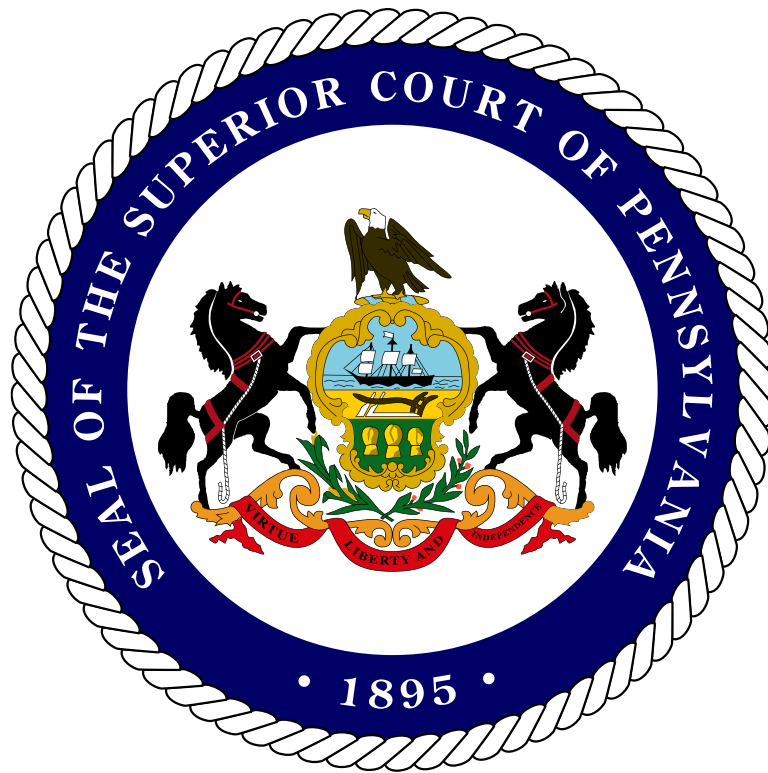


125 YEARS OF JUSTICE



**A SYMPOSIUM
THE SUPERIOR COURT OF
PENNSYLVANIA
1895 – 2023**

125th Anniversary Superior Court of Pennsylvania

I am honored to serve as the 22nd President Judge of the Superior Court of Pennsylvania. On behalf of my esteemed colleagues, and in celebration of the Court's remarkable history, I offer the following overview of the people, events, and decisions that have shaped the Court since its founding in 1895. It was our intent to celebrate our 125th anniversary in 2020; however, a worldwide pandemic put that plan on hold until now.

The Superior Court maintains an active Historical Society. Please visit the website of the Superior Court Historical Society for detailed information and materials about the Court. It is located at:

<https://www.superiorcourthistory.org/>

It is my sincere belief that the Court will continue, into the distant future, to build upon its legacy of serving the citizens of the Commonwealth and the cause of justice.

*Jack A. Panella
President Judge
Superior Court of Pennsylvania
September 2023*



JUDGES OF THE SUPERIOR COURT

President Judge Jack A. Panella
President Judge Emeritus John T. Bender
Judge Mary Jane Bowes
Judge Anne E. Lazarus
Judge Judith Ference Olson
Judge Victor P. Stabile
Judge Alice Beck Dubow
Judge Deborah A. Kunselman
Judge Carolyn H. Nichols
Judge Mary P. Murray
Judge Maria C. McLaughlin
Judge Megan King
Judge Daniel McCaffery
Judge Megan Sullivan
President Judge Emeritus Correale F. Stevens
President Judge Emeritus James G. Colins
President Judge Emeritus Dan Pellegrini

INTRODUCTION

In reviewing the history of the Superior Court on its Centennial anniversary in 1995, my predecessor, President Judge James E. Rowley, described the Court as “an accessible people’s court.”¹ This is an apt description of the Court’s central role in dispensing justice to Pennsylvanians from all walks of life in nearly all types of cases. Indeed, while the Court’s structure and jurisdiction have changed since its founding in 1895, its core mission of ensuring the accuracy and fairness of trial court adjudications, in cases both large and small, and civil, criminal, or family law related, has remained unchanged.

In fulfilling this mission, the Court has helped Pennsylvania’s citizenry and judiciary navigate economic calamities, two World Wars, social unrest, the complexity of new technologies, global pandemics, and countless other events that generate complex and controversial legal issues. In confronting and resolving these issues, the Court routinely has been one of the nation’s busiest appellate courts, and sometimes the very busiest. It is also typically the last word in the vast majority of Pennsylvania appeals, and many of its decisions have profoundly shaped the law in the Commonwealth and beyond. Despite its national reputation, however, the Superior Court is fundamentally a *Pennsylvania* court, and its history is inextricably tied to the history of the Commonwealth itself.

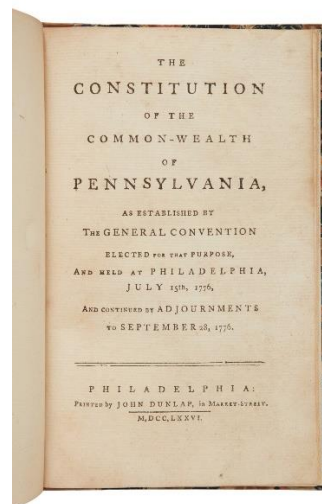
THE EARLY JUDICIAL SYSTEM OF PENNSYLVANIA

Pennsylvania’s judiciary is the oldest in North America and predates the creation of the United States by nearly a century. Inspired by William Penn based on his experiences with intolerance and

¹ Hon. James E. Rowley, *100 Years of Justice; The Superior Court of Pennsylvania’s First Century, 1895-1995* (on file with the author and available at Jenkins Law Library, KFP531.05, 1995). I owe a debt of gratitude to President Judge Rowley and his fine Centennial history, upon which this updated version builds.

persecution in England, the first Pennsylvania court—the Provincial Court—was created in 1684, only two years after Penn’s arrival. The Provincial Court, which consisted of five Justices and pioneered the function of “riding the circuit” that continues today, was the direct ancestor of the Supreme Court of Pennsylvania, which was formally created by statute in 1722. Like its predecessor, the Supreme Court consisted of five Justices who had colony-wide jurisdiction.

