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The History of the Superior Court of Pennsylvania  
Hon. Charles E. Rice  
First President Judge 1895-1915  
The Luzerne County Courthouse

Wednesday, June 22, 2022  
9:30 a.m.

200 North River Street  
Wilkes-Barre, Pennsylvania

Lisa L. Tratthen, RPR  
Notary Public

DEVINE DEPOSITIONS  
573 Indian Run Drive  
Hummelstown, Pennsylvania 17036  
(717) 612-2403.

1                   JUDGE PANELLA: Good morning everyone.  
2 We're going to begin our program with the Pledge of  
3 Allegiance and the National Anthem. So for those of  
4 you who are not yet standing, please stand. I would  
5 first like to call upon Cheryl Sobeski-Reedy in the  
6 Pledge of Allegiance.

7                   (Pledge of Allegiance.)

8                   JUDGE PANELLA: Thank you. And would you  
9 all please remain standing for the National Anthem  
10 which will be sung by Stefanie Fernandes accompanied  
11 on keyboard by Christine Leandri.

12                   (National Anthem.)

13                   JUDGE PANELLA: Thank you and you may be  
14 seated. I know you just did this but we have to do  
15 this again. That was so beautiful. Stefanie is a  
16 member of the bar here. We've got to give Stefanie  
17 another round of applause. That was so beautiful.  
18 We're very privileged that she joined us this morning.

19                   Well, good morning everyone. It's such a  
20 pleasure for all of us to be here today. It's always  
21 wonderful to be in this City and in this County. On  
22 behalf of all the Superior Court Judges, we thank you  
23 for attending today, and we're here sort of to  
24 celebrate our 125th anniversary, even though that was  
25 two years ago but just like everybody else, we got

1 delayed because of Covid. So we are here now and, by  
2 the way, we would also like to recognize that this  
3 year marks the 300th anniversary of the Pennsylvania  
4 Supreme Court older than the United States Supreme  
5 Court, so we acknowledge the great work done by our  
6 Supreme Court.

7           Joining me today from the Superior Court,  
8 I'll introduce them. President Judge Emeritus John  
9 Bender; Judge Victor Stabile; Judge Maria McLaughlin;  
10 Judge Megan King and Judge Daniel McCaffery. Now  
11 there's one more, everyone here knows him well. He  
12 just has so many titles I never -- I'm never sure what  
13 exactly how to introduce him; but it would be Senior  
14 Judge, President Judge Emeritus, retired justice, it's  
15 Judge Correale Stevens from Luzerne County.

16           We also really want to show our  
17 appreciation for the members of the Luzerne County  
18 Court of Common Pleas in joining us, and I'd like to  
19 call up here now President Judge of Luzerne County,  
20 Michael Vough, to introduce the judges from Luzerne  
21 County.

22           JUDGE MICHAEL VOUGH: Thank you everyone.  
23 Welcome to Luzerne County. I want to thank the  
24 Superior Court for coming here and honoring one of our  
25 own, Judge Rice. When you become a judge, you're

1 basically told you have to be personal, you have to  
2 decide cases based upon the facts and the law, and we  
3 do that everyday in this courthouse. But two things  
4 that I'm not very partial about is this building and  
5 the people I work with. In my opinion, very biased  
6 opinion, I believe this is the nicest courthouse in  
7 Pennsylvania and it's an honor and a privilege to work  
8 in this building everyday. I'm an early riser. I  
9 come to work very, very early and I get here in the  
10 morning and there's no one here but me and you walk  
11 through the halls upstairs and you look up at the dome  
12 and I realize how lucky I am everyday to be in this  
13 building.

14 I'm also very, very lucky to work with  
15 distinguished colleagues and friends on the Luzerne  
16 County bench, and it's my distinct honor this morning  
17 to introduce the members of our bench who work  
18 everyday in this building, in buildings elsewhere in  
19 the county to it provide a perfect justice system for  
20 our residents.

21 First, Judge David W. Lupas, Judge Tina  
22 Polachek-Gartley -- please hold your applause until  
23 the end, please -- Judge Jennifer Rogers, Judge Joseph  
24 F. Sklarosky, Jr., Judge Lisa Gelb who had a prior  
25 commitment and couldn't be here this morning; Judge

1 Richard M. Hughes, III, Judge Fred A. Pierantoni, III,  
2 Judge Stefanie J. Salavantis, Judge Tarah C. Toohil;  
3 and our two senior judges, who help out greatly, Judge  
4 Joseph M. Augello and Judge William H. Amesbury.  
5 Please give a round of applause for our bench.

6 (Applause.)

7 I also want to acknowledge all the other  
8 people that work in our court system, all the  
9 employees of Luzerne County. Back in my day, there  
10 was a Webster dictionary. I don't know if Webster  
11 even prints a dictionary any longer but I did a Google  
12 search this morning of what public service means and  
13 the best definition I could find for public service is  
14 service rendered in the public interest. And that's  
15 what we do everyday in this courthouse, and that's  
16 what all of our employees do and they work, they toil  
17 without any recognition, and I want to basically give  
18 them some recognition today while I have this forum.

19 All of our employees that work in the  
20 court system and all of the employees of Luzerne  
21 County are true public servants and do everything that  
22 they can to make sure our county government runs  
23 appropriately. I want to thank them for their  
24 service. (Applause.)

25 And I also, obviously, would like to

1 thank Judge Panella and the Superior Court for coming  
2 here, having cases in our courthouse and recognizing  
3 one of our own, Judge Rice. I thank you very much and  
4 I'm done.

5 JUDGE PANELLA: Now I have a special tie  
6 to this county because just about 32 years ago, Judge  
7 Augello, Judge Stevens and I went to new judge school  
8 together and I said to a group of lawyers last night,  
9 and they gave me this blank stare and I realized none  
10 of them had been born yet, so we've been around a  
11 little while.

