

Induction

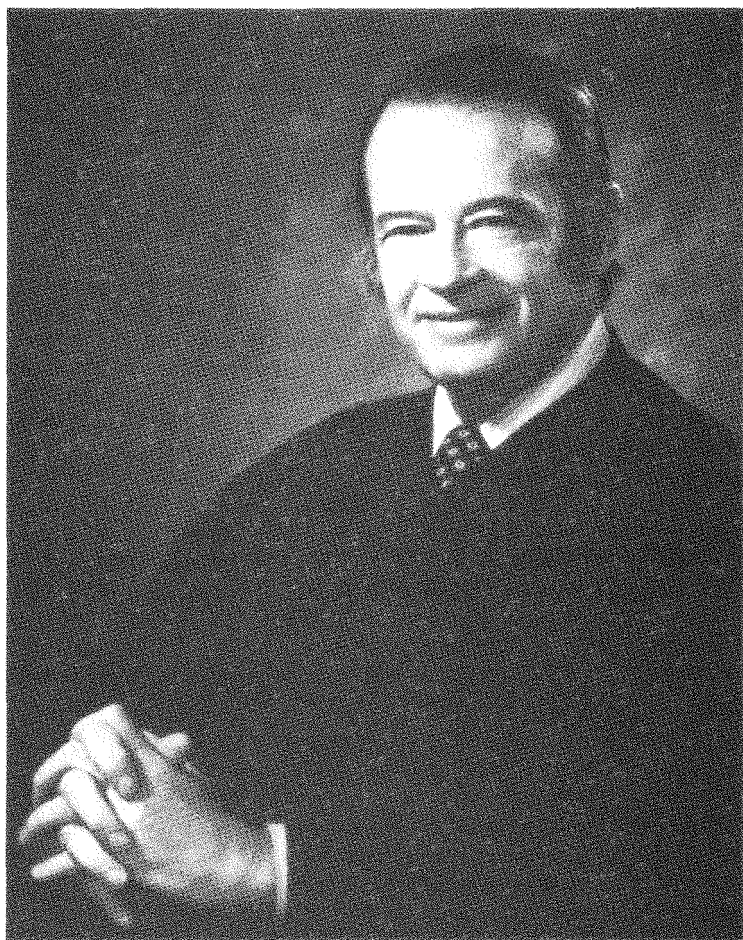
of

THE HONORABLE SAMUEL J. ROBERTS

as

Chief Justice of Pennsylvania

Courtroom Number One
Erie County Court House
Monday, January 3, 1983
11 a.m.



HONORABLE SAMUEL J. ROBERTS

Proceedings

CHIEF JUSTICE O'BRIEN: Good morning, ladies and gentlemen. This Court, the oldest continuous appellate court in this country, begins its two hundred sixty-second year of judicial service with a very special and significant event this morning, the induction of the Honorable Samuel J. Roberts as the fifty-third Chief Justice of this Court and the fourth Chief Justice of Pennsylvania, under the Constitution of 1968.

I have known Justice Roberts for over thirty years. We were trial judges in Pennsylvania at the same time, and for the last twenty years we have been closely associated on the Supreme Court of Pennsylvania. He brings to the office of Chief Justice more than the wealth of experience he has gained in his thirty years as a judge; he is also a scholar, a teacher of law, and a man of integrity and tremendous ability. He has conducted seminars and given lectures throughout the country, and has represented Pennsylvania and the Supreme Court of Pennsylvania with great distinction. He has taught for nearly twenty years as a member of the faculty of the prestigious Appellate Judges Seminar of New York University, which is attended by appellate judges throughout the country, including members of the Supreme Court of the United States. Thus, we are very fortunate indeed to have such a man inducted today as the Chief Justice of Pennsylvania.

I will not go on to relate all the honors, the attainments, and the distinctions that Justice Roberts has gained over his professional lifetime—they are too numerous to mention. Instead, I would like to recognize at this time the Most Reverend Michael J. Murphy, Bishop of Erie, who will deliver the invocation. Bishop Murphy.

BISHOP MURPHY: May it please the Court, my brothers and sisters, let us pray.

Almighty God, source of justice, wisdom and all our rights, loving Father of us all, send Your Spirit upon us that this traditional moment of invocation may be for all of us much more than a moment of ritual. May it be a moment of personal communion with You, a moment of prayer. May it be for our nation, our Commonwealth, and those who serve us in public life, a moment of welcome grace and blessing.

Forgive the unmistakable note of pride that rings in our voices as we raise them in prayer for Samuel J. Roberts, Your son and servant, our neighbor, friend, brother and faithful servant. In a

PROCEEDINGS

few moments in Your presence and ours, he will pledge himself to uphold the Constitutions of our land and of our Commonwealth and to serve us without bias or preference as the Chief Justice of the oldest high Court in our nation. It will be a moment of high honor for him. It will be a moment of high honor for us. For just as that Samuel, son of Hanah and Elkanah, whom You raised up as judge and charismatic leader of Your chosen people would say to the people whom he served, so this Samuel, son of Anna and Jacob, can say to us, "I have lived with you from my youth to this present day." He is one of us. We have observed the diligence with which he has developed the gifts of mind and heart with which You endowed him. We have admired and been enriched by the uncommon scholarship and the common touch with which he has guided our pursuit of justice.

