

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2174

Session of  
1998

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INTRODUCED BY ARMSTRONG, SCHRODER, FARGO, CHADWICK, BROWN,  
HERMAN, HENNESSEY, LYNCH, HALUSKA AND E. Z. TAYLOR,  
FEBRUARY 3, 1998

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 1998

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## A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of  
2 Pennsylvania, establishing the Judicial Council of  
3 Pennsylvania; and providing for its powers and duties.

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

6 Section 1. The following amendments to the Constitution of  
7 Pennsylvania are proposed in accordance with Article XI:

8 (1) That sections 1, 2, 10 and 16 of Article V be amended to  
9 read:

10 § 1. Unified judicial system.

11 The judicial power of the Commonwealth shall be vested in a  
12 unified judicial system consisting of the Judicial Council of  
13 Pennsylvania, the Supreme Court, the Superior Court, the  
14 Commonwealth Court, courts of common pleas, community courts,  
15 municipal and traffic courts in the City of Philadelphia, such  
16 other courts as may be provided by law and [justices of the  
17 peace] district justices. All courts and [justices of the peace]

1 district justices and their jurisdiction shall be in this  
2 unified judicial system.

3 § 2. Supreme Court.

4 The Supreme Court [(a)] shall be the highest court of the  
5 Commonwealth [and in this court shall be reposed the supreme  
6 judicial power of the Commonwealth;

7 (b)]. It shall consist of seven justices, one of whom shall  
8 be the Chief Justice[;] and

9 [(c)] shall have such jurisdiction as shall be provided by  
10 law.

11 § 10. Judicial administration.

12 (a) [The Supreme Court shall exercise general supervisory  
13 and administrative authority over all the courts and [justices  
14 of the peace] district justices], including authority to  
15 temporarily assign judges and [justices of the peace] district  
16 justices from one court or district to another as it deems  
17 appropriate.] There shall be a Judicial Council of Pennsylvania.  
18 The Chief Justice shall be a member and shall preside as  
19 chairman of the Judicial Council. Other members shall be as  
20 provided by statute. The Judicial Council shall exercise general  
21 supervisory and administrative authority over all the courts and  
22 district justices. The Judicial Council may temporarily assign  
23 judges and district justices from one court or district to  
24 another as it deems appropriate. The Judicial Council shall have  
25 no authority to assign judges to the Supreme Court, the Superior  
26 Court or the Commonwealth Court. The Judicial Council shall have  
27 the authority to submit budget requests to the General Assembly  
28 on behalf of the unified judicial system and authority to  
29 recommend to the Supreme Court rules or rule changes for the  
30 efficient administration of justice.

1 (b) The [Supreme Court] Judicial Council shall appoint a  
2 court administrator and may appoint such subordinate  
3 administrators and staff as may be necessary and proper for the  
4 prompt and proper disposition of the business of all courts and  
5 [justices of the peace] district justices.

6 (c) (1) The [Supreme Court] Judicial Council shall have the  
7 power to prescribe general rules governing practice, procedure  
8 and the conduct of all courts, [justices of the peace] district  
9 justices and all officers serving process or enforcing orders,  
10 judgments or decrees of any court or [justice of the peace]  
11 district justice, including the power to provide for assignment  
12 and reassignment of classes of actions or classes of appeals  
13 among the several courts as the needs of justice shall require,  
14 and for admission to the bar and to practice law, and the  
15 administration of all courts and supervision of all officers of  
16 the Judicial Branch, if such rules are consistent with this  
17 Constitution and neither abridge, enlarge nor modify the  
18 substantive rights of any litigant, nor affect the right of the  
19 General Assembly to determine the jurisdiction of any court or  
20 [justice of the peace] district justice, nor suspend nor alter  
21 any statute of limitation or repose. [All laws shall be  
22 suspended to the extent that they are inconsistent with rules  
23 prescribed under these provisions.] Neither the Judicial Council  
24 nor the Supreme Court shall have the power to suspend statutes.

