

Induction

of

BRUCE W. KAUFFMAN

As Justice of The Supreme Court of Pennsylvania

Supreme Court of Pennsylvania
Room 456 City Hall
Philadelphia, Pennsylvania

Friday, February 29, 1980
4:00 o'clock p. m.

Presiding:

Chief Justice Michael J. Eagen
Justice Robert N. C. Nix, Junior
Justice Henry X. O'Brien
Justice Samuel J. Roberts

Speakers:

- I—Former Chief Justice Benjamin R. Jones
- II—Chancellor of The Philadelphia Bar Association, Jerome E. Bogutz, Esquire
- III—President of The Pennsylvania Bar Association, Sidney L. Krawitz, Esquire
- IV—Founding Partner of Dilworth, Paxson, Kalish, Levy and Kauffman, Harry A. Kalish, Esquire
- V—Vice Chancellor of The Philadelphia Bar Association and Former President of The Philadelphia Trial Lawyers Association, Robert C. Daniels, Esquire
- VI—Former Chancellor of The Philadelphia Bar Association, Former President of The Pennsylvania Bar Association and Former President of The American Bar Association Bernard G. Segal, Esquire

Proceedings

CHIEF JUSTICE EAGEN: Good afternoon everyone. On May 22nd, 1980 this court, the Supreme Court of Pennsylvania, will be two hundred and fifty-eight years old. It is the oldest Appellate Court in the United States.

The induction of a justice of this historic court is an occasion of great moment.

In the next few months after much planning and effort the judges of the three Appellate Courts of Pennsylvania will be re-structured in a very big way.

The functions of this court will undergo a dramatic change. During this transition many problems will be encountered. There will be trial and error.

Bruce W. Kauffman, Esquire, comes to this court with impressive credentials. His talents will be of great importance during this unique period in the court's history.

The members of this court welcome him very warmly as a colleague aboard the ship of state.

At this time with great pleasure the court recognizes the distinguished former Chief Justice of Pennsylvania the Honorable Benjamin R. Jones.

FORMER CHIEF JUSTICE JONES: May it please the court. I believe there is some plagiarism taking place. I was going to refer to the fact that we are the oldest Appellate Court in America. This court as an institution is very near and dear. My association with this court began in 1929 and in the '30's as a part-time law clerk for Justice and later Chief Justice Kephart. It extended for almost fifty years as a member of its bar and it was my privilege to serve for twenty years as a member of this court.

I have the privilege today of presenting to you the senior partner of the firm of which I have been associated, Bruce Kauffman, young in years but old in experience.

He brings to this court a vigorous, inquiring mind, boundless energy and integrity, a versatile mind of an experienced advocate

and a firm believer in the constitution of the United States and the the constitution of this Commonwealth of which we as lawyers and you as judges should be proud.

From my experience as a practitioner with Bruce Kauffman, he will not only with his great industry help to alleviate the terrific work load of this court, but will bring to the court good common sense.

Bruce Kauffman's experience will teach him and has taught him I am sure that he must be fair to his colleagues, that he must speak his own mind and determine cases on the basis of his experience applied to the facts of the case, and that I am sure he will do.

I repeat. I present my friend and my colleague to this court as your new colleague. Our loss is your gain.

CHIEF JUSTICE EAGEN: Thank you Chief Justice.

We will proceed with the rest of the program and at this time we will recognize the Chancellor of the Philadelphia Bar Association, Jerome E. Bogutz, Esquire.

MR. BOGUTZ: Thank you, Mr. Chief Justice and members of the court.

I will not refer to my prepared remarks, since much of what I was going to say has been said.

Let me just also add, however, that in addition to being the oldest bench in the country, I represent the oldest bar association in the country. We are now celebrating in a couple of weeks our hundredth and seventy-eighth anniversary and we are very, very proud to be distinguished to have had among us as a member of our association Bruce Kauffman.

Bruce Kauffman distinguished himself and in doing so distinguished us. He has proven his commitment to the law from the time when he was growing up in a family of lawyers, with his father being a judge.

Through his undergraduate career at the University of Pennsylvania where he earned his Phi Beta Kappa key, and is now a Fellow of the Phi Beta Kappa Society, and at Yale Law School where he was a member of the Order of the Coif, and serving a judicial clerkship in New Jersey and coming on to head up a litigation department in one of our major law firms in the city of Philadelphia and being a senior partner at a very young age.