Forgive us, loving Father, if we pridefully feel that we have been more than witnesses and beneficiaries; that we have been a part of that process of growth and formation by which you have readied him for this moment and this new level of service. It will be a moment of high commitment, and as he makes that commitment, Justice Samuel J. Roberts will pray, so help me God. Hear that prayer, loving Father, for it is ours as well as his. That he may discern, safeguard, and defend those rights that are ours as Your daughters and sons, loving Father: the right to life itself, to freedom in the pursuit of truth and in the exercise of right conscience, to equal access to the opportunities for personal growth and development, that he may discern and defend these rights, help him, O God. That he may hear the quiet voice of reason when others raise the cry of passion, help him, O God. That he may be mindful in an age that often mistakes power for right that some of our most sacred rights are the most delicate, least powerful, and most in need of defense, help him, O God. That he may recognize and be reassured by Your presence in those moments of loneliness that are inseparable from his office of leadership and may well be the price of conscientious dissent, help him, O God. That he may find in the love of his wife and family and the understanding of his friends the encouragement and support we may fail to give him when, having charged him with responsibility for our courts, we return in our selfish way to our own interests, help him, O God. That he may continue in his unaffected and untiring way his pursuit of the ideals in his life as husband, citizen, community leader and jurist, help him, O God.

As Samuel J. Roberts, our neighbor, friend, and brother, is robed anew to symbolize his identity as our Chief Justice, may we too be renewed in our awareness of our own identity and dignity as persons fashioned in Your likeness, Heavenly Father, and of our responsibility as stewards of Your creation. May we be re-

HONORABLE SAMUEL J. ROBERTS

newed in our commitment to the task of building families and communities, cities, nations, and a world where charity and justice meet, where all from first to last, from greatest to least, share the blessings of peace, so help us God.

CHIEF JUSTICE O'BRIEN: Thank you, Bishop Murphy.

At this time the Court recognizes Mr. Bernard Segal of Philadelphia, past president of the American Bar Association and one of the nation's most distinguished leaders of the legal profession. Mr. Segal.

MR. SEGAL: May it please the Court: Before I proceed with my solemn assignment, I speak for Judge Aldisert, Judge Hoffman and myself, and I am sure for everyone in the courtroom, as I express to Chief Justice O'Brien our appreciation for his long service on this Court, and wish for him, his wife, Rosemary, and the members of his family, the fullest blessing of long life and good health.

It is always a highly prized privilege and a stirring experience for me to address a Court at a judicial induction. But no occasion could have greater sentiment or more meaning for me than the one which brings us together today, the induction of Justice Samuel J. Roberts—one of the nation's outstanding appellate court judges and a treasured friend of mine for more than half a century—as the Chief Justice of Pennsylvania.

At last year's Institute of Judicial Administration Appellate Judges Seminars, Judge Aldisert said in the course of remarks concerning Justice Roberts that if he were asked to prepare a list to the ten most outstanding appellate judges on active duty in the nation today, including the distinguished Justices on the Supreme Court of the United States, he would certainly include the name of Samuel J. Roberts on that list.

Judge Aldisert, himself an adornment to our federal appellate bench, will tell you in his inimitable way of the qualities that make a great judge, and will relate those qualities to Justice Roberts and his judicial performance. And so I will address other aspects of Justice Roberts' most estimable and varied career; and as to his judicial role I shall speak of him primarily as he appears to the appellate lawyers who argue before him in the Supreme Court.

I first met Samuel Roberts when we were both freshmen at the University of Pennsylvania, but it was in the Law School that our relationship ripened into a close and intimate one. There, we studied together and argued points of law for hours virtually every day; and after our first year we also toiled together as editors of the Law Review. I soon came to know and to admire his keen analytical mind, his exacting logic, his deep intuitive sense, his sparkling brilliance. From the start, he demonstrated uncommon scholarship, innovativeness of thought, and consum-

PROCEEDINGS

mate skill with the written word. Among the richest experiences in my life were those incomparable days of studying and debating, often battling, with Samuel Roberts; and on appropriate occasions socializing as well.

I discerned in him, too, a warm human being, with a very large capacity for friendship, an innate community of spirit with his fellow man, and a deep sense of involvement with the problems of his time, all of which he has demonstrated in richest measure in his activities and interests in the years since then.

After graduation from law school, he returned to his home in Erie, and devoted himself to a combined career of developing a law practice and participating in worthwhile activities on behalf of the public welfare. It did not take long for him to establish leadership both as a lawyer and as a force in the community. Within a few years he was appointed an Assistant District Attorney, soon acquiring a reputation as an able and fearless, but always fair and objective, prosecuting attorney. Later, he served as a referee presiding in state unemployment compensation cases; and after that he was appointed a Special Deputy Attorney General of the Commonwealth of Pennsylvania.

Except for these interruptions while serving in public posts, and for his active service in the United States Navy in World War II, during which he rose to the rank of Lieutenant Commander, he actively practiced law. By now, he had established himself as a recognized leader of the Bar, known for his skill as an advocate, his scholarship in the law, and his devotion to public causes.