12 But we're here this morning looking back  
13 at the creation of the Superior Court in 1895. Of  
14 course Pennsylvania was being served by the  
15 Pennsylvania Supreme Court at that time but the work  
16 of that court had become overwhelmed. Well, why  
17 should we have this review? Why should have we have  
18 this program? It just gives us a moment to sit back  
19 and pause and maybe realize what's the need for a  
20 court. What's the need for the administration of  
21 justice?

22 Well, the provision of justice has been  
23 part of this country since before we became a country.  
24 In his criticisms of King George, III in the  
25 Declaration of Independence, Thomas Jefferson wrote

1 about the need for judicial independence. He stated,  
2 the history of present King of Great Britain is a  
3 history of repeated injuries and usurpations, all  
4 having in direct object the establishment of an  
5 absolute tyranny over these states.

6 He has obstructed the administration of  
7 justice. He has made judges dependent on his will  
8 alone. Well after we gained our independence in our  
9 Constitution, James Madison followed up with that and  
10 stated that the establishment of justice was a  
11 necessary component of a more perfect union, and we  
12 cannot lose sight of the role that the courts play in  
13 maintaining this union, this democracy.

14 Our democracy. Freedom of religion.  
15 Freedom of speech. Personal liberties. We provide in  
16 this country the foundation for the world in the  
17 recognition of human rights, and is there any element  
18 more important to this republic form of government,  
19 more important to its effectiveness and it's  
20 continuity than the independence of the judicial  
21 branch and their ability to uphold the rule of law?

22 As stated by the American Bar  
23 Association, the rule of law is a set of principles,  
24 or ideals for ensuring an orderly and just society.  
25 And in the words of former Justice Sandra Day

1 O'Connor, when a judge does what is right according to  
2 the law, when a judge decides each case strictly on  
3 the merits, when a judge gives every case and every  
4 person the same treatment, our courts are what they  
5 have always been and must always be... fair and free.

6 And that's why we need the judiciary in  
7 America. That's why we need the judiciary in  
8 Pennsylvania, and that's why we needed the Superior  
9 Court back in 1895 and today.

10 Well our first speaker in this program is  
11 the President of the Wilkes-Barre Law and Library  
12 Association, Girard Mecadon. Girard?

13 GIRARD MECADON: Thank you for being  
14 here. I want to first thank our Superior Court Judges  
15 for being here today. It's always a thrill and a  
16 pleasure to have the appellate courts in Luzerne  
17 County and give us some recognition and put us on the  
18 map. Judge Panella -- President Judge Panella has  
19 been exceptionally wonderful to work with. It was his  
20 idea to come here and to have our presentation today,  
21 our program, and we thank him for all his efforts.

22 We also want to thank President Judge  
23 Vough. Obviously we wouldn't be here without having  
24 the ability to let Judge Vough allow us to have use of  
25 the courtrooms for the Superior Court as well as the



1 rotunda; and I'm especially thankful that he allowed  
2 us to mess up his trial week because it's a criminal  
3 week and we're smack dab in the middle of it and I  
4 know how he is about wanting to move cases and we  
5 appreciate that, Judge Vough, very much. Thank you so  
6 much.

7 I want to thank Cathy O'Donnell for being  
8 here. Cathy's our immediate past president of the  
9 Wilkes-Barre Law Library Association and she actually  
10 spearheaded the effort two years ago to start this  
11 program for Judge Rice. Unfortunately, Covid had  
12 other ideas so that didn't happen but she did a lot of  
13 the groundwork to help make this day possible.

14 I also want to thank Anthony -- Tony  
15 Brooks is here. Tony's going to give a little speech  
16 later with regard to Judge Rice. And if anybody ever  
17 has the opportunity, Tony does a fantastic courthouse  
18 tour. As Judge Vough said earlier, this is just an  
19 amazing building. It's now 113 years old and it has  
20 certainly withstood the test of time and it's just  
21 full of historical figures. All of the Frescos in the  
22 ceiling of our county forefathers and founders of this  
23 county. It's just amazing the information that's  
24 contained here.

25 And I certainly want to thank

1 President -- Past President Judge Emeritus Correale  
2 Stevens. Judge Stevens has been such a friend of the  
3 Wilkes-Barre Law Library Association. He has just  
4 done a tremendous amount of work in the background.  
5 He's always willing to lend a hand. And he certainly  
6 makes me look good because he'll call and say, Jerry,  
7 do you need a speaker? Do you need a CLE? And it's  
8 like boom, he makes a phone call and it's done, and  
9 it's so amazing to have Judge Stevens. He's just a  
10 treasure for our association.

11 Earlier this year I was at a conference  
12 of county bar leaders seminar in Harrisburg and one of  
13 the big issues was getting membership to show up at a  
14 bar association meeting and they found, even before  
15 Covid, that it was trailing off and a suggestion was  
16 to try to reach out to the appellate courts because  
17 that seems to bring members in. And people we're  
18 talking about, you know, different presidents of  
19 different counties of the trouble they had trying to  
20 reach an appellate judge or their office and get a  
21 response if they can attend a meeting or get a CLE.  
22 And, I mean, with Judge Stevens, we're just so lucky  
23 to have him. He's really been great to work with for  
24 our association.

25 And you know what I'd like to do right

1 now, speaking of which, I know Mr. Burke, we have a  
2 few things here. First, we want to call Judge Vough  
3 up because we're dedicating a room in our law library.  
4 It's going to be called the President's Room and we're  
5 going to do our CLEs there and what we're going to do  
6 is have pictures of all the president judges of  
7 Luzerne County, of course, ending with the current  
8 judge, Judge Vough, so we'd like to have you come up.

9 (Applause.) And we certainly don't want  
10 to forget that although he wasn't a president judge  
11 for Luzerne County, Judge Stevens was a President  
12 Judge of the Superior Court of Pennsylvania, and so we  
13 certainly want to honor him as well. (Applause.)