He embarrassed some of us recently as to how young he really is by becoming a father again last year, of which we are all very proud.

He is quite young and I think he will distinguish this bench as he has distinguished us by his distinguished service.

I think that you will be proud to have him as part of the full complement of the Court. We reluctantly give up one of our members, and I reluctantly give you a chairman of one of my important committees, but we are looking to him to fill the complement of this bench and give a new image and new attention to the work that he will be able to produce for the Court.

Thank you.

CHIEF JUSTICE EAGEN: We will now hear from the president of the Pennsylvania Bar Association Sidney L. Krawitz, Esquire.

MR. KRAWITZ: With the permission of the court.

I am delighted to have the privilege and honor to address the court on this happy, momentous occasion.

Suffice it to say Bruce Kauffman is truly a merit selection candidate. Every facet of his professional, public and private life was investigated and he was found to possess the credentials of judicial temperament, splendid legal training, experience, stamina and integrity.

Personally I have known him and I think all of us have known him for many years to be a well rounded and exceptional lawyer who knows and understands every segment of society.

Might I say that it is compassion, understanding, mercy, knowledge and moral and intellectual honesty coupled with wisdom and common sense that makes for truly a great judge. All these characteristics are embodied in Bruce Kauffman.

My colleagues, twenty thousand active members of the Pennsylvania Bar Association, join me today with the proud citizens of Pennsylvania in congratulating Bruce Kauffman on his elevation to the oldest bench in this nation.

We pray, Your Honors, that the Lord will grant Bruce Kauffman good health, great wisdom to serve the people of Pennsylvania and substantially strengthen over the years the administration of justice in our land.

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CHIEF JUSTICE EAGEN: Thank you, Mr. Krawitz.

The court will now recognize the founding partner of Dilworth, Paxson, Kalish, Levy and Kauffman, Harry A. Kalish, Esquire.

MR. KALISH: I am honored to be allowed to say a few words here on this occasion.

I see a great many of my friends and friends of Bruce in attendance here; former partners. Some great public figures.

I have followed Sidney Krawitz before. The last occasion was at the Dickinson Law School where he took the speaker's stand and I did, as well.

It was at the Dickinson Law School where I first had the pleasure of meeting a Kauffman. I was a classmate of Joe Kauffman. Joe Kauffman is his father, Bruce's father. In fact, Joe Kauffman and I sat next to each other three years. This is more than a half century ago.

Your Honors, time passes very quickly. Thirty years or so after we graduated, Joe Kauffman introduced me to his son. His son was an honor graduate of Yale Law School. He became a member of our firm and worked very hard. He is very able. He became a great factor in the firm, as he will be on this court, I can assure you.

The firm has a tradition of public service, as the court may know, and Bruce has a great urge to follow in that tradition.

We of the firm will miss him.

Thank you.

CHIEF JUSTICE EAGEN: Thank you very much.

We will now hear a word from the vice chancellor of the Philadelphia Bar Association Mr. Robert C. Daniels.

MR. DANIELS: Thank you, Your Honor.

Chief Justice Eagen, Associate Justices of the Supreme Court, I come here today not in my official capacity as a representative of any association, but as a friend and as a colleague of Bruce Kauffman and the bar.

We of the Philadelphia Bar are particularly delighted and proud that one of our most successful, distinguished and accomplished colleagues is about to ascend the bench of the highest court in this Commonwealth. It has been my privilege to know Bruce Kauffman as an active member of our trial and appellate bar for many

years, and as a result of that relationship I have developed a deep and abiding professional and personal respect and friendship for him during our years of association.

Why do I perceive Bruce in this way, you may ask?

Well, it is because as one who has labored in the field of litigation with him, I have seen Bruce as a combination of the unique qualities of a supreme pragmatist, the consummate legal scholar and a real human being.

What qualities could better serve him as a justice of our Supreme Court?

In the words of the late Justice Felix Frankfurter of the Supreme Court of the United States, "A judge must have more than a sound knowledge of the law and a sense of what is fair and right. A judge," to quote Justice Frankfurter, "must dare to pierce the curtain of the future and give shape and visage to mysteries still in the womb of time."