I could easily devote my entire time this morning to his prolific activities in the civic, educational, and welfare life of his community and far beyond, and to the significant recognitions he continues to receive, including honorary degrees of Doctor of Laws, and a large variety of other significant awards. He is a member of both the Board of Overseers of the University of Pennsylvania Law School and the Board of Visitors of the University of Pittsburgh Law School. He is constantly called upon for lectures and speeches, and indeed, as you will hear in greater detail, he is and for many years has been nationally preeminent in the teaching and conduct of seminars for federal and state appellate court judges in the courses given annually by the Institute of Judicial Administration at New York University.

There are many personal aspects upon which I would like to enlarge. However, I must now proceed to discuss Samuel J. Roberts, the jurist on the Bench. Before doing so, I take this opportunity to extend the greetings and best wishes of all of us to Justice Roberts' very helpful and versatile wife, Marian; to his talented and devoted daughter Bobbi and her able husband Louis

HONORABLE SAMUEL J. ROBERTS

Pollock; and to their delightful children, Justice Roberts' grandchildren, Jodi and Howard, all of whom are in the courtroom. I am comforted, as I move on to other considerations, that Judge Hoffman, who has served so long with distinction on our Superior Court and whose friendship with Justice Roberts also goes back to their youth, will give you an intimate view of Justice Roberts' personal life and will enlarge upon his extracurricular activities.

Judicial service first began for Samuel Roberts in 1952, when he was appointed Judge of the Orphans Court of Erie County. A year later, he was elected to a full term as President Judge. From the start, he seemed born to the Bench. In a short time, he was regarded by judges and lawyers alike as one of the Commonwealth's most gifted trial judges, and he was in demand everywhere, presiding in courts of common pleas in many counties. It came as no surprise that in 1962, he was elected to the Supreme Court of Pennsylvania.

Just as he had so quickly earned a statewide reputation as a trial judge, before long he was acquiring nationwide recognition as an appellate judge. Let me cite just one demonstration of the esteem in which he has been held for a long time on the national scene. In 1969, I concluded that Justice Roberts was the ideal jurist for me to appoint to a key post in the American Bar Association's monumental Criminal Justice Project, headed at the time by the Chief Justice of the United States. Before I could reach Chief Justice Burger to secure his endorsement, the Chief Justice called me for the very purpose of proposing Justice Roberts as his choice for the post.

As I have indicated, it is not my role today to discuss Justice Roberts' contribution to our jurisprudence. Rather, as one who over the years has argued before this Court with Justice Roberts as a member, I shall speak of him as viewed by the appellate advocate. Justice Roberts epitomizes those qualities which we lawyers prize most in a judge. His is the endowment of an open mind. He has the capacity to hear patiently, to probe deeply, to explain lucidly, to decide wisely. He is regarded by the Bar with warm affection and high esteem as a "lawyer's judge"—a judge who gives considerate, courteous attention to counsel and searching, careful analysis to the arguments made before him. In the most complicated cases, he quickly focuses on the heart of the controversy. He can ask the most difficult questions but always in a manner that avoids embarrassing counsel. It is a joy to argue before him. His opinions—models of clarity, construction, and legal reasoning—reflect a broad background of culture and learning and are widely read and highly regarded. He has deep and perceptive insights into the larger functions of law in our rapidly changing society.

PROCEEDINGS

Your Honors, these are turbulent and troubled times in which Justice Roberts takes over as Chief Justice. We are in a period of severe testing throughout the nation of our judicial systems, and of the legal profession as well, and of disillusionment as to the efficacy of law and legal institutions, whether in preserving order or in assuring the prompt and effective administration of justice. The tyranny of time does not permit me to enlarge upon this subject, but it is clear that the most dedicated efforts of Bench and Bar are essential in addressing the crucial problems that lie ahead.

Your Honors, the judicial system of Pennsylvania, the members of its Bar, and its citizens at large are fortunate indeed that at this critical time, so eminent a judicial statesman as Justice Roberts, with his experience, his courage, his strengths, and his insights, is available for the enormously difficult and challenging role of Chief Justice of Pennsylvania.

Justice Roberts, may God be with you as you assume this pivotal post.

CHIEF JUSTICE O'BRIEN: Thank you, Mr. Segal.

At this time the Court is pleased to recognize Judge J. Sydney Hoffman of the Pennsylvania Superior Court, one of the Commonwealth's outstanding jurists. Judge Hoffman.

JUDGE HOFFMAN: For more than two hundred years, this country and this Commonwealth have been blessed with—some would argue plagued with—a strong and independent judiciary, composed of men and women of the highest intellect, idealism, and courage. And yet, even in the midst of this august company, there remains a select number of judges whose ability and character establish them as inspirational models. They are, in effect, the superstars of our profession, whose philosophy, scholarship, and incisive reasoning provide the beacon which lights our way. We, in Pennsylvania, have been privileged that such a man has served on our Supreme Court for the past twenty years. It is an unparalleled thrill, therefore, to be present today as Samuel J. Roberts becomes our Chief Justice.

The countless contributions Justice Roberts has made to the legal profession, particularly in educating and establishing standards of practice for judges and lawyers alike, were described by Bernie Segal and will be elaborated upon by Judge Aldisert. These addresses by our two distinguished speakers will clearly demonstrate why our new Chief Justice, even before assuming this lofty office, has securely established himself as one of the most revered and distinguished jurists in the United States. In fact, he was recently named Vice-Chairman of the American Bar Association's most prestigious section—the Section of Legal Education

HONORABLE SAMUEL J. ROBERTS

and Admissions to the Bar—which sets the guidelines for accrediting law schools throughout the nation.