14 JUDGE STEVENS: They always use my high  
15 school picture.

16 MR. MECADON: If you don't like it, blame  
17 Judge Panella because I never know if he's playing a  
18 joke on you or not, but that's the picture he picked  
19 for you, Judge.

20 Anyway, so, as I said, we're going to  
21 have a room now all the president judges' pictures are  
22 going to hang there, including Judge Rice and, of  
23 course, Judge Stevens. We're going to use it for our  
24 CLE programs and have live presentations as well as  
25 hybrid. So anyone is welcome to see that after the

1 program.

2 I just want to mention, and I don't want  
3 to go too far into it, but there's one particular  
4 thing I found interesting about Judge Rice. Well  
5 actually two. One is that Judge Stevens and Judge  
6 Rice had very similar parallels even though they live  
7 decades apart. Judge Rice was a District Attorney of  
8 Luzerne County as was Judge Stevens. Judge Rice was a  
9 Court of Common Pleas Judge of Luzerne County, as was  
10 Judge Stevens. And Judge Rice was the President Judge  
11 of the Pennsylvania Superior Court as was Judge  
12 Stevens, so I think that's interesting. Although I  
13 think Judge Stevens has him beat because he was a  
14 state rep and also on the Supreme Court of  
15 Pennsylvania so we have -- we have to give you extra  
16 points for that.

17 But I just wanted to read one passage  
18 from the memorial from Judge Rice back when he passed  
19 away. It's in the Reporter and it just kind of struck  
20 me. It says, it's impossible to put into words his  
21 service to the profession. He was never engaged in or  
22 identified with any business undertaking. His law was  
23 his mistress and to her he rendered assiduous and  
24 loyal service. Guided by the simplest and kindness  
25 ideals with an entire absence of pretence, he combined

1 with the highest standard of clean living, a thorough  
2 and accurate knowledge of the law and the ability to  
3 use it effectively in dealing with all complicated,  
4 legal problems. Neither public clamor nor personal  
5 friendship ever swerved him from the straight, clear  
6 line of official duty. His courage and loyalty to  
7 service were always consistent.

8           As a fair illustration, when he was  
9 District Attorney of Luzerne County, at the conclusion  
10 of a trial he stated to the court, there should be no  
11 conviction. Despite his protest, a conviction was  
12 secured. He refused to move forward to sentence. And  
13 on review by the Supreme Court, he appeared at the bar  
14 and stated that he was obliged to say, under his oath  
15 of office, there should be no conviction. The  
16 judgment was reversed and in an scathing opinion by  
17 Paxton (phonetic), which he said, there was no  
18 evidence to justify the jury in rendering a verdict of  
19 guilty or the court in sustaining. The jury were not  
20 only erroneously instructed upon the law but were  
21 probably misled by the comments of the court upon the  
22 evidence. The record of such abuse of judicial power  
23 and the courage of a conscientious District Attorney  
24 is preserved in the profession in Pauli versus  
25 Commonwealth, 89 PA, 432. He was regarded by the

1 profession not only as an able jurist and an honest  
2 man but a firm, fair and courtly administrator of the  
3 law. Thank you.

4 JUDGE PANELLA: Thank you, Jerry.

5 Where's that portrait? Corey, he hasn't aged a day,  
6 has he?

7 Our next speaker is Catherine O'Donnell,  
8 immediate and past president of the Wilkes-Barre Law  
9 Library Association whose going to make comments on  
10 the need for an intermediate appellate court in 1895.  
11 Attorney O'Donnell?

12 CATHERINE O'DONNELL: Thank you. And  
13 before I begin, I do want to thank President Judge  
14 Panella, Attorney Philip Young and Attorney Brooks for  
15 they provided to me all of the publications,  
16 periodicals and some very interesting journals that  
17 allowed me to assemble my presentation this morning,  
18 so thank you.

19 The need for an appellate court in 1895.  
20 Travel with me to the last quarter of the 19th Century  
21 in the Commonwealth of Pennsylvania. It was a time of  
22 great growth caused in major part from the Industrial  
23 Revolution and the conclusion of the Civil War. It  
24 was the "Gilded Age" which saw growth in technology  
25 and development of almost every sector of the economy.

1           Our part of the Commonwealth was growing  
2 rapidly too. By 1890 the population in Luzerne County  
3 grew by more than 70,000 people from the previous  
4 decade to a grand total of approximately 200,000,  
5 while the City of Wilkes-Barre itself grew by over  
6 14,000 people in that same decade. Due to this huge  
7 growth, five new post offices were opened throughout  
8 the county. There was vast construction and the  
9 Wilkes-Barre and Eastern Railroads had tracks  
10 everywhere with service to Philadelphia, Harrisburg,  
11 Pittsburgh and even New York. The local newspaper,  
12 The Wilkes-Barre Record, had to buy a new printing  
13 press for \$9,000 in order to service all of its  
14 patrons. Bicycle tournaments were a big part of the  
15 landscape and being held in the Westside Park on a  
16 regular basis.

17           By 1892 a new Market Street Bridge was  
18 completed for \$85,000 and an electronic trolley was  
19 operated across it. There was a very close  
20 presidential election that year too, and even though  
21 Grover Cleveland won Luzerne County by 1500 votes, it  
22 was Benjamin Harrison who won Pennsylvania and was  
23 elected the new president.

24           By 1893, the southern section of the  
25 county surrounding Hazleton wanted to secede and

1 become a Quay County, but the measure failed in  
2 Pennsylvania legislature. The new Carey Avenue school  
3 opened in Wilkes-Barre with the county  
4 superintendent's salary at \$2,500.

