

# **Investiture**

of

## **THE HONORABLE JAMES THOMAS McDERMOTT**

As Justice of The Supreme Court of Pennsylvania

**Supreme Court of Pennsylvania**

**Philadelphia, Pennsylvania**

**Monday, January 4, 1982**

**Room 456 City Hall**

**3:00 o'clock p.m.**

**and**

**Room 653 City Hall**

**4:00 o'clock p.m.**

**Presiding in Room 456:**

Chief Justice Henry X. O'Brien  
Justice Bruce W. Kauffman

**Speakers:**

Julie Varano  
James Thomas McDermott, Jr.

**Presiding in Room 653:**

Chief Justice Henry X. O'Brien  
Justice Bruce W. Kauffman

**Also Presiding:**

Justice Edward J. Bradley

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**Speakers:**

Reverend Donald I. MacLean, S. J.  
Dennis O'Brien  
Robert C. Daniels  
Robert M. Landis  
Peter J. Liacouras  
The Honorable Edward J. Bradley  
The Honorable William J. Green  
The Honorable Bruce W. Kauffman  
William Austin Meehan



HONORABLE JAMES T. McDERMOTT

# Proceedings

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3:00 p. m.—Room 456

(Crier convenes court.)

CHIEF JUSTICE HENRY X. O'BRIEN: Welcome, ladies and gentlemen. We're here assembled on a very auspicious occasion to administer the oath of office to a new Justice of the Supreme Court of Pennsylvania.

The Justice comes to our Court competently and well prepared, having been a trial judge for many, many years, and he will bring to our Court a dimension that is needed, one that will give our Court the prospects and the understanding of the judges in the trenches, who are the first line in trial work.

He's eminently qualified, a man of studious abilities, who is a learned man, in addition to his knowledge of the law. So we welcome him doubly for his qualities.

Now at this time, we will have the presentation, but first we will have Mr. Justice Kauffman with a few remarks before the commission is presented. Justice Kauffman.

JUSTICE BRUCE W. KAUFFMAN: Thank you, Chief Justice O'Brien.

I have a prediction to make. That is that Jim McDermott will be a great Justice on the Supreme Court of Pennsylvania.

As Chief Justice O'Brien said, he comes with great experience. During the past several years, I have had occasion to give a lot of thought about the qualities that a great Supreme Court Justice ought to have and in every respect, Jim McDermott more than fills the bill.

He is a man of decency, of integrity, of intellect, compassion, humanity, and as all of his friends will confirm to you, an elegant gentleman.

Jim, you're joining a great institution today and, again, as Chief Justice O'Brien said, I know you will make a substantial contribution to it. I can only add that I wish you the very best, good health and good luck and much success in your new responsibilities.

## PROCEEDINGS

CHIEF JUSTICE HENRY X. O'BRIEN: We recognize Julia Varano at this time, who will present the commission of Justice McDermott.

JULIA VARANO: "In the name and by the authority of the Commonwealth of Pennsylvania Governor's Office, James T. McDermott of the County of Philadelphia in the Commonwealth of Pennsylvania, greetings:

"Whereas, it appears by the certificates and returns made according to law of the election held on the Tuesday next following the first Monday of November, Anno Domini, One Thousand Nine Hundred and Eighty-one, and now on file in the office of the Secretary of the Commonwealth, that you have been duly elected a Justice of the Supreme Court of Pennsylvania:

"And whereas, it appears by a certificate filed in the Office of the Governor of the Commonwealth in pursuance of the provisions of Article V, Section 10(e), of the Constitution of the said Commonwealth, that in conformity thereto the two persons who were elected to be Justices of the Supreme Court of Pennsylvania at the same time cast lots for priority of commission, and that the said casting of lots resulted in favor of the Honorable James T. McDermott:

"Therefore, know ye, that in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you, James T. McDermott to be a

"Justice of the Supreme Court of the Commonwealth of Pennsylvania with priority of commission as to Justices of the Supreme Court elected at the same time,

"To have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years, to be computed from the first Monday of January, Anno Domini, One Thousand Nine Hundred and Eighty-two, if you shall so long behave yourself well.

"This commission to have priority over the commission issued to Honorable William D. Hutchinson, as a Justice of the Supreme Court of Pennsylvania, bearing even date herewith.

