

SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

Memorial Service

Honoring

CHIEF JUSTICE SAMUEL J. ROBERTS

**Presiding:**

CHIEF JUSTICE ROBERT N.C. NIX, JR.

and

JUSTICE ROLF LARSEN

JUSTICE JOHN P. FLAHERTY

JUSTICE JAMES T. McDERMOTT

JUSTICE STEPHEN A. ZAPPALA

JUSTICE NICHOLAS P. PAPADAKOS

JUSTICE JUANITA KIDD STOUT

March 9, 1988  
Supreme Court Courtroom  
801 City-County Building  
Pittsburgh, PA

## Table of Contents

	Page
Opening Remarks of Chief Justice Robert N.C. Nix, Jr. ....	LXXIX
Address of Justice Thomas W. Pomeroy, Jr. ....	LXXX
Address of Justice Roy Wilkinson, Jr. ....	LXXXVII
Reading of Memorial Proclamation by Louis Pollock .....	XC
Closing Remarks of Barbara Pollock .....	XCII

## Biography

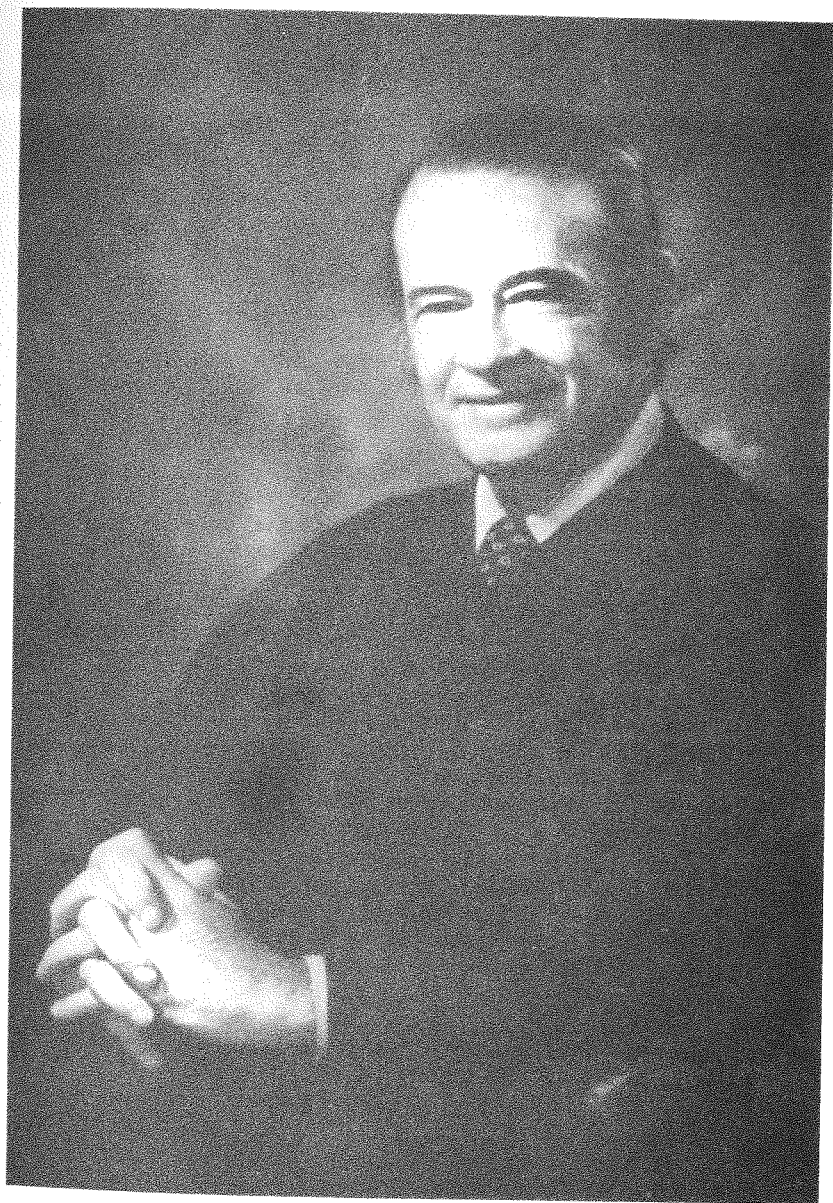
Samuel J. Roberts, lawyer, jurist, philanthropist, loving husband, model father, and American citizen par excellence, was not only an outstanding ornament to our society, he was a brilliant polaris to the legal profession.