Thereafter, the Supreme Court and the remainder of the Pennsylvania judiciary developed incrementally, helping to guide the colony’s development and, ultimately, its central role in the American Revolution and the founding of the new nation. Called “the Keystone State” for good reason - it was no accident that the First Continental Congress met in Pennsylvania, the Declaration of Independence was drafted and adopted here, and the Constitution was drafted and debated here.



At the center of American life from the beginning, Pennsylvania flourished among the new United States, and its importance had profound consequences for its judiciary. By the mid-nineteenth century, Pennsylvania was the nation’s leading producer of the essential materials of industry, including coal, iron, steel, oil, and lumber. At the outset of the Civil War, Philadelphia was the nation’s preeminent industrial city, and by the end of the century, the Pennsylvania Railroad was the largest privately owned corporation in the world, with more than two hundred thousand employees, double

the number of soldiers in the United States Army. During America's headlong economic development, Pennsylvania was rightly called "the Laboratory of Industrial Society."²

In the legal and judicial realms, Pennsylvania's rapid industrialization throughout the nineteenth century resulted in increasingly complex commercial relationships that dramatically increased litigation. In turn, the volume of new litigation placed tremendous pressure on the Pennsylvania Supreme Court, which remained the Commonwealth's sole appellate court for nearly the entire nineteenth century.

After proposed remedies proved inadequate and the Supreme Court's caseload expanded significantly over the next two decades, there were renewed efforts to relieve the Supreme Court's docket, which resulted in the creation of the Superior Court.

ESTABLISHMENT OF THE SUPERIOR COURT

Although the 1873 convention had declined to create an intermediate appellate court, the 1874 Constitution that emerged from the convention authorized the legislature to create new courts as necessary. Invoking that power two decades later, legislators introduced several bills that proposed different iterations of an intermediate appellate court, including circuit courts like those that many other states would later adopt. The successful proposal, designated House Bill 130, created the Superior Court of Pennsylvania when it was signed into law by Governor Daniel Hastings on June 24, 1895. The new Court, which was one of the first intermediate appellate courts in the nation, consisted of seven Judges who would be elected to ten-year terms and were required to sit at least once a year in Philadelphia, Pittsburgh, Harrisburg, Scranton, and Williamsport.

² For this reference and other statistics regarding Pennsylvania's industrial might, see Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania*, 2d ed. (University Park, Pennsylvania State University, 1980), 277-315.

Although the Superior Court was vested with no original jurisdiction, it had statewide appellate jurisdiction and, because civil litigation had been a particular cause of the Supreme Court's burgeoning docket, the Superior Court was granted jurisdiction over appeals in all civil actions involving \$1,000 or less. Appeals involving homicide or in which the attorney general was involved remained within the exclusive jurisdiction of the Supreme Court, as did appeals involving matters of federal law or federal or state constitutional questions. An appeal also could be taken to the Supreme Court if it were specifically allowed by either the Superior Court or by a single Justice of the Supreme Court. By agreement, litigants could bestow jurisdiction on the Superior Court to decide appeals that otherwise would be taken to the Supreme Court.

The requirement that the Superior Court must sit in at least five different cities each year was consistent with President Judge Rowley's description of the Superior Court as the "people's court." This requirement was designed to ensure that the new Court would be accessible to citizens across the Commonwealth and would more expeditiously resolve local cases. One of the sponsors of House Bill 130, Representative John H. Fow of Philadelphia, stated, "If it was in order, I would move an amendment to the amendment providing that the court be furnished with a horse and wagon and stop at every town throughout the Commonwealth and dispense law." In fact, Representative Fow had proposed, perhaps jokingly, an amendment to change the Court's name from the Superior Court of Pennsylvania to the Court of Pied Poudre, the "Dusty Feet Court," to ensure that the Judges travelled to the far reaches of the Commonwealth. Although Fow's amendment was defeated, it perfectly illustrates that the Superior Court is, and always was, the people's court.

The Act that created the Superior Court became effective on July 1, 1895, and Governor Hastings appointed the Court's first seven Judges, who would be required to run for their posts in the 1895 general election.

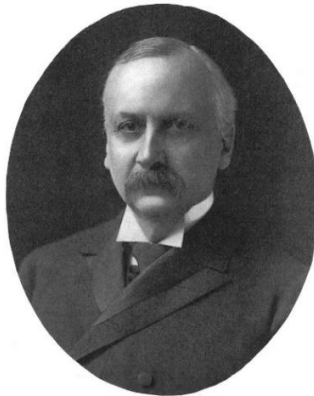


The first Superior Court, as appointed in 1895. L-R (seated): Edward N. Willard, President Judge Charles E. Rice, John J. Wickham, Henry J. McCarthy. L-R (standing): James A. Beaver, George B. Orlady, Howard J. Reeder.

Three of the first appointees were already sitting Judges: Judge Howard James Reeder of the Third Judicial District in Easton; President Judge Charles Edmund Rice of the Eleventh Judicial District in Wilkes-Barre; and President Judge John Jervis Wickham of the Thirty-Sixth Judicial District in Beaver. The other four appointees were prominent lawyers: James Addams Beaver of Bellefonte, a former Governor and Civil War hero and the person for whom Penn State's Beaver Stadium is named; Edward Newell Willard of Scranton, a prominent businessman and well-respected litigator; George B. Orlady of Huntington County, a physician; and Henry J. McCarthy of Philadelphia.

SESSIONS OF THE NEW SUPERIOR COURT

On June 28, 1895, even before the Act creating the new Court became effective, the appointed Judges assembled in Harrisburg to begin to organize the new Court. In this and subsequent meetings that continued through the summer and early fall of 1895, the Judges promulgated procedural rules; arranged to share prothonotaries with the Supreme Court in Philadelphia, Harrisburg, and Pittsburgh; appointed their own prothonotaries in Williamsport and Scranton; and established a schedule for the Court's first term. Judge Rice was designated as the first President Judge.



