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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 1044 Session of  
2020

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INTRODUCED BY RYAN, DIAMOND, BOROWICZ, EVERETT, NELSON, ROWE,  
GLEIM, GROVE, METCALFE, RIGBY, MACKENZIE, COOK, IRVIN,  
MARSHALL, DAVANZO, KEEFER, TOPPER, JONES, SCHEMEL, CAUSER,  
OWLETT, GREGORY, KNOWLES, DUSH, KINSEY, FRITZ, MILLARD,  
SANKEY, WARNER, SCHMITT, STAATS, ZIMMERMAN, HEFFLEY AND MOUL,  
OCTOBER 6, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 6, 2020

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A RESOLUTION

1 Impeaching David N. Wecht, Justice of the Pennsylvania Supreme  
2 Court, for misbehavior in office.

3 BE IT RESOLVED, That David N. Wecht, a Justice of the Supreme  
4 Court of the Commonwealth of Pennsylvania, be impeached for  
5 misbehavior in office, and that the following Articles of  
6 Impeachment be exhibited to the Senate:

7 ARTICLE I

8 As a candidate for Justice of the Pennsylvania Supreme Court  
9 in 2015, Justice Wecht made multiple statements concerning the  
10 constitutionality of Pennsylvania's existing Congressional  
11 districting map which plainly showed his inability to sit as a  
12 fair and impartial jurist.

13 Just two short years before the dispute was in front of the  
14 Pennsylvania Supreme Court, Justice Wecht stated,  
15 "Gerrymandering is an absolute abomination. It is a travesty. It  
16 is deeply wrong. These [Congressional] districts have been drawn

1 to disenfranchise the majority of Pennsylvanians. And they have  
2 been drawn by skilled political operatives, and it needs to  
3 stop." Spring 2015 Judge Candidate Forum, Neighborhood Networks  
4 and MoveOn Philly, at [https://www.youtube.com/watch?  
5 v=713tnbv55mU&feature=youtu.be](https://www.youtube.com/watch?v=713tnbv55mU&feature=youtu.be).

6 One of the more damning statements made by Justice Wecht was  
7 made at a candidate's forum held by the named party in *League of*  
8 *Women Voters of Pennsylvania v. Commonwealth*, 177 A.3d 1000 (Pa.  
9 Commonwealth 2017). At that forum, he stated, "Everybody in this  
10 room should be angry about how gerrymandered we  
11 are...Understand, sitting here in the city of Pittsburgh, your  
12 vote is diluted. Your power is taken away from you." Eric  
13 Holmberg, Forums Put Spotlight on PA Supreme Court Candidates,  
14 PUBLICSOURCE (Oct. 22, 2015), at [www.publicsource.org/forums-  
15 put-spotlight-on-pa-supreme-court-candidates](http://www.publicsource.org/forums-put-spotlight-on-pa-supreme-court-candidates).

16 Despite this glaringly obvious lack of objectivity and  
17 impartiality, Justice Wecht participated in the deliberations of  
18 the application for the Court to exercise its extraordinary  
19 jurisdiction filed by League of Women Voters of Pennsylvania,  
20 which implored the Court to remove the case using its King's  
21 Bench authority. Justice Wecht sided with the Petitioners,  
22 ordering fact finding and conclusions of law by the Commonwealth  
23 Court to be presented to the Pennsylvania Supreme Court on an  
24 expedited basis. Justice Wecht participated in oral argument by  
25 the parties before the Court. Finally, Justice Wecht  
26 participated in the determination in granting the relief  
27 requested by the Petitioners, manufacturing an extra-textual  
28 series of constitutional requirements for Congressional  
29 redistricting, and reserving for itself the drawing of  
30 Congressional districts.