"Given under my hand and the Great Seal of the State, at the City of Harrisburg, this sixteenth day of December, in the year of our Lord One Thousand Nine Hundred and Eighty-one, and of the Commonwealth the Two Hundred and Sixth. Governor: Richard Thornburgh. Secretary of the Commonwealth: Richard R. Davis."

## HONORABLE JAMES T. McDERMOTT

CHIEF JUSTICE HENRY X. O'BRIEN: James McDermott, Jr. will present his father, Justice McDermott.

JAMES THOMAS McDERMOTT, JR.: Good afternoon, Your Honor. If Your Honor pleases, at this time I would like to present my father, Judge James T. McDermott, Judge of the Court of Common Pleas of the Commonwealth of Philadelphia County, to receive the office of oath as Justice of the Supreme Court.

THE CRIER: All rise, please.

CHIEF JUSTICE HENRY X. O'BRIEN: You, James Thomas McDermott, do solemnly swear that you will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania and that you will perform your duties as Justice of the Supreme Court of Pennsylvania with all due fidelity, so help you God?

JUSTICE JAMES THOMAS McDERMOTT: So help me God.

CHIEF JUSTICE HENRY X. O'BRIEN: Congratulations. Best wishes to you.

(The Crier adjourns court.)

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4:00 p. m.—Room 653

(Crier convenes the Supreme Court of Pennsylvania.)

CHIEF JUSTICE HENRY X. O'BRIEN: Ladies and gentlemen, the invocation will be given by the Reverend Donald I. MacLean, S.J., President of Saint Joseph's University. Father MacLean.

REVEREND DONALD I. MacLEAN: Your Honor, this is a special privilege for me to be here in prayer for our dear friend, Judge McDermott. We chose as the prayer one composed by Archbishop Carroll for the church and for civil authorities.

We recall that Archbishop Carroll was the first Bishop of the Diocese of Baltimore. He was also the founder of Georgetown University. His brother signed the Declaration of Independence and so John Carroll was around at the beginning of our country more than two hundred years ago.

Let us bow our heads in prayer: We pray Thee, Almighty and Eternal God, Who through Jesus Christ has revealed Thy Glory to all nations, to preserve the works of Thy mercy, that Thy Church, being spread through the whole world, may continue with unchanging faith in the confession of Thy name,

## PROCEEDINGS

We pray Thee, O God of Might, Wisdom and Justice, through Whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude the President of the United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging due respect for virtue and religion; by a faithful execution of the laws in justice and mercy; and by restraining vice and immorality.

We pray for his excellency, the Governor of this State, for the members of the Assembly, for all judges, magistrates and other officers who are appointed to guard our political welfare, that they may be enabled, by Thy powerful protection, to discharge the duties of their respective stations with honesty and ability.

We recommend likewise, to Thy unbounded mercy, all our brethren and fellow citizens throughout the United States and our city, Philadelphia, that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law; that they may be preserved in union, and in that peace which the world cannot give; and after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to Thee, O Lord of Mercy, to remember the souls of Thy servants departed who are gone before us with the sign of faith, and repose in the sleep of peace; the souls of our parents, spouses, relatives, and friends; of those who, when living, were members of this city and particularly of such as are lately deceased.

Finally, O Lord, bless our brother, James McDermott, as he takes on the responsibilities of the Justice of the Supreme Court of Pennsylvania. Give him wisdom, understanding, and the strength and also Your everlasting love.

We offer these prayers through Jesus Christ Your Son, our Lord. Amen.

CHIEF JUSTICE HENRY X. O'BRIEN: The Honorable Dennis O'Brien brings greetings from the Governor.

DENNIS O'BRIEN: Chief Justice O'Brien, Justice Kauffman, Judge Bradley, members of the judiciary, honored guests, boy, this is exciting. Our friend, James McDermott, is now Justice McDermott.

I know this is a happy and a proud day for the members of Justice McDermott's family, but the members of his family couldn't be any prouder than the friends that have gathered here today to share in this happy moment.

## HONORABLE JAMES T. McDERMOTT

I know this is a happy and a proud day for the members of Justice McDermott's family, but the members of his family couldn't be any prouder than the friends that have gathered here today to share in this happy moment.

