panels as the regular senior judges would do, but they would be here to help out with duty week, usually 10 or 12 weeks a year, help out with duty weeks, with motion court, that sort of thing. The senior judges were always appointed by the Pennsylvania Supreme Court, usually after a request by the
At the present time, we have nine commissioned judges and three senior judges: Judge Flaherty, who was elected in 1995; Judge Kelley, who was appointed by Governor Casey in 1990 and elected in 1991 -- but they both attained the age of 70 and are now senior judges -- and also Judge McCloskey, who was a President Judge of Schuylkill County. And we have two visiting senior judges: Judge Keith Quigley from Perry County and Judge Barry Feudale from Northumberland County.

In terms of reflections on the administrative staff, what I have found interesting is the extent to which the Commonwealth Court is a very centralized court administratively. And that goes back to the origins of the Court in 1970 with Judge Bowman being a very strong President Judge from Harrisburg, always in Harrisburg, and he would handle all matters -- all administrative matters here in Harrisburg.

When he died in 1980, Judge Crumlish became President Judge. He did not like to come to Harrisburg, and he delegated routine matters in Harrisburg to Ron Darlington, who had been the administrative assistant and later
25 Prothonotary to Judge Bowman, with Ron immediately to contact

1 Judge Crumlish on any high profile cases or any cases with
2 statewide impact or any emergency matters. But routine
3 matters were to remain in Harrisburg with Ron being the
4 administrative head of the Court here in Harrisburg.
5 So from 1970 to the present day, it's been a highly
6 centralized system. I should add that that is unlike the
7 Pennsylvania Supreme Court, from what I can see, which seems
8 to be a very decentralized court, particularly within the
9 last 30, 35 years with each justice having what I would call
10 a fiefdom. And that was particularly true during the years
11 in the 1980s and into the '90s with Justice Larsen and
12 Justice Papadakos being on the Supreme Court.
13 Ron came to the Court in 1973 as an administrative
14 assistant to President Judge Bowman. He was appointed
15 Prothonotary in 1976 and became Executive Administrator in
16 1987. He's got a very good legal mind, very analytical, and
17 he is a walking encyclopedia on procedural matters and on
18 jurisdiction. But perhaps even more importantly, Ron is a
very good administrator. He delegates extremely well. He's able to keep track of things that he does delegate and keep track of various motions and cases and knows exactly where they are at any time. And he's been very successful in building a team of which I'm proudly a member; Kris Brown, John Moyer and Carol Kosik being part of that team also.

Many outstanding attorneys have been hired by Ron to help with the visiting senior judges and with the prisoner work, and I mention particularly Marcy Waldren, who is presently the Chief Clerk of the Third Circuit; Anita Shekletski, she is now with the Department of State; Margaret Cannon Miller, who is now running for judge in Lancaster County and was able to get the nomination of the Republican Party in Lancaster County; Gail O'Neil, who is now a member of the Workers' Compensation Appeal Board; Mike Alsher, who is now with PennDOT; and Janice Anderson, who left here to go with the Attorney General's Office and now is raising three teenagers.
In 1984, '85 and '86, Kris Brown and Ron and I, along with Kevin McKeon, who had been a law clerk to Judge Bowman in the late '70s, worked on a two-volume treatise entitled Pennsylvania Appellate Practice. And in 1994, we expanded it, and it became a three-volume treatise on Pennsylvania appellate practice. I think to a considerable extent, that book established the reputation of the central legal office, that we were really experts on jurisdiction and appellate procedure. And that's certainly helped us not only with the judges of the Court, but it also established a reputation for us with the practicing bar. All functions in Harrisburg were operated with Ron at the top. Frank Barbush had been Chief Clerk from 1970 to 1984, and he was replaced by Chip Hostutler, a retired Marine Corps Colonel. Chip was with us until he retired in December of 2006, and he's been replaced by Mike Krimmel. Cliff Leftridge left and was replaced by Ward Adams as Deputy Prothonotary for Administration. And he was
replaced by Nick DiLorenzo, who's done a wonderful job being in charge of administrative matters and fiscal matters as Deputy Prothonotary as well as being in charge of computer operations.

In the Prothonotary's Office itself, essentially there has been me and Kris with John Moyer, although being assigned to Ron, being part of our legal team.

The administrative structure of the Court is really a function of the relationship between the President Judge and the Executive Administrator and Prothonotary and Chief Clerk and also the fiscal office.

After Ron and I leave, I'm sure structural changes will be made. For an efficient operation, it's very difficult to have one definitive structure. What will happen is, I think, that the structure will depend upon what the President Judge wants and also depend upon her faith in various individuals in terms of assigning them various functions.