1 Rule 2.11(A) of the Code of Judicial Conduct establishes a  
2 straightforward mandate: Any judge—including a Justice of the  
3 Supreme Court "shall disqualify himself or herself in any  
4 proceeding in which the judge's impartiality might reasonably be  
5 questioned." A judge's impartiality might reasonably be  
6 questioned when "[t]he judge, while a judge or judicial  
7 candidate, has made a public statement, other than in a court  
8 proceeding, judicial decision, or opinion, that commits the  
9 judge to reach a particular result or rule in a particular way  
10 in the proceeding or controversy." Rule 2.11(A)(5). This duty to  
11 disqualify exists "...regardless of whether a motion to  
12 disqualify is filed." Rule 2.11, Comment (2). Justice Wecht  
13 failed in his obligation to disqualify himself from these  
14 proceedings and failed to disclose that he had made these  
15 statements to allow parties to determine whether petition for  
16 his removal from the case. The Court granted extraordinary  
17 relief to the Petitioners by a vote of four justices to three.

18 Had Justice Wecht conformed his behavior to the mandates in  
19 Canon 1 in the Code of Judicial Conduct, that judges "uphold and  
20 promote the independence, integrity, and impartiality of the  
21 judiciary, and shall avoid impropriety and the appearance of  
22 impropriety," the Court would have lacked a majority vote to  
23 override the Commonwealth Court's stay; lacked a majority to  
24 effectively re-write the Pennsylvania Constitution to impose  
25 additional districting standards for the Congressional  
26 redistricting process; and, would not have facilitated a  
27 violation of Article II, Section 1 of the United States  
28 Constitution by usurping the legislative authority to draw  
29 congressional districts.

30 Justice Wecht failed to disclose this obvious conflict

1 despite having multiple opportunities to do so. When his  
2 statements were discovered, and an application to disqualify him  
3 from these proceedings was filed, Justice Wecht sat in judgment  
4 of his own application for disqualification. Justice Wecht said  
5 that the two weeks needed to fully investigate his biased  
6 statements by a party was far too long to wait after counsel  
7 suspected his bias. He went on to say that counsel should have  
8 assumed that such bias existed and that they should have  
9 conducted their research prior to the beginning of the case.  
10 Finally, the Justice said he should not disqualify himself  
11 because "the publicity surrounding this case and its  
12 consequence, it is as or more likely that the reversal of such a  
13 prominent case after a flurry of state and national media  
14 coverage will call into question this Court's orderly  
15 administration of justice..." *League of Women Voters of*  
16 *Pennsylvania v. Commonwealth*, 645 Pa. 341, 361, 179 A.3d 1080,  
17 1092 (2018).

18 On February 5, 2018, Justice Wecht issued an opinion and  
19 order which effectively manufactured a standard that  
20 impermissible bias on the part of the judiciary has a threshold  
21 "publicity" standard and parties are obligated to engage in pre-  
22 trial investigations of whether their judge will be impartial.

23 By failing to recuse himself as he should have and  
24 manufacturing new standards for disqualification of justices to  
25 excuse his previously expressed, partisan political interests,  
26 Justice Wecht deprived parties before the court of their rights  
27 to Due Process of law guaranteed under the United States  
28 Constitution and the Constitution of Pennsylvania and engaged in  
29 misbehavior in office.

30 Wherefore, Justice David N. Wecht is guilty of an impeachable

1 offense warranting removal from office and disqualification to  
2 hold any office of trust or profit under this Commonwealth.

3 ARTICLE II

4 On January 22, 2018, the Supreme Court of the Commonwealth of  
5 Pennsylvania issued a per curiam Order ("Order") in *League of*  
6 *Women Voters of Pennsylvania v. Commonwealth*, holding that the  
7 Congressional Redistricting Act of 2011 ("Act") "clearly,  
8 plainly and palpably violates the Constitution of the  
9 Commonwealth of Pennsylvania" and, on this sole basis, struck it  
10 down as unconstitutional. 644 Pa. 287, 289, 175 A.3d 282, 284  
11 (2018). The Court further enjoined the future use of the Act in  
12 elections for Pennsylvania seats in the United States House of  
13 Representative commencing with the upcoming May 15, 2018,  
14 primary election.