5 In 1894 county expenditures were about  
6 \$237,000, and there were 2000 marriage licenses issued  
7 that year. In sports, the Wilkes-Barre baseball team  
8 in the Eastern league was in next to last place with  
9 41 wins and 68 losses. And there were four Luzerne  
10 County Court of Common Pleas Judges, including  
11 President Judge Charles Rice, our guest of honor this  
12 morning, who had six years left on his term and a  
13 salary of \$4,000.

14 By 1895, the year of the creation of our  
15 Superior Court, Pittston became a third-class city and  
16 there were public discussions of the need for a new  
17 courthouse. Almost all of this growth here in our  
18 area was, of course, attributable to King Coal. In  
19 1982, nearly 130,000 people or approximately 65  
20 percent of all Luzerne County residents were employed  
21 as coal miners and aggregate production of 45 million  
22 tons and rising by about 300,000 tons annually.

23 This vast growth throughout the  
24 Commonwealth stressed all sectors of government  
25 including our judicial system. The Supreme Court



1 could not keep up with all of the appeals filed which  
2 resulted in an enormous backlog. The Supreme Court  
3 justices could not consider, digest and write opinions  
4 for all of the cases before them. This did not allow  
5 for final disposition of a number of cases which  
6 affected how and what many of these emerging  
7 industries could or could not do.

8 Industrial and commercial leaders  
9 demanded reforms to end abuses and allow for needed  
10 progressive movements forward. This required changes  
11 to the Commonwealth's Constitution and resulted in the  
12 formation of the 1873 Constitutional Convention.

13 Unfortunately, however, no agreement on  
14 how to improve the Commonwealth's judicial system  
15 could be achieved at this convention so the  
16 inefficiency and hindrances of the Supreme Court on  
17 the voluminous number of appeals filed lumbered on for  
18 another 20 years.

19 In 1895, the Pennsylvania Bar Association  
20 President John Simonton made judicial reform a  
21 priority of the Association indicating that he had had  
22 discussions with the justices and that they could not  
23 transact the business of the appellate appeals court  
24 in the manner they desired nor that ought to be done.  
25 Under great pressure and complaints from not only the

1 Bar Association but also business leaders throughout  
2 the Commonwealth, the legislature formed the Judicial  
3 General Committee in 1895. The purpose of this  
4 committee was to take testimony and consider proposals  
5 for relief. This committee produced a number of  
6 proposals from legislators, prior justices and judges  
7 and exemplified just plain old politics at its best.

8 One of the proposals was from former  
9 Supreme Court Justice Heydrick. He wanted the trial  
10 court to be the sole arbitrator of any controversy  
11 less than \$500, which is about \$17,000 in today's  
12 money. His thought was that this would immediately  
13 strike about 40 percent of the Supreme Court's  
14 caseload. This proposal came to be seen as dangerous  
15 and unfair to the poor, opening the door for  
16 corruption and favoritism on an unchecked court.

17 Other proposals sought to increase the  
18 Supreme Court by two justices and split the court into  
19 two divisions, but the 1873 Constitutional Convention,  
20 which had just concluded, fixed the number of justices  
21 to seven, making this proposal impossible. There was  
22 then a discussion on establishing two appellate courts  
23 for all the appeals but the concern of costs to these  
24 courts quickly ended that discussion.

25 Former Chief Justice Woodward who was a

1 principal drafter of the judiciary article of 1838 and  
2 the inclusion of it in the state constitution still  
3 had a great influence at this time in 1895. He  
4 proposed 12 circuit courts throughout the  
5 Commonwealth. Each circuit court would have a circuit  
6 court judge. Each circuit would also have two Court  
7 of Common Pleas judges join that judge.

8 Representative George Kunkel embraced  
9 this option in the legislature. However the format  
10 was shot down for fear of a lack of conformity in the  
11 law with a potential for the circuit courts to be in  
12 conflict with each other.

13 By March of 1895, Representative Kunkel  
14 revised his proposal and introduced a Bill for our  
15 current Superior Court which had the unanimous support  
16 of the Judicial General Committee and the Pennsylvania  
17 Bar Association. There would be a single intermediate  
18 court staffed exclusively by seven appellate judges  
19 who were to be elected by the Commonwealth voters.  
20 The Bill went on to provide that the first judges  
21 would be appointed by the Governor, at this time,  
22 Republican Governor Hastings, who was a Republican,  
23 with confirmation by the Pennsylvania Senate.

24 As a final point of interest, the Kunkel  
25 Bill had given the new court the power to fix the time

1 and place of when and where it would meet, except the  
2 court had to meet at least once in Pittsburgh,  
3 Harrisburg and Philadelphia. Representative Charles  
4 O'Malley, who was an attorney from Olyphant and just  
5 elected one year prior in 1894, objected and wanted  
6 Scranton as the metropolis of Northeastern  
7 Pennsylvania to be added to the list of required  
8 annual meeting cities. He went on to form an alliance  
9 with Representative Niles and Collins to make the  
10 required annual meeting cities for the court to  
11 included both Williamsport and Scranton. So out of  
12 chaos and need came compromise and solution. A  
13 solution which has evolved into one of the most active  
14 appellate state courts in the United States -- our  
15 Pennsylvania Superior Court. (Applause.)

16 JUDGE PANELLA: Thank you, Attorney  
17 O'Donnell.

18 Well, it's about time we spoke a little  
19 bit about President Judge Charles E. Rice who was the  
20 first President Judge of the Superior Court appointed  
21 by the Governor back in the creation of the court.

22 We're very fortunate to have as our  
23 speaker Anthony T. P. Brooks who is Director of the  
24 Wilkes-Barre Preservation Society and locally heads  
25 the museum. Mr. Brooks?

1           MR. BROOKS: Thank you. So I'm going to  
2 put you to work. I love doing tours of this building.  
3 Thank you, Jerry, for mentioning that. I am not the  
4 only person who does tours. Judge Hughes, you're  
5 doing a tour on a Wednesday coming up shortly. But if  
6 you look up at the dome, I want you to take a look at  
7 two presidents, a founding father and a boy from  
8 Wilkes-Barre.