Hon. Charles E. Rice

The Court's first argument session was held on November 4, 1895, at 11:00 a.m. in the Supreme Court's courtroom in Philadelphia's City Hall. A newspaper printed the following recollection of J.T. Mitchell, an attorney who was present that day:

When the seven members of the Bench of the Superior Court filed into the Supreme Court-room, [t]hey stood by their chairs as the Crier in the most solemn manner opened the Court for the first time, and then in the usual formula called down the blessings of God on "this honorable Court."

On the desks before each of the new Judges were huge baskets of flowers sent by the Five O'clock Club as a token of the respect in which Judge Henry J. McCarthy, ... one of its members, was held.... [T]hroughout the session of the Court the perfume from the roses, violets, and other sweet smelling flowers filled the air....

President Judge Rice was naturally seated in the centre, while on his right were Judges Edward N. Willard, Howard J. Reeder, and Henry J. McCarthy, and on his left were

Judges James A. Beaver, John J. Wickham, and George B. Orlady. They all wore the regulation black gowns and looked to be just what was expected of them, a fine and imposing body of men. They went to work at once, and the business of the day was transacted with a despatch that was noteworthy.

This first session of the Court adjourned at 3:00 p.m. The Court continued to meet in Philadelphia from November 4 until December 20, 1895. The Court's composition then changed slightly as a result of the November 1895 general election, in which all members of the Court except one were elected.

The Court next sat in Scranton, meeting in the federal courtroom in the Post Office Building. From February 17 until February 20, in keeping with its statutory requirement, the Court sat in Williamsport, using the U.S. District Court's courtroom in the federal building. The Court then sat in Harrisburg from March 10 until March 19, and in Pittsburgh from April 6 until May 14, utilizing the Supreme Court's courtrooms in both locations.

In 1896, the Court began its practice, which continues today, of holding "special sessions" in different locations around the Commonwealth. The first special session was held in Erie from May 19 until May 21, during which the Court heard appeals from the local counties of Erie, Crawford, McKean, and Warren.

WORK OF THE NEW SUPERIOR COURT

The burgeoning caseloads that had earlier overwhelmed the Supreme Court quickly began to impact the Superior Court as well. In 1896, the Superior Court heard 483 appeals, or 42% of all the appeals filed in the Commonwealth. In 1899, the Superior Court heard 608 appeals, an increase of more than 25% in only three years, which accounted for approximately 48% of all Pennsylvania appeals. The increased volume was due primarily to legislative changes in the Superior Court's jurisdictional threshold for civil appeals and the Supreme

Court's transfer of equity jurisdiction to the Superior Court. As the Court's jurisdiction increased, the volume of appeals naturally increased as well.

Over the ensuing decades, the Superior Court confronted a remarkable array of complicated issues. Given Pennsylvania's rapid industrialization, the Court was required to mediate between profoundly different views offered by advocates of laissez faire economics, on one hand, and labor reformers who sought to protect vulnerable workers, especially women and children, on the other. The Court developed a complex body of case law that sought to delineate the proper relationship between the judiciary, the legislature, and the economy. In 1900, the Superior Court described the authority of the legislature in enacting protective labor laws as follows:

Commonwealth v. Beatty, 15 Pa. Super. 5, 15 (1900)

The police power of the state is difficult of definition, but it has been held by the courts to be the right to prescribe regulations for the good order, peace, health, protection, comfort, convenience and morals of the community which does not . . . violate the provisions of the organic law . . . Its essential quality, as a government agency is that it imposes upon persons and property burdens designed to promote the safety and welfare of the public at large.

The Court's decisions in this area generally recognized legislative authority to regulate the economy and became important precedents for the labor rights movement of future decades.

In other important cases, the Court was called upon to address complex issues of state law arising from two World Wars and the Great Depression, evolving notions of justice in criminal and family law, and the explosion of tort litigation in the latter half of the twentieth century. In each of these areas, the Superior Court developed nuanced bodies of jurisprudence that shaped the law both in Pennsylvania and nationally, and nearly always withstood review by the Pennsylvania Supreme Court. Indeed, and remarkably, the Supreme Court found that the Superior Court erred in only 60 of the first 4,991 decisions it rendered. The Superior Court

also undeniably succeeded in reducing the Supreme Court's caseload, which was halved in only four years following the Superior Court's creation.

THE CONSTITUTIONAL COURT

Beginning in the 1950s and continuing for the next three decades, the Superior Court's caseload rose dramatically. For example, between 1953 and 1982, the Superior Court's caseload increased more than 1,000%, from 543 appeals in 1953 to 5,593 in 1982. When adjusted for disparities in population growth, the Superior Court's caseload increased more than the appellate caseloads of courts in any other state.

In the midst of (and in part because of) its burgeoning caseload, the Superior Court underwent structural and jurisdictional changes. By 1967, the Constitution of 1874 had been in effect for 94 years and was increasingly seen as outdated. After many failed efforts, a constitutional convention began on December 1, 1967. Among their many efforts to modernize Pennsylvania's constitution, the delegates focused on judicial reform. Ultimately, the convention succeeded in promulgating the Constitution of 1968, which created a Unified Judicial System headed by the Supreme Court and enshrined the Superior Court, which had been a statutory court since 1895, in the text of the Constitution.

Notably, while the delegates rejected proposals to expand the Superior Court, it created a new intermediate appellate court, the Commonwealth Court, to handle appeals involving the Commonwealth and certain administrative matters. The delegates believed that the Commonwealth Court would sufficiently relieve the Superior Court's caseload burden, but that belief proved to be unfounded.

In the twelve years after the Constitution was ratified, the Superior Court's caseload rose an additional 266%, from 1,697 appeals in 1968 to 4,523 appeals in 1980. In the late 1970s, the

National Center for State Courts conducted and published a landmark study in which it concluded that Pennsylvania Superior Court Judges were the busiest appellate Judges in the United States. For instance, Superior Court Judges each decided, on average, 345 appeals per year; the next closest competitor (the Florida Court of Appeals) decided 213 appeals per Judge. By that standard, the Superior Court decided 60% more appeals than any other appellate court in the nation.

