

In the Supreme Court of Pennsylvania

Memorial Proceedings

PAUL B. MCANDREW
Court Crier

Supreme Court Courtroom
Room 437

Main Capital Building
Harrisburg, Pennsylvania
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11:00 a.m.



PAUL B. MCANDREW

Proceedings

MR. JOHNS: The Chief Justice and Justices of the Supreme Court of Pennsylvania sitting in special session; oyez, oyez, oyez. All persons having business before this Court may now appear and they shall be heard. God save the Commonwealth and this Honorable Court.

(Rapping gavel)

Please be seated.

CHIEF JUSTICE CAPPY: Thank you, Mr. Johns.

Ladies and gentlemen, on behalf of the Supreme Court, I would like to welcome you to what, for us, is a happy, sad occasion. This memorial service is to mark the long-term service of our departed friend, Paul B. McAndrew.

It is also intended to celebrate his long service to the Supreme Court of Pennsylvania. And in order to emphasize that point, I direct you to the back of the program where we note that Paul, in his inimitable way, in a very dedicated and friendly way, served under seven Chief Justices during his, what we think is too short of a life.

I know I can speak for all of these Chief Justices when I tell you that his service was not only deeply appreciated from the standpoint of how he perfected the job which he was assigned, but also was extraordinary in the sense of his becoming your friend. You all knew Paul probably a bit better than I did, but the fact is, this was one terrific gentleman who did his job well and had fun doing it.

The program indicates the people who will speak. However, I would like to defer to my colleague, Justice Castille for one moment. All of us will have something to say as we progress through this program. I would also like to apologize to Paul's family and friends for not being able to attend the funeral services. I was incapacitated at the time, and I appre-

MEMORIAL PROCEEDINGS

ciate the Justice who was available to represent the Court, and I shall publicly acknowledge that.

SENIOR JUSTICE CASTILLE: Good morning, everyone. This is a sad occasion, and every court session that I've attended in the last 14 years has been opened by Paul McAndrew, a fine gentleman, a wonderful person. He did his work and ate well with this friend, Charles Johns.

Paul will be sorely missed, and I'll never forget when I heard about Paul's passing and then the trip I took up to that beautiful little town in the Poconos. I drove up there to represent the Court just for that sad occasion, and I still remember driving up that little two-lane road through the woods and over a one-lane bridge. You come out into this beautiful little town, and there's a little white church. This town is literally at the end of the road. The road went no further. It was surrounded by beautiful hills. And I said, you know, what a beautiful place for such a sad occasion.

It was a wonderful service. His sisters were there and brother. I remember all the little nieces and nephews coming up and placing flowers on the coffin. It was just a wonderful moment that I shall never forget. I was proud to represent the entire Court that day, and I was proud. My fellow Justices will tell you that we are here in this session to honor not only our longtime Court Crier, but our great friend, Paul McAndrew.

CHIEF JUSTICE CAPPY: Thank you. I notice that we are on record. Therefore, I would like to recognize for the record, former Justice William Lamb, who is in the audience, and I know he echoes our feelings of friendship and love for Paul McAndrew. We will next hear from Joan McAndrew representing the family. Joan, would you come forward, please?

MS. McANDREW: Good morning, Chief Justice, fellow Justices, and former Justice Lamb. On March 19, 2008, St. Joseph's Day, 55 years will have passed since a woman by the name of Louise McAndrew walked into St. Joseph's Orphanage in Scranton, Pennsylvania. She walked out with a two-year old little boy.

It was supposed to be for a week or two, a visit to try to help the child out of his obvious depression because he was being separated from the only parents he had ever known. These adoptive parents had come to the conclusion that this little boy who had been with them through most of his two years just wasn't working out, and they returned him to St. Joseph's.

Louise took to the shy, backward little boy immediately. Each day she had him at her home, she grew more and more attached. He, in turn, was becoming a happy, healthy boy. And I don't want you to interpret my emphasis on Louise as indicative of less love for the boy on part of her husband, Patrick, for such was not the case.