There is always the danger, however, when honoring a remarkable individual's achievements, that we will lose sight of the real person, thus depriving ourselves of an appreciation of those very aspects of his personality and character which are the source of his greatness. In the case of Sam Roberts this would be particularly unfortunate. He has the strength and courage to protect the rights and liberties of everyone; the sensitivity to share our hopes and fears, our strengths and weaknesses, our joys and disappointments; and with it all, the wisdom to guide and advise us.

These attributes were not formulated when Sam Roberts ascended the bench. Rather, they were developed and refined throughout his life. So let us, for the moment, remove Chief Justice Samuel J. Roberts from the pedestal upon which we have placed him, from the pantheon of judges who occupy the Olympian heights, and transfer him back to the beautiful green terrain of Erie, Pennsylvania—back to the Sam Roberts who, though born in New York, quickly shed his Brooklyn accent and loyalties, and arrived in this city as a young boy; the Sam Roberts who immediately became immersed in the City of Erie, attending its public schools and eventually practicing law for more than two decades here; the Sam Roberts who attended and excelled at Pennsylvania's finest universities; and the Sam Roberts who nobly served his nation during World War II as a Lieutenant Commander in the United States Navy.

I do feel particularly qualified to speak about Sam, for he has been one of my closest and dearest friends for nearly half a century. In fact, not only did each of us officiate at the wedding of the other, we even tagged along with our wives on each other's honeymoons. The only trouble was that we conveniently forgot to tell our astonished wives of our plans in advance. As I recall, Sam and I spent a great deal of time discussing law. I shudder to think what our wives were discussing.

Justice Roberts' expertise is not limited to the law. He is absolutely convinced that he is the world's foremost authority on the subject of ice cream. There is one brand of ice cream—of course I can't mention its name—which he has declared to be superior to all others. In fact, we cannot visit any city without his sampling the local flavor of the month. I recall one particularly lengthy judicial conference at Penn State, which allowed him to compare some forty-eight different flavors with the same intensity which he brings to the consideration of cases of significant constitutional dimension. Such was his ardor that it was all we could do to keep him from writing an opinion on the relative merits of the assorted flavors.

PROCEEDINGS

Since we are telling all, or almost all, it may come as a shock to you that our new Chief Justice—capable of wise and secure direction in the lofty atmosphere of judicial opinion—has absolutely no sense of direction when he is behind the wheel of an automobile. He is the only driver in recorded history, other than I, who became hopelessly lost driving from Reading to Philadelphia and drove aimlessly for five hours. For those of you not familiar with that area, the trip is on a straight line—estimated driving time: one hour and ten minutes.

Please understand that I relate these personal stories not to embarrass our new Chief Justice—for he is truly as close to me as a brother. My intent is to remind us all that we are not speaking of a judicial computer but of a warm and very human person—an intellectual in love with life!

His most important priority is his family. We all grieved with Sam at the untimely death of his beloved wife Helene. It was many years before Marian entered his life, but she immediately became a glowing asset. With her absolute joy for living and her natural elegance and personal dignity, she added a new and important dimension to Sam's world. Sam Roberts has been a devoted husband whose affection has been returned in full measure. He is a loving father to Bobbi, an attentive parent to the Zurn family, a caring brother to Madeline and Ruth, and I don't think he'll be too upset if I say a doting and adoring grandfather.

Perhaps his greatest influence has been felt by his law clerks, who have been the beneficiaries—and by the way, many of them are here today—not only of his demanding and rigorous legal training but also of his paternal interest in molding their characters. These young lawyers have gone on to assume positions of honor and trust at leading law firms and universities throughout the country, while, at all times, exemplifying the standards of scholarship, integrity, and civic involvement which have long been the hallmark of Sam Roberts' career.

Beyond his family and clerks, however, Sam Roberts has an almost unique ability to communicate directly, openly, and honestly with all people—his high office has never created a barrier between him, his family, the legal profession, and the community of which he is a part. I must admit that even I am amazed by the countless community organizations he has served, cutting across all religious and racial lines and social concerns.

In fact, twenty years ago, when Pope John XXIII was inspiring a virtual revolution in ecumenical thinking—instilling a spirit of brotherhood throughout the entire world—I was thrilled to witness as Justice Samuel J. Roberts, of the Jewish faith, together with Bishop Crittenden of the Episcopal Church, was awarded

HONORABLE SAMUEL J. ROBERTS

an honorary Doctor of Laws degree by Gannon University, a renowned Catholic institution, in recognition of his service to the entire community.

Finally, his special qualities have had an immeasurable impact upon society in general, and the law in particular. His consistently scholarly approach has been matched only by his courage and conviction. Judges must make fair and just decisions regardless of public reaction. Ultimately, the test of a judge is his willingness to act knowing that he will incur public wrath. Justice Roberts has consistently met this challenge. Revolted though he is by violence and criminality, he has nonetheless reversed criminal convictions when basic constitutional rights have been violated.

