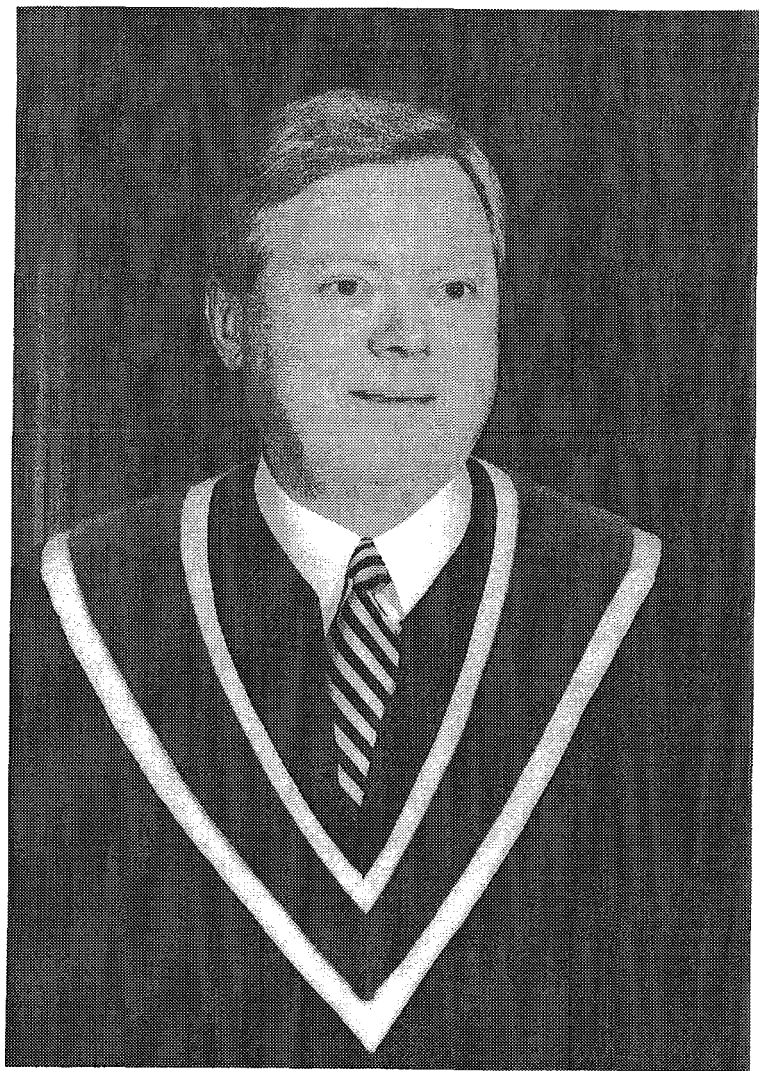


Ceremonial Session of the
Supreme Court of Pennsylvania

Induction

HONORABLE THOMAS G. SAYLOR

2:00 p.m.
Monday, January 5, 1998
The Forum Building
Harrisburg, Pennsylvania



HONORABLE THOMAS G. SAYLOR

Proceedings

COURT CRIER: Governor Ridge, Lieutenant Governor Schweiker, ladies and gentlemen, good afternoon and welcome. At this time, would you all please rise.

The Honorable, the Chief Justice and the Justices of the Supreme Court of the Commonwealth of Pennsylvania presiding this day in ceremonial session, joined by the President Judges and Judges of the Superior and Commonwealth Courts of Pennsylvania for the induction ceremony of the Honorable Thomas G. Saylor as Justice of the Supreme Court of Pennsylvania.

Oyez, oyez, oyez. All manner of persons who stand bound by recognizance or who otherwise have business before this Court, may now appear and they shall be heard. God save the Commonwealth and this Honorable Court.

Please be seated.

Ladies and gentlemen, the Honorable John P. Flaherty, Jr., Chief Justice of the Commonwealth of Pennsylvania.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: The Supreme Court of Pennsylvania sits this day, for the 314th year, the first time in 1998, in ceremonial session, a very joyful ceremonial session of this Court, to receive its new and welcomed member.