It was that Louise was the one who affected the positive changes in the child. Of course, the week or two turned into a lifetime with Louise seeking and receiving a waiver from the bishop of the diocese due to the fact that Patrick was of the advanced age of 44. The boy was renamed Paul. His personality developed as he basked in the love of his brothers and sisters. It was just irresistible.

But, of course, in Louise's eyes, no matter what Paul did, it was perfection. He could do no wrong, ever. As Paul grew, noticeable traits developed. He became and remained, the epitome of patience. And that says something, surviving the demands of my sister, Pat, and me too. His greatest pleasure seemed to come when spending time with his family. Whenever any family member or relative visited, Paul was always on the scene, laughing, joking and showing all of his uppers, as he used to say.

Paul loved working for the Supreme Court and was always amused when my sister and I would use his employment to try to impress someone or other. He loved his boss, and we grew to feel as if we knew Charlie too. It was always "Charlie said, Charlie did, Charlie's going to." Paul's face would be glowing, as I'm sure it is now, to be holding this gathering in his memory.

His family is so grateful for the esteem in which you held him and which we know he fully deserved, and we thank you

MEMORIAL PROCEEDINGS

for that. Paul was notably sincere, kind, caring; and most of all, nonjudgmental. Never did you hear a critical word toward, or about, anyone cross his lips. He was respectful and empathetic in an unassuming way. When Paul moved to Eagle Rock, he felt he had arrived.

He truly enjoyed his beautiful home and always commented on how great it made him feel to drive onto the property. Sadness comes to our thoughts when we realize the short time he had to enjoy it all. Paul leaves a void in all of our lives. Life for us is so difficult without him. As Louise and Patrick, my late mother and father, review Paul's life, I know that they will probably say, "this is our beloved son in whom we are well pleased."

CHIEF JUSTICE CAPPY: Thank you.

We will next hear from a person that I believe was Paul's best friend. We're all aware of how important and how difficult it has been for Charlie since Paul passed on.

Charlie Johns, Prothonotary for the Supreme Court of Pennsylvania.

MR. JOHNS: Mr. Chief Justice, Justices, former Justice Lamb, Paul came to the Court in April of 1979 as assistant crier being hired by the late Chief Justice Michael J. Eagen. He had various positions in the private sector prior to that, but when he came to the Court, he came from the Strawbridge and Clothier Retail Company as a buyer.

Years and years later, Paul would comment to me when he first began in those early days, he didn't know a petition for allowance of appeal from a petition for extension of time. But as we all know, Paul learned and he learned very well.

I first met Paul at the Court's September argument session in Pittsburgh in 1979. He seemed to be an affable fellow, pleasant and reserved. Little did I know that years later, I would find that these were main traits of his character.

He became Crier in 1982 upon the passing of his predecessor, Bill Fells. During his 27-and-a-half years of service to this Court, he served under 26 Justices and 7 Chief Justices.

In the early years of Paul's service until January of 1991, I knew Paul to be very professional, friendly and helpful.

As Prothonotary for the last 17 years, he was my colleague and friend. We traveled the circuit attending argument sessions and attorney admission ceremonies, shared countless dinners and enjoyed rehashing successes and failures. We often would shake our heads over some of the instances that occurred to us.

For example, Attorney Admissions, in January of 1996, despite a predictable blizzard, we went in advance to the Valley Forge Convention Center to be on time the next morning. The only problem was we were ready, but 30 inches of snow blanketed the area, and we were trapped in that hotel for four days.

Prior to that, another memorable instance happened. Attorney Admissions again in Philadelphia in December of 1992 at the old Philadelphia Convention Center at 34th Street opposite the Children's Hospital and the University of Pennsylvania. We had 552 applicants for admission, and with guests, we had almost 4 thousand people to organize. We got it done. We were late getting started, but when the late Chief Justice Robert N. C. Nix, Jr. and then-Justice John P. Flaherty came out on the stage, their jaws dropped at the size of the people in attendance.