So let us take Sam Roberts, the man, and Samuel J. Roberts, Chief Justice of the Commonwealth of Pennsylvania, and return them to their pedestal together—for they really are inseparable. Let us return him to his rightful place of honor on the Olympian heights, among the most respected of judges. How fortunate we are to have this gifted legal scholar whose decisions are the product not only of his intellect, but of his humanistic qualities; this man who has loved and labored for his family and community; this charitable, decent, courageous human being. How fortunate we are to have Samuel J. Roberts as our Chief Justice. Marian, Bobbi, Lou, Jodi, Howie, Ruth, Madeline: "Chief Justice Samuel J. Roberts"—it has a ring, a trill, a crescendo, a musical lilt—Sam, they're playing your song!

CHIEF JUSTICE O'BRIEN: Thank you, Judge Hoffman.

We are pleased to recognize Judge Ruggero Aldisert of the United States Court of Appeals for the Third Circuit, formerly a member of our state court system. He is also a distinguished teacher and author. Judge Aldisert.

JUDGE ALDISERT: Thank you, Chief Justice O'Brien. If it please the Court: It is not easy to speak of our new Chief Justice Samuel J. Roberts in his presence, for to speak of him is to praise him, and Sam Roberts does not care for praise. But, at this observance, we must "suit the action to the word, the word to the actor." And it is one thing for me to praise him. We are friends, close friends, possessed of exquisite ties of friendship, forged in the crucible and annealed in the monastery of appellate life, which each of you knows well. I value few relationships more than my friendship with your new Chief Justice. But those who would praise him on this day are not limited to his friends, not limited to this state. Respect for Sam Roberts knows no state boundary. He sits high in the hearts of so many.

PROCEEDINGS

I have in this folder messages sent to you, Sam, on this day from your colleague Chief Justices from the fifty states, and from several of your federal judge friends—and it isn't often that state judges are friends of federal judges. And if I may, Mr. Chief Justice, if the Court permits me, I would like to read excerpts from just two of these letters.

Justice William J. Brennan, Jr., Supreme Court of the United States: "Dear Sam: I am deeply distressed not to be able to attend your induction as the Chief Justice of Pennsylvania. I have taken great pride for many years in your distinguished career." And if Your Honors please, mark this next sentence well. "Few judges of any court, state or federal, have made more significant contributions to jurisprudence. When we served together at the Appellate Judges Seminar, the respect and admiration in which you were held by every judge present was so obvious. I wish you, my dear friend, every happiness in the important task you now undertake. Sincerely, Bill."

From the Chief Justice of the United States, Warren E. Burger: "Dear Sam: Although I will be unable to be present at your induction as Chief Justice of Pennsylvania today, I join with your many colleagues and friends in sending congratulations and best wishes. I hope you find many years of satisfaction as you assume the appointment of Chief Justice. I look back over the years of our work together, at New York University and other places, and I am grateful to find another Chief who understands that principles of justice are not self-executing. They need effective transportation, and as Chief Engineer of a great state, of a great state judiciary, you will have a great opportunity which I know you will meet. I look forward to continued work with you on all our common problems."

In addition, the Chief Justice has asked me to present to you this portrait endorsed, "For my good friend and colleague, Honorable Samuel J. Roberts, with all good wishes, Warren E. Burger."

If the Court please, I ask that these greetings be incorporated in the record of these proceedings.

A few months back, your new Chief Justice set forth qualities for an ideal appellate judge. If an ideal is what we want, then to paraphrase Chaucer, we want a very perfect gentleman. I have met judges in every clime and place, but I have never met the very perfect gentleman. But I suggest that Samuel J. Roberts has the qualities of the ideal in abundance. But I prefer to talk about a great judge rather than an ideal judge.

The term "great judge" is difficult to define. Greatness is often confused with widespread acclaim, with widespread publicity, with widespread renown. If this be the measure, then Chief Justice

HONORABLE SAMUEL J. ROBERTS

Roberts meets it with ease. He knows more state Supreme Court Justices than any other judge in the United States. And more know him than any other.

As has been alluded to by the Chief Justice and other speakers, he has been active in continuing education for appellate judges. He is the ranking faculty member at the Senior Appellate Judges Seminars sponsored by the Institute of Judicial Administration at New York University. Serving there as a member of the faculty since 1967, constant in spirit, boundless in energy, educating generations of Supreme Court judges, he has fashioned magnificent contributions that reach far beyond the boundaries of Pennsylvania. The most exacting auditors have heard him and called for more.

But I count as great something more than universal renown. I count as great someone who brings to his robes intelligence, wisdom, energy, and a sense that life is largely a matter of loyalty and love and courage and hope and service. By this measure as well, Samuel J. Roberts is a great judge. And I call him great because he has the courage to be bold, because he has the vision to be caring, and because he has the heart to be loving. The Roberts boldness, caring and loving have left a permanent impact on this great Court.

If Your Honors please, if one compares the decisions of Pennsylvania Supreme Court today with case law that was on the books twenty years ago, one is struck by the enormousness of the change. The law of this state when I first became a Pennsylvania judge in 1961 is not the law in force today.

Twenty years is but a moment in the life of the common law tradition, a tradition now with us for one thousand years. But the changes that have been brought about in that moment have been prodigious and all-pervasive. Tort law, choice of law, constitutional law come quickly to mind. It is my prediction that when this Court's history is written, the decades of the sixties, seventies and early eighties will be known as the Roberts years.