The Court's burgeoning docket resulted from both the proliferation of litigation generally and statutory changes to the Court's jurisdiction. As a result of statutes enacted in 1970 and 1976, the Superior Court was given exclusive appellate jurisdiction of all appeals from final orders of the Courts of Common Pleas in all matters and amounts in controversy, the only exceptions being appeals within the exclusive jurisdiction of the Supreme Court or the Commonwealth Court. Also, the former jurisdictional ceiling on civil cases appealed to the Superior Court was eliminated. Finally, the Supreme Court transferred its exclusive jurisdiction over certain assumpsit and trespass cases to the Superior Court. In addition to its appellate jurisdiction, the Superior Court was granted exclusive jurisdiction over wiretap applications.

As the Court's caseload continued to grow, the need for structural reform became urgent.

THE EXPANDED SUPERIOR COURT

On May 9, 1978, Supreme Court Chief Justice Michael J. Eagen issued an order directing the Superior Court to sit in panels of three Judges "in view of exceedingly heavy volume of appeals coming to the Superior Court, presently at the rate exceeding 3,000 per year, and the emergency created thereby." While the creation of these panels expedited the hearing of appeals, it did not increase the number of Judges available to hear those appeals because such

an increase could be accomplished only by amending the 1968 Constitution, which limited the Superior Court to seven Judges. As a result, the Court's onerous workload remained.

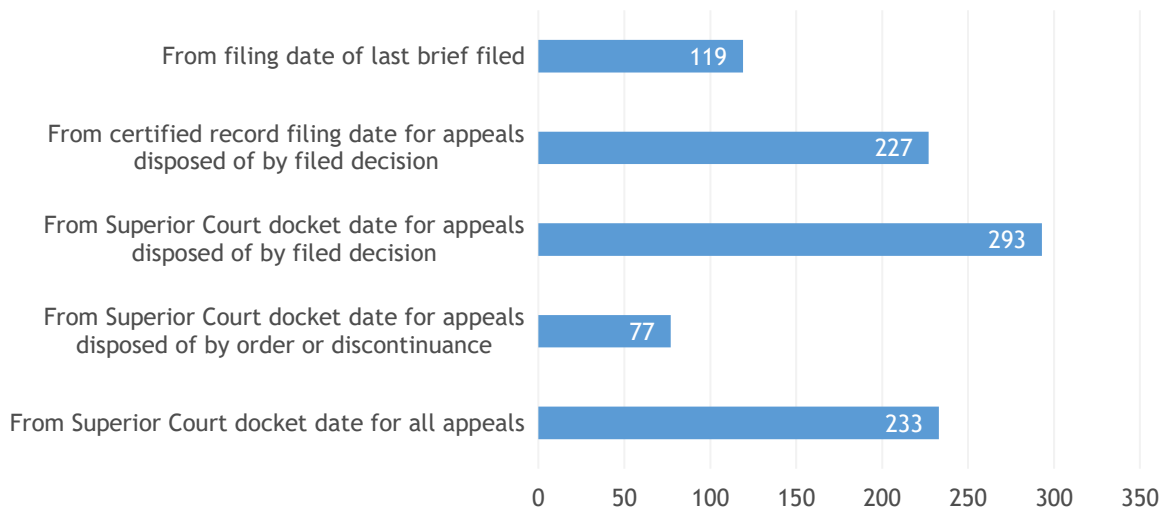
On November 6, 1979, after a long, bipartisan effort, voters ratified a constitutional amendment allowing the legislature to expand the Court. Legislation to expand the Court to fifteen Judges was quickly introduced and passed by both chambers of the legislature, and Governor Richard Thornburgh signed the legislation into law on June 11, 1980. Since then, the Superior Court has decided appeals primarily using three-Judge panels, although losing litigants can then ask the Court to reconsider especially important appeals "*en banc*," in which case, if the request is granted, nine Judges will resolve the appeals.

The expansion to fifteen Judges completed a substantial reformation of the Court from a statutory body of seven Judges with relatively limited jurisdiction who always sat together to a constitutional body of fifteen Judges with sweeping jurisdiction, presiding primarily in three-Judge panels. The Court's expansion was timely because its caseload continued to increase. In 1979, the last full year before the expansion, 4,523 appeals were filed. By 1995, the number was 7,606, an increase of 68%.

Although its modern structure was essentially complete, the Superior Court continued to innovate to keep pace with its caseload. In the early 1980s, with the permission of the Supreme Court, it began to utilize the services of senior Judges to serve on three-Judge panels. It also subscribed to an online legal database to expedite legal research, began the widespread use of word processors, and instituted a computerized docketing system to track appeals. By the end of the decade, it also implemented an integrated computer system that linked the Judges' chambers and administrative offices. The Court further mandated that all Judges must have four judicial clerks and two administrative assistants, all of whom had computer access.

These efforts substantially enhanced the Court’s ability to decide appeals. For instance, in 1977, the Court resolved 1,550 cases by filed decisions. In 1995, it resolved 7,558 appeals, an increase of 388%, which exceeded the 250% growth in the Court’s caseload over that time. Another indication of the increased efficiency was that the Court routinely took about 350 days to decide an appeal in the 1970s. By the 1990’s, the disposition time was approximately 300 days. Through innovative practices, the Court has further reduced the time for final disposition of appeals:

Median Number of Days to Disposition for Appeals Concluded in 2022



Finally, as new filings increased throughout the 1970s and 1980s, so too did the Court’s backlog of undecided appeals. By the 1980s, with an existing backlog of 8,500 appeals, the Court implemented accelerated docket programs and special panels consisting of two members of the Superior Court and one common pleas judge. Although new filings continued to increase, the backlog was virtually eliminated by 1985.

In all of these respects, measures implemented by the Court proved effective in keeping pace with increased filing volumes and clearing large backlogs.