I would like to introduce, for remarks, a member of the bar, the Honorable LeRoy S. Zimmerman, the first elected Attorney General of Pennsylvania. (applause.)

HONORABLE LEROY S. ZIMMERMAN: Chief Justice Flaherty, may it please the Court, Governor Ridge, Lieutenant Governor Schweiker, Chairman Shuster, General Fisher, Treasurer Hafer, distinguished members of the appellate bench, distinguished members of the executive and legislative branches of government and friends.

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It is an honor for me to participate in this ceremonial session of the Supreme Court for the purpose of inducting Judge Thomas G. Saylor as a Justice of the Court.

As many of you know, I enjoyed a long professional relationship with Judge Saylor. In 1993, and then again in 1997, I had the pleasure of serving as his campaign chairman. They were very important campaigns for elections to two very important judicial offices.

Today, the very best evidence of the significance of this occasion, as the Chief Justice has stated, is the presence of our Governor, his Excellency, the Honorable Thomas J. Ridge, Lieutenant Governor Schweiker, Attorney General Fisher, Treasurer Hafer and U.S. Congressman Bud Shuster, Chairman of the Transportation and Infrastructure Committee of the House.

But as we stated, because this is a formal Court session and since we are making a formal record of these proceedings, it is only appropriate that the record include the names of the distinguished appellate court judges on the stage who are colleagues of Judge Saylor.

From the Superior Court of Pennsylvania, President Judge Stephen J. McEwen, Jr., Judges James R. Cavanaugh, Patrick R. Tamilya, Joseph A. Hudock, J. Michael Eakin, Michael T. Joyce, Joan O. Melvin, Berle M. Schiller, John D. Hester, Peter Paul Olszewski, Frank J. Montemuro, and Vincent A. Cirillo.

And from the Commonwealth Court of Pennsylvania, President Judge James Gardner Colins and Judges Joseph T. Doyle, Dante Pellegrini, James R. Kelley and James Flaherty.

The record also ought to note the presence of many others of the trial bench from around our Commonwealth and the officials of the executive branch of state government and members of the legislative branch of government, including many members of the Senate and the House.

Today's event is a significant occasion, because at the conclusion of this oath-taking ceremony, Chief Justice Flaherty and Justices Zappala, Justices Cappy and Castille, Justice

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Newman and Justice Nigro will see our nation's oldest Court at full complement.

Obviously, this is a very happy day for Judge Saylor, his wife, Patti; their son Sean and their daughter Shannon; who, together with the Judge's mother Alice, brother Bill and sister Diane, are all present to share, to share in the happiness of this occasion as a family.

Thomas G. Saylor was born to working parents in 1946 in the small town of Meyersdale in Somerset County, Pennsylvania. His parents, Tom and Alice Saylor, raised Tom and his brother Bill and sister Diane in a loving home in a small community in the heartland of Western Pennsylvania.

Tom attended Meyersdale High School, where very early in his life he learned the importance of a sound education. He was a quiet and scholarly student. He graduated from Meyersdale High School in 1965 as the valedictorian of his class.

Tom attended the University of Virginia on an academic scholarship and graduated in 1969 with honors. In 1972, he graduated from Columbia Law School. Upon graduation, he returned to his native Somerset County, where he engaged in the general practice of law with a small firm in the county seat. He served as the First Assistant District Attorney for Somerset County where he very quickly gained a reputation as being a fair but firm prosecutor.

Then in 1982, I had the pleasure of appointing him Chief Deputy in charge of the Consumer Protection Division in the Office of Attorney General. That was really the beginning of our close working relationship in the law.

In 1983, when a vacancy occurred, I appointed Tom my First Deputy. In that position, he distinguished himself as an attentive administrator and as a lawyer's lawyer. Quickly, he gained the admiration and respect of his colleagues throughout the office for the very quiet but effective manner in which he administered them.

Not only did he help me shape the new office of Attorney General, but he also supervised the preparation and development of the Commonwealth's cases. He personally argued

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cases before this distinguished Court and all of the other state and federal courts within the Commonwealth. He presented the oral argument on behalf of the Commonwealth in a major case before the United States Supreme Court.