Though an avid lover of the law, he was conscious of its imperfections, devoting his adult lifetime to the improvement of its quality. Dipping his pen in the ink of his fertile mind, he wrote masterly of what the law is and what it ought to be, but at the same time, living a life which, of itself, was a sermon.

Samuel J. Roberts was a trial and appellate court judge of superb quality, passing with flying colors the four Socratic tests of judicial excellence. He listened courteously, he answered wisely, he considered soberly, and decided impartially.

The perfume of his memory is of his friendliness, his compassion, and his devotion to family. Our own faith in a life hereafter is consolation for the loss of this loved one whose triumphant sojourn with us assures him of a well-earned reward.

Burton R. Laub  
Dean-Emeritus  
The Dickinson Law School  
Carlisle, Pennsylvania



HONORABLE SAMUEL J. ROBERTS

# Proceedings

---

(The Court Crier announces the convening of the Court.)

CHIEF JUSTICE NIX: Let the record reflect the Court is being convened in a memorial service for one of its distinguished justices and chief justices of this Court.

If you will note, I was supposed to make opening remarks. But in the interim, I received a letter from one of the outstanding members of our legal community who would not be able to be present today but who wanted to be remembered. Now that I'm looking for the letter, I can't find it, which is normally the case.

He is the same individual who prepared a memorial resolution for Justice Roberts, Burton R. Laub, Dean-Emeritus of the Dickinson Law School, a dear friend of Justice Roberts. And he wanted it noted that the reason he couldn't be here today was because of health reasons, that under any other circumstance he would have made arrangements to be here.

He urged me to express his deep respect and abiding affection for a dear friend. Even more than that, to him Sam Roberts epitomized the highest of judicial scholars.

The reason I elected to share those remarks with you rather than expressing my own personal views that were gathered, of course, as a result of an association of 12 years on the Court with Justice Roberts is because this individual, the Dean, had been with Sam from law school days throughout early practice, that over the years he was not only on the court first as a Common Pleas judge, then as a member of this Court, but also in many of his activities in the legal community of America.

And after that kind of association, the tribute that he paid to the man, which is reflected in the biography that you will find in your program, is such that I think no one can question the legitimacy of views that the judge expressed. And I think it expresses my view. It reflects the views of the members of this Court who had the opportunity of serving with him.

There is always the concern that statements describing the subject on an occasion like this appear to be gilding the lily. In this instance, you cannot gild the lily, because the subject was truly extraordinary.

We would like at this time to present another former member of this Court, one whom I served with a number of years, whom I also

## IN MEMORIAM

have deep affection and admiration for. We did not always agree on judicial philosophy. At the point of disagreement, I, of course, was right and he was in error. (laughter)

But nevertheless, he's a person whose judgment I truly appreciate, even until today, and whose friendship I treasure.

Justice Thomas W. Pomeroy.

JUSTICE POMEROY: Thank you, Mr. Chief Justice.

May it please the Court, if you don't mind, I'm going to use this water pitcher.

CHIEF JUSTICE NIX: Thomas, it frightens me when a speaker takes a drink of water before he begins. (laughter)

JUSTICE POMEROY: I presume it's just water.

Thank you.

It is a sad occasion that brings us here today, to realize that Sam Roberts is not any longer with us and will no longer grace this Court or our community. But it is also a source of happiness and joy to realize that neither he nor his family is obligated to go through a long and lingering illness.

Judge Roberts was taken from us in apparently the best of health with full possession of all his faculties on a morning in his beloved Erie after he had been riding his bicycle, as was his daily wont. He did not look or act or think like a person who has reached fourscore years. His demeanor and his joy of living and his zest were unimpaired and belied the chronological time span.

When I joined this honorable Court at the very end of 1968, Sam Roberts was the junior member. And he had been the junior member of the Court for five years before that. I think he was glad to see me arrive merely so that he would have graduated from that lowly status.

He couldn't have been more helpful or more kind in getting me started. And we sat together at the conference table in the three locations where this Court sits for the next ten years. One gets to know a person pretty well in that atmosphere and in that length of time.