Paul had great devotion and loyalty to this Court, and anyone who heard him proudly bang his gavel and intone the words, "God save the Commonwealth and this Honorable Court," knew that the courtroom is a hallowed place for a noble and important purpose. He served this Court with dedication, devotion and joy. As colleague and friend, he is missed. Thank you.

CHIEF JUSTICE CAPPY: Thank you. And representing the Bar of Pennsylvania, Mr. John E. Savoth—I hope I pronounced that properly—from Saltz, Mongeluzzi, Barrett and Bendesky.

MR. SAVOTH: May it please the Court, Mr. Chief Justice, Justices, former Justice Lamb, it's a great honor and with humility that I address you this morning as a member of the

MEMORIAL PROCEEDINGS

Bar of the Commonwealth of Pennsylvania, and most importantly, as a friend of Paul McAndrew. I first had the pleasure of meeting Paul when I was a young law clerk fresh out of law school working for the late Honorable James C. McDermott.

As I assume you know, Justice McDermott was a wonderful man whose judgment on character and an individual's worth was not to be taken lightly. I distinctly recall entering Justice McDermott's chambers on one of my first days on the job, being overwhelmed with the busts of various historical figures and the considerable seriousness of my role as a clerk to such a respected Justice in the Court.

As I waited for my meeting with the late Justice, Paul came into the outer chambers in the hallway and immediately approached me and shook my hand with a firm grip that I knew I would come to know repeatedly over the years. At that moment, Justice McDermott entered the chambers, and with a twinkle of his eye, he treated Paul as a general or respected soldier.

I soon realized what everyone else around me already knew on that day; that is, Paul McAndrew was a person who commanded respect, but never demanded it. He had endless devotion to his job, his family and his friends. Arguing for this Honorable Court can be quite a nerve-racking event, even for the most seasoned attorney.

Prior to argument and during recess, there sat Paul at his post, answering questions he had answered a hundred times before as if it were the first time they had been asked of him. He showed compassion and respect to all and received the same in return.

As years passed and I moved to a private practice, I'd often stop by his office on the 4th floor of the City Hall in Philadelphia to chat and maybe grab some lunch. The latter hardly ever happened because of his work ethic. But the former, the chatting, that is, always occurred with great energy and interest. He wanted to know about my children, my wife and how I was doing. He would show me pictures of his nieces, his nephews, his great nieces, his great nephews, with the pride of a loving uncle.

When I received a call from Bill Corey, who had been Chief Clerk to Justice McDermott and is now Chief Clerk to Judge McEwen, that Paul had passed, I knew that we needed to travel north say goodbye one last time.

As Bill and I drove into the beautiful valley and arrived at the church nestled within the tightly-knit community, which Paul called home, the strength and character and the generous nature of his spirit was emanating among the love of his family and fellow workers.

As Paul's great niece stated on that day, Paul lived his life by example, not words. And it is appropriate for us to remember and cherish the life he lived and the mark he's left upon us all. Thank you.

CHIEF JUSTICE CAPPY: Thank you. It is our tradition in ceremonies such as these to invite the individual Justices to make a few brief comments. We will do that in order of reverse seniority and begin with Justice Jim Fitzgerald, who, so that you know, has had a short tenure on our Court, some nine or ten months, but I'm sure go tot know Paul very well during that time.

JUSTICE FITZGERALD: Thank you, Mr. Chief Justice, fellow Justices, Justice Lamb, distinguished guests, most of all, family and friends of Paul McAndrew. I only knew Paul for a very short time. I was sworn in by Justice Castille on March 30th, and our first session was in Philadelphia about two-and-a-half weeks later.

