

of Philadelphia may be increased in such amount that the total debt of said city shall not exceed thirteen and one-half per cent of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding three per cent upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law.

In ascertaining the debt-incurring capacity of the City of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or part thereof, or facility therefor, whether separately, or in connection with any other public improvement or public utility, or part thereof, or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall be as now prescribed, or which may hereafter be prescribed by the General Assembly.

In incurring indebtedness for any purpose the City of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said City of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred.

No debt shall be incurred by, or on behalf of, the County of Philadelphia.

Section 13. Reserved for existing section eight of article fourteen.

Section 14. Definitions.—As used in this article, the following words shall have the following meanings:

“Municipality” means a county, city, borough, incorporated town or township or any similar form of government which shall hereafter be created by the General Assembly.

“Initiative” means the filing with the applicable election officials at least ninety days prior to the next primary or general election of a petition containing a proposal for referendum signed by electors comprising ten per cent of the number of voters voting for the office of Governor in the last gubernatorial general election in any municipality affected. The applicable election official shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at said election. Initiative on a similar question shall not be submitted more often than once in five years.

“Referendum” means approval of a question placed on the ballot, by initiative or otherwise, by a majority vote of the electors voting thereon.

Section 2. Sections seven, eight, ten, fifteen and nineteen of article eight; section one of article thirteen; sections one, two, three, four, five, six and seven of article fourteen and sections one, two, three, four, and five of article fifteen are repealed.

Section 3. The following schedule is adopted with each section to take effect on the effective date of appropriate legislation or on the date designated in this schedule, whichever shall first occur. The second sentence of section one on uniform procedural law shall take effect four years after adoption. Section two shall take effect immediately upon adoption. Section three shall take effect four years after adoption. The third paragraph of section four on salaries and fees shall take effect four years after adoption. Section five, section six and section seven shall take effect upon adoption. The first paragraph of section eight on Uniform Legislation shall take effect two years after adoption as contained in the text. The second paragraph of section eight on Initiative shall take effect upon adoption. The third paragraph of section eight on Study shall take effect two years after adoption. The fourth paragraph of section eight on Legislative Power shall take effect two years after adoption. Section nine shall take effect upon adoption. The first paragraph of section ten on debt limitation shall take effect four years after adoption. The second paragraph of section ten on adoption of a covenant shall take effect upon adoption. Section eleven, section twelve and section thirteen shall take effect upon adoption. The second sentence of section one and the first paragraph of section eight on Uniform Legislation shall be construed to supercede any other provision of the Constitution to the extent not prohibited by the jurisdiction of this Convention.

### COMMITTEE ON JUDICIARY

PRESIDENT BRODERICK. The Chair recognizes Delegate Scranton of the Committee on Judiciary.

DELEGATE SCRANTON. Mr. President, I read in place and present to the Chair the following proposal on behalf of Co-Chairman Amsterdam and the 42 members of the Judiciary Committee. I would appreciate a few minutes to speak on the same and to give a brief oral summary of a long document.

#### COMMITTEE PROPOSAL No. 7

By DELEGATES AMSTERDAM and SCRANTON

#### A PROPOSAL

Repealing article five of the Constitution of Pennsylvania relating to the Judiciary, and adding a new Judiciary article.

THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA HEREBY PROPOSES AS FOLLOWS:

Section 1 The Constitution of Pennsylvania is amended by adding after article four, a new article to read:

#### ARTICLE THE JUDICIARY

Section 1. Courts.—(a) The judicial power of this Commonwealth shall be vested in a unified judicial system con-

sisting of a Supreme Court, a Superior Court, a Commonwealth Court, courts of common pleas, community courts, justices of the peace, municipal and traffic courts in the City of Philadelphia, and such other courts as may be provided by law.

(b) The jurisdiction and powers of the unified judicial system shall be as provided by law, except that the jurisdiction and powers presently vested in the courts of this Commonwealth shall be vested in the unified judicial system created hereby and the General Assembly shall not remove any of said jurisdiction or powers from said system or any part thereof without prior approval of the Supreme Court.

Section 2. Supreme Court.—(a) The Supreme Court shall be the highest court of this Commonwealth and shall possess all judicial powers possessed by it at the time of the adoption of this article.

(b) The Supreme Court shall consist of seven justices, one of whom shall be Chief Justice.

(c) The jurisdiction of the Supreme Court shall be as provided by law.

Section 3. Superior Court.—The Superior Court shall consist of seven judges, one of whom shall be President Judge, and its jurisdiction shall be as provided by law.