I know there is over twelve million people in Pennsylvania, not counting those that voted for him in Ohio and New Jersey, all of which have come to know the legend of Justice McDermott, the hanging Judge, being the merciless type.

We know him as "Gentleman Jim," as a humble and sincere man.

I heard a few people laugh when I said that, but if you knew the pain that Justice McDermott is going through right now, you would know what I'm talking about. He is a man that is given easy to praise others but is very shy in accepting that praise himself.

I was talking to him and he said, "Would you like to go for a ride with me, Dennis?" and I said, "Sure, Judge," and he said, "I mean a long ride."

I didn't know how long it was going to be but it is a pleasure taking that ride and this day makes it all worth it and I am proud to know Justice McDermott and today I am asked to read greetings from the Governor of Pennsylvania.

"To: James Thomas McDermott.

"As Governor of the Commonwealth of Pennsylvania, I am pleased to extend hearty congratulations to you as you assume office as Justice of the Supreme Court of Pennsylvania. Today is an important occasion not only for you and your family, but for the entire Commonwealth.

"A firm, effective court system is vital to the well-being of the Keystone State. I know of your demonstrated commitment to the fair application of the law as a member of the Court of Common Pleas, and I am sure that you will serve our citizens on the state's highest court with dignity and distinction.

"On behalf of all Pennsylvanians, I offer sincere best wishes for a most successful and rewarding tenure.

Dick Thornburgh, Governor."

CHIEF JUSTICE HENRY X. O'BRIEN: We will hear remarks by Robert C. Daniels, Chancellor of the Philadelphia Bar Association.

ROBERT C. DANIELS: Mr. Chief Justice O'Brien, Mr. Justice Kauffman, President Judge Bradley, Judge soon-to-be Justice McDermott, on behalf of the Philadelphia Bar Association, I, at



## PROCEEDINGS

my first official appearance as Chancellor for 1982, am honored to express the pride and sheer delight that our nearly eight hundred members exude as Justice James T. McDermott, one of our own, ascends the bench of the Supreme Court of Pennsylvania. This is a proud and happy occasion, not only for Justice McDermott and his family, but, really, for all Philadelphia lawyers, because Jim McDermott truly represents what we are all about.

We are proud to count Justice McDermott, a native and product of the City of Philadelphia, as a member of the Philadelphia Bar Association. In the historic and legendary tradition of the "Philadelphia lawyer," Justice McDermott will bring great honor and distinction to the highest court of this Commonwealth. He will undoubtedly bring to bear his more than fifteen years of experience as a Judge of the Court of Common Pleas of Philadelphia County in his new undertaking on behalf of all of the citizens of Pennsylvania.

During his time as a Common Pleas Judge, Justice McDermott gained a reputation as a "tough" jurist who was not reluctant to hand out long prison sentences to repeat offenders. Justice McDermott emerged, according to one local newspaper, as "an articulate spokesman for law and order at a time when crime seems to be the issue on voters' minds."

But to paint a one-dimensional portrait of this fine jurist simply as a "tough" judge who hands down long prison sentences does a gross disservice to a dedicated, sensitive, highly intelligent and patriotic public servant, who loves the law, the legal profession and the entire jurisprudential system.

Those who know Justice McDermott well know the first Philadelphia elected member of our Supreme Court in ten years to be a learned, sensitive and concerned man, a student of American history, a dedicated father, a helpful colleague and a most loyal friend. He is a man who truly cares about the people and is concerned about their protection and well-being. It is no wonder, therefore, that he garnered more votes than any other appellate court candidate in the recent state-wide judicial elections. And, so, in the final analysis, Jim McDermott is truly a "man of the people."

One of his principal accomplishments during his years on the bench has been making the law responsive to the people. Long before many others, he saw the dangers inherent in a growing permissiveness and an escalating wave of crime in our society and put the rule of law to work in the public interest. Ultimately, positive action is what people understand best, and Justice McDermott is a man of action. He ascends the mount of our

## HONORABLE JAMES T. McDERMOTT

profession and of our justice system today because he has been responsive to the will of the people and true to our system of law and order.