I do not speak so much of the substance of the decisions. I do not speak of the fall of citadels in charitable, governmental, and sovereign immunity, or the replacement of hoary doctrines like *lex loci delictu* and *contractu*, in the field of conflict of law, where his seminal decision in *Griffith v. United Airlines*, 416 Pa. 1, 203 A.2d 796, set the national trend; nor do I speak of the development of a body of criminal law and constitutional law that at once vindicates and defends individual rights. Rather, I speak of the jurisprudential philosophy that has been molded. What has taken place in this Court has been a movement to the jurisprudence of Oliver Wendell Holmes, Roscoe Pound, and Benjamin Cardozo.

PROCEEDINGS

In the past twenty years, this Court decided no longer to follow mechanical jurisprudence, the slot-machine justice decried by Roscoe Pound in 1908. It refused to follow legal conceptions to dryly logical conclusions simply to have symmetry of the law. Rather, this Court, through Sam Roberts, agreed with Holmes that the social consequences of a judicial decision were legitimate considerations in decision making. This Court, through Sam Roberts, accepted the credo of Cardozo, that "the final cause of law is the welfare of society. The rule that misses its aim cannot permanently justify its existence." This Court, through Sam Roberts, has measured the quality of its decisions by the quality of human life. As the social environment would be improved, so would this Court give it spirit. As effort was made to debilitate or impair, this Pennsylvania Supreme Court would rise as a colossus to hold back the armies of the night.

The pages of the official reports bear witness to this. The writings of Justice Roberts have illuminated these pages with a Titan's hand—a Titan's hand that shattered all records for opinion writing in this Court, all records from the day this Court was established as the high Court of the Pennsylvania Colony in 1686 and running through the 207-year history as the Supreme Court of this state.

Not counting the November and December 1982 decisions of this Court, Justice Roberts has written some 1,065 published opinions for the Court, as well as 628 concurring and 767 dissenting opinions for the astonishing total of over 2400 published opinions. And what have these opinions said? Running through this body of work has been the Roberts philosophy that seems to say, "We know truth not only through our reason, but also through our heart. It is through the heart that we know first principles."

I know the philosophy of Sam Roberts. I know it from sitting next to him at a faculty table, catching the gleam of his eye and the fervor of his spirit as he drives home a point to newly selected state Supreme Court Justices and U.S. Circuit Judges. I know it from the long walks we have taken together in such diverse places as Jackson Hole, Wyoming, and Greenwich Village, New York. And I have learned this from him: At times we may not be able to prove our point rationally, but our inability proves nothing but the weakness of our reason, and not the uncertainty of our knowledge.

The enthusiasm of Samuel J. Roberts is seen in his dedication to fellow Supreme Court Justices throughout this nation. The entire appellate structure of the fifty-one Supreme Courts has felt the magic of his touch and received the abundance of his gifts.

HONORABLE SAMUEL J. ROBERTS

In an era of expanding federal jurisdiction and influence, he has emphasized the importance of state substantive law and state constitutional law. He has urged state judges to base decisions, wherever possible, on independent state grounds. Your sister courts have heeded this call and have followed his leadership. The result is that questions of constitutional law are increasingly adjudicated on the basis of state constitutions rather than the Federal Constitution. Today, state Supreme Courts truly are courts of last resort, and they give force and sinew and vigor to the very meaning of federalism in this nation.

And so, Sam, dear friend, judge, scholar, teacher, and now Mr. Chief Justice, we have called you great. Shakespeare said, "Be not afraid of greatness. Some are born great, some achieve greatness, and some have greatness thrust upon them."

Bernie Segal and Sydney Hoffman, your lifetime friends, say you were born great. Your colleagues throughout this nation on the state and federal benches, the men and women at the bar, and the great professors in academia say you have achieved greatness. By your elevation to Chief Justice of Pennsylvania in the oldest appellate court in the United States, at this moment you must feel that greatness has been thrust upon you. Be not afraid of greatness, for you bear the mantle well. Agatha and I wish you and Marian the very best, not only for today, but ours is the fervent hope that your magnificent abilities and boundless energy will be with us all for many, many years to come.

May your golden mind continue unabated as the mine of gold for all of us. Thank you.

CHIEF JUSTICE O'BRIEN: Thank you, Judge. The Court recognizes at this time the Honorable George I. Bloom, distinguished lawyer and former Secretary of the Commonwealth and Chairman of the Public Utility Commission. Mr. Bloom.

MR. BLOOM: With the permission of the Court, I would like to present the Commission issued by the Governor of Pennsylvania, Dick Thornburgh.

Twenty years ago I was privileged to present the Commission when Judge Roberts was elevated to the Supreme Court of Pennsylvania. And now I have been honored and given the assignment of presenting the Commission and reading it at this occasion.

(Honorable George I. Bloom reads the Commission.)

Thank you very much.

CHIEF JUSTICE O'BRIEN: The Court now recognizes Mr. Jay Waldman, Counsel to the Governor. Mr. Waldman.

MR. WALDMAN: Mr. Chief Justice, Justices, distinguished ladies and gentlemen. It is a privilege and a pleasure for me to be able to represent the Governor here this morning. All the more so because Justice Roberts is and has been a good personal friend of the Governor's, and because he really was a legend in the

PROCEEDINGS

University of Pennsylvania Law School while I was there, and has been, and I believe still is, an inspiration to the lawyers of my generation, regardless of their background or personal philosophy.