Section 4. Commonwealth Court.—The Commonwealth Court shall consist of the number of judges and have such Statewide jurisdiction as shall be provided by law. One of its judges shall be President Judge.

Section 5. Right of Appeal.—There shall be a right of appeal in all cases to an appellate court of Statewide jurisdiction.

Section 6. Courts of Common Pleas.—(a) There shall be one court of common pleas for each judicial district, having such divisions and number of judges as shall be provided by law. One of its judges shall be President Judge.

(b) The courts of common pleas shall have unlimited original jurisdiction in all cases except as may otherwise be provided by law or in this Constitution.

Section 7. Community Courts; Philadelphia Municipal Court and Traffic Court.—(a) In judicial districts other than the City of Philadelphia in which a majority of the electors voting thereon have adopted a community court, there shall be one community court, the divisions, number of judges and jurisdiction of which shall be as provided by law.

(b) The question of whether or not a community court shall be established in any such judicial district shall be placed upon the ballot in a primary election by petition which shall be in such form as shall be prescribed by the officer of the Commonwealth having supervision over elections. Any such petition shall be filed with such officer and shall be signed by a number of electors equal to five per cent of the total votes cast for all candidates for the office receiving the highest number of votes in such judicial district at the last preceding general or municipal election. The manner of signing such petitions, the time of circulating them, the affidavits of the persons circulating them and all other details not contained herein shall be governed by the general laws relating to elections. The question shall not be placed upon the ballot in a judicial district at more than one election during any five-year period.

(c) In the City of Philadelphia, in lieu of a community court, there shall be a municipal court and a traffic court.

The number of judges and the jurisdiction of both shall be as provided by law.

Section 8. Magisterial Districts; Justices of the Peace.—(a) In judicial districts, other than the City of Philadelphia, in which a majority of electors voting thereon have not adopted a community court, there shall be one justice of the peace in each magisterial district as provided by law.

(b) The General Assembly shall by general law establish classes of magisterial districts solely on the basis of population and population density and shall fix the salaries to be paid justices of the peace in each class. The number and boundaries of magisterial districts of each class within each judicial district shall be established by the Supreme Court or by the courts of common pleas under the direction of the Supreme Court as required for the efficient administration of justice within each magisterial district.

Section 9. Other Courts.—The General Assembly may, with the advice and consent of the Supreme Court, establish such additional courts, or divisions of existing courts, as may be needed, or, with the advice and consent of the Supreme Court, abolish any court, or division thereof, created by statute.

Section 10. Qualifications of Justices, Judges, and Justices of the Peace.—(a) All justices, judges, and justices of the peace shall be citizens of this Commonwealth. All justices and judges shall be members of the bar of the Supreme Court of Pennsylvania except the judges of the traffic court in Philadelphia. The justices of the Supreme Court, the judges of the Superior Court and the Commonwealth Court, during their continuance in office, shall reside within this Commonwealth, and the other judges and justices of the peace, during their continuance in office, shall reside within the district in which they serve.

(b) Justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their office and pass an examination prior to assuming office. The course of study and examination shall be as provided by law.

Section 11. Method of Selection of Justices, Judges and Justices of the Peace.—(a) Whenever a vacancy occurs for any reason in the office of a justice or judge of any court of Statewide jurisdiction the Governor shall fill the vacancy by appointment from a list of persons qualified for the office submitted to him by the State Judicial Qualifications Commission provided for in section 12(a). Such appointment shall not require the consent of the Senate.

(b) At any municipal or general election in a judicial district in which the matter has been placed on the ballot in the manner hereinafter specified, the qualified electors of any judicial district may, by a majority vote of those voting on the question, elect to have the judges of their district appointed in the manner provided for courts of Statewide jurisdiction, utilizing, however, District Judicial Qualifications Commissions provided for in section 12(b).

(c) Whenever in any judicial district other than a judicial district which has elected to have the judges in that district appointed as provided in section 11(b), a vacancy occurs in the office of judge by reason of the expiration of a term of office of an appointed judge or the failure of an elected judge to file the declaration of candidacy specified in section 13 the vacancy shall be filled

by election at a municipal election by the electors of the judicial district in which the judge is to serve. Whenever in any such judicial district a judge previously elected files the declaration of candidacy specified in section 13 a retention election respecting said judge shall be held as specified in accordance with the provisions of section 13. Whenever a vacancy occurs for any other reason in the office of judge in such judicial districts, the Governor shall fill the vacancy by appointment with the advice and consent of the Senate.