THE MODERN SUPERIOR COURT

Today's Superior Court consists of fourteen Judges, and the full complement of fifteen Judges will be restored in the 2023 general election. The Court also benefits from the services of three experienced senior Judges. The Court settled into its main Courtroom and Administrative Office in Philadelphia, with the official conference room having been named after the Honorable Stephen McEwen, the President Judge who had the foresight to establish the Philadelphia facility.

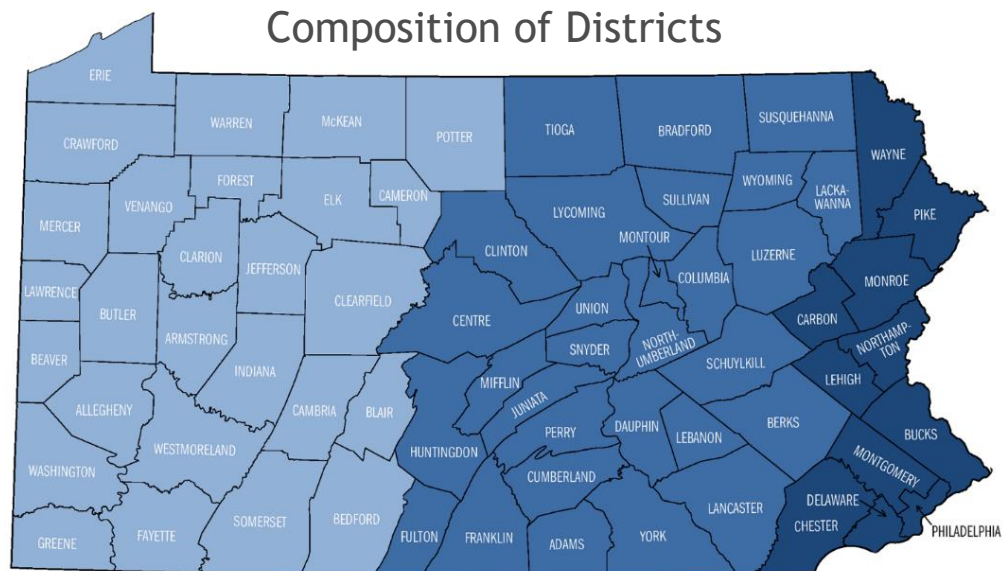


Superior Court Courtroom - Philadelphia

The Court's President Judge must be a commissioned Judge and, since 1979, the President Judge is elected by the remaining commissioned Judges. The President Judge serves as the Court's administrative head and also represents the Court in interactions with the other branches of Commonwealth government and at ceremonial functions. In addition, the President Judge coordinates the activities and responsibilities of the Court's various departments. The President Judge's term is five years and, since 1990, the President Judge may not serve two consecutive terms.

Like their predecessors, the Court's current Judges exercise statewide jurisdiction and maintain chambers in locations of their choice. The Judges sit primarily in three-Judge panels

and decide cases that are either argued orally or submitted on briefs alone. The commissioned and senior Judges are randomly assigned to ever-changing panels, and they hear oral arguments primarily in Philadelphia, Harrisburg, and Pittsburgh. They also continue the tradition, begun in 1896, of conducting special and ceremonial sessions elsewhere in the Commonwealth.



Western District ●
Pittsburgh

Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, Westmoreland

Middle District ●
Harrisburg

Adams, Berks, Bradford, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming, Mifflin, Montour, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wyoming, York

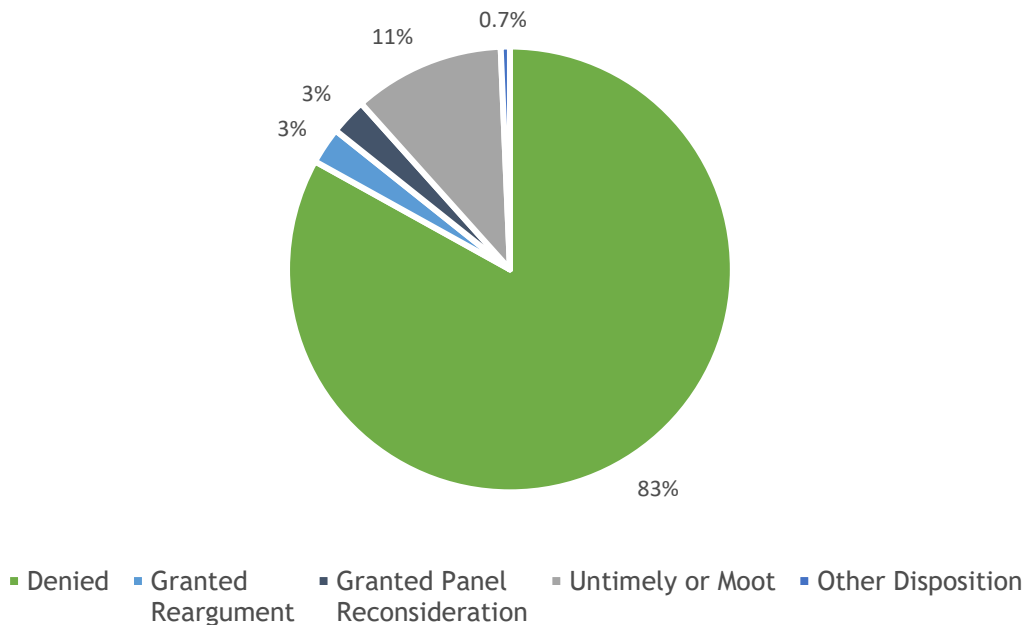
Eastern District ●
Philadelphia

Bucks, Carbon, Chester, Delaware, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, Pike, Wayne

Several times a year, the commissioned Judges sit “*en banc*,” which means (as described above) that nine Judges decide appeals that have been deemed to carry statewide importance, either as a result of a litigant’s application or upon the Court’s own determination.

Typically, each Judge has two administrative assistants and four law clerks who are law school graduates and assist the Judge by researching and drafting legal memoranda. Some law clerks serve from one to two years, which allows the Court to train new lawyers on a rotating basis, but many law clerks are also long-term employees. Typically, a full-time chief clerk helps to oversee the work of the chambers and other clerks.

