

RESOLUTION No: 2021-01

A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE MONROE COUNTY BAR ASSOCIATION,
IN OPPOSITION TO A CONSTITUTIONAL AMENDMENT
CREATING APPELLATE COURT DISTRICTS

WHEREAS: The Pennsylvania House of Representatives passed legislation in the form of House Bill 196, now known as House Bill 38, calling for an amendment to the Constitution of the Commonwealth of Pennsylvania organizing all Appellate Court Judges and Justices into legislatively created representative judicial districts;

WHEREAS: House Bill 196, now known as House Bill 38, would create Nine (9) Commonwealth Court Districts, fifteen (15) Superior Court Districts and seven (7) Supreme Court Districts;

WHEREAS: The districts will be gerrymandered and allow for only one judge to be elected for each court from each district;

WHEREAS: Amendments to the Constitution of the Commonwealth of Pennsylvania must pass the General Assembly in the same form in two consecutive sessions prior to being submitted to the electorate in the form of a referendum;

WHEREAS: House Bill 196, now known as House Bill 38, passed both Houses by narrow margins;

WHEREAS: House Bill 196, now known as House Bill 38, has the effect of delegitimizing the Appellate Court judiciary and runs contrary to the Constitutional recognition of a statewide unified judicial system;

WHEREAS: Although one of the stated aims of House Bill 196, now known as House Bill 38, is to provide more geographic diversity to each court, House Bill 196, now known as House Bill 38, would severely threaten the independence of the courts by

creating the distinct possibility judges will become beholden to the people in certain districts instead of all the citizens across the entire Commonwealth;

WHEREAS: Judges need to be free of having local biases and partiality and instead need to exhibit fidelity to all the citizens of the Commonwealth while avoiding myopic regionalized thought; and

WHEREAS: Currently seated Appellate Court judges routinely travel to different parts of the Commonwealth to hear cases helping them gain sensitivity to the various regions, economics and histories of our great Commonwealth;

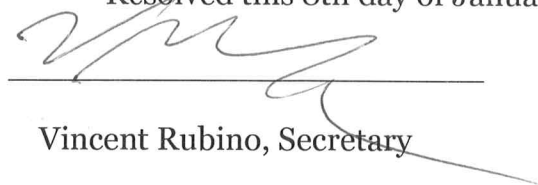
WHEREAS: The citizens of the Commonwealth do not need polarized politics to enter a system of justice based on fairness for all.

NOW THEREFORE be it RESOLVED and it is hereby RESOLVED that:

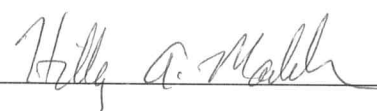
1. The Board of Directors of the Monroe County Bar Association, in the interest of judicial independence and the preservation of separation of powers, urges the members of the General Assembly elected to represent the citizens of Commonwealth, as well as the citizens of Monroe County, to vote against HB 196, now known as House Bill 38, and oppose any proposed Referendum calling for an amendment to the Constitution of the Commonwealth of Pennsylvania allowing for the creations of nine (9) Commonwealth Court Districts, fifteen (15) Superior Court Districts and seven (7) Supreme Court Districts.

2. That copies of this Resolution be sent to the members of the General Assembly representing communities in Monroe County.

Resolved this 8th day of January, 2021.



Vincent Rubino, Secretary

By: 

Hillary A. Madden, President