(d) Where the qualified voters of any judicial district have elected to fill vacancies in the office of judge in the manner provided in section 11 (b), the qualified electors of the district may thereafter, at a municipal or general election, by a majority vote of those voting on the question, elect to discontinue that method of filling judicial vacancies and return to the elective method.

(e) Any question presented as provided in section 11 (b) or section 11 (d) shall be placed upon the ballot in a judicial district in a primary election by petition which shall be in such form as shall be prescribed by the officer of the Commonwealth having supervision over elections. Any such petition shall be filed with such officer and shall be signed by a number of electors equal to five per cent of the total votes cast for all candidates for the office receiving the highest number of votes in such judicial district at the last preceding general or municipal election. The manner of signing of such petitions, the time of circulating them, the affidavits of the persons circulating them and all other details not contained herein shall be governed by the general laws relating to elections. The question shall not be placed upon the ballot in a judicial district at more than one election during any five-year period.

(f) Justices of the peace shall be elected at municipal elections by the electors of the magisterial district in which they are to serve. Vacancies in the office of justice of the peace shall be filled by appointment by the Governor with the advice and consent of the Senate.

(g) The Chief Justice and President Judges of all courts shall be selected for five-year terms by the members of their respective courts except that the present judge of the traffic court of the City of Philadelphia shall be appointed by the Governor. A Chief Justice or President Judge may resign such position and remain a member of the court. In the event of a tie vote for office of President Judge, the Supreme Court shall appoint as President Judge, one of the judges receiving the highest number of votes.

Section 12. Judicial Qualifications Commissions—(a) There shall be a State Judicial Qualifications Commission for courts of Statewide jurisdiction composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court appointed by the Supreme Court. The members of the commission shall serve for terms of seven years, staggered so that one member shall be selected each year, and no more than four of the members of the commission shall be members of the same political party. The commission shall consider all names submitted to it and recommend to the Governor not less than ten nor more than twenty of those qualified for each vacancy to be filled.

(b) There shall be a District Judicial Qualifications Commission for each judicial district which has adopted the method of selection provided in section 11 (b), composed of three non-lawyer electors appointed by the Governor

and two non-judge members of the bar of the Supreme Court appointed by the Superior Court, all to be residents of such judicial district. The members of the commission shall serve for terms of five years, staggered so that one member shall be selected each year, and no more than three of the members of the commission shall be members of the same political party. The commission shall consider all names submitted to it and recommend to the Governor not less than three nor more than ten of those qualified for each vacancy to be filled.

(c) During the term for which he has been appointed, no member of any commission shall hold any office in a political party or political organization nor shall he hold any public office or appointment for which he receives any compensation.

(d) Vacancies in any Judicial Qualifications Commission shall be filled for the balance of the term by the appointing authority.

Section 13. Tenure of Justices, Judges and Justices of the Peace.—(a) Except as hereinafter provided, the term of office of justices and judges shall be ten years. The tenure of any justice or judge shall not be affected by changes in judicial districts nor by reduction in the number of judges.

(b) Each justice or judge appointed by the Governor to a vacancy in any court of Statewide jurisdiction or in any court of a judicial district which has adopted the method of selection of judges provided in section 11 (b), shall hold office for a term ending the first Monday of January following the next municipal election more than twenty-four calendar months following appointment.

(c) Each judge appointed by the Governor to fill a vacancy in any court in any other judicial district shall hold office for a term ending the first Monday of January following the next municipal election more than ten calendar months following appointment.

(d) Any justice or judge who has been appointed to office pursuant to section 11 (a) or 11 (b) or who has been elected may file a declaration of candidacy for retention election with the official in charge of Statewide elections on or before the first Monday of January before the expiration of the term of office to which such justice or judge was appointed or elected. If such a declaration is not filed, the office shall be filled by appointment or election as herein provided. The name of a justice or judge who files a declaration shall be submitted to the electors on separate judicial ballots or in a separate column on voting machines, in either case without party designation, at the municipal election immediately preceding expiration of the term of office of the justice or judge, to determine only the question whether such justice or judge shall be retained in office. If a majority of the votes cast are against retaining the justice or judge, a vacancy shall exist upon the expiration of the term of office of such justice or judge to be filled by appointment as herein provided. If a majority of the votes cast are in favor of retention, such justice or judge shall serve for the full term of office provided herein, unless sooner removed or retired. At the expiration of each term, any justice or judge shall be eligible for retention in office in the manner provided herein, subject only to the retirement provisions hereof.