The proclamation reads, "To Chief Justice Samuel J. Roberts: As Governor of the Commonwealth of Pennsylvania and a member of the Bar of this distinguished Court, I am pleased to extend warmest regards to you as you are sworn in as Pennsylvania's Chief Justice. While the tasks before you are awesome, I am confident that you and your brethren can and will meet them in the spirit of fairness and integrity that has distinguished Pennsylvania's judicial system over the centuries.

Speaking on behalf of The Executive Branch, I have always enjoyed working with the Supreme Court on matters of importance to this Commonwealth, and I look forward to doing so in this coming year of your stewardship as Chief Justice.

Best wishes for a rewarding and productive tenure," bearing the seal and signature, "Dick Thornburgh, Governor."

CHIEF JUSTICE O'BRIEN: Thank you very much.

At this time the oath of office will be administered to Mr. Justice Roberts. His grandchildren, Jodi and Howard Pollock, will hold the Bible. All rise.

(The following Oath was administered.)

"I, Samuel J. Roberts, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of the office of Chief Justice of Pennsylvania with fidelity."

CHIEF JUSTICE O'BRIEN: At this time the Chief Justice will be enrobed by his wife, Mrs. Marian Roberts, and his daughter, Mrs. Barbara Pollock.

(Chief Justice Roberts was enrobed and took his place on the bench.)

CHIEF JUSTICE O'BRIEN: You may be seated. At this time I wish to introduce a lady that I'm sure you all know, Mrs. Marian Roberts, the First Lady of the Pennsylvania judiciary. Mrs. Marian Roberts, would you please stand.

Chief Justice Roberts, we are delighted to welcome you as the new Chief Justice of Pennsylvania.

CHIEF JUSTICE ROBERTS: Chief Justice O'Brien, my brethren of the Court, distinguished members of the federal and state judiciary, Reverend Sirs, colleagues in the law, and guests. I desire at once, Chief Justice O'Brien, to express to you the thanks and appreciation of a grateful Commonwealth for all your years of dedicated service to the judicial branch of our state government. Our Court will miss your grace and wisdom. It is

HONORABLE SAMUEL J. ROBERTS

our wish that you and Mrs. O'Brien will enjoy in good health the rewards of your years of devoted labor in the cause of justice.

May I also express my earnest thanks and appreciation to our distinguished colleagues who so graciously and generously participated in this morning's induction ceremonies. I shall treasure your kind and thoughtful words as I treasure our friendship. And to all of you may I extend my sincerest thanks for the very great honor you do me by being here this morning. This is indeed an outpouring of good will that I shall always cherish. Your generous expressions of support and confidence have touched me deeply. I pray that I may be worthy of them.

Thirty years ago, on September 15, 1952, in this very courtroom, I took my first oath of judicial office as President Judge of the Orphans' Court of Erie County. At that time I promised to perform my judicial duties to the very best of my ability and to strive always for equal justice under law. Today, I reaffirm that continuing commitment.

Our judicial system has witnessed many changes since that day in 1952. The volume of litigation throughout the Commonwealth and the accompanying burden on professional and administrative resources have increased to the point where many consider the system unmanageable. So, too, we have witnessed an increase in criticism of the judicial process and the legal profession and a corresponding decrease in respect for the rule of law. In 1968 our Supreme Court was charged with the constitutional responsibility of administering this Commonwealth's unified judicial system, which now serves a population of almost twelve million Pennsylvanians, not to mention the countless citizens from other states who may have occasion to appear in Pennsylvania courts.

At the same time, much has remained constant. Justice is still the highest interest of a free society. The rule of law remains our greatest hope for peace and social progress. Thus, when our court system is confronted with seemingly insurmountable problems, we must not be content to respond with excuses and temporary solutions designed simply to keep the situation from becoming worse. Rather, we owe it to both the society and the cause of justice which we serve to search daily for ways to improve our judicial system and to meet all our challenges with an uncompromising commitment to excellence.

Accordingly, I pledge to do everything within my power to make the Supreme Court of Pennsylvania—which is the oldest appellate court in the nation—also the very best appellate court in the nation, and to make this Commonwealth's unified judicial system our country's finest. In this effort I expect to have the complete and enthusiastic cooperation and support of my brethren of this

PROCEEDINGS

Court, the members of our judicial system and legal profession, and all concerned citizens of Pennsylvania.

Tomorrow I shall write to the President Judges of all the trial courts in the Commonwealth, requesting them to report, by the end of this month, on what steps are being taken to effect an immediate and continuing improvement in the efficiency of their courts and the quality of their judicial product, particularly with respect to the better utilization of existing professional and administrative resources.

I shall also request the Rules Committees of this Court to undertake an immediate reexamination of all the rules of court, with a view toward clarifying and consolidating existing rules, eliminating those that serve no useful purpose, and recommending new rules where necessary. State and local Bar Associations will—as always—be invited to offer their suggestions for the improvement of all areas of the legal process in this Commonwealth.

Of course, change for its own sake does not contribute to the administration of justice. Each new idea must be examined carefully and accepted only if it is determined that it will serve to advance the quality of justice, facilitate access to the courts, or increase the efficiency and effectiveness of our court system. The costs of any new proposal—in terms of both money and professional resources—must also be examined with care. And, of course, it goes without saying that increased speed and productivity must never be achieved at the expense of the quality of our adjudications.