25 (2) The Supreme Court shall adopt or reject, but may not  
26 modify, recommended rules or rule changes within 90 days of  
27 their submission by the Judicial Council. If rejected, the  
28 Supreme Court shall return the recommended rules or rule changes  
29 to the Judicial Council with the court's objections. If the  
30 Supreme Court does not adopt or reject recommended rules or rule

1 changes within 90 days of their submission, then the recommended  
2 rules or rule changes shall take effect as if adopted by the  
3 Supreme Court.

4 (d) The Chief Justice and president judges of all courts  
5 with seven or less judges shall be the justice or judge longest  
6 in continuous service on their respective courts; and in the  
7 event of his resignation from this position the justice or judge  
8 next longest in continuous service shall be the Chief Justice or  
9 president judge. The president judges of all other courts shall  
10 be selected for five-year terms by the members of their  
11 respective courts, except that the president judge of the  
12 traffic court in the City of Philadelphia shall be appointed by  
13 the Governor. A Chief Justice or president judge may resign such  
14 position and remain a member of the court. In the event of a tie  
15 vote for office of president judge in a court which elects its  
16 president judge, the [Supreme Court] Judicial Council shall  
17 appoint as president judge one of the judges receiving the  
18 highest number of votes.

19 (e) Should any two or more justices or judges of the same  
20 court assume office at the same time, they shall cast lots  
21 forthwith for priority of commission, and certify the results to  
22 the Governor who shall issue their commissions accordingly.

23 § 16. Compensation and retirement of justices, judges and  
24 [justices of the peace] district justices.

25 (a) Justices, judges and [justices of the peace] district  
26 justices shall be compensated by the Commonwealth as provided by  
27 law. Their compensation shall not be diminished during their  
28 terms of office, unless by law applying generally to all  
29 salaried officers of the Commonwealth.

30 (b) Justices, judges and [justices of the peace] district

1 justices shall be retired upon attaining the age of 70 years.  
2 Former and retired justices, judges and [justices of the peace]  
3 district justices shall receive such compensation as shall be  
4 provided by law. Except as provided by law, no salary,  
5 retirement benefit or other compensation, present or deferred,  
6 shall be paid to any justice, judge or [justice of the peace]  
7 district justice who, under section 18 or under Article VI, is  
8 suspended, removed or barred from holding judicial office for  
9 conviction of a felony or misconduct in office or conduct which  
10 prejudices the proper administration of justice or brings the  
11 judicial office into disrepute.

12 (c) A former or retired justice or judge may, with his  
13 consent, be assigned by the [Supreme Court] Judicial Council of  
14 Pennsylvania on temporary judicial service to any court except  
15 the Supreme Court, the Superior Court or the Commonwealth Court  
16 as may be prescribed by rule of the [Supreme Court] Judicial  
17 Council.

18 Section 2. (a) Upon the first passage by the General  
19 Assembly of these proposed constitutional amendments, the  
20 Secretary of the Commonwealth shall proceed immediately to  
21 comply with the advertising requirements of section 1 of Article  
22 XI of the Constitution of Pennsylvania and shall transmit the  
23 required advertisements to two newspapers in every county in  
24 which such newspapers are published in sufficient time after  
25 passage of these proposed constitutional amendments.

26 (b) Upon the second passage by the General Assembly of these  
27 proposed constitutional amendments, the Secretary of the  
28 Commonwealth shall proceed immediately to comply with the  
29 advertising requirements of section 1 of Article XI of the  
30 Constitution of Pennsylvania and shall transmit the required

1 advertisements to two newspapers in every county in which such  
2 newspapers are published in sufficient time after passage of  
3 these proposed constitutional amendments. The Secretary of the  
4 Commonwealth shall submit these proposed constitutional  
5 amendments to the qualified electors of this Commonwealth at the  
6 first primary, general or municipal election occurring at least  
7 three months after the proposed constitutional amendments are  
8 passed by the General Assembly which meets the requirements of  
9 and is in conformance with section 1 of Article XI of the  
10 Constitution of Pennsylvania.