Justice Frankfurter noted that this capacity is a gift of imagination with which judges are rarely endowed and which their education does not normally develop, but he reminded us that judges must "have antennae registering feeling and judgment beyond logical, let alone quantitative proof."

Bruce Kauffman has all of these rare qualities and capacities. Imagination, sensitivity, understanding and vision. The very qualities of which Justice Frankfurter spoke. As an experienced and eminently successful member of the bar, he understands and is sensitive to the practical considerations and problems confronting the practicing attorney. As a legal scholar he has demonstrated a remarkable capacity to conceptualize, to develop new approaches to problems and to keep a keen eye on the important ideals that motivate our whole system of justice. I know that his actions as a justice will reflect a genuine concern for the problems confronting the citizenry of this great Commonwealth, its judiciary and the entire area of judicial administration, which challenges must be met if our judicial system is to continue to thrive and flourish.

One might say that Bruce Kauffman now has reached the pinnacle of a bright legal career in the law. Surely it is a great honor for any member of the bar to be appointed to the bench. To be appointed to our Commonwealth's highest court is the greatest honor that any Pennsylvania lawyer can achieve. However, those of us who are members of the Philadelphia Bar feel uniquely

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honored to have one of our own so selected and those of us who know Bruce Kauffman can say with certainty that this is not the zenith of his legal career, but simply a new plateau that he has reached both for himself and the court, one that will see all of us benefiting from his wisdom, fairness, imagination and sound judgment.

So, Bruce, or as Rita tells me you now expect to be called at home, "Your Honor, Mr. Justice Kauffman," we, your friends of the Philadelphia Bar, congratulate you and your family upon your appointment to the Supreme Court of Pennsylvania and extend our very best wishes to you for every success in the future.

Good luck.

CHIEF JUSTICE EAGEN: I am going to keep all these speeches available for the quickest reference as we proceed to work together during the months ahead.

Now, it is a great personal joy for me to recognize the next speaker. A gentleman to the core and a man of terrific distinction and note, the former chancellor of the Philadelphia Bar Association and former president of the Pennsylvania Bar Association, Mr. Bernard G. Segal.

MR. SEGAL: May it please the court. I am most appreciative of the privilege of participating in these ceremonies marking the induction of Bruce W. Kauffman as justice of the Supreme Court of Pennsylvania.

By now my years at the bar have been many. They have afforded me the cherished opportunity for public service in the law. Yet of all my experiences anywhere there is none that I have valued more highly than the occasions when, as at this moment, I have had the assignment of speaking at judicial induction exercises and nowhere more so than in this honorable court, which I cherish so highly.

The event which brings us here today, augurs well as for the future. No one familiar with our Supreme Court and its history would gainsay the statement that this court has always included very good justices, many of highest distinction over the years.

However, today marks a development which gives the greatest possible assurance of a high caliber of all future appointments to this court. For Bruce Kauffman is the first appointee to this court by virtue of a merit selection system. All of us must be most grateful to Governor Thornburgh and applaud his action

in having again nominated Bruce Kauffman for this court, as before, from a panel submitted to him by the Appellate Court Nominating Commission, of which, by the way, former Chief Justice Jones was the first chairman, all pursuant to the merit selection system created and continued by executive order.

We must also commend and be appreciative of the members of the State Senate. For, the first time Mr. Kauffman was nominated, the Judiciary Committee, led by Senator Michael A. O'Pake, unanimously acted favorably on the nomination; and on the present occasion, the entire senate put aside politics in favor of the public interest and confirmed Bruce Kauffman's nomination by a unanimous vote.

These are historic actions by our governor and our state senators, and all of us should commend them highly.

It is no surprise, then, that Bruce Kauffman epitomizes the aspirations of all of us who have supported merit selection of judges. For he is the very prototype of the lawyer whom we like to see as a justice of our Supreme Court.

As a practicing lawyer, Mr. Kauffman very early demonstrated the outstanding ability which has twice made him the selection of the commission. From the beginning of his legal career, he possessed a rare combination of ability and zeal, and before long it became apparent that perhaps his strongest talent was in the role of the courtroom advocate at both the trial and appellate levels.