In 1989, shortly after I completed my second term as Attorney General, Tom joined me as a colleague in the Harrisburg offices of our law firm, Eckert Seamans Cherin & Mellott. And there, too, he quickly gained the respect of his colleagues at Eckert Seamans by his careful, quiet and thoughtful analysis of the legal issues of our clients.

As much as he enjoyed the practice of law, he always possessed a strong desire to become an appellate court judge. That goal was realized in 1993, when he was elected a Judge of the Superior Court of Pennsylvania, where he has served with distinction. And now, as a result of the election in November of 1997, he is about to become a Justice of our State's highest Court, an historic moment for an historic Court.

For me, it has been a pleasure to work with him as a colleague and a friend. He possesses the integrity, the intellect and the industry that are essential to every judge. His quiet demeanor and his ability to analyze issues thoughtfully will help him meet the many, many challenges that lie ahead as a member of this prestigious Court.

Francis Bacon, the English philosopher and lawyer, said:

“Judges ought to be more learned than witty, more reverend than plausible, and more advised than confident. Above all things, integrity is their portion and proper virtue.”

Judge Saylor has demonstrated his integrity as a lawyer and as a judge. One of his strengths is his quiet and thoughtful demeanor. He is a patient, caring and very careful listener. I predict that Judge Saylor, in his way, when he becomes Justice Saylor, will make a major contribution to the deliberations and decisions of this Court. I wish him and the Court good health. And may God bless them in their very important work.

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Thank you. (applause.)

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Thank you, General Zimmerman. It is now my honor to welcome to the podium the President Judge of the Superior Court of Pennsylvania, the Honorable Stephen J. McEwen.

HONORABLE STEPHEN J. MCEWEN: Thank you, Mr. Chief Justice. Chief Justice and the Justices of the Supreme Court, Your Excellency Governor Tom Ridge, esteemed Lieutenant Governor Schweiker and distinguished Congressman Bud Shuster, Commonwealth officials, General Fisher, Treasurer Barbara Hafer, and, of course, my dear colleagues of the appellate courts of Pennsylvania.

I am deeply honored to participate in this ceremony of the oath as Judge Thomas G. Saylor becomes Justice of the Pennsylvania Supreme Court, and am ever so grateful to him for that honor. I must, however, confess to difficulty in preparing these remarks of salute, because there is far too much to extol, for, while volumes might be said, time permits but paragraphs.

Now, all here assembled realize that, on such happy occasions as we enjoy this afternoon, stories unfold which soar far above the facts, but, I assure you, this tribute of expression to our new Supreme Court Justice is as genuine as is our new Justice himself, for, as all who know him will declare: "Tom Saylor is the real thing."

At the same time, he is also an extraordinarily modest and personal man, whom embarrassment envelops when one trumpets his superiorities in a public place, superiorities which clearly distinguish him and compel admiration and respect.

For the past four years, Judge Saylor has been our colleague upon the Superior Court; and during each day of those years, his presence has dignified the Court, his insight has wisened the Court, and his character has enhanced the Court. As you, our illustrious Justices, will soon observe, Tom Saylor has a casually formal presence that is both humble and regal, for his gifts include a reserve that quietly commands attention.

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Judge Saylor on the Superior Court has been an eloquent voice of the jurisprudence of reason. The gifts he has revealed during those years include the intelligence to reach a rational decision, the wisdom to determine if the decision is also just, and the courage to modify that decision to meet the requirements of justice—a justice so swift and sure, that in it, the strongest feel restraint and the humblest find trust.

Tom Saylor is decisive without being judgmental, and he is righteous. I do not mean self-righteous or holier than thou, but righteous in the sense of just, for he possesses that rare ability to do by instinct what is right and fair and just. And since clamor never convinces, Judge Saylor has made civility his cause, for he realizes that it is the demeanor of the Judge as well as the intellect, that bring respect to the Court.

James Michael Curley, who, as Mayor, Congressman, and Governor, delivered the Boston Irish from the desert where the Brahmin establishment of aristocrats and elite would have kept them, once quite aptly observed that American politics is a blood sport. Who can disagree, since high officials of government are easily as often target as totem.