(e) The term of office for municipal court and traffic court judges in the City of Philadelphia and of justices of the peace shall be six years.

Section 14. Compensation and Retirement of Justices,

Judges and Justices of the Peace.—(a) Justices, judges, and justices of the peace shall receive compensation paid by the Commonwealth as provided by law, which shall not be diminished during their terms of office unless by general law applying to all salaried officers of the Commonwealth.

(b) Justices, judges and justices of the peace shall be retired at the age of seventy years. Former justices, judges and justices of the peace shall receive such compensation as shall be provided by law. No compensation shall be paid to any justice, judge or justice of the peace who is removed from office under section 6 of Article VI.

(c) A retired justice or judge may, with his consent, be assigned by the Supreme Court to render such temporary judicial service as may be prescribed by rule of the Supreme Court.

Section 15. Prohibited Activities.—(a) Justices and judges shall devote full time to their judicial duties, shall not engage in the practice of law, hold any office in any political party or political organization, or hold an office or position of profit in the government of the United States or of this Commonwealth or any municipal corporation or political subdivision of this Commonwealth, except in the armed service of the United States or of this Commonwealth.

(b) Justices and judges shall not engage in any activity which shall be prohibited by law nor violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary provided by law.

(d) No duties shall be imposed by law upon the Supreme Court or any of the justices thereof, or the Superior Court or any of the judges thereof except such as are judicial, nor shall any of the justices thereof exercise any power of appointment except as provided in this Constitution.

Section 16. Removal, Suspension, Discipline, and Compulsory Retirement of Justices, Judges and Justices of the Peace.—(a) There shall be a Judicial Inquiry and Review Board to be composed of three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, to be selected by the Supreme Court; two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all four of whom shall be selected by the Governor.

The members of the board shall serve for terms of four years, provided that a member shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled for the balance of the term by the same appointing power which selected the member whose place has become vacant. A member of the board shall be removed only by the appointing power for cause. No member of the board shall serve for more than four consecutive years, but he may be reappointed after a lapse of one year. The members of the board shall elect one member to serve as chairman for a term of one year. The board shall act only with the concurrence of a majority of its members.

A member of the board shall not hold any office in a political party or political organization. The members other than judges shall be compensated for service on the board as the Supreme Court shall by rule prescribe, and

all members shall be reimbursed for travel and other expenses necessarily incurred in the discharge of their official duties.

(b) In accordance with the procedure prescribed in subsection (c) of this section, any justice or judge may be suspended, removed from office or otherwise disciplined for violation of section 15 of this article, misconduct in office, neglect of duty, failure to perform his duties, or other conduct which prejudices the proper administration of justice, or brings the judicial office into disrepute; and any justice or judge may be retired for disability seriously interfering with the performance of his duties.

(c) The board shall keep itself as fully informed as may be of facts and circumstances relating to justices or judges in so far as the same may bear upon grounds for suspension, removal, discipline, or compulsory retirement; shall receive complaints or reports, formal or informal, from any source pertaining to such matters; and shall make such preliminary investigations as it may determine.

The board may, after such investigation as it deems necessary, order a hearing to be held before it concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline, or compulsory retirement of the justice or judge.

The Supreme Court shall review the record of the proceedings on the law and facts and may permit the introduction of additional evidence and shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired under section 14 of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board, pursuant to this section, shall be confidential, and the filing of papers with and the giving of testimony before the board shall be privileged; provided that, upon being filed by the board in the Supreme Court, the record loses its confidential character.

No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving his own suspension, removal, discipline or compulsory retirement.

The Supreme Court shall prescribe rules for procedure under this section.

(d) Procedures for the removal, suspension, discipline, and compulsory retirement of justices of the peace shall be as prescribed by general rule of the Supreme Court.

(e) Any justice, judge, or justice of the peace who shall be convicted of misbehavior in office by a court of competent jurisdiction, who shall be disbarred as a member of the bar of the Supreme Court, or who shall be removed by the Supreme Court, shall automatically forfeit his judicial office and thereafter be ineligible for judicial office.

(f) Any justice or judge who shall become a candidate for nomination or election for any public office other

than a judicial office shall automatically forfeit his judicial office.

(g) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

Section 17. Judicial Administration.—(a) The Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace of the Commonwealth, including the authority to make such temporary assignments of judges and justices of the peace from one court or district to another as it shall deem appropriate.

(b) In the exercise of this authority, the Supreme Court shall appoint a court administrator and may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of the courts and justices of the peace.

