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STATEMENT OF REP. JEFFREY E. PICCOLA

HOUSE JUDICIARY CHAIRMAN

AUGUST 3, 1995

Before we begin taking testimony, I'd like to share with you the reason for this hearing.

Our Supreme Court is vested with a bundle of powers called King's Bench Authority. The current source of this authority is the Pennsylvania Constitution and the statutes of Pennsylvania.

This morning we are focusing on that portion of the bundle which allows the Supreme Court to take cases away from any lower court at any point in the proceedings and to assume plenary, or full and complete jurisdiction of that case. We will be hearing from witnesses who are currently involved with King's Bench litigation, from a former member of the Appellate Bench who has had extensive experience with King's Bench cases, from a legal scholar, and from a representative of the administrative office of the Pennsylvania Courts. By hearing from such diverse and learned sources, it is the committee's intention to shed light on the nature of this power and the manner in which it has been exercised most recently in the case of Thermal Pure Systems v. DER.

Now, let me tell you what this hearing is NOT about. It is neither about any actual impropriety on the part of our Supreme Court, nor is it about Justice Zappala's brother's interest in this case. I have seen nothing which would lead me to believe that the Supreme Court has acted contrary to law.

However, as chairman of the committee and as a practicing member of the Pennsylvania Bar, I am concerned with more than actual impropriety. Being actively involved in the impeachment of Former Justice Rolf Larsen and other issues which bear directly upon whether the hardworking men and women of Pennsylvania have confidence in their courts, I am left with the unshakable belief that the appearance of impropriety is as damning as actual impropriety.

I am not the only person who believes the Supreme Court invokes King's Bench Jurisdiction in a haphazard and inscrutable way. Practicing attorneys and some legal scholars have also been critical of this practice.

Trial judges have told me that attorneys in their courtrooms raise the specter of intervention by the Supreme Court when faced with an adverse ruling, thus disrupting and delaying lower court proceedings.

The credibility of the Court is at stake, as is our citizen's faith in the integrity of our courts.

In March of this year, this committee held a public hearing on HB10 and HB838, a thoughtful and bipartisan judicial reform package. That legislation would eliminate King's Bench Authority of the Supreme Court and instead let the General Assembly grant that power to the Court through statute. I believed then and believe now that this reform is desperately needed. The procedural history of this case only reinforces that belief.

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