9           The two presidents are George Washington  
10 and Abraham Lincoln. The founding father is Benjamin  
11 Franklin, who was President of Pennsylvania when  
12 Luzerne County was created. But who is the boy from  
13 Wilkes-Barre? I think I heard you say something,  
14 David. So Google George Catlin and see and figure out  
15 why with the citizens of Luzerne County in 1909 put  
16 George Catlin, a boy from Wilkes-Barre, next to  
17 Abraham Lincoln, George Washington and Benjamin  
18 Franklin. Okay.

19           Thanks again for including me in this  
20 presentation. Of course I love always to research new  
21 history and I love what was written about Judge Rice  
22 and I actually love the language that was written, and  
23 you will certainly see.

24           Charles Edmund Rice of Wilkes-Barre is a  
25 descendant of an old and honored Connecticut family.

1 Judge Rice was born September 15, 1846 at Fairfield,  
2 New York and died here in Wilkes-Barre, May 16, 1919.  
3 His ancestor descended from an old Wallingford,  
4 Connecticut family of that name, his great-grandfather  
5 having been a school teacher in Wallingford and New  
6 Haven for over 40 years prior to the revolution.  
7 That's 1776, folks.

8 His grandfather, Moses Rice, was a native  
9 of Wallingford where he was born in 1797 but he moved  
10 to Upstate, New York at an early age and died in 1880.  
11 His wife -- this would be Charles' great  
12 grandmother -- was named Roxana Cook and she was a  
13 daughter of Atwater Cook whose family emigrated to the  
14 new world to Plymouth in 1640. Thomas Rice, father of  
15 Charles Rice, was a leading man in his town and for  
16 many years was a trustee of Fairfield Academy and  
17 Fairfield Medical College.

18 Judge Rice was prepared for college at  
19 Fairfield Academy in New York. This institution was  
20 incorporated in 1803 and for the first 12 of its 15  
21 years of its existence, was the only school of its  
22 kind in Upstate, New York. After leaving the academy,  
23 Rice entered Hamilton College in Clinton, New York,  
24 which he graduated in 1867. Later after leaving  
25 college, he went to Bloomsburg where he taught at the

1 Bloomsburg Literary Institute for one year, later to  
2 be known as Bloomsburg University. And meanwhile he  
3 was in Bloomsburg, he started to read for the law with  
4 John G. Freeze.

5 In 1868 and 1869 he attended the Albany  
6 Law School from which he graduated in the latter part  
7 of the year and was admitted to the bar of the Supreme  
8 Court of the State of New York. He then comes to  
9 Wilkes-Barre where he reside -- where he entered the  
10 office of his relative, Lyman Hakes, and was admitted  
11 to the bar on February 21, 1870.

12 In 1874, he was a candidate for Orphans'  
13 Court judge but was defeated by the incumbent Danny  
14 Rhone. In 1876 he was the Republican nominee for  
15 District Attorney of the county and was elected over  
16 P.J. O'Hanlan, a Democrat, by a majority of 2,444, and  
17 this is the same year that gave Samuel Tilden won the  
18 presidency in Luzerne County by a majority of 4,000.

19 In 1879 he was elected candidate of his  
20 party for law judge and elected over William McLean, a  
21 Democrat, and John Lynch, a labor reform party member.  
22 Judge Rice served as President Judge of Luzerne County  
23 until he was appointed President of the newly formed  
24 Superior Court of Pennsylvania being elected twice in  
25 his own right in 1895 and 1905, and he served until

1 his retirement in 1915.

2 Mr. Rice was the charter trustee of  
3 Memorial Presbyterian Church, which is just up here on  
4 North Street. It's now the chapel for King's College,  
5 and he was a trustee of the Wilkes-Barre Female  
6 Institute which still exists today as the lower school  
7 at Wyoming Seminary.

8 In 1873 he marries Maria Fuller, daughter  
9 of Congressman Henry Fuller and they had two children,  
10 Charles, Jr. and Philip Sydney Rice.

11 There have been good lawyers who have not  
12 made good judges, and there have been some judges who  
13 are not among the best lawyers. Now I know that's not  
14 true in this room. The man who combines the qualities  
15 essential to success, both at the bar and on the  
16 bench, and whose qualities never forsake him or fail  
17 him in either capacity, is a remarkable man. The man  
18 who combines the qualities essential to success -- I'm  
19 sorry. The man who reaches the bar and sits long  
20 enough on it to warrant this verdict of himself is one  
21 man among ten thousand.

22 This reads like an extravagant  
23 commendation, yet it is fully merited in the case of  
24 Judge Hughes -- Judge Rice. His progress to one of  
25 the highest honors of the profession, to a position



1 that would justify the honorable seeking a lifetime,  
2 has been rapid, yet he has had no aids, and his reward  
3 is solely on valuable services faithfully performed.  
4 Judge Rice's practice in the courts attracted  
5 attention with its very beginning. There was a quiet  
6 force in his method and a clean-cut vigor in his  
7 arguments that brought him at once into an enviable  
8 notoriety.

9 A testament of this was his nomination  
10 for the responsible position of judge of the Orphans'  
11 Court within five years after his admission to the  
12 bar. Men of even less service in the profession have,  
13 upon occasion, had similar honors awarded them but it  
14 was generally in recognition of their activity and  
15 worth as workers in partisan politics, a field in  
16 which Judge Rice has never made himself conspicuous.

17 Only two years later, he was made a  
18 candidate for the District Attorney ship, and the  
19 remarkable majority by which he was elected was as  
20 much a deserved tribute to the popular esteem in which  
21 he was held. A prosecutor of the pleas of the  
22 Commonwealth, he achieved a most enviable reputation.  
23 He was always ready. He was rigorously impartial.  
24 The public had a live and trusty representative on the  
25 bench. And while the law of the facts was never

1 strained to convict the accused for the glory of the  
2 prosecution, the wrongdoer who had not escaped the  
3 gauntlet of the grand jury room was made to realize  
4 that the law could not be offended or public rights or  
5 individual liberties infringed with impunity within  
6 his jurisdiction.