15 The Court in its Order mandated that if the Pennsylvania  
16 General Assembly chose "...to submit a congressional districting  
17 plan that satisfies the requirements of the Pennsylvania  
18 Constitution, it shall submit such plan for consideration by the  
19 Governor on or before February 9, 2018." *Id.* at 290, 284. The  
20 Court further held that "[i]f the Governor accepts the General  
21 Assembly's congressional districting plan, it shall be submitted  
22 to this Court on or before February 15, 2018." *Id.*

23 This Order overrode the express legislative and executive  
24 authority, found in Article IV, Section 15 of the Pennsylvania  
25 Constitution, concerning the Governor's veto authority and the  
26 General Assembly's subsequent authority to override such veto.  
27 Article IV, Section 15 clearly lays out the path a bill must  
28 take to become law. That process begins in the General Assembly  
29 and once a bill has passed both Houses of the General Assembly,  
30 Article IV, Section 15 directs that it shall then be presented

1 to the Governor. If the Governor does not approve the bill, the  
2 Constitution mandates that he shall return it with his  
3 objections to the House in which it originated. At that point,  
4 the originating House shall enter the objections at large upon  
5 their journal and proceed to reconsider it. If after such  
6 reconsideration, two-thirds of all the members elected to that  
7 House shall agree to pass the bill, it shall be sent with the  
8 objections to the other House for reconsideration. If the bill  
9 is then approved by two-thirds of all the members elected to  
10 that House it shall become a law. Article IV, Section 15 further  
11 states:

12       If any bill shall not be returned by the Governor within  
13 ten days after it shall have been presented to him, the  
14 same shall be a law in like manner as if he had signed  
15 it, unless the General Assembly, by their adjournment,  
16 prevent its return, in which case it shall be a law,  
17 unless he shall file the same, with his objections, in  
18 the office of the Secretary of the Commonwealth, and give  
19 notice thereof by public proclamation within 30 days  
20 after such adjournment.

21       The February 9th date by which the Court mandated the General  
22 Assembly submit a redistricting plan to the Governor and the  
23 February 15th date by which a redistricting plan must be  
24 approved by the Governor and sent to the Court allows the  
25 Governor only a six-day period within which to consider the plan  
26 and provide his approval, rather than the number of days  
27 provided for in the Constitution of Pennsylvania. Moreover, this  
28 six-day period did not provide any time for the General Assembly  
29 to exercise its constitutional override authority should the  
30 Governor veto the redistricting plan.

1 This six-day period clearly, plainly and palpably violated  
2 Article IV, Section 15 of the Constitution of Pennsylvania. By  
3 its express terms, the Order ignored the constitutional time  
4 frame set out for the Governor's consideration of a bill as well  
5 as the constitutional authority of the General Assembly to  
6 override a gubernatorial veto.

7 In signing this order that blatantly and clearly contradicts  
8 the plain language of the Pennsylvania Constitution, Justice  
9 David N. Wecht engaged in misbehavior in office.

10 Wherefore, Justice David N. Wecht is guilty of an impeachable  
11 offense warranting removal from office and disqualification to  
12 hold any office or trust or profit in this Commonwealth.

13 ARTICLE III

14 In its January 22, 2018 Order, the Pennsylvania Supreme Court  
15 further held that should the General Assembly not submit a  
16 congressional districting plan on or before February 9, 2018, or  
17 should the Governor not approve the General Assembly's plan on  
18 or before February 15, 2018, the Court shall proceed to  
19 expeditiously adopt a plan based on the evidentiary record  
20 developed in the Commonwealth Court. This order by the  
21 Pennsylvania Supreme Court completely disregards the tenets of  
22 the United States Constitution.