The nineteenth century British Prime Minister, Benjamin Disraeli, perhaps best defined justice in five simple words. "Justice," he said, "is truth in action." Justice McDermott has been true to that credo from his very beginnings in the law. He has searched for truth in the best tradition of our great jurists and has acted, and acted decisively when action has been necessary. Some people turn the search for truth into an excuse not to act. Justice McDermott has made the truth the essence of his actions, pursuing the same in a spirit of absolute fairness.

In the end, our justice system must act decisively, responsibly and free from all passion, for that is the essence of truth in action. Fairly, deliberately and rationally, Justice McDermott has consistently met this challenge. Responsive action has earned him the respect and confidence of the people of this Commonwealth and has led him to this very important day in his life.

Today, as he is elevated to the highest Court in our Commonwealth, we salute Justice James T. McDermott for not only his past service and for the attainment of the honor which is being bestowed upon him this day, but for the great expectations that we have for his future as a Justice of our Supreme Court. We welcome his presence on the Court and we, his brothers and sisters of the Philadelphia Bar Association, wish him and his entire family much success and God's speed. Congratulations, Judge.

CHIEF JUSTICE HENRY X. O'BRIEN: We recognize Robert M. Landis, President of the Pennsylvania Bar Association, for a remark.

ROBERT M. LANDIS: May it please the Court, three hundred years ago, in the year of establishment of this great City of Philadelphia, William Penn, in his first proprietary Frame of Government, committed himself to the appointment of judges and himself commissioned six justices of a court on which he presided at a session on November 12th, 1682. The Provincial Assembly of Pennsylvania later established the Supreme Court of Pennsylvania in the Judiciary Act of 1722, so that its evolutionary successor, the Supreme Court of Pennsylvania, is the oldest appellate court in the United States.

## PROCEEDINGS

There are few occasions which are as momentous as the induction of a new judge. In these days when the responsibility of judging is so much at the heart of the crucial social problems of our times, an event like this cannot be commonplace. Now more than ever in our memory, service as a Justice of the Supreme Court of Pennsylvania calls upon the highest talents, the most zealous devotion to duty, and the most demanding qualities of judgment as it is given to a human being to exercise.

This judicial system of ours is often reviled, sometimes admired and all too rarely valued for what it represents in our society. The Supreme Court of Pennsylvania has borne more than its share of all this. With confidence in the courts declining sharply, with fear of crime rising precipitously, the temptation to preach simple solutions is powerful, but surges in crime result from enormously complex, often capricious social events. The courts cope with the results of such events. They do not control them. And the performance of the courts is better measured in terms of fairness and efficiency than in crime rates, on the reasonable assumption that a more efficient system will deter more crime, however much there is.

Today we celebrate the investiture of a justice who will bring strength and determination to that system. It is characteristic of this man that he would take his oath of service not in the traditional setting of the high tribunal where he will sit in judgment, but in a court where he has presided for the last sixteen years since his appointment by Governor William Scranton. A courtroom where the grinding grievances of the poor, the heinous offenses against the laws of our society, and all the trials of the people come to justice before judge and jury.

Born and raised in Philadelphia, re-elected in a retention election by the highest judicial vote in Philadelphia as a Common Pleas judge, he was elected in November by all the people of Pennsylvania by the highest vote to the Supreme Court of Pennsylvania. In the years since he graduated in sociology from St. Joseph's University and from the law school of Temple University, he has grown in service to the people and learned their ways in the peoples' laboratory, tempering and maturing his powers in the significant calling to public service through the political life of our time as candidate for Congress, for the City Council and for Mayor. And all the while he has been a teacher of the law.

He brings to this great office a vast store of judicial experience, earned in the trial courts where learning is the hardest. He brings to it vigor, industry and firmness in the right, with a searching intellect infused with the richness of literary learning.

## HONORABLE JAMES T. McDERMOTT

Blessed himself with the Gaelic gift of eloquence, there are no better words to grace this occasion than these words of William Butler Yeats:

"Yet surely there are men who have made their art out of no tragic war, lovers of life. For those that love the world serve it in action."

For all the lawyers of Pennsylvania it is my privilege as President of the Pennsylvania Bar Association, and my special personal pleasure as his friend, to celebrate the investiture of James T. McDermott as a Justice of the Supreme Court of Pennsylvania.

CHIEF JUSTICE HENRY X. O'BRIEN: The Honorable William J. Green, Mayor of the City of Philadelphia, will not be able to participate in this installation, as a police officer was shot and he is at the hospital at this time. So we will continue with remarks by Peter J. Liacouras, Dean of the Temple University School of Law.