7           He never promised more than he felt he  
8 could fully prove and seldom proved less than he had  
9 promised. There was never any rant or straining for  
10 dramatic effect in this presentations or summing up of  
11 a case. His pleas were calm, dignified, incisive and  
12 without any waste words. The duties of the office  
13 were performed, in short, with such becoming  
14 earnestness and fidelity as is seldom equaled and  
15 never excelled. In such a position and thus  
16 discharging his trust, he made enemies, of course, but  
17 they were the sort of enmity begets for its object the  
18 friendship of better men.

19           When in 1879, therefore, he was nominated  
20 for additional law judge, the people had come to have  
21 great faith in him, knowing that his comparative youth  
22 was set off by soberness of mind and maturity of  
23 judgement far in advance of his years. He was chosen,  
24 in a three-handed contest that followed, and with the  
25 retirement of Judge Harding in 1879, he became the

1 President Judge of Luzerne County and then six years  
2 later, President of the Superior Court of  
3 Pennsylvania.

4           It's interesting to note how powerful  
5 Wilkes-Barre and Luzerne County were in the later part  
6 of the 19th and 20th century. According to the  
7 census, Luzerne was the third largest county in the  
8 state. The other two being Philadelphia and  
9 Allegheny. Its population of mixed nationalities and  
10 the vast mining and other property interests located  
11 in within its borders give its courts and its judicial  
12 proceedings an importance which reaches out beyond its  
13 limits, and is, relatively to those of its sister  
14 counties, very great. In no county are questions of  
15 greater variety likely to arise for judicial  
16 procedure, and few, if any, is there as frequent call  
17 for original authoritative determination of the  
18 meaning of the unwritten and statutory law. There are  
19 responsibilities here involved are assuredly of a safe  
20 test of the capacity of the mans, or men, upon whose  
21 shoulders they are foisted.

22           Judge Rice has acquitted himself of them  
23 with remarkable success, displaying a legal acumen and  
24 nicety of logical discrimination, the best proof of  
25 the sufficiency of which is the frequency with which

1 it has found endorsements in higher tribunal; or  
2 rather, the infrequency of the occasion upon which it  
3 has failed of securing such approval. If any of our  
4 local judiciary have a higher standing in the Supreme  
5 Court, few, if any, are more frequently quoted; non  
6 are more uniformly patient and conscientious in their  
7 research or wiser or more courageous in determination  
8 than Judge Rice.

9           Personally, Judge Rice is all that  
10 constitutes a good citizen and a delightful companion.  
11 He takes acts with interest in all public affairs, and  
12 his counsel in matters outside the law is held in  
13 highly esteemed by friends and neighbors and in the  
14 various associations, religious or otherwise, with  
15 which he is connected. His bearing is rather reserved  
16 but that is a surface indication only. Beneath it is  
17 a generous and captivating affability. He has read  
18 extensively, and when "off duty", enjoys general  
19 conversation, which his native wit and acquired  
20 intelligence never fail to pleasantly enliven. He is  
21 a keen reader of men, besides adding to his efficiency  
22 on the bench, enables him to always accommodate  
23 himself appropriately to the company in which he is  
24 placed.

25           He is a studious man, loves his home, his

1 books and his family engage the greater part of the  
2 intervals between the sessions of court. The purity  
3 of his private life and the unbending integrity and  
4 superior achievements of his public career have  
5 enlisted the respect and admiration of all who know  
6 him. Judge Rice's name will go down in our local  
7 annuals written in letters that will not fade. Thank  
8 you. (Applause.)

9 JUDGE PANELLA: Thank you very much, Mr.  
10 Brooks. Well, we're going to conclude, almost, our  
11 program today with comments from your representative  
12 on the appellate courts, Judge Correale Stevens.  
13 Judge Stevens?

14 JUDGE STEVENS: Welcome. Welcome  
15 everyone. Thank you to Association President Jerry  
16 Mecadon, immediate past president Cathy O'Donnell,  
17 past president David Schwager -- well that's not a  
18 past president. That's my brother taking a picture.  
19 I don't know what's going on here. I just want to --  
20 I'm going to condense my remarks. I'd also like to  
21 thank the Pennsylvania Cable Network for their  
22 continued commitment to the public's right to know and  
23 to education.

24 But in the interest of time, I want to  
25 mention a few things about our Superior Court. This

1 is a community session and the reason that we're out  
2 in the community from time to time is because of our  
3 President Judge -- where is he -- Jack Panella, who  
4 moves around very quickly. He wants communities to  
5 see and hear the appellate court and to better  
6 understand them. We decide -- we are the busiest  
7 intermediate appellate court in the country. With my  
8 colleagues, we handle over 8,000 cases a year and we  
9 do so in panels of three judges that are chosen at the  
10 beginning of every year.

11 So I have the pleasure and honor of  
12 serving today, for example, with President Judge  
13 Emeritus John Bender and Judge Vic Stabile. And what  
14 we'll do is we'll sit in a courtroom, which is open to  
15 the public, and we'll hear oral arguments. All of our  
16 cases are decided by at least three judges. Never is  
17 the case decided by one judge. And with the volume of  
18 cases, we depend on our executive administrator, Chris  
19 Nace, on our law clerks, on our staff.

20 I also want to mention during the  
21 pandemic, the height of the pandemic, we were able to  
22 continue to meet our responsibilities. And I want to  
23 mention again our President Judge Jack Panella. He  
24 created an environment that we can meet our  
25 responsibilities but he made sure that at no time was

1 any judge, staff member or lawyer put at risk of their  
2 health during the pandemic so we were able to move on.