Sam's qualities and accomplishments are well documented already in the annals of this Court.

He was inducted in January 1963 as a Justice. Burton Laub, then judge of the Common Pleas Court of Erie County, was a principal speaker at that occasion. And it's nice that he is represented here today by the letter that you referred to, Mr. Chief Justice, and by this very eloquent biography in the program. He has almost said it all in capsulized form.

## HONORABLE SAMUEL J. ROBERTS

But because of the record in, I think, Volume 409 of the Pennsylvania Reports and the further record that was made 20 years later in January 1983 in Volume 499 of the Pennsylvania Reports by very eminent jurists who were present in Erie for that occasion, there's no need for me here today to duplicate all that has been said about Sam's activities, his honors, his far-flung committee work and so forth.

The Superior Court also had a memorial service for Judge Roberts in September, I believe, of last year. As you know, you had been assigning Justice Roberts to sit as a judge of the Superior Court since he left this Court. Judicial work was never done for Justice Roberts. And that court quite properly felt to honor him and did so on a very fine occasion which I was not able to attend.

I would like to try in the few minutes available to capture the essence of what Justice Roberts meant to me as a judge. It may be a difficult thing to do, certainly in any thorough way. That would take a scholarly law review article or articles, and perhaps indeed a book, to do justice to the great work that he did.

But first let me just say that that work is exemplified in this case, or memorialized, by the opinions that he wrote. And that's true, of course, of all of us. But in Sam's case, the volume of his opinions is sort of staggering.

He had a fine mind which, as he himself said of a good friend of his, Bernard Segal, was coupled with a prodigious appetite for work. That was Judge Roberts. And the opinions that he put down numbered 2,542, according to the computer that I have or that my office has, which is something over 60 opinions a year on an average, year in and year out, without any time out for all the other activities Sam did.

Add to the majority opinions of 1,257, 527 concurring opinions and 758 dissenting opinions, and these as we all well know can be seminal and important, and this was true in Sam's case in many situations.

This adds up to a tremendous contribution to the jurisprudence of this state. This is not just an effusion of words. They were carefully crafted opinions. They were lucid legal reasoning. They were well worth students of the law and judges to study and to emulate just from the point of view of craftsmanship if for nothing else.

Need I say, Mr. Chief Justice, what you said a moment ago or echo what you said, and that is to say Justice Roberts and I often, or at least not infrequently, disagreed also. But judges are not adversaries in the sense that lawyers are, opposing counsel are. To

## IN MEMORIAM

borrow Shakespeare's term, like lawyers, however, they strive mightily in the conference room, but eat and drink as friends.

That is from *The Taming of the Shrew*, if I recall correctly. And there's no such taming that went on in our Court.

But I felt in many of these dissents when I disagreed with Judge Roberts like Lord Justice Bowen, whom I don't know much about except that a hundred years ago he wrote a dissenting opinion in an English court which reads as follows: "I have the misfortune to differ from the Lord Cotton, and I do with a deep sense of the probability that he is right."

That was often my sense of unease also.

Besides being carefully crafted and full of scholarship and lucid writing, these opinions had another ingredient, another component. That component was, I think, the clue to Sam's philosophy and his life. It was the desire or thought that law was not an end in itself but that it was in fact a means to an end. And that end was a more perfect society. And to have a more perfect society, one must, of course, have a greater care for the individuals that make up that society, whether they be rich men, poor men, beggar men or thieves. And Sam believed earnestly in that concept of equal justice under law.

And in using his powers of persuasion, exemplified by his opinions, he did it in a humane way and in a way at the same time which broke new ground in many areas of the jurisprudence of this Commonwealth.

Let me mention just a few of them. Sam came to the Court at a time when the U.S. Supreme Court was making new law in the area of constitutional and criminal procedure, giving new life to the Bill of Rights for those accused of crime as well as for those ordinary citizens who aren't.

Our Court, like other courts, had to be taught the Warren Court's philosophy and how to apply it. Sam became quickly the leading spokesman for the Court in this endeavor. And there are hundreds of cases to that general effect.

In recent years, the Supreme Court pendulum seems to have swung a bit the other way.