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure, and the conduct of the courts and justices of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for the admission of persons to practice law, and the administration of all courts and officers of the judicial branch; provided that such rules shall be consistent with this Constitution and shall neither abridge, enlarge nor modify the substantive rights of any litigant, nor alter the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.

Section 18. Judicial Districts; Boundaries.—The number and boundaries of judicial districts shall be changed by the General Assembly only with the advice and consent of the Supreme Court.

Section 2. Article five of the Constitution of Pennsylvania is repealed.

PRESIDENT BRODERICK. The Chair is happy to recognize Chairman Scranton.

DELEGATE SCRANTON. Mr. President, the Judiciary Committee is happy to present to the Convention as a whole, a new Article V, for the Constitution of the Commonwealth of Pennsylvania. The entire proposal and its schedule which attends it and the full report from the committee, will be available to you all by tomorrow morning. I sincerely hope, as does the entire Judiciary Committee, that each and every member of the Convention will take the opportunity to not only read and peruse same, but to study them thoroughly.

In essence, this change of Article, which is revolutionary in character in some instances, does the following things:

In Section 1, it formulates the unified judicial system, new in Pennsylvania and nearly unique in the United States, including several courts: the Supreme Court as it stands, the Superior Court as it stands, a new statewide court—the Commonwealth Court, its makeup to be determined by the legislature—the courts of common pleas, the divisions and the numbers of judges for which to be determined by the legislature; community courts, where, the voters by exercising an option approve same; in Phil-

adelphia, a municipal court and a traffic court, and justices of the peace, which are covered in Section 8.

Under Section 8, there would be one justice of the peace per magisterial district; the districts to be established by the legislature on the basis of population and population density. Those are the criteria to be applied.

And one last provision in this field is Section 17, wherein there is strong specific authority for the administration of the courts under the unified judicial system. First and foremost, authority is being given to the Supreme Court to make them exercise administrative power which in such strength would be a first in Pennsylvania's history, and I may add again, rare for the United States.

Section 5 is unique in any constitution of the United States, and I call your attention to it. It calls for the right of appeal to an appellate jurisdiction in all cases. This is unique, it is new, it is very interesting, and we already have a telegram from some members of the Supreme Court asking us to get rid of it.

The next section of major importance is Section 10, which describes the qualification of judges. There is not anything unusual in this

The next section is Section 11, which is on the selection of judges. By the prescription of the Judiciary Committee, this, by all odds, was the most contentious and the most contested of all the portions of this article within the committee. By a very small majority, on the statewide basis, approved proposal provides for the Governor to appoint the statewide justices and judges from a list of 10 to 20 persons for each vacancy recommended as qualified by a Judicial Qualifications Commission.

In the judicial districts throughout the State, other than for statewide judges, judges would be selected by election, unless or until an option is approved by the voters of that area to have the selection by the panel system. This can be done upon five per cent of the voters in the last general election asking for same and the electorate approving it. The option may only be brought to the voters every five years at the basic minimum. There is a provision in this part of the article which provides that the chief justice of the supreme court and the president judge of the other courts would be selected by the judges for a five-year term, and on this too, we have a telegram from some members of the Supreme Court asking us to change it.

The next important provision is Section 12, which establishes a Judicial Qualifications Commission for the selection of the statewide judges. We suggest that there be four laymen appointed by the Governor and three lawyers appointed by the supreme court—this to overcome the theory that too much would be controlled by a given few leaders of the Bar Association—with staggered terms of seven years each so that they would run over from Governor to Governor.

If there are district commissions under the provision for the option, these would be composed of three laymen appointed by the Governor and two lawyers appointed by the supreme court.

Section 13 deals with tenure. The tenure is to be 10 years for justices and judges. This includes, incidentally, the supreme court, the term for which is presently 21 years. The following term for such judges and justices would be decided by separate ballot on a "yes" or "no" basis as to whether they are to continue in office, and these ballots would not take place in a gubernatorial or a presidential election. This provision is intended, we

hope, to give more attention to judicial balloting. The terms of office for the municipal court and the traffic court in Philadelphia and the justices of the peace would be for 6 years.

Section 14 deals with retirement. Retirement is called for at the age of 70 for everybody, but post-retirement service is allowed for those who volunteer for same and the supreme court requests their activity.

Section 15 deals with prohibited activities in the judiciary, particularly in the field of politics and in the field of business and their conflicts of interest, and issues of that sort.