23 In a related Order of the Court dated February 7, 2018, a  
24 fellow Justice on the Court recognized the gravity of the  
25 Court's order in his concurring and dissenting opinion. He  
26 stated, "the Court's remedy threatens the separation of powers  
27 dictated by Article I, Section 4 of the United States  
28 Constitution by failing to allow our sister branches sufficient  
29 time to legislate a new congressional districting map,  
30 potentially impinges upon the due process rights of the parties

1 at bar..." *League of Women Voters v. Commonwealth*, 645 Pa. 1,  
2 136, 178 A.3d 737, 826 (2018). Article 1, Section 4 of the  
3 United States Constitution gives authority regarding the "Times,  
4 Places and Manner of holding Elections for Senators and  
5 Representatives" only to state legislatures and Congress. In  
6 this unprecedented case, by issuing their January 22, 2018  
7 Order, the Pennsylvania Supreme Court has, in contravention to  
8 the express grant of authority in the United States  
9 Constitution, arrogated unto itself this legislative authority.

10 On February 19, 2018, the Court issued a Per Curiam opinion  
11 and order, with Justice Wecht and three other Justices of the  
12 Supreme Court arrogating to themselves the task of drawing  
13 Congressional Districts. In his dissenting opinion, the Chief  
14 Justice noted, "... the adoption of a judicially created  
15 redistricting plan apparently upon advice from a political  
16 scientist who has not submitted a report as of record nor  
17 appeared as a witness in any court proceeding in this case; and  
18 the absence of an adversarial hearing to resolve factual  
19 controversies arising in the present remedial phase of this  
20 litigation." *League of Women Voters of Pennsylvania v.*

21 *Commonwealth*, 645 Pa. 576, 626, 181 A.3d 1083, 1121-22 (2018).  
22 He said, "In these circumstances, the displacement to the  
23 judiciary of the political responsibility for redistricting-  
24 which is assigned to the General Assembly by the United States  
25 Constitution-appears to me to be unprecedented." *Id.* at 1122.

26 In joining an Order of the Supreme Court that blatantly and  
27 clearly contradicts the plain language of the United States  
28 Constitution, Justice David N. Wecht engaged in misbehavior in  
29 office.

30 Wherefore, Justice David N. Wecht is guilty of an impeachable



1 offense warranting removal from office and disqualification to  
2 hold any office or trust or profit under this Commonwealth.

3 ARTICLE IV

4 In July of 2019, Justice Wecht authored the opinion in  
5 *Pennsylvania Restaurant and Lodging Association v. Pittsburgh*,  
6 re-writing provisions of the Commonwealth's Home Rule Charter  
7 and Optional Plans Law and Disease Prevention and Control Law of  
8 1955 to manufacture authority to compel employers within the  
9 City of Pittsburgh to provide paid sick leave to their  
10 employees. 211 A.3d 810 (Pa. 2019). In doing so, Justice Wecht  
11 transgressed the Separation of Powers between the legislative  
12 and judicial branches of State government.

13 The law, codified as 53 Pa.C.S. § 2962, provides for  
14 limitations on ability of a municipality which adopts a home  
15 rule charter in the regulation of businesses and employment. The  
16 law states, in part, that home rule municipalities "shall not  
17 determine duties, responsibilities or requirements placed upon  
18 businesses, occupations and employers, including the duty to  
19 withhold, remit or report taxes or penalties levied or imposed  
20 upon them or upon persons in their employment, except as  
21 expressly provided by statutes which are applicable in every  
22 part of this Commonwealth or which are applicable to all  
23 municipalities or to a class or classes of municipalities."

24 Despite there being no authority "expressly provided by  
25 statutes," Justice Wecht undertook a tortured and circuitous 46-  
26 page analysis of existing State law and manufactured authority  
27 from the words of the Disease Prevention and Control Law of  
28 1955. This law imposes the responsibility for "the prevention  
29 and control of communicable and non-communicable diseases" on  
30 local boards of health and the Department of Health (in the

1 absence of a local board). Despite the command in the law that  
2 such authority be "expressly provided" for such ordinances to be  
3 within the municipality's legitimate authority, Justice Wecht  
4 found authority which was at-best implied under the Disease  
5 Prevention and Control Law of 1955 satisfied the "express"  
6 requirements.