3 So we hear these cases. We make our  
4 decisions. I'm making it really simple because of  
5 time here. Okay? We also handle hundreds of motions  
6 every week which are written requests by lawyers,  
7 maybe to continue a case or to do other things.

8 Couple -- just one or two more things.  
9 Wiretaps. Wiretaps are an investigative tool that the  
10 Attorney General and the District Attorneys can use.  
11 We have drug cartels operating in Northeastern  
12 Pennsylvania and to break into those drug cartels,  
13 sometimes there has to be a wiretap. There's no other  
14 way. And it's the Superior Court, by law, that a  
15 Superior Court judge has to meet with the Assistant  
16 Attorney Generals and the law enforcement to make sure  
17 there's probable cause to have a wiretap, and it  
18 doesn't end there. Every ten days, we get a progress  
19 report to protect everybody's rights.

20 I have to say, in my 25 years on this  
21 court, I've never seen a problem with law enforcement  
22 violating anybody's rights. They have always come to  
23 me with probable cause. So that's another important  
24 function of our court.

25 We do a lot of other things. One more

1 thing. We do legal education for lawyers and judges.  
2 We volunteer our time. A few weeks ago, Judge King  
3 and I were here and we did a seminar for lawyers who  
4 are not familiar with being in virtual court using  
5 zoom. Example, last year I had a session where when  
6 we opened the session, there was just a dark room and  
7 out of the darkness came a booming voice, "Your  
8 Honors". We jumped out of our chairs. It was like a  
9 movie like Halloween or something. The lawyer was  
10 sitting in the dark. So we went over things about  
11 zoom and how to do things.

12 Judge Tina Gartley and I gave a seminar  
13 to all the trial attendings in Pennsylvania about  
14 serial killers. I think when we were talking about  
15 the serial killers, one or two detectives had to  
16 leave. They didn't -- they were a little concerned  
17 about that discussion.

18 And President Judge Panella and I, we've  
19 traveled the state doing these legal education. So  
20 that's just a few things that we do. But we are very  
21 happy to be here.

22 Before I sit down, I want you to take a  
23 look at these judges in their robes right here. In  
24 some states, political committees appoint their  
25 judges. You, in Pennsylvania, have a constitutional



1 right to choose your judges. I want to tell you, you  
2 can be very proud. You've chosen very well because as  
3 I cross the state, these judges are among the most  
4 respected you will ever see, and we appreciate the  
5 work and their commitment to the people of  
6 Pennsylvania. (Applause.)

7 And these judges, they're very hard  
8 working too and I'm very proud to serve with these  
9 judges and I thank them for taking the time to come to  
10 our community session. So, again, thank you for being  
11 here. We are going to have to get to work in few  
12 minutes so I'm going to call President Judge back.

13 JUDGE PANELLA: Well, before we conclude  
14 our program, we'd like to thank PCN for helping us  
15 televise this program. We'd like to thank the  
16 Administrative Office of Pennsylvania courts who are  
17 also present today and the Luzerne County Bar  
18 Association that made arrangements for us to record  
19 this program.

20 I am going to ask our Superior Court  
21 Judges who are here just to make a brief comment, but  
22 there's somebody we really have to thank in organizing  
23 program. Where's Joe Burke? The Director of Luzerne  
24 County Bar Association. (Applause.) Where is he?  
25 Come on up. Technically we as elected officials are

1 not allowed to have alcohol in this building, but  
2 we're going to make an exception for you, Joe. We  
3 thank you very much for all the work you do.

4 Well, in order of seniority, first I'm  
5 going to call President Judge Emeritus John Bender.  
6 Judge Bender?

7 JUDGE BENDER: Thank you. It's very nice  
8 to be here. I want to thank the bench, the judges who  
9 sit on the bench in Luzerne County for their  
10 hospitality and their welcome that we received. It's  
11 been very nice. I would also like to thank the bar  
12 association and the leadership and the membership for  
13 their warm welcome.

14 I've been here -- this is the third time  
15 I've been in this courtroom or this courthouse and it  
16 is quite spectacular. The first time, I was running  
17 in 2001 and I was just trying to drum up votes doing a  
18 courthouse visit we called it and it struck me, and  
19 I'd forgotten how beautiful it was. It's of the scale  
20 of the Capitol. I mean, it's just incredible, the  
21 amount of marble.

22 The next time I was here was when Judge  
23 Stevens was sworn in to the Supreme Court. There was  
24 a ceremony that we had right in this area. And now I  
25 have the privilege today to do our second day of our

1 8:14 session so I will actually finally, after 20  
2 years, get to do to work in this building, and I look  
3 forward to that. Thank you again. (Applause.)

4 JUDGE PANELLA: And now we'll hear from  
5 Judge Victor Stabile. Judge Stabile?

6 JUDGE STABILE: Thank you. It's a  
7 pleasure to be here. Judges, members of the public,  
8 the media, distinguished folks in the audience today,  
9 it's always a pleasure to be up here in Luzerne County  
10 and your welcome for us for this special session is  
11 most appreciated. It's also special because we've  
12 taken an occasion to recognize the leadership of  
13 Luzerne County and it's first President Judge of the  
14 Superior Court of Pennsylvania. No organization  
15 survives or prospers without good, strong and honest  
16 leadership and I'm happy to say that, from my  
17 observations, those characteristics and that  
18 leadership has continued through this day through our  
19 current President Judge and we are fortunate to have  
20 also two former PJs, Judge Bender and Judge Corey  
21 Stevens, who have followed in that tradition as well,  
22 and I'd like to thank them and recognize them  
23 underneath the auspices of Judge Rice who started the  
24 leadership on this court.