Applications for Reconsideration or Reargument in 2022



The Court also employs an extensive and experienced non-judicial staff. The Executive Administrator oversees the business and administrative operations, and the Court’s Prothonotary oversees and maintains the Court’s three filing offices, in Pittsburgh, Harrisburg, and Philadelphia. In these offices, appeals are docketed, files are maintained, and opinions and

orders are processed. Attorneys on the Court's Central Legal Staff, directed by two Chief Staff Attorneys, review appeals for jurisdictional issues and review the Court's decisions to ensure consistency in the Court's jurisprudence. Other essential staff include Legal Systems, which maintains the Court's computer systems, and the Reporter's Office, which maintains all records pertaining to the Judges' assignments and submits the Court's decisions for publication in computerized legal databases.

EXECUTIVE ADMINISTRATOR

Jennifer Traxler, Esquire

DEPARTMENT HEADS

Benjamin Kohler, Esquire
Prothonotary

Philip H. Yoon, Esquire
Chief Staff Attorney - Legal

Catherine Shelly, Esquire
Chief Staff Attorney - Operations

Dolores Bianco
Reporter

Peter F. Johnson, Esquire
Legal Systems Coordinator

Since its second century of service began in 1996, the Superior Court has continued to innovate in an effort to deliver justice more effectively and efficiently. With the onset of the twenty-first century, the Court began to make its dockets available on the internet and undertook plans to distribute its decisions electronically, both of which are now standard practices. Enhancement of the Court's case management system also allowed direct voting by Judges, which eliminated nearly 50,000 emails annually. These and many other efficiencies have led to remarkable results in adjudicating a caseload that has remained heavy.

The Court's substantive work in its second century has continued to be varied and challenging. On July 3, 2000, in order to address the dire need for swift decisions in cases

involving children, the Court instituted what is now known as the Children’s Fast Track Program. Under that forward-looking program, Court personnel review docketing statements, which are intake forms filed at the outset of appeals, to quickly identify cases involving adoption, custody and visitation, child support, dependency and involuntary termination of parental rights. Such cases are assigned to the Fast Track Program and monitored to ensure that trial court records and litigants’ briefs are timely filed. Fast Track cases are then given priority listing before panels and expeditiously resolved. This program has served as a model for similar programs implemented by courts elsewhere.



Superior Court 2013

While appeals continue to be filed across the Court’s broad jurisdiction, rapid technological changes in the twenty-first century have presented the Court with especially challenging new issues. In recent years, the Court has been called upon to decide appeals involving conflicting rights of free speech and privacy on social media platforms, cybersecurity and the legal ramifications of data breaches, the enforceability of electronic agreements, and a myriad of other issues that have required the Court’s Judges to understand and accommodate evolving technologies within the context of existing jurisprudence. In such cases, with little on-point precedent, the Judges have continued to apply and adapt Pennsylvania law to an ever-changing array of scenarios.

The year 2020 posed an especially historic challenge to the Superior Court and the remainder of the Pennsylvania judiciary. The rapid spread of the Coronavirus (COVID-19) in early 2020 created significant public health concerns and substantially affected the activities of virtually all people and organizations. The judiciary reacted almost immediately when, on March 16, 2020, the Supreme Court of Pennsylvania declared a general, statewide judicial emergency. In the wake of the declaration, the Superior Court quickly developed new protocols and implemented innovative and effective court management, technology, and communications systems to maintain its ability to resolve appeals. In particular, in what became a model for courts across the Commonwealth, the Superior Court quickly provided remote electronic access to Judges and their staff and adopted electronic and telephonic means for conducting oral arguments. The Bar was especially appreciative of how quickly the Court instituted remote oral arguments. Of special interest to attorneys were two failsafe procedures adopted by the Superior Court to avoid violations of applicable statutes of limitations and to ensure timely appeals in Children’s Fast Track cases.



Superior Court 2017

Incredibly, while courts elsewhere experienced substantial backlogs as a result of the pandemic, the Superior Court continued to decide appeals quickly and efficiently. For example, while 5,307 new appeals were filed in 2020, the Court decided 6,819 appeals that year, which meant that the Court not only stayed current in the midst of a once-in-a-century health crisis but also cleared more than 1,500 appeals that were filed before 2020.

Simultaneously, the Court pursued the paramount goal of ensuring the safety of all personnel. It undertook numerous protective measures, including remote work and planning and coordinating meetings among chief clerks and department heads that effectively prevented and contained threats to Court personnel. These meetings proved so effective that they continue to the present. When the judicial emergency was lifted, the Superior Court's staff returned to their offices, having maintained the Court's safety and efficiency throughout the pandemic. As one expression of its sincere appreciation, the Court released a video sincerely thanking its personnel for remaining safe while keeping the Court current.

JUDGES OF THE SUPERIOR COURT

Many extraordinary Judges have served on the Superior Court. Several of the earliest were Civil War heroes. While the honors bestowed on the Court's Judges are too lengthy to enumerate, several outstanding achievements warrant mention here.

Two Superior Court Judges went on to become Governor of Pennsylvania: Arthur Horace James, who served on the Court from 1933 to 1939 and served as Governor from January 17, 1939, to January 19, 1943; and John S. Fine, who served on the Court from 1947 to 1950 and served as Governor from January 16, 1951, to January 18, 1955. In addition, one former Governor, James Addams Beaver, was first appointed, and then elected, to the Superior Court.

Former Judge Maureen Lally-Green served as the Dean of the Thomas R. Kline School of Law of Duquesne University from 2016 until 2019.

Five Judges from the Superior Court were appointed to the Pennsylvania Court of Judicial Discipline, including Justin M. Johnson, Stephen J. McEwen, Jr., Jack A. Panella, John L. Musmanno, and Daniel D. McCaffery, with McEwen, Panella and Musmanno later serving as President Judge.