Sam was an innovator in the use of our state constitution, where possible, instead of the federal as providing an adequate and independent state ground for giving relief. He elucidated this philosophy or this technique in a speech he made at the University of Wyoming College of Law just a couple of years ago. And it has become commonplace now across the country.



## HONORABLE SAMUEL J. ROBERTS

Sam was, speaking of the Bill of Rights, a great believer in the First Amendment, especially of the free speech clause of that amendment, whether it be verbal speech or written speech or action which was to make a statement of some sort.

There came a case to this Court involving an obscenity issue contained in a book called *Candy*. Judge Roberts held that under the decisions of the U.S. Supreme Court at that time defining obscenity, *Candy* was not obscene. This got dissenting opinions, of course, from a couple of justices, Chief Justice Bell for one, and Justice Musmanno for another.

I thought I would read you Justice Musmanno's opinion just because it's so colorful and short: "From Pittsburgh to Philadelphia, from Dan to Beersheba, from the ramparts of the Bible to Samuel Elliot Morrisson's Oxford History of the American People, I dissent!" (laughter)

I can imagine Justice Roberts' expostulation perhaps when that was placed on his desk. But it catches the color and the trenchant way that Justice Musmanno could speak upon occasion.

In the tort law, a similar development was going on when Sam came here in the early sixties. Not a constitutional issue but the development of tort law as a common law subject. And in many areas of that law, this Court with Sam as its spokesman many times removed the restrictions or some of the restrictions, including many immunities, so-called, which had made it difficult for litigants to recover their just deserts.

I remember one case particularly, decided before I came aboard, called *Griffiths* against United Airlines where Sam held that it made no difference where you're injured or where the accident occurred. If you sued in a Pennsylvania court, that court did not have to apply the law of the place of accident but could apply the law of any state which had the most intimate contact with the controversy or the situation. That was a groundbreaking case which had influence far beyond Pennsylvania borders.

Chief Justice Bell, I think on that occasion and on some others, had a favorite phrase that he would use in exclamation and in desperation: "*Stare decisis, quo vadis?*" Justice Bell would say. And in the *Griffiths* case, Justice Roberts answered this way: ". . . we must not perpetuate an obsolete rule by blind adherence to the principle of *stare decisis*. . . . the orderly development of law must be responsive to new conditions and the persuasion of superior reasoning."

This kind of standing still yet moving forward, stability plus advancement, was often reiterated as a key to Justice Roberts' jurisprudence.

## IN MEMORIAM

I think one of the areas where his influence was perhaps of greatest importance was in the cases involving the Human Relations Commission of which there were many in the seventies. The decisions of the Human Relations Commission were challenged by many people. But largely through Justice Roberts' advocacy, this Court upheld the statute creating that commission and upheld that commission's work in monitoring segregation of schools, discrimination in housing, employment, et cetera. While other states were being policed under the surveillance of the federal courts, this Court's acceptance of the Human Relations Commission kept Pennsylvania away from the federal courts and in a nondiscriminatory posture.

The same attitude applied to Sam's opinions related to zoning. Again zoning was not to be used as a privilege for the privileged but for everybody. He said that the best way to understand the worth of one's neighbor is to move next to him. And the people—the outsiders from the cities, therefore, couldn't be kept out of a lot of the suburban areas.

Well, these are some of the areas in which Justice Roberts helped the jurisprudence of this Court to move into a new era. There are many other areas that I haven't time to go into and won't.

So much for him as a decision maker. But as a Justice of the Court and as Chief Justice, just like all of you, he knew that this Court had other responsibilities than only deciding cases, and that is in administering the judicial system. And, therefore, he gave particular attention to the rule-making powers of this Court and to the rules of court and to the machinery of the whole system.

Many times during his tenure on the Court, and especially in the year he was Chief Justice, he spoke on this subject. He spoke of the need for the pursuit of excellence in the judicial apparatus and in the administration of justice in this Commonwealth. And if he believed in anything, he believed in the concept that justice must be not only equally applied, but that the system that applied it must be an excellent system.

And so after he became Chief, as you know, he met with the appellate court and president judges, and he met with trial judges all over the state, and he met with court administrators and so forth in this endeavor of his all too brief period as Chief. And I know that your honorable Court has just recently made a very bold decision in this same area of the Unified Judicial System relative to the financing area, which Justice Roberts would certainly have been interested in.