One of the great changes that has occurred in the last 20 years in the Court has been computerization. That
began slowly in the late 1980s and accelerated into the
1990s, and it's continued to the present day.

What I have found is that lawyers who were trained
in the 1960s and '70s were not prepared for computerization,
and initially there was turmoil in the computer staff. We
had one leader of the computer staff who was fired and one
who quit, just did not show up for work one day. But Nick
DiLorenzo has done a wonderful job in the last several years
of being in charge of the computer staff, which now has five
people on that staff, with those people reporting to Nick,
and I think things have greatly settled down there.

In the early 1990s, some judges were very receptive
to computerization: Judge Pellegrini, for instance; also
Judge Craig as President Judge was very much interested in
computerization. But I think some others were less willing
to adapt to computerization. The newer, younger judges have
been very receptive to computerization.

In the last several years, Nick has been in charge,
and he's thrown himself into the computer operation. And he
now is definitely in charge, and I think the judges are
fairly happy with the computers we have.
I'd like to mention some outstanding employees we've had. I'd like to mention 4 or 5 of them. Kris Brown is the Deputy Prothonotary for Law. She's not only a very fine attorney, but she's a walking encyclopedia of the rules of appellate procedure. There's no attorney in the State of Pennsylvania who better understands the rules of appellate procedure.

John Moyer is one of the 4 or 5 most brilliant attorneys I've ever run into; extremely bright, talented individual. And I hope he and Kris remain with the Court for several years to come.

Michelle Proper is the Deputy Chief Clerk. She has been with the Court about 20 years. She's an outstanding employee with the judges and with the public, with the lawyers and the staff, but particularly in terms of computerization. Her technical skills are excellent.

Donny Wagner reviews the briefs and reproduced records as they come in. Donny is a 35- or 36-year employee
of the Commonwealth Court. He's constantly talking to attorneys. He probably, more than any other staff member, interacts with attorneys on a daily basis. And in all the years I've been here, I have never heard one attorney complain about Donny Wagner or have any criticism of Donny. He does an excellent job for the Court.

The other person that I'd like to mention as being an outstanding public employee is Kathy Robertson, who has been Ron's secretary for at least 20, 25 years. An extremely loyal individual with excellent technical skills, she is excellent with the public and excellent with the staff. One of the hardest working, most efficient people that I've ever run into in state government.

I'd like to speak about collegiality in the Court. The Court, of course, having nine judges often will have sharp differences as to what the law is or how a particular case should be decided. But I think any sharp differences remain with the law, with the cases, and don't spill over into relationships between the judges.
The judges try to get together each month for dinner whenever they're in various cities as Pittsburgh, Philadelphia and Harrisburg. And we have a picnic every year and a Christmas party every year, and I think collegiality certainly follows.

My recollection of the Court in the '70s was that Judge Blatt and Judge Mencer were the two judges who did the most to make sure that collegiality was established. Both were very friendly individuals and outgoing. They never allowed any disagreements to become personal. That tradition has continued. I think Judge Colins has certainly contributed to that, and now Judge Leadbetter is certainly continuing with that.

I also have some reflections on the role of attorneys in state government. In terms of reflections on the role of attorneys in state government and what I've seen over the past 30 years, I gave a speech at Widener Law School in October of 2005, and I am going to attach that speech as
Exhibit A to these reminiscences.

I'd like to make some comments concerning the future of the Commonwealth Court. I think John Moyer and Kris Brown will be able to work very well with Judge Leadbetter. All three are very professional, very analytical, very accessible, and I think things should go well, though there will be differences, I'm sure, as time goes by. There will be changes, of course, but I think things will work out well.

The election of 2001 with Judge Leavitt and Judge Cohn Jubelirer and Judge Simpson being elected brought to the Court three bright judges. They tend to be somewhat conservative on the social welfare legislation. And I think the Court has moved slightly to the right with their election, but there's been no dramatic shift in the Court.

One of the things that's going to occur over the next several years is the Chief Clerk's Office is going to move towards e-filing, electronic filing. And I think Mike Krimmel's appointment as Chief Clerk beginning in January of 2007 is the harbinger of things to come there.