25 On a personal note, I can tell you I've

1 always been privileged to serve on the Superior Court;  
2 and while I can tell you I appreciate the fact that I  
3 was elected judge, I fully know that everyday you have  
4 to work to earn the right to be called Honorable.  
5 That's a daily challenge and one that I willfully and  
6 gladly accept everyday in order to see that your  
7 rights are protected under our constitutions and that  
8 every citizen in this great Commonwealth of  
9 Pennsylvania is given the equal protection of laws  
10 that they all so deserve and are entitled to under our  
11 laws.

12 And I thank you for having us and being  
13 here today and I look forward to continuing our  
14 session. Thank you Luzerne County and thank you Judge  
15 Rice. (Applause.)

16 JUDGE PANELLA: And next we will have  
17 Judge Maria McLaughlin. Judge McLaughlin, please.

18 JUDGE McLAUGHLIN: Well for me it's  
19 always great to be in NEPA and spend some time here.  
20 Because, like my colleagues, I hold this county near  
21 and dear to my heart. I started my judicial career  
22 ten years ago with a majority of your bench that are  
23 still here, my dear friends. So you make that  
24 connection and it never ends. So I'm so happy to be  
25 here with all of you today and to thank the bar

1 association who always welcomes me every time I enter  
2 your county, so thank you.

3 In my family, I was the first one to go  
4 to college so to be part of a court with this  
5 incredible history and to me to be part of that  
6 history, all I can say is I'm humbled. I'm humbled  
7 and honored and so happy to spend some time in the  
8 hometown of our first President Judge. So thank you  
9 for inviting me to share in the celebration, and I'm  
10 honored to be here always. Thank you. (Applause.)

11 JUDGE PANELLA: Have you noticed I've  
12 been moving around as the judges get up? For the  
13 viewing audience at home, it's going to be like,  
14 Where's Waldo? Where's Jack?

15 So, you know, we have been blessed on  
16 this court with the election of the judges. A couple  
17 years ago, of course, Judge McLaughlin joined us.  
18 Just since I got elected to this court, Judge Stabile.  
19 The next two judges were both elected in the same year  
20 and once again, God was looking down on us. We are so  
21 fortunate to have them with us. First Judge Megan  
22 King. Judge King?

23 JUDGE KING: Thank you so much. It is an  
24 honor and a privilege to be here and I just want to  
25 add to the sentiments of my colleagues. I want to

1 thank you, the speakers for your eloquent message and  
2 I also want to speak -- thank the Lackawanna County  
3 and Luzerne County Bar Associations for your warm  
4 hospitality. And finally I want to thank all of you  
5 for hosting this amazing event in this beautiful  
6 venue. And President Judge Panella -- oh, he keeps  
7 moving around. There he is. I just want you to know  
8 that this is my official request to sit on the next  
9 panel here. Thank you again. (Applause.)

10 JUDGE PANELLA: And, of course, lastly  
11 will be Judge Daniel McCaffery. Judge McCaffery?

12 JUDGE McCAFFERY: It's always nice to be  
13 bottom cleanup in the bottom of the 27th inning. So I  
14 just wanted to echo what Judge Stevens said because I  
15 got elected in 2019 to the Superior Court with Judge  
16 King; and before that, I spent 28 years as a trial  
17 lawyer in the City of Philadelphia and I spent six  
18 years as a trial judge in the City of Philadelphia.  
19 So I thought I knew a little bit about what it meant  
20 to be a good lawyer and a good trial judge. Sitting  
21 on our court and Superior Court it gives you a very  
22 unique perspective because when you think about our  
23 jurisdiction, how wide it is and how deep it is, we  
24 get to review the work product of every trial judge in  
25 the Commonwealth of Pennsylvania and a lot of the

1 appellate lawyers. And I can say this from the bottom  
2 of my heart, as Cory Stevens just mentioned, we handle  
3 over 8,000 appeals a year. Each one of us is  
4 responsible to write over 300 opinions a year and sit  
5 on panels with about a thousand cases a year. And I  
6 can say this from the bottom of my heart, and I truly  
7 mean it. I'm a Philadelphia guy. I practiced law in  
8 Southeastern, Pennsylvania. The work product that the  
9 Luzerne County bench puts out on a consistent daily  
10 basis is nothing short of outstanding. It's  
11 consistently well written, well reasoned and well  
12 researched, and I know that this particular bench  
13 leads the way in the Commonwealth of Pennsylvania. So  
14 when you hear judge after judge on the appellate court  
15 come up here and compliment the Luzerne County bench,  
16 understand that we're not saying it because we're  
17 standing in your beautiful courthouse. We're saying  
18 it because we mean it. We couldn't do the job that we  
19 do without the job that you do. And I know, speaking  
20 from the bottom of my heart again, that every one of  
21 the judges in this bench came from the bar in Luzerne  
22 County. And if the bar is representative of the  
23 bench, Luzerne County leads the way and I want to  
24 thank you. (Applause.)

25 JUDGE PANELLA: Thank you very much

1 Judges. Well, we're at the end of our program and,  
2 you know, with the division that we have in our  
3 country nowadays, I never remember seeing it like  
4 this, and I'm 67 years old. We thought it might be  
5 nice for you all of us to show unity, and I would ask  
6 all of you if you would like to join us as Stefanie  
7 Fernandes ends our program singing God Bless America.

8 (God Bless America and then the program  
9 ended at 10:36 a.m.)

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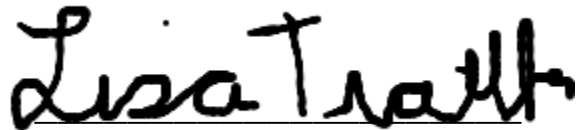
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C E R T I F I C A T E

I, Lisa L. Tratthen, RPR, Court Reporter  
Notary Public in and for the Commonwealth of  
Pennsylvania, certify that the foregoing is a  
true and accurate transcript of the  
program.



Lisa L. Tratthen, RPR  
Notary Public

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