7 The Disease Prevention and Control Law of 1955 grants local  
8 boards of health and the Department of Health authority over  
9 individuals who are infected with a communicable or non-  
10 communicable disease and who have been exposed to such  
11 individuals and, grants authority to isolate, quarantine and  
12 surveille only these two classes of individuals. Nowhere in the  
13 Disease Prevention and Control Law of 1955, or elsewhere in  
14 Pennsylvania law, is there an expressed grant of authority to  
15 municipalities to compel private businesses to provide paid sick  
16 leave.

17 In re-writing the statute, by striking the word "expressly"  
18 in the law and replacing it with "impliedly," Justice Wecht  
19 exercised authority that is solely vested in the legislative  
20 branch under Article II, Section 1 of the Constitution of  
21 Pennsylvania. This transgression of the separation of powers  
22 between co-equal branches of government evidences that Justice  
23 David N. Wecht engaged in misbehavior in office.

24 Wherefore, Justice David N. Wecht is guilty of an impeachable  
25 offense warranting removal from office and disqualification to  
26 hold any office of trust or profit under this Commonwealth.

27 ARTICLE V

28 In July 2020, Justice Wecht authored the majority opinion  
29 *Wolf v. Scarnati*, blatantly violating the separation of powers  
30 between the legislative and judicial branches of government. 233

1 A.3d 679 (Pa. 2020).

2 The question in *Wolf v. Scarnati* was whether a concurrent  
3 resolution seeking to compel the Governor to end a state of  
4 emergency required presentment under Article III, Section 9 of  
5 the Constitution of Pennsylvania. The statute at issue, codified  
6 at 35 Pa.C.S. § 7301(c), provides that "[t]he General Assembly  
7 by concurrent resolution may terminate a state of disaster  
8 emergency at any time. Thereupon, the Governor shall issue an  
9 executive order or proclamation ending the state of disaster  
10 emergency." The statute, enacted in 1978, did not provide a  
11 mechanism for presentment to the Governor. By the plain reading  
12 of the words of the law, presentment to the Governor was not  
13 envisioned by the General Assembly of 1978.

14 In holding the statute to be unconstitutional, Justice Wecht  
15 re-wrote the statute to add a presentment provision to the law.  
16 As articulated by a fellow Justice of the Court, Justice Wecht  
17 amended the law as follows:

18 The General Assembly by concurrent resolution may  
19 terminate a state of disaster emergency at any time. **[The**  
20 **Governor may then approve or veto the resolution. If the**  
21 **resolution is approved by the Governor or his veto is**  
22 **overridden, t]hereupon, the Governor shall issue an**  
23 executive order or proclamation ending the state of  
24 disaster emergency.

25 *Wolf*, 233 A.3d at 709.

26 The plain language of the statute stands as a clear  
27 expression of legislative intent by the General Assembly of 1978  
28 to avoid presentment to the Governor. According to his fellow  
29 Justice, Wecht's effort to re-write the statute or ignore its  
30 plain language "is merely a means to the same end - *i.e.*,

1 permitting the constitutional requirement of presentment to be  
2 satisfied notwithstanding the fact that the statute explicitly  
3 aims to avoid exactly that." *Id.* at 712

4 Justice Wecht's opinion in *Wolf v. Scarnati* is at tension  
5 with long-standing jurisprudence on severability of  
6 unconstitutional laws, including an opinion authored by Justice  
7 Wecht himself.