## HONORABLE SAMUEL J. ROBERTS

Let me now in conclusion bring us all down from Mount Olympus to Justice Roberts as a man. And here I could go on indefinitely, but I shall not do that.

Although the law was undoubtedly his constant preoccupation, it was not his first priority. That belonged to his family—to his first wife Helene, whom I didn't have the pleasure of knowing because of her untimely death; to his second wife Marian Zurn, the lovely lady who is here today; to his daughter Barbara, known as Bobbi, and her husband Louis Pollock and their two children; to Sam's two sisters who are also here today and other members of the family connection.

These were his first love. And notwithstanding his incessant busy ness in the affairs of this Court, he was a devoted husband, father, grandfather, brother and so forth.

Let me just say a word about Sam's style. He had style in almost everything he did, and good taste also. So the style was not only in the writing of his opinions, but also in his good taste in the choice of his wives, and also in his attire. He had a sartorial side to him that was interesting. Always an impeccable dresser, he was, as Shakespeare would have said, the glass of fashion and the mold of form.

Early in the seventies there was a Sunday tabloid in Philadelphia that came out with an issue containing profiles of the members of this Court. And I don't remember the details of them except that they weren't terribly complimentary to anybody as far as I can recall. I couldn't find the copy. I'm sure I discarded it. But I do remember one thing that it said about Justice Roberts. And that is, it said that he was the only member of the Court who could wear white shoes with style and grace. (laughter)

I thought that was interesting, but I'm not sure Sam ever considered that a particular compliment.

Sam was an abstemious person, very careful about what he ate and what he drank. But he had one Achilles' heel in this regard. He had an inordinate love for ice cream and would use any excuse to ingest that good substance.

As to drink, when others were imbibing things that they might as well have left alone, Sam was very happily sipping cranberry juice or orange juice. And perhaps that is a key to his superior productive capacity.

Sam did not show his religion or wear his religion on his sleeve. Most of us, I guess, don't. But he was indeed a man of deep religious faith. And he was devout. On holy days he would always be found in the Temple.

## IN MEMORIAM

I'm reminded of a speech called *The Spiritual Side of Judging* which was made in Pennsylvania way back in 1952 by Judge Harold Medina of the federal courts of New York, who last month celebrated his one hundredth birthday, as you may have read in the newspaper.

Judge Medina said, "The judge's robe is the mark that he who wears it has a sacred duty to perform, the duty not merely to decide cases, but to administer justice and to strive with all his might to make the administration of justice as perfect as the limitations of the human mind will permit."

I've always thought that that was a splendid statement by Judge Medina.

And in his closing remarks at the time of his investiture as Chief Justice in Erie in 1983, Sam said this: "I should like to conclude the day as I did 30 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.'"

Mr. Chief Justice and Justices, we are all grateful for having known and worked with Justice Samuel Roberts. He was an exciting, stimulating and good companion, a shining star in our midst. Our lives are richer, our sense of direction surer, our dedication to the rule of law firmer and our commitment to excellence in achieving this goal greater because Sam Roberts was here—prodding us, cajoling us, persuading us, encouraging us and showing us.

So today we celebrate his life among us and its influence nationwide.

Thank you.

CHIEF JUSTICE NIX: Thank you very much, Justice Pomeroy.

You mentioned the fact that he was a strong advocate of using the state constitution as a predicate for the determination of rights beyond that recorded by the United States Supreme Court. And I think it's timely to note that during this particular period when we are focusing upon the Bicentennial, the significance of the United States Constitution, that the hallmark of federalism, that document created as it applies to the judicial branch of government, is the right of the state courts to use their state constitutions as a ground to embellish the standard of living, the rights accorded to the citizens of the individual states. That today is an accepted jurisprudential practice. It was Sam Roberts who was in the forefront and who in large measure helped that to become an accepted principle.

## HONORABLE SAMUEL J. ROBERTS

The Court now takes great pleasure in welcoming another former member of this Court, the Honorable Roy Wilkinson, Jr.

JUSTICE WILKINSON: Thank you very much, Mr. Chief Justice.

If it please the Court, it's a great privilege for me to be able to be here today and share with Justice Pomeroy the honor of speaking at the ceremony honoring the great contribution that Chief Justice Samuel Roberts made to the administration of law and justice not only in Pennsylvania but in the entire United States.