When, because of my own high opinion of Mr. Kauffman as a trial lawyer, I thought I should propose him for election as a Fellow of the American College of Trial Lawyers, I wrote to several of our federal and state trial judges asking their opinions concerning his performance in their respective courts. All of them responded with enthusiasm and praised his integrity, his temperament, his legal ability and his powers of advocacy.

Little wonder, then, that he has not only been, as you have heard, a senior partner in one of our city's leading law firms, Dilworth, Paxson, Kalish, Levy and Kauffman, but he is also the chairman of its litigation department of forty-eight lawyers, one of the largest in Pennsylvania.

More generally, judge and lawyer alike praise his depth of intellect, his quick and intuitive mind, his capacity for expression

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and, perhaps above all, the sincerity and dedication with which he practices his profession.

Your Honors, if Mr. Kauffman's career had been restricted to these professional attainments, he would certainly be well qualified for appointment as a justice of this court, but his distinctions have extended beyond the private practice of law.

The tyranny of time prevents my detailing his activities in the public sector, which have been considerable, but I shall refer to one, because there I had unusual opportunity to observe him at work. I refer to his outstanding service as a delegate to the Pennsylvania Constitutional Convention in 1967 and 1968 where he served as a member of the Committee on the Judiciary Article and also as co-chairman of its subcommittee on the selection of judges.

His performance was outstanding and, indeed, he is one of the half dozen people to whom we are most indebted for those portions of the judiciary article which did survive the political process.

I need not tell Your Honors that this is a turbulent and troubled time in our nation's history. In this period of severe testing of the legal profession and of disillusionment as to the efficacy of law, whether in preserving order or in assuring equal justice, we need on the bench not merely impartial arbiters who will decide differences between conflicting parties. We require judicial statesmen, too, a role for which, in my judgment, Bruce Kauffman is eminently qualified.

Your Honors, I take this occasion on behalf of all of us to wish for Mr. Kauffman, his charming and devoted wife, Rita, and his five delightful children, three of whom are here today, Brad, Margie and Robert, the fullest blessings of good health and long life; and for Mr. Kauffman, as he becomes Justice Kauffman, many years of satisfying and rewarding service in the lofty and critical office into which he is being inducted today. I envy him becoming a member of this court.

Thank you, Your Honors.

CHIEF JUSTICE EAGEN: Thank you.

The commission of appointment of Mr. Kauffman to this court will now be read by the proudest man in the courtroom, his dad, Judge Kauffman.

We are delighted to have you with us.

JUDGE KAUFFMAN: Mr. Chief Justice Eagen and Associate Justices of this Honorable Court, I am indeed honored, privileged and proud to read the formal Commission issued by the Honorable Governor Dick Thornburgh of the State of Pennsylvania.

In the name and by authority of the Commonwealth of Pennsylvania, Governor's Office: To Bruce W. Kauffman of the County of Philadelphia in the Commonwealth of Pennsylvania, Greetings:

Whereas, a vacancy has occurred in the office of Justice of the Supreme Court of the Commonwealth of Pennsylvania, by reason of the death of the Honorable Louis L. Manderino:

Therefore, know ye, that reposing especial trust and confidence in the prudence, integrity, and ability of Bruce W. Kauffman, of the county of Philadelphia, and under authority of the Constitution and Laws of the said Commonwealth, in such case made and provided, I have nominated, and by, and with the advice and consent of two thirds of all the Members of the Senate, have appointed and do by these presents commission you to be Justice of the Supreme Court of the Commonwealth of Pennsylvania.

To have and to hold the said office, together with all the rights, powers, privileges and emoluments thereunto belonging, or by law in anywise appertaining, until the first Monday of January, Anno Domini one thousand nine hundred and eighty-two, if you shall so long behave yourself well, and perform the duties required by law.

This appointment to compute from February 26th, 1980.

Given under my hand and the Great Seal of the State at the City of Harrisburg, this twenty-seventh day of February, in the year of Our Lord one thousand nine hundred and eighty and of the Commonwealth the two hundred and fourth.

Signed by Dick Thornburgh, Governor, and by William R. Davis, Secretary of the Commonwealth.

CHIEF JUSTICE EAGEN: Thank you, Judge.

The most solemn and probably the most important part of this ceremony is the administration of the oath of office.

Mr. Kauffman will now approach the lectern for the administration of the oath.

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The bible for the taking of the oath of office will be held by three of his children, Brad, Margie and Robert, who will also serve in the role of special witnesses.