8 In *Protz v. Workers' Compensation Appeal Board*, Justice Wecht  
9 gave a strict reading of the Worker's Compensation Act on the  
10 use of impairment ratings from the American Medical Association  
11 in making determinations of the level of disability for workers'  
12 compensation, and struck down the law. 639 Pa. 645, 161 A.3d 827  
13 (2017). The law provided that physicians should make these  
14 determinations "pursuant to the most recent edition of the  
15 American Medical Association 'Guide to the Evaluation of  
16 Permanent Impairment.'" At the time the law was enacted, the  
17 Fourth Edition of the AMA Guides was being used. For the sake of  
18 "constitutional avoidance," and the appearance of impartiality  
19 and consistency, Justice Wecht could have simply struck the  
20 words "most recent" and added the word "Fourth." He did not.

21 Strikingly, Justice Wecht found it constitutionally tenable  
22 in *Wolf v. Scarnati* to add 22 words that the General Assembly  
23 did not include in the law, while finding it constitutionally  
24 untenable in *Protz* to replace two words with one.

25 By re-writing the statute under the auspices of  
26 "constitutional avoidance," Justice Wecht frustrated the intent  
27 of the General Assembly of 1978 and exercised authority that is  
28 vested in the legislative branch under Article II, Section 1 of  
29 the Constitution of Pennsylvania. This violation of his  
30 obligation to uphold the Constitution of Pennsylvania evidences

1 that Justice David N. Wecht engaged in misbehavior in office.

2 Wherefore, Justice David N. Wecht is guilty of an impeachable  
3 offense warranting removal from office and disqualification to  
4 hold any office of trust or profit under this Commonwealth.

5 ARTICLE VI

6 The Pennsylvania Supreme Court adopted Rule 2.11(A)(4) of the  
7 Code of Judicial Conduct, which governs recusals and provides  
8 that when "[t]he judge knows or learns that a party, a party's  
9 lawyers, or the law firm of a party's lawyer has made a direct  
10 or indirect contribution to the judge's campaign in "...an  
11 amount that would raise a reasonable concern about the fairness  
12 or impartiality of the judge's consideration of a case involving  
13 the party..." judges shall disqualify themselves.

14 In September 2020, the Supreme Court issued its opinion and  
15 order in *Pennsylvania Democratic Party v. Boockvar*. No. 133 MM  
16 2020, 2020 WL 5554644 (Pa. Sept. 17, 2020). During his 2015  
17 campaign for election to the Pennsylvania Supreme Court, Justice  
18 Wecht received nearly \$3.1 million in campaign contributions  
19 during the 2015 election cycle. Nearly 8%, or \$224,910.24, of  
20 his reported campaign funds were contributed by the petitioners  
21 in *Pennsylvania Democratic Party v. Boockvar*.

22 Rule 2.11(A) of the Code of Judicial Conduct establishes  
23 unequivocally that any judge, including a Justice of the Supreme  
24 Court, "shall disqualify himself or herself in any proceeding in  
25 which the judge's impartiality might reasonably be questioned."  
26 A judge's impartiality might reasonably be questioned-and a  
27 judge must disqualify himself or herself-when "the judge, while  
28 a judge or judicial candidate, has made a public statement,  
29 other than in a court proceeding, judicial decision, or opinion,  
30 that commits the judge to reach a particular result or rule in a

1 particular way in the proceeding or controversy." Rule 2.11(A)  
2 (5).

3 According to the commentaries on this Rule, there is no  
4 amount specified that would require recusal or disqualification,  
5 but rather "the nature of the inquiry is an objective one  
6 involving the public perception of large contributions and their  
7 effect on the judge's ability to be impartial...A contribution  
8 of several thousand dollars will almost always require an  
9 analysis of whether disqualification is warranted...[T]he effect  
10 of contributions will generally dissipate over time. The larger  
11 the contribution, the longer it will take to dissipate."  
12 Statement of Policy Regarding Disqualification Based on Campaign  
13 Contributions Under Rule 2.11(A) (4) published at 46 Pa.B. 6969  
14 (November 5, 2016).