I note that in the program and as emphasized by the Chief Justice that Burt Laub has presented his contribution toward the occasion. And I should like to emphasize—and you will all later have an opportunity to read in the program—the remarks made by Judge Laub that Socrates, the great Greek philosopher, indicated the four attributes that a judge should have: to hear courteously, to answer wisely, to consider soberly, and to decide impartially. And if we think of those four and we think of Chief Justice Roberts, they could not be combined to a greater extent in any one man.

Justice Pomeroy has spoken generally to the former Chief Justice's contribution to the law both from the bench and in his writings, and I certainly agree with everything Tom has said, except in two instances. The Chief Justice was wrong, very badly wrong, in two cases. Those were the two cases that he reversed me when I was on the Commonwealth Court. (laughter)

However, in a serious vein, I should like to draw your attention for a very few moments to the contributions that Chief Justice Roberts made in the field of legal education. This is an area that isn't often brought to mind when you think of Sam.

He graduated from the University of Pennsylvania Law School, a member of the Order of the Coif and editor of the Law Review. And he served for many years on the Board of Overseers of the University of Pennsylvania Law School as well as on the Board of Visitors, the University of Pittsburgh Law School. But it was not in these two areas of legal education where Chief Justice Roberts made his greatest contribution, in my opinion.

First he was a member of the faculty of the Institute of Judicial Administration of New York University Law School from 1966 until the time of his death. In the summertime when the rest of us were spending three weeks or a month vacation we could steal from our work on the bench, Sam would go to New York and stay at the New York University Law School and lecture the appellate judges seminar.

## IN MEMORIAM

After he had done this for 20 years, New York University Law School gave a dinner in his honor, and Chief Justice Warren Burger journeyed up from Washington and made the remarks on that occasion.

I spoke with Chief Justice Burger at his home in Arlington last Sunday afternoon by telephone and told him of this occasion today. And he urged me to present his greetings to Your Honors and to have it noted of record that in absentia he was participating in these ceremonies. Indeed he said he would have been here if he had not been engaged in the matter of this year's celebration of the Constitution.

Not only did he demonstrate his high regard for our Chief Justice in terms of making the speech at Columbia where I'm sure, as you all know, he doesn't go over the country making after-dinner speeches. But after Chief Justice Roberts retired from this bench, the Supreme Court of the United States under Warren Burger appointed him to two or three very difficult tasks, not the least of which was to put together the administration of the asbestos cases that are pending before the United States Court. And it was that that Former Chief Justice Burger referred to on Sunday afternoon in the conversation.

The other area in which Chief Justice Roberts made a contribution to legal education was as a member for six years of the Council of the Section of Legal Education and Admission to the Bar of the American Bar Association.

Now, this is much more than a committee of the American Bar Association. It is a group, a council, that accredits and disaccredits law schools. I know of the burden that you bear as a member of that council, and I was a member for two years. And I resigned at the time I went on the Commonwealth Court, for I knew or I felt I knew I would not have time to spend that would be required on the Council.

And I can assure you, you can't prepare yourself for a council meeting by reading a file on the airplane on the way. That's the way most committee members do it. I've done that myself many times. You can't do that to the Council, and yet Chief Justice Roberts found the time to do that.

Now, I contacted the ABA and told them that I was going to be making the remarks today. And they were kind enough to send me copies of the resolutions that they passed on the occasion of Chief Justice Roberts' death. And I would ask the Court's permission to give these to the court reporter and make them an official part of the record of this proceedings. It notes, of course, the time and place at which the resolutions were adopted. I will not take the

## HONORABLE SAMUEL J. ROBERTS

time to read the one from the Council, because it's quite long. But I'll read the one from the ABA, which is relatively short.

Be it resolved, that the Board of Governors of the American Bar Association notes with sadness the death of Samuel Roberts, a long and distinguished member of this Association. Sam Roberts was for many years a member of the Pennsylvania Supreme Court and its Chief Justice at the time of his retirement. In 1984-85, he was the Chairman of the ABA Section of Legal Education and Admissions to the Bar where, as in all endeavors, he served with distinction. Chief Justice Roberts devoted his life to the best interests of the profession and service to the cause of justice. He will be sorely missed.