While political scientists lecture that the era of political bosses is past, such a lesson should really be a lament since the citizenry is far more likely to be served well by candidates selected by political leaders than by individuals whom the media and the fundraisers and the lobbyists would anoint. And heaven protect us from the self-knighted nobles, and save us from the self-righteous, self-robed reformers since, as Harry Truman observed: "If only the good people could be as good as the people they call bad."

The rigors of statewide campaigns have, however, served Tom, and will serve your Court, quite well; for he exemplifies the hammered, the tried, the true product of our American political arena, a system that has produced our greatest leaders.

The pursuit of justice is often times the pursuit of truth and, at once, an exacting and inexact of tasks. Judge Saylor brings to that task a rare perception and special insight . . . an articulate fluency in the language of the law, as well as a firm

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commitment to the rule of law, all of which complement his keen sense of fairness.

In summary, no single trait captures the essence of Thomas Saylor. Rather, it is character, the aggregate of morals, ethics, and honesty, an undiminished integrity of the whole. The fact is, Tom is at one with his title: Justice. His integrity, his faithfulness to duty, and his tolerance of the views of others are what the law is all about. Justice is he.

Mr. Chief Justice, distinguished Justices, as Tom's cherished wife, Patti, dear children Shannon and Sean, beloved mother Alice, brother Bill, and sister Diane, all full well know, the strengths and character of Tom Saylor are obviously more than my words can wield. So let me conclude the effort with an exhortation from the Testaments:

This is the day Heaven has made for Tom Saylor. Let us rejoice and be glad.

Thank you. (applause.)

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Thank you, President Judge McEwen. It is now a particular pleasure and wonderful honor to present His Excellency, the Governor of the Commonwealth, Governor Thomas J. Ridge. (applause.)

GOVERNOR THOMAS J. RIDGE: Chief Justice Flaherty, may it please the Court, distinguished guests, public servants from the judicial, legislative and executive branches, family and friends.

It is truly an honor to be part of this very important day, this very important celebration, for Judge Thomas Saylor. Your service on the Superior Court was testament to your integrity and fairness in court, as well as, most importantly, your knowledge and love of the law. Now, the people of our Commonwealth have entrusted you the honor of service in their highest Court.

It is interesting, hatched in a small Western Pennsylvania courthouse, matured in the Attorney General's Office and continually enhanced by your role, and I consider this to be your most important role, as father and husband—as President Judge McEwen has pointed out, it is the entire sum of

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“Justice Thomas Saylor” that will protect and indeed elevate the foundations of justice. As a citizen of this great Commonwealth, I am proud to have you on Pennsylvania’s Supreme Court.

Someone in a moment of candor observed that the judiciary is the least dangerous branch of our government. I suspect most people believe that to be true. Far from political winds, its decisions have a profound and lasting influence on our state, our country and the very core of how we govern ourselves and treat one another as a society. And those who take upon themselves the responsibility to preside over the law, know their duty full well, render justice and practice their profession with the honor and integrity that the law demands.

It is the rule of law that governs before the Court, not the popular political opinion of the moment. This commitment to the rule of law and the independence of the judiciary itself is critical to our continuing experiment of self-government. I have said many times in the past, and will continue to say so as long as I have public or private forum, you should all understand that the success of the continuing experiment of democracy and self-government depends on three strong, coequal, independent branches of government.

For too long, I thought throughout the Commonwealth of Pennsylvania, and perhaps the country, that too few people paid enough attention to those who elevated themselves and put themselves in the position to seek approval of the public to serve in that capacity in that strong, coequal, independent branch of the government.

So I would be remiss as Governor in the greatest state in the greatest country on the face of this earth, not to use this ceremony to publicly express my appreciation as a citizen to those men and women who serve us in the Court of Common Pleas, the other judiciary and district justice level and the public court systems throughout the Commonwealth of Pennsylvania.

I believe we have one of the finest judicial systems served by some of the finest jurists in the entire country. And for us to continue this wonderful experiment, the continuity of the

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Commonwealth itself, we must continue to thank all of them that serve in our court system. So on behalf of 12 million Pennsylvanians, I use this opportunity to thank all our judges for their commitment to serve, in a special and unique way, the Commonwealth in public service.