PETER J. LIACOURAS: May it please the Court, it is an honor to deliver the greetings and deep sense of pride of the Temple University School of Law and the entire University on the occasion of the investiture of one of our own, James Thomas McDermott, as Justice of the Supreme Court of Pennsylvania. Judge McDermott is a living example of the "Acres of Diamonds" philosophy which the founder of Temple University, Dr. Russell H. Conwell, coined nearly a century ago to describe outstanding individuals in our midst—in our own backyard—who are destined to contribute significantly to our society if only given the opportunity to succeed on their own merits to high position.

The Law School is proud of the achievement of Justice McDermott. Born and raised in Philadelphia, he attended Benjamin Franklin High School and received his baccalureate degree from St. Joseph's College and was graduated from the Temple University School of Law on June 15, 1950, admitted to the Bar of Pennsylvania the following year and in the best tradition of the American work ethic was employed during his Temple years so that he could pursue his law studies.

Justice McDermott is an excellent model for emulation by the young men and women now preparing for admission to the legal profession. I first observed him while I was still a law student and he was a young practicing attorney. He was defending, in this courtroom, a young man accused of murder in the first degree. Jim McDermott defended him with determination, with dignity and with a sense of purpose. Although justice was done

## PROCEEDINGS

and the defendant was convicted of first degree murder, we could tell at that point that young attorney McDermott was destined for a great career in the law.

Not so coincidentally, two of the persons who recommended applicant James McDermott to Temple Law School, Walter B. Gibbons and Joseph S. Lord, III, had similar expectations, and they knew him much better than I did.

For instance, Gibbons wrote on December 13, 1946: "I have known his family for more than twenty years. He has had an excellent home training and has excelled in his studies. Mr. McDermott is honorable, industrious and intelligent."

And on December 20, 1946, Joseph S. Lord, III, wrote: "I have known him and his family for many years and I can say without equivocation that his character is of the highest and his integrity unquestionable. On the basis of his past record I know that he has the ability and the temperament to make a valuable addition to our Bar."

How perceptive were these two giants of the profession, writing in the period of gross understatement in reference as we know, unlike today.

We at Temple Law School are, therefore, not surprised by the steady and effective rise of James McDermott from trial lawyer to Judge of the Court of Common Pleas and now to Justice of the Supreme Court of Pennsylvania. He has had the mark of greatness in him all of these years.

Our own records indicate that James McDermott is the first Temple Law School alumnus to be elected to the Supreme Court of Pennsylvania, the first in nearly one hundred years.

That fact is, indeed, remarkable because there are some one hundred and thirty living Temple Law graduates presently sitting as Judges throughout the world with seven in the class of 1950, Justice McDermott's own class. The Law School is, therefore, especially happy to share with the McDermott family and the public in rejoicing at this investiture.

We are convinced, Your Honors, that Justice McDermott will maintain his fidelity to the law, vigilance in the protection of the public and compassion as a human being passing legal judgment of God's children at the Bar of this honorable Court.

We commend him to you with great expectations for the invaluable contributions he will make to the law of Pennsylvania and our society.

Mr. Justice McDermott, your Law School proudly salutes you.

## HONORABLE JAMES T. McDERMOTT

CHIEF JUSTICE HENRY X. O'BRIEN: We will hear remarks by the Honorable Edward J. Bradley, President of the Court of Common Pleas.

HONORABLE EDWARD J. BRADLEY: Chief Justice O'Brien, Justice Kauffman, Reverend Father MacLean, Mrs. McDermott, members of Judge McDermott's family, distinguished guests, ladies and gentlemen, Judge McDermott and I go back quite a long way together. We were appointed together on August 16th, 1965 to the last of the numbered Courts of Common Pleas in the Commonwealth of Pennsylvania, Common Pleas Courts Numbers Nine and Ten, and with the elevation of Justice McDermott to the Supreme Court of Pennsylvania, that leaves only Judge Greenberg and I as survivors of those last two numbered courts.

Although Judge McDermott and I knew each other only casually before we came to the bench, we soon became very close friends and have remained so ever since.