In the interest of establishing and maintaining effective channels of communication throughout our unified judicial system, I hope to meet soon with representatives of every segment of the system. On this Wednesday, I shall confer in Harrisburg with President Judge Cercone and the members of the Superior Court and President Judge Crumlish and the members of the Commonwealth Court to discuss our mutual goal of advancing the quality and effectiveness of the appellate process.

Thereafter, I plan to meet with trial judges, court administrators, rules committees, and representatives of the bar as part of our continuing effort to achieve swifter, more perfect justice for all who come before our courts.

This process of examination and communication—always with an eye toward the goal of excellence—is intended to be just *that*—a process—not something to be undertaken once and then forgotten, but an ongoing commitment on the part of every member of our unified judicial system to fair and timely adjudications of the highest quality. There is simply no room for complacency or mediocrity where people's lives, liberty and property are daily in the balance.

HONORABLE SAMUEL J. ROBERTS

As we ask ourselves what we can do to improve our court system, let us remember that the judicial process includes not only judges, administrative staff, and lawyers, but also the citizens who pass through our courtrooms as litigants, witnesses, and jurors, and let us recognize that these citizens are a valuable resource in our quest for excellence. Although courts cannot hope to please all parties with the results of their decisions, litigants, witnesses and jurors who have been treated with dignity and courtesy by an impartial judge and a well-trained court staff will know that they are indeed in a house of justice, and will leave the courtroom as advocates of our judicial system. So, too, we should heed the comments of these citizens, for their experiences provide an important perspective to our efforts to improve a system whose very purpose is to serve the people.

"The process of justice," said the great jurist Benjamin Cardozo, "is never finished, and today, as in the past, it calls for the bravest and the best." I assume my duties as Chief Justice fully aware of the grave responsibilities which are constitutionally entrusted to our Court, and fully aware of the problems which confront our judicial system. Yet, I am also full of hope that the dedicated men and women who serve the cause of justice in this Commonwealth can meet every challenge by working together with a shared commitment to a judicial process of the highest quality.

You may be certain that, as the Supreme Court of Pennsylvania embarks on its 262nd year of continuous judicial service, the goal of fair and equal justice for all remains the supreme mission of our Court. You may be certain, too, that with the cooperation and assistance of our two co-equal branches of government, the members of the legal profession, and all our fellow citizens devoted to the rule of law, we shall discharge our sacred constitutional responsibility and achieve our goal—a unified judicial system of uniform excellence.

I should like to conclude today as I did thirty years ago when I began my judicial service: "May the Supreme Judge of us all grant me wisdom and understanding that I may act with courage and justice in upholding the highest ideals of our republic and of Him whom we serve in reverence."

Thank you, and may the New Year be a successful and rewarding one for us all.

CHIEF JUSTICE O'BRIEN: Thank you, Mr. Chief Justice Roberts.

We now recognize Rabbi Bradley N. Bleefeld of Temple Anshe Hessed to pronounce the benediction.

RABBI BLEEFELD: Mr. Chief Justice, if it may please the Court, may I ask this distinguished assembly to rise?

PROCEEDINGS

The sword enters the world because of justice delayed and justice denied. We need justice, we need toleration, honesty, and moral courage, for these are the virtues without which we cannot hope to counteract the entry of the sword into the world.

Heavenly Father, the judge on the bench stands as liaison between a constitution alight with Your teachings and the people of our nation. This judge must know both before he can serve either.

We ask Your blessings upon our own Chief Justice, Samuel J. Roberts, his colleagues on the bench, his family here assembled, and all people. May he serve both our people and the law with well-being and discernment, ever mindful that his efforts will help make this Commonwealth and this nation the Ark of the Covenant of freedom and justice, neither delayed nor denied, thus dispelling the force of the sword in the world:

”יְבָרֶכֶךָ יי וַיְשַׁמְרֶךָ.

יְאֵר יי פָּנָיו אֵלֶיךָ וַיַּחַנֶּךָ.

יְשֵׁא יי פָּנָיו אֵלֶיךָ וַיִּשֶׂם לְךָ שְׁלוֹם.”

May the Lord bless you and keep you. May the Lord shine His countenance upon you and be gracious upon you. May the Lord lift up His countenance upon you and give you His most precious gift of peace. Amen.

CHIEF JUSTICE O'BRIEN: Thank you, Rabbi.

At this time, this Court will adjourn so that we may all greet and congratulate the new Chief Justice and Mrs. Roberts.

Following the ceremony, a luncheon sponsored by the Erie County Bar Association in honor of Chief Justice Roberts was held at the Erie Hilton, at which additional remarks were delivered by:

HONORABLE SAMUEL J. ROBERTS

Rt. Reverend Donald Davis,
Bishop, Episcopal Diocese of
Northwestern Pennsylvania

Charles C. Keller, Esquire
President, Pennsylvania
Bar Association

Irving Olds Murphy, Esquire
Past President,
Erie County Bar Association

James D. McDonald, Esquire
President, Erie County
Bar Association

Honorable Michael J. Eagen,
Former Chief Justice
of Pennsylvania

Honorable Raymond P. Shafer,
Former Governor,
Commonwealth of Pennsylvania