Section 16 deals with removal and discipline of judges and establishes for the first time in Pennsylvania, and there are very few in the United States, a Judicial Inquiry and Review Board made up of three judges of the courts of common pleas, two superior court judges—all appointed by the supreme court—two laymen and two lawyers appointed by the Governor. This is a very important feature of the Judiciary Article and is designed to make sure that we have judges who are not only active but mentally capable of doing their job. There is a very specific spelling out in this provision in line with the history of the California Judicial Qualifications Commission, which has had a long and successful history. The particular effort of this specific provision is to keep politics out and give strong powers for the Judicial Inquiry and Review Board to act in cases where action is needed.

As a whole, this new Article makes major changes in the following areas: The justices of the peace; strong, effective administration through a unified judicial system; the right of appeal; the retirement at the age of 70; and the Judicial Inquiry and Review Board.

The schedule which is appended to the proposal, and which is almost equally important, calls for these changes to take place on January 1, 1969. The orphans' courts would become divisions of the common pleas courts. The following courts would be abolished: The courts of oyer and terminer and of the general jail delivery, the quarter sessions of the peace, the orphans' courts; in Pittsburgh, the traffic court, the housing court, the city court, and the police magistrates; in Allegheny County, the county court and the juvenile court; in Philadelphia, the county court and the magistrates; and the associate judges elsewhere in the State. In Allegheny and in Philadelphia Counties we call upon the establishment in the trial area of a trial division, of an orphans' court division to which the orphans' court judges would be attached, and a family division. The "grandfather clause" in the schedule takes care of those who are presently in their jobs as justices and judges. The justices of the peace, by the prescription in the schedule, would be reduced from approximately—nobody knows how many there are exactly—4,000 to 1,000. There would be no fees paid to them. They would be on a salary basis and there would be certain qualifications and standards that they would have to meet to remain in office.

May I say to you that it is of great importance that every delegate at this Convention read the proposal and the schedule thoroughly and likewise the report.

If you want an offhand or off-the-cuff comment from two other jurisdictions concerning this particular proposal, I can give you a weekend report:

Two members of the Maryland Constitutional Convention called me. I do not know whether they are Republicans or Democrats. As you remember, they were

elected on a nonpartisan basis. Both of them said to us that they were sorry that the Judiciary Committee here in Pennsylvania had not taken advantage as they had of a strong reform movement in every area, although they readily admitted that this Judiciary Committee and this State Constitutional Convention went further in reform than any in the modern history of the United States with the exception of theirs in Maryland.

Two members of the Constitutional Convention from New York called me—one was a Democrat, one was a Republican—both of them congratulating us on the major step forward we were making in Pennsylvania, both of them saying that we considerably outdid anything that was done in New York, and hoping that this article would be approved because they felt that their particular Convention had not taken the bull by the horns as our committee had in this instance and they welcomed us to a new modern era for our judicial system.

Thank you.

PRESIDENT BRODERICK Thank you, Delegate Scranton, for a very excellent report.

### REPORTS OF COMMITTEES

PRESIDENT BRODERICK. Are there any reports of committees?

The Chair hears none.

### RESOLUTIONS

PRESIDENT BRODERICK. Are there any resolutions at this time?

The Chair hears none.

### PARLIAMENTARY INQUIRY

PRESIDENT BRODERICK. The Chair recognizes Delegate Jirolanio.

DELEGATE JIROLANIO. Mr. President, I enjoyed listening to that wonderful report by the ex-Governor of the Commonwealth of Pennsylvania. I was somewhat confused because, as I understand his report, there are practically 18 sections. If the Chair recalls, several weeks ago I brought up the question on parliamentary inquiry, what would happen when a proposal would be presented before the Convention, as this one is, containing 18 sections? Would we vote on each section and, after that has been done, then vote for the package deal or is each one, each section, going to be a separate proposal or separate issue? For example, there are quite a number of important matters in the 18 sections—election of judges, JPs, municipal courts in Philadelphia, how to elect judges, and so forth. Some of them are so important, if the Chair pleases, that each one would require a lengthy discussion on the subject in question.

I definitely would like to know if the Chair is prepared to tell us the manner in which we are going to handle that particular issue.

PRESIDENT BRODERICK. The Chair is very happy to report, Delegate Jirolanio, that the Chair will entertain a motion at that time to divide, but solely for the purpose of orderly discussion. In other words, we can take for the purpose of discussion an amendment to the proposal in divisible parts, if they are divisible in the motion. You would have to look over the motion first. As to the vote, we would vote on whether or not to accept the entire proposal. We have in front of us here one proposal.