Judge McDermott very quickly established himself as a presence on the Court of Common Pleas and that was for a number of reasons, because of his erudition and his scholarship, because of the distinction with which he presided in court and displayed in his written opinions, but more than that because he stood for something at a time when so many of our institutions and when so many of our leaders seem to be standing for less and less—and when I say that, I am not simply referring to his belief in stern sentences for serious crimes or his belief in law and order which have been referred to. I'm talking about something deeper and more significant than that.

He stood for and believed in a system of values, which some might characterize as old-fashioned or deride as outmoded, but which he rightly perceived as being eternal. He believed, for example, in individual responsibility. A person could not tend to excuse himself because of pressures to which all of us have, all were subject.

He believed in the family as the principal source of moral standards and discipline. He believed in the right of law-abiding members of society, of being protected from the deprivation of those who would not observe our laws and, perhaps most important of all, he believed in a Supreme Being to whom we are all answerable and from whom all of the religious and moral principles that he observed flowed.

Practicing mathematic solutions were not for Judge McDermott nor the application of situational ethics. If something was right, it should be recognized as right and if it was wrong, it should be

## PROCEEDINGS

condemned as wrong and he implanted those beliefs every day in his courtroom from the decorum which he enacted in his courtroom and, incidentally, to which he accorded the attorneys who practiced in front of him, to the sentences that he imposed, to the decisions that he rendered, setting the balance between the rights of the accused and the rights of victims.

We will be losing that substance as Judge McDermott goes to the Supreme Court but we will now have a wider and more significant forum in which to implant those beliefs and that system of values. It's altogether fitting, as it has been alluded to, that Justice McDermott should choose to have this ceremony in Courtroom 653, in which he sat and presided with distinction for so many years.

It's almost a cliché to say that Common Pleas Court's loss was the gain of the Pennsylvania Supreme Court, but I will say it because it's so. We'll miss his presence and we'll miss his stature and the Supreme Court will gain those things. I personally will miss the close daily contact which I was privileged to have with him over the past sixteen and a half years. I know that we will remain close friends, although I will not be unmindful of the difference in our status. He will now be in a position to overrule me, which he never was able to do before, but I don't think that will affect our fundamental friendship.

I know that I speak on behalf of all of my colleagues in the Court of Common Pleas of Philadelphia County in wishing Justice McDermott, his family the best of luck, success, health and happiness during his tenure on the Supreme Court. I know that he will always be reflected well in his conduct as a Justice of the Supreme Court of Pennsylvania and he will always do us proud.

Jim, good luck and God bless you.

CHIEF JUSTICE HENRY X. O'BRIEN: The Court recognizes the Honorable William J. Green, Mayor of the City of Philadelphia.

MAYOR WILLIAM J. GREEN: Justice O'Brien, distinguished Judges, Justice McDermott and ladies and gentlemen, I think you have all been told that I was detained because a police officer from the Philadelphia Housing Authority was shot and I went to the hospital to be with his family and to let them know just how concerned we were and I apologize for being late. I shall be brief I do not know how long this ceremony has been going on, but I wanted very much to be here and I rushed back from the hospital to do so for very special reasons.

## HONORABLE JAMES T. McDERMOTT

This is a great moment for Jim, for his family and for the City and you have been asked to participate in this moment with him. It is an opportunity that I treasure personally, for I have the highest regard for him as a person and public servant.

It is a great day for our City because Jim McDermott is and has been a credit to the City, to his party, to his family and to me represents the kind of integrity that is needed as a Judge so far, will as a Justice, I'm sure, because one thing Jim McDermott is and always has been is true to himself, and when a man is just that, true to himself, has the courage in his convictions and acts on them without failing, he can be a good Judge, is a good Judge, and will be an outstanding Justice of the Supreme Court.

Personally I am honored as a friend of his to share this moment with him and his family and as Judge Bradley said, I say, God bless you, Jim, and may your tenure on the Supreme Court of Pennsylvania be the outstanding one that all of your friends in this room today are confident that it will be.

One more thing: I have always thought that I would never have the courage to face him in this room, as many have not in the past, but I am delighted to be with you in this room today and to be with your family and, once again, God bless you.

CHIEF JUSTICE HENRY X. O'BRIEN: We call upon Justice Bruce Kauffman for some remarks.