Everybody will please stand.

Mr. Kauffman, please repeat after me.

I, Bruce W. Kauffman,

MR. KAUFFMAN: I, Bruce W. Kauffman,

CHIEF JUSTICE EAGEN: do solemnly swear,

MR. KAUFFMAN: do solemnly swear,

CHIEF JUSTICE EAGEN: that I will support, obey and defend

MR. KAUFFMAN: that I will support, obey and defend

CHIEF JUSTICE EAGEN: the Constitution of the United States and the Constitution of this Commonwealth;

MR. KAUFFMAN: the Constitution of the United States and the Constitution of this Commonwealth;

CHIEF JUSTICE EAGEN: and that I will discharge the duties of my office as Justice of the Supreme Court of Pennsylvania with fidelity.

MR. KAUFFMAN: and that I will discharge the duties of my office as Justice of the Supreme Court of Pennsylvania with fidelity.

CHIEF JUSTICE EAGEN: Justice Kauffman will now be robed by his beloved wife, Mrs. Rita Kauffman.

JUSTICE KAUFFMAN: We don't have much practice at this, Your Honor.

CHIEF JUSTICE EAGEN: Justice Kauffman will now be accompanied to the bench by Judge Robert P. Johnson.

JUDGE JOHNSON: Chief Justice and Associate Justices, representing all of the minor judiciary of Pennsylvania and my very, very dear friend Justice Kauffman, I am really honored to escort His Honor to the bench.

CHIEF JUSTICE EAGEN: Ladies and Gentlemen, I give you Justice Kauffman.

JUSTICE KAUFFMAN: Mr. Chief Justice, my colleagues on the Supreme Court of Pennsylvania, my family and my distin-

guished friends, it has been very rare in my life that I have been at a loss for words. Fortunately for all of you assembled here today, this is one of those occasions.

I do, however, want to thank Governor Thornburgh, a man for whom I have great admiration and respect, for making this all possible. I think I should, and hereby do, in fact thank him twice, because how many people are there in this world who have been appointed to the Supreme Court twice in less than one year.

I also want to very sincerely thank all of the Members of the Senate of Pennsylvania who unanimously confirmed Governor Thornburgh's nomination of me.

I can assure Governor Thornburgh, all of the Members of the Senate and all of the people of Pennsylvania that I will do everything within my power to work harmoniously with all of the members of this Court, to help them improve the quality of justice in Pennsylvania. The robes which I am wearing today are my father's, and as most of you can see, physically at least, I fit into them. I am going to strive to become the kind of human being who wore these robes before, and hope that one day I will truly deserve them.

I am very grateful that my father is here with us today to enjoy this supreme pleasure. I think that it is important to say to all of my friends how much I appreciate what everyone has done to help me. It would be much too long to thank everyone individually, and I will not prolong these proceedings by doing that, but I do thank you all for everything that you have done for me. I assure you that I will be an independent, nonpolitical, open minded, fair, hard working and considerate Justice.

I pray that God gives me sufficient strength to be able honorably to perform the duties and to undertake the responsibilities which I am accepting on this occasion.

I cannot stop without making two last comments of thanks. First of all, to my wife, Rita, who for all these many years has given such strength to me. I have said it before, but I would like to say it here publicly, marrying Rita was one of the best things I have ever done in my life. I won't mention anyone else in the audience, but Judge Broderick, who married us, is here and I want to thank him for that.

I also want to thank my children, Brad, Margie and Robert, for all of the support that they have given me during the years. The two little ones were here earlier for picture taking. Lauri

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Ann, who is two, and Christine, who is eight months, were here. They responded very well. They behaved well, but we were afraid that if they stayed much longer they would insist on participating in the ceremony, too; so they went home.

Thank you again. I appreciate everything that the speakers said today. I appreciate all of you being present and I will do everything not to let you down, but to deserve your confidence.

Thank you.

CHIEF JUSTICE EAGEN: The members of this Court extend very warm congratulations to the members of Mr. Justice Kauffman's family, and we thank you all sincerely for joining us in this joyful occasion; and now we are going to adjourn in order that the Court may start to work and start giving some assignments to our new colleague.

We meet in Pittsburgh at 10:30 Monday morning.

(CEREMONY CONCLUDED)