I believe, as our forefathers did, in the balance of power in the three coequal, independent branches of government. And I believe that as Justice Tom Saylor sits on the bench with an established record; an established record of integrity and scholarship, will help to make it a complement to his work in the Supreme Court and will continue the strong tradition of this historic body.

Justice Saylor and all the other Justices of the Supreme Court are indeed partners in Pennsylvania's progress. They join the executive branch and legislative branch in our desire to move our Commonwealth forward in the most critical role: guardians of our Constitution's continuity, protectors of the God-given rights of our people, and scholars of core principles upon which the Commonwealth and this country were founded.

Judge Tom Saylor has always taken his legal and judicial responsibilities head-on, never shied away from the controversy, understands the serious business of the Court, in his continuity of defending the Constitution of the Commonwealth as a prosecutor, as a Consumer Protection leader, Pennsylvania's First Deputy Attorney General, as a scholar and teacher, and, of course, husband and dad.

Justice Saylor's wife, Patti, all of us involved who have had the opportunity to know and work with your husband in the past several years know full well that Tom could not have accomplished either role without your extraordinary support and the understanding of your two children. Again, the citizens of the Commonwealth appreciate his ascension to the Supreme Court. We thank you and your family for your commitment to public service as well.

I doubt very seriously that you anticipated such extraordinary change in your lives when you moved to Central Pennsylvania a couple of years ago. It was a move that would

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eventually lead to your husband's place in history; not only as a Supreme Court Justice, but as the first Central Pennsylvanian since 1921 to take his place on the Supreme Court panel. The adventure has been, and will undoubtedly continue to be, an adventure that would not have been possible without you, Patti.

Justice Saylor, as you are sworn in today, all of Pennsylvania has the greatest confidence in your values, conviction, integrity, your knowledge and your desire to serve our Commonwealth and serve this historic body called the Supreme Court of Pennsylvania.

With great confidence your service to your community and the Supreme Court will meet the highest professional standards historically associated with such service, I wish you Godspeed and guidance.

And knowing that your schedule will be rather hectic from this day forward, I would like to borrow a phrase that I think you might have heard shortly after the election results were in when you were declared winner. When you were asked what you thought you would do on final victory, I also wish you, along with Godspeed and guidance, I wish you this afternoon off. There won't be many more in your life as Justice of the Supreme Court.

You and your family, we thank you for wearing the robe, not only the robe of judge, but the one for the public service that all judges put on as well as their families. We thank you and we congratulate you. (applause)

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Thank you, Your Excellency. Your remarks were profound and appreciated by the Court, and, in particular, as a whole. And now for the reading and dissertation of Judge Saylor's Commission, presented by Lee C. Swartz, Esquire.

LEE C. SWARTZ, ESQUIRE: May it please the Court, Governor Ridge, honored guests and friends. I feel very honored, and it gives me great pleasure to read our Governor's commission for Thomas G. Saylor.

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Commonwealth of Pennsylvania Governor's Office. Thomas G. Saylor of the County of Cumberland in the Commonwealth of Pennsylvania.

Greetings: Whereas, It appears by the certificates and returns made according to law, of the election held on the fourth day of November, Anno Domini, one thousand nine hundred and ninety-seven, you have been duly elected Justice of the Supreme Court in the Commonwealth of Pennsylvania.

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 to be a Justice of the Supreme Court of the Commonwealth of Pennsylvania.

To Have and To Hold this 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, one thousand nine hundred and ninety-eight, if you shall so long behave yourself well.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this eighteenth day of December in the year of our Lord, one thousand nine hundred and ninety-seven and of the Commonwealth the two hundred and twenty-second.

Thomas J. Ridge, Governor. (applause.)

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Judge Saylor, are you prepared to take the oath of office?

JUDGE THOMAS G. SAYLOR: I am, Mr. Chief Justice.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: In order that we here recognize this auspicious occasion, I ask all here please rise.

Please raise your right hand. I, state your name.

JUDGE THOMAS G. SAYLOR: I, Thomas G. Saylor.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Do solemnly swear.