JUSTICE BRUCE W. KAUFFMAN: Thank you, Mr. Chief Justice.

I am sincerely happy that my good friend, Jim McDermott, today becomes a member of one of the most important institutions in our society, the oldest Supreme Court in the United States.

Much appropriately has been said about Jim McDermott's past accomplishments. I'd just like to take a moment to predict the future. I believe that Jim McDermott will be a superlative Justice of the Supreme Court of Pennsylvania for all of the reasons that have been so well articulated here today, but also because during the many years that I have known Jim, I have always viewed him and perceived him as a man of decency, of integrity, of compassion, of intellect, a man of humanity and wisdom. In short, an intelligent gentleman who will put fairness above all else.

May God bless you, Jim, and give you the strength, the good health and the courage to do the job as Mayor Green said that all of your friends here today know you will do as a Justice of the Supreme Court of Pennsylvania.



## PROCEEDINGS

CHIEF JUSTICE HENRY X. O'BRIEN: William Austin Meehan will present the commission of the new Justice and read it.

WILLIAM AUSTIN MEEHAN: "In the name and by the authority of the Commonwealth of Pennsylvania, Governor's Office, James T. McDermott of the County of Philadelphia in the Commonwealth of Pennsylvania, greetings:

"Whereas, it appears by the certificates and returns made according to law, of the election held on the Tuesday next following the first Monday of November, Anno Domini, One Thousand Nine Hundred and Eighty-one, and now on file in the office of the Secretary of the Commonwealth, that you have been duly elected a Justice of the Supreme Court of Pennsylvania:

"And whereas, it appears by a certificate filed in the Office of the Governor of the Commonwealth in pursuance of the provisions of Article V, Section 10(e), of the Constitution of the said Commonwealth, that in conformity thereto the two persons who were elected to be Justices of the Supreme Court of Pennsylvania at the same time cast lots for priority of commission, and that the said casting of lots resulted in favor of the Honorable James T. McDermott:

"Therefore, know ye, that in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you, James T. McDermott to be a

"Justice of the Supreme Court of the Commonwealth of Pennsylvania with priority of commission as to Justices of the Supreme Court elected at the same time,

"To have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years, to be computed from the first Monday of January, Anno Domini, One Thousand Nine Hundred and Eighty-two, if you shall so long behave yourself well.

"This commission to have priority over the commission issued to Honorable William D. Hutchinson, as a Justice of the Supreme Court of Pennsylvania, bearing even date herewith.

"Given under my hand and the Great Seal of the State, at the City of Harrisburg, this sixteenth day of December, in the year of our Lord One Thousand Nine Hundred and Eighty-one, and of the Commonwealth the Two Hundred and Sixth."

By the seal of the Governor, signed Dick Thornburgh, attested William R. Davis, Secretary of the Commonwealth.

## HONORABLE JAMES T. McDERMOTT

CHIEF JUSTICE HENRY X. O'BRIEN: We will now administer the oath of office to Justice McDermott.

(Chief Justice Henry X. O'Brien administers oath of office to Justice James Thomas McDermott.)

JUSTICE JAMES THOMAS McDERMOTT: I'm almost afraid to speak, for I might break the golden glow that I have lived in for the past half hour and which is worse, I'm sure if I continued, I would ultimately contradict all of the things that they said to me that were so nice.

I have literally stayed awake at night trying to wonder how I could say thanks to everybody on this day. I don't know how to do that and my emotions are getting ahead of me, as you can see. I guess it's best and perhaps easiest to say—and I trust that you will believe me when I say that I could not be more honored than I am here in the presence of my family and my mother and I thank you.

CHIEF JUSTICE HENRY X. O'BRIEN: The Crier will now adjourn court.

(Pennsylvania Supreme Court Crier adjourns court at 5:00 P. M.)

## INDEX

### Speakers:

	Page
Reverend Donald I. MacLean, S.J. (Invocation)	LIII
Dennis O'Brien	LIV
Robert C. Daniels, Esquire	LV
Robert M. Landis, Esquire	LVII
Peter J. Liacouras, Esquire	LIX
The Honorable President Judge Edward J. Bradley	LXI
The Honorable William J. Green, Mayor	LXII
The Honorable Justice Bruce W. Kauffman	LXIII
William Austin Meehan, Esquire	LXIV