And I would conclude, Your Honors, by a quotation which I think is very apt. It's a quotation from the Rubaiyat of Omar Khayyam in which the poet says, "I sometimes think that never blooms the rose so red as where some buried Caesar bled."

The roses of justice will bloom in great profusion in this room in Pennsylvania and in the United States, watered by the efforts of Chief Justice Roberts.

Thank you very much.

CHIEF JUSTICE NIX: Thank you very much.

Last Thursday before I left Philadelphia to come to Pittsburgh to this session, I received a call from another former member of this Court and a former Chief Justice whose portrait is placed on the back wall. And that's Henry X. O'Brien who served many, many years from this bench with Sam Roberts.

And he advised me that he's experiencing at this particular time some health difficulties which precluded him from being here. But he wanted me to say to all in attendance how much he respected Sam, his deep affection that he had for Sam, and that only a serious matter would be the occasion of his not being present.

Henry and Sam were on this bench together a number of years. I know from my own observation of the close association and affection they shared for each other. And I also know that it was with deep regret he could not participate in this ceremony today.

We will now have the memorial proclamation read by Louis Pollock.

Mr. Pollock.

JUSTICE POMEROY: Mr. Chief Justice, may I just interpose one moment to ask you to note the presence today, sitting next to Mrs. Roberts, of Philip Amram, who has come from Philadelphia and who for many years was the chairman of this Court's procedural rules committee.

## IN MEMORIAM

CHIEF JUSTICE NIX: I might say to you, Tom, as I've said many times, we anticipated your request. About an hour ago the Court acknowledged the presence of Mr. Amram.

And I have attempted over our years to explain to you that we're ahead of you. (laughter)

But, no, certainly it is fitting on this record to note the presence of one of the great legal scholars not only in Pennsylvania but of the American legal system.

Mr. Amram, we're very happy to have you with us. Thank you.

Mr. Pollock.

MR. POLLOCK: Thank you, Mr. Chief Justice.

May it please the Court, whereas, the Honorable Samuel J. Roberts died June 5, 1987, the Justices of the Pennsylvania Supreme Court meeting at Pittsburgh, Pennsylvania, on March 9, 1988, wish to express their sorrow at his passing; and

Whereas, Samuel J. Roberts, born February 18, 1907, in Brooklyn, New York, graduated with honors from the Wharton School of Finance in 1928 and from the University of Pennsylvania Law School in 1931 where he was Editor of the Law Review and a member, Order of the Coif, and served our nation with distinction during World War II, achieving the rank of Lieutenant Commander; and

Whereas, after pursuing an active legal practice and solid early stints in public service as Assistant District Attorney of Erie County and Special Deputy Attorney General of Pennsylvania he was appointed to the trial bench in Erie County March 10, 1952, and elected to a full ten-year term November 3, 1953; and

Whereas, the citizens of this Commonwealth in their great wisdom in November 1962 elected Judge Samuel J. Roberts to a full 21-year term on the Pennsylvania Supreme Court, the last jurist to be so honored, Mr. Justice Roberts became widely respected throughout the United States for his erudition and as an author of numerous landmark decisions; his opinions, written with great detail, seldom left questions unanswered or unresolved, and always reflected marked sensitivity to issues involving constitutional safeguards; and

Whereas, Justice Roberts throughout his entire life devoted much of his time and immense talents and abilities as a recognized leader in and for a myriad of organizations whose collective objective was the strengthening of the legal and moral fiber of our society, among them: Boards of Community, Regional Health, Welfare and Educational Agencies, a half dozen hospitals, the Judges' Advisory Committee to the Standing Committee on Profes-



## HONORABLE SAMUEL J. ROBERTS

sional Ethics, ABA; Special Committee on Delivery of Legal Services, ABA; Chair, ABA Section on Judicial Functions, Criminal Justice; Board of Overseers, University of Pennsylvania Law School; Board of Visitors, University of Pittsburgh Law School; Board of Trustees, Gannon College and Philadelphia College of Osteopathic Medicine, Executive Boards of American Jewish Committee, National Federation of Temple Brotherhoods, and of B'nai B'rith; and

Whereas, Mr. Justice Roberts became the Chief Justice of Pennsylvania, January 3, 1983, thereby capping an exceedingly illustrious career in public service while continuing the pursuit of excellence in all he did, and to demonstrate superb moral courage, all of which were his benchmarks and inspiration to others; and