15 Justice Wecht, writing for the majority in *Commonwealth v.*  
16 *Koehler* (2020), addressed the issue of recusal. He stated that a  
17 challenge to an appellate judge's bias may be heard under the  
18 Post Conviction Relief Act because, "'[d]ue process demands the  
19 absence of judicial bias.' And a litigant's due process rights  
20 are violated if a biased appellate judge decides the fate of the  
21 litigant's appeal." 229 A.3d 915, 931 (Pa. 2020) (citations  
22 omitted). Donations of large sums of money to a Justice's  
23 campaign by a party to litigation must be disclosed so that the  
24 parties may weigh the efficacy of an application for  
25 disqualification of that Justice.

26 Justice Wecht had an obligation to disclose these  
27 contributions to the parties under the Court's Rules of Judicial  
28 Conduct. This failure to disclose evidences that Justice David  
29 N. Wecht engaged in misbehavior in office.

30 Wherefore, Justice David N. Wecht is guilty of an impeachable

1 offense warranting removal from office and disqualification to  
2 hold any office of trust or profit under this Commonwealth.

3 ARTICLE VII

4 Justice Wecht, who as a Pennsylvania Supreme Court Justice  
5 took an oath to support, obey and defend the Constitutions of  
6 the United States and the Commonwealth of Pennsylvania, and to  
7 discharge the duties of his office with fidelity, and who is  
8 bound to uphold the integrity of the judiciary, to avoid  
9 impropriety and the appearance of impropriety, and to perform  
10 the duties of his office impartially, did, through actions  
11 including:

12 (1) failing to abide by the Pennsylvania Code of  
13 Judicial Conduct and thereby depriving parties of their  
14 rights to Due Process guaranteed under the United States  
15 Constitution and the Constitution of Pennsylvania in *League*  
16 *of Women Voters of Pennsylvania v. Commonwealth*;

17 (2) violating Article IV, Section 15 of the Constitution  
18 of the Commonwealth of Pennsylvania in *League of Women Voters*  
19 *of Pennsylvania v. Commonwealth*;

20 (3) violating Article I, Section 4 of the Constitution  
21 of the United States of America in *League of Women Voters of*  
22 *Pennsylvania v. Commonwealth*;

23 (4) exercising authority that is solely vested in the  
24 legislative branch under Article II, Section 1 of the  
25 Constitution of the Commonwealth of Pennsylvania in  
26 *Pennsylvania Restaurant and Lodging Association v.*  
27 *Pittsburgh*;

28 (5) exercising authority that is solely vested in the  
29 legislative branch under Article II, Section 1 of the  
30 Constitution of the Commonwealth of Pennsylvania in *Wolf v.*

1        *Scarnati*;

2            (6) failing to abide by the Canons of Judicial Ethics  
3        embodied in the Pennsylvania Code of Judicial Conduct to  
4        disclose his potential bias to the parties in *Pennsylvania*  
5        *Democratic Party v. Boockvar*;

6        undermine confidence in the integrity and impartiality of the  
7        judiciary and betray the trust of the people of the Commonwealth  
8        of Pennsylvania, thereby bringing disrepute on the courts of the  
9        Commonwealth, and rendering Justice Wecht unfit to continue to  
10        serve as a Justice of the Supreme Court of Pennsylvania.

11        Wherefore, Justice David N. Wecht is guilty of an impeachable  
12        offense warranting removal from office and disqualification to  
13        hold any office of trust or profit under this Commonwealth.

14        The House of Representatives hereby reserves to itself the  
15        right and ability to exhibit at any time hereafter further  
16        Articles of Impeachment against Justice David N. Wecht, to reply  
17        to any answers which Justice Wecht may make to any Articles of  
18        Impeachment which are exhibited and to offer proof at trial in  
19        the Senate in support of each and every Article of Impeachment  
20        which shall be exhibited by them.