I think his mandate to some extent is to make sure that we move towards e-filing. The federal courts have certainly led the charge on this, and I think with Mike,
e-filing will become a high priority when the Court moves into a new building on Commonwealth Avenue in the spring of 2009. In terms of election of judges in Pennsylvania, the question of whether we should have elections versus nomination and confirmation of judges, such as in the federal system, my reaction is nothing is going to change in Pennsylvania. It's an issue that's constantly debated. I used to think the federal system is better, but I don't think we're going to see the adaptation of the federal system in Pennsylvania in my lifetime. Politics undoubtedly enters into both systems. At the federal level, it might be a little more sophisticated, maybe a little more elitist. But in Pennsylvania, it's more grass roots, and it seems to have worked well for the Pennsylvania Commonwealth Court. In terms of security, one of the things I've noticed over the years is -- and this is with some sadness I
say -- that we really have had to change the Court's concern for security. The Court used to be very wide open. There was no receptionist. There was actually no security cards, no ID cards back in the 1970s and into the '80s. The doors to get back to the Chief Clerk's Office were unlocked, and there were doors which were not locked to go back to the chambers with just a sign saying "Please Do Not Enter."

But in light of the events on September 11th, 2001, that changed. The Capitol Police now are on the ground floor of the Irvis Office Building. Now we have a receptionist. We now have security doors. To get from the receptionist to the Chief Clerk's Office, you have to go through a security door. To get from the Chief Clerk's Office into the administrative offices and the chambers, you have to go through more security doors. And now we have security cameras. And that's a far cry from where we were with the openness of the 1970s and 1980s. The last thing I want to mention is my particular
duties as Prothonotary of the Commonwealth Court.

Essentially my job was to review motions as they come in, wait for answers and every day go to the duty judge with proposed orders, which could range from 10 to 20 every day on some mundane matters such as motions for extension of time, dismissal orders for failure to file a brief, dismissal orders for failure to file the reproduced record, rules to show cause because of lack of any action in the last 6 or 9 or 12 months, but also on matters of considerable substance, complicated matters involving supersedeas, motions to dismiss, various motions which would come in which could be handled by a duty judge.

I also help Ron with the scheduling for the Court.

I often receive calls from the public. In fact, if I’d make any criticism of my job performance, I probably answer 10 to 15 phone calls per day. I probably spend too much time on the phone talking to attorneys to get the case in the right procedural posture.
That viewpoint goes back to Judge Bowman's administration where he thought the job of the administrative staff was not to decide matters of substance but to get the case in the right procedural posture so that the case could go forward on the merits.

I interact with the staff. I answer questions from law clerks, from judges, from the public and from the press.

And finally, I just would like to say that if you're going to work in state government, the Commonwealth Court is the place to work. There are a lot of disadvantages to working in state government, but if you are going to work in state government, this is a small bureaucracy, a very professional operation where things can be done very quickly if need be.

And it's been a pleasure working with the Commonwealth Court for one year in the 1970s and then since 1984 to December of 2007, the past 23 years.

I have attached to these reminiscences Exhibit B, which is a list of judges from 1970 to 1999. To the best of my knowledge, I think the following indicates which judges replaced which judges.
Judge Kramer died in 1977 and was replaced by gubernatorial appointment by Richard DiSalle. Judge DiSalle remained on the Court for two years, but he lost the Democratic Primary to Robert Williams in 1979. Judge Williams won the general election and was sworn in, in January 1980.

Judge Bowman died in February 1980 and was replaced by gubernatorial appointment by Madaline Palladino. Judge Palladino remained on the Court for 1 1/2 years, but in the election of 1981, she lost to Joseph (Ted) Doyle.

Three judicial positions were on the ballot in 1983 because Judge Wilkinson became Justice Wilkinson in 1981, Judge Mencer became a federal district court judge in 1982 and Judge Blatt reached retirement age in 1983. Francis Barry won both the Democratic and Republican nominations in the 1983 primary, and Governor Thornburg appointed him to the Court in the summer of 1983. The other two winners were Madaline Palladino (who returned to the Court) and James Gardner Colins.

Two judicial positions were on the ballot in 1987
because Judge Rogers reached retirement age in 1986 and Judge Williams resigned in 1985 to run for district attorney of Philadelphia. The two winners were Doris A. Smith (now Smith-Ribner) and Bernard McGinley. Judge MacPhail decided not to run for retention,

and his position was on the ballot in 1989. Dan Pellegrini won the election. Judge Barry reached retirement age in 1990, as did Judge Crumlish. Governor Casey appointed Robert Byer, a Republican, and James R. Kelley, a Democrat, to the Court, and they joined the Court in 1990. In the judicial election of 1991, Judge Kelley won and Judge Byer lost to Rochelle Friedman. Judge Palladino retired in 1993, and in the election of 1993, Sandra Schultz Newman won. She was on the Court for two years. In 1995, she was elected a justice of the Supreme Court. Judge Craig retired in 1994, and in the 1995 election, Jim Flaherty was elected to his position.

Three judicial positions were on the ballot in 2001 because Judges Kelley, Flaherty and Doyle reached retirement age. Renee Cohn Jubelirer, Robert Simpson and Mary Hannah Leavitt were elected in the 2001 election.