

Important PA Supreme Court Cases

Olmstead Affair cases (1782-1809) involved a series of decisions by the PA and US Supreme Courts that first defined the boundaries between federal and state power under the US Constitution.

Republica v. Negroe Betsey (1789) freed three children born to a slave mother based upon application of PA's novel 1780 anti-slavery law. This was an important case in the national development of anti-slavery jurisprudence.

Hubley's Lessee v. Madison (1796) approved judicial review seven years before *Marbury v. Madison*. A related case is *Eakin v. Raub* (1825), in which PA Chief Justice John Bannister Gibson wrote a dissent that is regarded as the most effective critique of judicial review in American history.

Burginhofen v. Martin (1803) first recognized and explained the Supreme Court's King's Bench power.

Commonwealth ex. rel Johnson v. Holloway (1816) later became the US Supreme Court's famous *Prigg v. Pennsylvania* (1842). *Johnson*, which upheld the kidnapping

conviction of a white man from Maryland who entered Pennsylvania and forced a black woman and her children to return to Maryland, was a critical early decision upholding state fugitive slave laws.

Commonwealth v. Wolf (1817) interpreted Article I, Section III of the PA Constitution to grant broad religious liberty consistent with the beliefs of William Penn and held that such liberties could be infringed only when societal interests "of the utmost moment" are involved.

Commonwealth v. Carlisle (1821) rejected the prevailing jurisprudence that all combinations of employees were illegal conspiracies and became a leading national precedent for the authority of employees to unionize.

McCandless v. McWha (1853) rejected strict liability and required a finding of negligence to impose liability against a physician and helped to create the modern law of medical malpractice.

Robb v. Carnegie Bros. (1891) was decided in the wake of the Johnstown flood, represented a shift in

American tort law away from industrial interests, adopted strict liability (for harm caused by Andrew Carnegie's coke oven), and is recognized as a leading case in the development of modern American tort law.

In re Application of Kilgore (1896) rejected the US Supreme Court's decision in *Bradwell v. State* (1872) and admitted women to the practice of law, contrary to the national trend at the time.

Commonwealth v. Wormser (1918) rejected the prevailing *laissez faire* jurisprudence, upheld restrictions on child labor, and became an important national precedent for legislative power to protect children in the workplace.

Commonwealth ex rel. Schnader v. Liveright (1932) upheld PA's unemployment compensation plan three years before President Roosevelt signed the Social Security Act.

Flagiello v. Pennsylvania Hospital (1965) abolished the judicial doctrine of charitable immunity. The decision paved the way to similar rulings by Pennsylvania

Supreme Court and other state supreme courts abolishing judge-made immunity doctrines.

Webb v. Zern (1966)

overturned prior products liability jurisprudence, adopted Section 402A of the Restatement (Second) of Torts, and created a regime of strict products liability that became the most expansive in the US.

Pennsylvania Human Relations Commission v. Chester School District (1967)

upheld state authority to order school desegregation, one of the first such rulings in the US.

DiFlorido v. DiFlorido (1974)

applied PA's Equal Rights Amendment to invalidate the long-standing legal presumption that a husband owned all goods used and possessed by both spouses. A companion case, *Hopkins v. Blanco* (1974), held that women have an equal right to claim loss of consortium, which was previously available only to men. These became important national precedents for the application of state equal rights amendments and gender equality.

Commonwealth v. Monumental Properties, Inc. (1974)

applied PA's consumer protection statute broadly to any fraudulent or deceptive acts in trade or commerce and became

a national precedent for the broad interpretation of such uniform statutes.

Commonwealth v. DeJohn (1979)

recognized an individual's expectation of privacy in bank records against governmental intrusions, even if the expectation was waived for the limited purpose of conducting financial affairs. This decision exemplifies the rebirth of strong notions of privacy under the Pennsylvania Constitution through a theoretical divergence from narrower federal precedents.

Commonwealth v. Bonadio (1980)

ruled that a statute criminalizing voluntary deviate sexual intercourse was an impermissible regulation of the private conduct of consenting adults and violative of equal protection. This decision has become a leading example of the Supreme Court's commitment to protecting the autonomy of citizens.

Commonwealth v. Edmunds (1991)

rejected the federal "good faith" exception to the exclusionary rule, created a new protocol for analyzing state constitutional issues, and became a leading precedent for independent state constitutional analysis.

In Re Adoption of R.D.F. (2002) ruled that members of same-sex couples may adopt the children of their

partners, through a determination that in such cases, the Adoption Act does not require that a legal parent relinquish his or her parental rights.

Stilp v. Commonwealth (2006)

decided a number of important issues related to the constitutional separation of powers, applied the "rule of necessity" to hold that the Court would preside over a dispute involving judicial compensation, despite the Justices' financial interest in the case, held that the legislature's benign purpose in enacting legislation is irrelevant to its constitutionality, and carefully severed unconstitutional from constitution provisions related to altering the compensation of judges and other officials during their terms of office.

Ferguson v. McKiernan (2007)

enforced an agreement between a sperm donor involved in a private sperm donation—i.e., one that occurs outside the context of an institutional sperm bank—and the mother of his children by which the donor relinquished his right to visitation in return for mother's agreement not to seek child support. The decision overruled lower court rulings that the agreement was unenforceable as against public policy.

Applewhite v. Commonwealth (2012)

held that the PA Voter Identification Law as applied by the Commonwealth could disenfranchise eligible voters because the identification required by the law was too difficult to obtain, thus infringing the fundamental right to vote guaranteed by the PA Constitution. This decision has become an important precedent for judicial scrutiny of voter identification laws.

Scampone v. Highland Park Care Ctr., LLC (2012)

reaffirmed Pennsylvania's general rule that a corporate entity is responsible for actions while functioning and that where a corporate entity undertakes a duty of care, the default rule is that the entity is possibly liable for its actions. The decision made clear that corporate entities were not generally immune from liability as a threshold matter, thus confirming Pennsylvania law's commitment to the right of tort victims to seek compensation.

Robinson Township, Washington County v. Commonwealth (2013)

interpreted PA's Environmental Rights Amendment, Article I, Section 27, to deem unconstitutional a statutory scheme that allowed oil and gas operations in all zoning districts, preempted local regulation of such operations, and granted power of eminent domain to

natural gas corporations. This and related Supreme Court decisions applying the Environmental Rights Amendment, including Pennsylvania Env'tl. Def. Found. (see next entry), have sparked interest by other states in amending their own state constitutions to protect their natural resources.

Pennsylvania Env'tl. Def. Found. v. Commonwealth (2017)

applied PA's Environmental Rights Amendment and clarified the Commonwealth's duties to act as trustee of funds derived from the sale of PA's natural resources, which has become an important precedent for courts dealing with issues arising from the sale, in particular, of oil and gas rights.

William Penn School District v. Department of Education (2017)

held that challenges to PA's system of funding public education were justiciable under the PA Constitution's education and equal protection clauses. This decision has become an important national precedent for judicial review of the manner in which legislatures fund public education.

League of Women Voters v. Commonwealth (2018)

recognized that different jurisprudential considerations

apply to claimed violations of state and federal constitutions, held that alleged political gerrymandering in a congressional redistricting plan creates a cognizable claim under the PA Constitution's elections clause, and has become a leading precedent for the resurgence of state constitutional law.

In re Fortieth Statewide Investigating Grand Jury (2018)

strengthened due process protections for Pennsylvania citizens' reputational rights, after a grand jury sought to issue a report impacting those interests without first providing the affected individuals an opportunity to appear and be heard.