Fifteen Superior Court Judges went on to serve on the Pennsylvania Supreme Court: John W. Kephart, William B. Linn, James B. Drew, William M. Parker, Israel Packel, Frank J. Montemuro, Jr., Thomas G. Saylor, J. Michael Eakin, Correale F. Stevens, Joan Orié Melvin, Debra McClosky Todd, Seamus P. McCaffery, Christine L. Donohue, David Wecht, and Sallie Updyke Mundy. Four of them, John W. Kephart, James B. Drew, Thomas G. Saylor, and Debra McClosky Todd, later served as Chief Justice of Pennsylvania.



Superior Court 2007

MILESTONES

- ✓ 1895 – Legislation approved establishing “an intermediate court of appeal” to be known as the Superior Court of Pennsylvania. The tribunal consisted of seven judges elected for terms of 10 years and eligible for re-election.
- ✓ 1966 – the Honorable Theodore Spaulding became the first black Judge to sit on the Superior Court.



- ✓ 1978 – The Superior Court began sitting in three-judge panels.
- ✓ 1981 – the Honorable Phyllis W. Beck was confirmed as the first woman to serve on the Superior Court. Judge Beck's daughter, the Honorable Alice Beck Dubow, would later be elected to the Superior Court and took office in 2016.



- ✓ 1986 – the Superior Court began its first year with fifteen judges.
- ✓ 1998 – the Superior Court moved into its new main courtroom and administrative offices at the Penn Mutual Building in Philadelphia.
- ✓ 2006 – the Honorable Kate Ford Elliott became the first woman to be elected President Judge of the Superior Court.



- ✓ 2008 – the Superior Court issued the first volume in a three-volume set of books containing the commissioned judges’ installation ceremonies.
- ✓ 2020 – Judge Daniel D. McCaffery, the brother of former Superior Court Judge Seamus P. McCaffery, became the first sibling of a Superior Court Judge to be elected to the Court.
- ✓ 2022 – the Historical Society of the Superior Court of Pennsylvania was organized, and its website was launched at superiorcourthistory.org.

CONCLUSION

This brief overview of the Superior Court’s remarkable history illustrates why the Court has been, and remains, one of the preeminent appellate courts in the United States. Although its structure and jurisdiction have repeatedly changed, the Court has clearly achieved its primary goals of relieving the Supreme Court’s caseload and efficiently delivering justice in cases that arise across its sweeping jurisdiction. And, despite its role as an intermediate appellate court, the Court has rendered the final decision on the merits in the vast majority of all appeals filed in Pennsylvania. In 2021, for instance, the Superior Court rendered the final merits decision in more than 67% of all appeals filed in the Commonwealth.

The Court is, therefore, essential to the functioning of the Pennsylvania judiciary, and its Judges and staff remain well-positioned to continue serving this purpose for many years to come.

**HON. JACK A. PANELLA
PRESIDENT JUDGE, SUPERIOR COURT**

**JOHN J. HARE, ESQ.
MARSHALL DENNEHEY, PHILADELPHIA**

SEPTEMBER 2023

PENNSYLVANIA SUPERIOR COURT JUDGES SINCE 1895

PENNSYLVANIA SUPERIOR COURT JUDGES SINCE 1895

COMMISSIONED JUDGES OF THE SUPERIOR COURT

Judges Elected to Full Terms

Charles E. Rice	1895
James A. Beaver	1895
George B. Orlady	1895
John J. Wickham	1895
Edward N. Willard	1895
Howard J. Reeder	1895
Peter P. Smith	1896
William D. Porter	1898
John I. Mitchell	1900
Thomas A. Morrison	1902
John J. Henderson	1903
John B. Head	1906
John W. Kephart	1914
Frank M. Trexler	1914
J. Henry Williams	1916
William Huestis Keller	1919
William B. Linn	1919
Robert S. Gawthrop	1922
Jesse E. B. Cunningham	1926
Thomas J. Baldrige	1929
James B. Drew	1931
Joseph Stadtfeld	1931
William M. Parker	1932
Arthur H. James	1933
Chester H. Rhodes	1935
William E. Hirt	1939
Charles H. Kenworthy	1941
Claude Trexler Reno	1942
F. Clair Ross	1945
W. Heber Dithrich	1945
John C. Arnold	1945

John S. Fine	1947
Blair F. Gunther	1950
J. Colvin Wright	1953
Robert E. Woodside	1953
Harold L. Ervin	1954
G. Harold Watkins	1957
Gerald F. Flood	1961
Harry Milton Montgomery	1960
Robert Lee Jacobs	1965
J. Sydney Hoffman	1965
Theodore O. Spaulding	1966
William Franklin Cercone	1969
Edmund B. Spaeth, Jr.	1973
Gwilym A. Price, Jr.	1974
Robert Van der Voort	1974
John P. Hester	1978
Donald E. Wieand	1978
James R. Cavanaugh	1979
John G. Brosky	1980
Richard B. Wickersham	1980
Frank J. Montemuro, Jr.	1980
Justin M. Johnson	1980
Zoran Popovich	1980
Stephen J. McEwen	1981
Phyllis W. Beck	1981
Vincent A. Cirillo	1982
James E. Rowley	1982
Patrick R. Tamilya	1984
Joseph A. Del Sole	1984
Peter Paul Olszewski	1984
John T.J. Kelly, Jr.	1986
Kate Ford Elliott	1990
Joseph A. Hudock	1990
Thomas G. Saylor	1994
J. Michael Eakin	1996
Michael T. Joyce	1998
Correale F. Stevens	1998
John L. Musmanno	1998
Joan Orie Melvin	1998
Maureen E. Lally-Green	1998
Debra McClosky Todd	2000
Richard B. Klein	2002
John T. Bender	2002
Mary Jane Bowes	2002
Susan Peikes Gantman	2004
Seamus P. McCaffery	2004
Jack A. Panella	2004

Christine L. Donohue	2008
Jacqueline O. Shogan	2008
Cheryl Lynn Allen	2008
Anne E. Lazarus	2010
Sallie Updyke Mundy	2010
Judith Ference Olson	2010
Paula Francisco Ott	2010
David Wecht	2012
Victor P. Stabile	2014
Alice Beck Dubow	2016
Deborah A. Kunselman	2018
Carolyn H. Nichols	2018
Mary P. Murray	2018
Maria C. McLaughlin	2018
Megan McCarthy King	2020
Daniel D. McCaffery	2020
Megan Sullivan	2022

The list of [Commissioned Judges of the Superior Court](#) references the year the Judge first took office. Some Judges elected to full terms were initially appointed by the Governor of Pennsylvania to the Superior Court.