JUDGE THOMAS G. SAYLOR: Do solemnly swear.

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CHIEF JUSTICE JOHN P. FLAHERTY, JR.: That I will support, obey and defend.

JUDGE THOMAS G. SAYLOR: That I will support, obey and defend.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: The Constitution of the United States and the Commonwealth of Pennsylvania.

JUDGE THOMAS G. SAYLOR: The Constitution of the United States and the Commonwealth of Pennsylvania.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: And that I will discharge the duties.

JUDGE THOMAS G. SAYLOR: And that I will discharge the duties.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Of the Office of Justice of the Supreme Court.

JUDGE THOMAS G. SAYLOR: Of the Office of Justice of the Supreme Court.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: With fidelity.

JUDGE THOMAS G. SAYLOR: With fidelity.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: So help me God.

JUDGE THOMAS G. SAYLOR: So help me God.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Justice Saylor, please take your seat. (applause.)

I now call upon Mr. Justice Saylor.

JUSTICE THOMAS G. SAYLOR: Mr. Chief Justice and Justices of the Supreme Court, members of the Superior and Commonwealth Courts, Governor Ridge, Lieutenant Governor Schweiker, Chairman Shuster, General Fisher, Treasurer Hafer, friends and guests, you honor me with your presence.

I have also been honored to have been allowed, by the people of Pennsylvania, to serve as a judge on the Superior Court, an institution which has distinguished itself by over 100 years of dedicated service, and am now privileged that the

electorate has entrusted me with the office of Justice of the Supreme Court, the venerable institution which sits at the pinnacle of our judicial system.

I have arrived at this occasion with the help and support of many of the people who are here today. And to each of you, I say a very personal and sincere thank you.

It has been my observation that those who aspire to public office, and achieve success in that endeavor, owe much to a special few who have sustained them on their journey. I am blessed with a family which has supported me at every stage of my career: My wife, Patti; my children, Sean and Shannon; my mother, brother, and sister.

And I have been fortunate to work for many years with our first elected Attorney General, my mentor and friend, Roy Zimmerman.

On the Superior Court, I came under the tutelage of a distinguished jurist and scholar, President Judge Steve McEwen, from whose wise counsel and kindness I have benefited greatly. And I thank him for being a part of this day.

Thanks also to Governor Tom Ridge, not only for his support and friendship, but also for his unique understanding of the important role which the judiciary plays in the life of this Commonwealth and in our system of government.

Finally, a special thanks to a special friend, whose tireless efforts ensured our success: Bob Asher.

Having just spent a year visiting with the citizens of this great state, it is my sense that Pennsylvanians equate the judiciary with the cause upon which this nation was founded, and which has sustained us throughout our two-hundred-year history: The cause of justice. It is this perception which supplies the judicial branch with the moral authority necessary to fulfill its role in our constitutional system, and to stand as the ultimate protector of the fundamental liberties guaranteed by our Bill of Rights.

Courts don't have armies or militia to enforce their decrees, but only the trust of the people that the ends of justice are being served.

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As Justice John McLean wrote many years ago: "Nations differ from each other in condition, and that of the same nation may change by the revolutions of time, but the principles of justice are the same. They rest upon a base which will remain beyond the endurance of time."

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Thank you, Justice Saylor.

A lot has been said today. You learned the history of the jurisdictional era and its function in society. This Court, the Justices of this Court, took an oath of office in 1684. Thank you, members.

The crier announced, as we sit in ceremonial session; and I say we sit in enjoyment of ceremonial session, because it is, Mr. Justice Saylor, that you are warmly welcomed. You are now part of this Court.

JUSTICE THOMAS G. SAYLOR: Thank you, Mr. Chief Justice.

CHIEF JUSTICE JOHN P. FLAHERTY, JR.: Thank you all for participating in our ceremony. Thank you, Your Excellency, for those remarks, Judge McEwen and LeRoy Zimmerman. This Court will now stand adjourned.

THE CRIER: This ceremonial session of the Supreme Court of Pennsylvania now stands adjourned.

(At 2:45 p.m., court was adjourned.)