Whereas, retirement from the Supreme Court one year later proving no deterrent to his affinity for helping others, he accepted assignment as a Senior Judge to the Superior Court and headed a delegation from Pennsylvania to a conference of the Original Thirteen States honoring the 200th Anniversary of the United States Constitution, a document which played a key role in Justice Roberts' life; and

Whereas, in tribute to his magnanimity in sharing with innumerable people and organizations his vast talents and attributes, his wisdom and savoir faire, his genius and resourcefulness, an array of awards were presented to Mr. Justice Roberts, among them Honorary Doctoral Degrees by Gannon University, Dickinson School of Law, Villa Maria College and Philadelphia College of Osteopathic Medicine; and

Whereas, Mr. Justice Samuel Roberts and his brilliant ways will be sorely missed, not only by his colleagues on the Bench and at the Bar throughout Pennsylvania, but by judges and lawyers everywhere.

Now, therefore, be it resolved: That we here assembled do express gratitude for the superb life of Samuel J. Roberts, for his sterling contributions to our society in general and legal system in particular, and our sadness at his death.

Be it further resolved: That this resolution be entered upon the minutes of this meeting and a copy transmitted to his widow Marian and his daughter Barbara Pollock.

CHIEF JUSTICE NIX: Thank you very much.

In accordance with the Proclamation and the request, the entire proceedings, of course, will be transcribed and given to the widow of Sam Roberts and made an official record of this Court.

## IN MEMORIAM

I think it's most appropriate that the closing remarks of this ceremony are to be presented by the daughter, the beloved daughter of Sam, Mrs. Barbara Pollock.

MRS. POLLOCK: Thank you, Mr. Chief Justice.

May it please the Court, on behalf of the entire family, may I express our gratitude to you for this memorial service. We are thankful for the many thoughtful reflections presented by the speakers. Your warmth and kindness are most comforting to each of us.

Samuel J. Roberts was special to each one of us gathered here today. To you, the distinguished members of this Court, he was a devoted colleague. To us, the members of his family, he was a loving husband, father, brother, grandfather and friend.

He had two loves in his life—his love for his entire family and his love for the law. He was as gentle with his family as he was strong in his desire to see that justice was served.

He was proud of his association with the Pennsylvania Supreme Court. He always reminded us that this Court is the oldest continuous appellate court in this country.

He was proud as well of the record of this high Court. He treasured his relationship with you, his fellow Supreme Court Justices, and with all the jurists of Pennsylvania as well as each law clerk who worked with him during his 21 years of service on this Court and in the years that followed.

You, the Justices of this distinguished Court, and the almost 60 law clerks were as family to him, his legal family.

His love of the law permeated every aspect of his life, in his relationship with his family, in his high regard for the institutions of this country, and in his daily demeanor.

To quote my father, the rule of law remains our greatest hope for peace and social progress. We owe it to both society and the course 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, end of quote.

As he challenged each of us who were part of his life to be the best we might be, so did he challenge himself to be the best jurist he might be.

By your kindness today as expressed in this meaningful ceremony, and the wonderful resolution written and presented, you honor him and that for which he stood.

We his family will always be grateful to you for this tribute to Dad. This ceremony will be remembered by us as a time that we shared together.

## HONORABLE SAMUEL J. ROBERTS

The entire family says thank you.

CHIEF JUSTICE NIX: This Court would like to say to the family that your husband, father, beloved loved one left a legacy that is one that can hardly be by anyone equaled. He gave to this Court a standard of excellence that we can use in the future to try to achieve. And for that, we are grateful to you.

Let the record show the presence of the members of the family as, I think, mentioned by Mr. Justice Pomeroy, and there are many friends and former associates. And just noting a few, I will note the presence of a former member of this Court, Justice Hutchinson, who is now a member of the Third Circuit; the President Judge of the Superior Court, Vincent Cirillo; the former President Judge of the Superior Court, Bill Cercone, and many other judges and all dear friends. And we've already noted the presence of Professor Amram.

We note the presence of both the wives of Justice Pomeroy and Justice Wilkinson. And before we get in trouble going through names of distinguished guests, we will now adjourn this session.