PRESIDENT JUDGES

Charles E. Rice	1895 – 1915
George B. Orlady	1915 – 1925
William D. Porter	1925 – 1930
Frank M. Trexler	1930 – 1935
William H. Keller	1935 – 1945
Thomas J. Baldrige	1945 – 1947
Chester H. Rhodes	1947 – 1965
Harold L. Ervin	1965 – 1968
J. Colvin Wright	1968 – 1974
G. Harold Watkins	1974 – 1978
Robert Lee Jacobs	1978 – 1979
William F. Cercone	1979 – 1983
Edmund B. Spaeth, Jr.	1983 – 1986
Vincent A. Cirillo	1986 – 1991
James E. Rowley	1991 – 1996
Stephen J. McEwen, Jr.	1996 – 2001
Joseph A. Del Sole	2001 - 2006
Kate Ford Elliott	2006 – 2011
Correale F. Stevens	2011 – 2013
John T. Bender	2013 – 2014
Susan Peikes Gantman	2014 – 2019
Jack A. Panella	2019 – Present

SENIOR JUDGES APPOINTED BY THE SUPREME COURT

Robert E. Colville	2006
Fred P. Anthony	2007
James J. Fitzgerald	2008
William H. Platt	2011
Eugene B. Strassburger	2011
James G. Colins	2019
Dan Pellegrini	2019

JUDGES APPOINTED FOR LIMITED TERMS

William W. Porter	1897
Dimner Beeber	1899
J. Frank Graff	1930
John G. Whitmore	1930
Arthur H. James	1944
Philip O. Carr	1956
John Beerne Hannum	1968
Israel Packel	1971
Richard DiSalle	1980
Perry Shertz	1980
James R. Melinson	1988
D. Donald Hamieson	1995
Berle M. Schiller	1996
Robert A. Graci	2002
Robert C. Daniels	2007
Robert A. Freedberg	2008
John M. Cleland	2008
Patricia H. Jenkins	2014
Carl A. Solano	2016
Lillian Harris Ransom	2016
H. Geoffrey Moulton, Jr.	2016

The list of [Judges Appointed for Limited Terms](#) includes Judges who were nominated by the Governor of Pennsylvania and confirmed by the Senate of Pennsylvania.

PENNSYLVANIA SUPERIOR COURT JUDGES 2023

COMMISSIONED JUDGES



President Judge Jack A. Panella



President Judge Emeritus John T. Bender



Judge Mary Jane Bowes



Judge Anne E. Lazarus



Judge Judith Ference Olson



Judge Victor P. Stabile



Judge Alice Beck Dubow



Judge Deborah A. Kunselman



Judge Carolyn H. Nichols



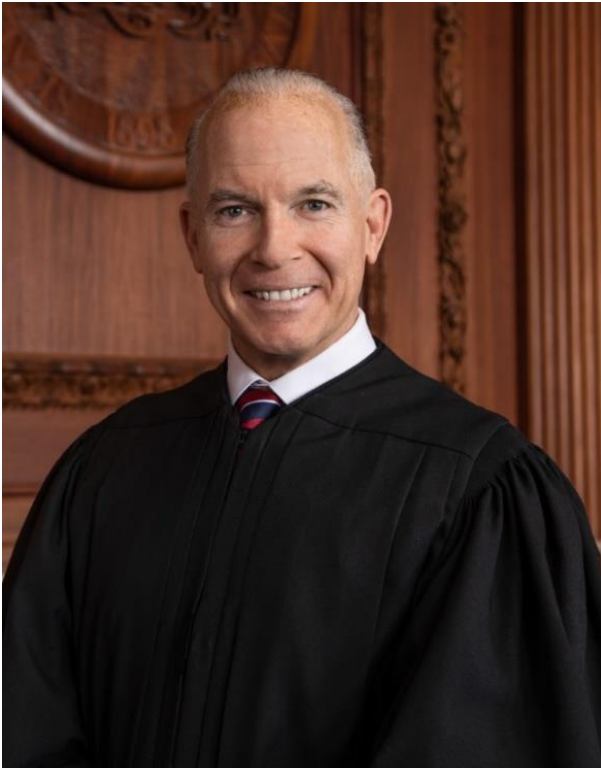
Judge Mary P. Murray



Judge Maria C. McLaughlin



Judge Megan McCarthy King



Judge Daniel D. McCaffery

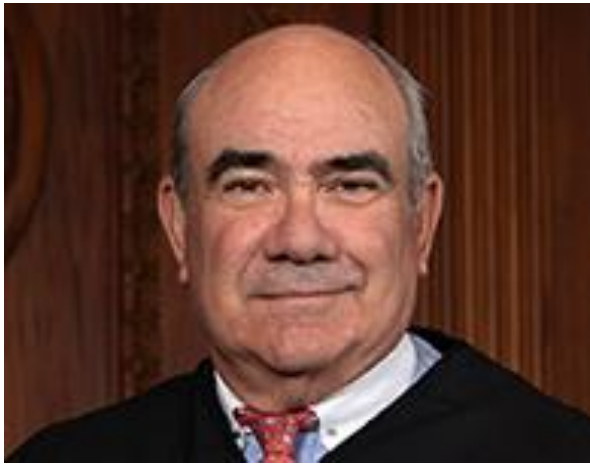


Judge Megan Sullivan

SENIOR JUDGES



President Judge Emeritus Correale F. Stevens



President Judge Emeritus James G. Colins



President Judge Emeritus Dan Pellegrini