During that session, we were in constant contact with Mr. McAndrew, and he helped me a great deal because he planned and executed my ceremonial swearing in on April 18th before a packed courtroom in City Hall and a Pennsylvania cable network audience. Obviously, everything had to be perfect. In the fast-paced planning stage, he put my wife, Carol, and me at ease.

He counseled us and worked out every detail perfectly. We had full confidence in him. The investiture, thanks to Paul, was the highlight of our personal lives. Carol and I could easily see that Mr. McAndrew was a man of character, intelligence and goodwill.

MEMORIAL PROCEEDINGS

His quiet, reassuring voice with a strong resonance opened my investiture and every session of the Pennsylvania Supreme Court with proper decorum that carried through the session itself. You don't have to know a person a long time to know that he's a person who has character, knowledge and is a team player. Paul McAndrew was all of this and more. The operation of the Pennsylvania Supreme Court was at the highest order and always enhanced by our beloved and respected Crier, Paul McAndrew.

To his family, rest assured that this fine man's memory and excellent legacy will live eternally among the large Supreme Court family which benefited from this great man. I can only hope and pray that the great sadness you, his family, feel over the loss of your beloved Paul will be outweighed in the future by the loving memories you have of him.

CHIEF JUSTICE CAPPY: Thank you.

Next, you will hear from Justice Cynthia Baldwin, who has been with us on this Court for just under two years.

Cynthia.

JUSTICE BALDWIN: Thank you.

Chief, fellow Justices, Justice Lamb, members of the McAndrew family and guests, when I came on as a rookie Justice, Paul couldn't have been more helpful in that quiet unassuming manner of his. During the first few months in my chambers, whenever any question arose about court procedure, there was a rallying cry that was heard over and over again; "I'll call Paul McAndrew, I'll call Paul McAndrew," and Paul was always ready to help.

There is a saying that my parents taught me, and it goes something like this: "Success is getting what you want, happiness is wanting what you get, and experience is what you get when you don't get what you want." Paul McAndrew was a successful, happy, experienced man. And my life was definitely enriched for having known him. Thank you.

CHIEF JUSTICE CAPPY: Thank you.

We'll next hear from Justice Max Baer.

JUSTICE BAER: Paul was the Radar O'Reilly of our Court. When we first took the bench after he passed away, I looked around and I said, where's the red pen that I use to right my notes from oral argument so I can distinguish them from what was written before? Where's my highlighter, which I use for a similar purpose?

Then I look, where's the little notepad that I use to always write the names of counsel from left to right so I can address them? Nothing was there. That's not criticism of the rest of our staff, but our Radar O'Reilly seemed to know before we knew what we needed and what we wanted. I was never aware before Paul passed away that that wasn't the standard paraphernalia on the bench, but it wasn't.

I walked, had to run around for about five minutes to assemble what I thought I needed to do oral argument because Paul wasn't here. The same thing was true during oral argument, and those of you who have seen that know that I talk too much during oral argument, an occupational hazard.

I would be questioning a lawyer about a transcript or about something in the record, and I would say, well, where is it. And they would say, "page 38 in the record." And as I'm asking the next question, Paul has somehow morphed over my shoulder, and hands me the record open to page 38.

Or we're asking about a particular rule of court, and, again, over my shoulder comes the rule book. He was just unbelievably, intuitively helpful. And his presence and his addition to the Court was more than just the mundane of highlighters and rule books. It was more ephemeral. He's been described accurately as having this quiet dignity inherently, and he imbued the courtroom with it.

He imbued the Court with it so that the building, the room, the proceedings all garnered more inherent respect and dignity merely because of it emanating from Paul. Around our Court, what we need is light and not heat, and Paul provided that. He provided that, as I explained, in his relationship with us, in what he did for the Court in an abstract sense and what he did for the Court, the lawyers, the people coming to visit.

MEMORIAL PROCEEDINGS

And not only did he serve long, but he served so extraordinarily well that—Justices come and Justices go, and I will go as I came. But in Paul's case, he is irreplaceable and will be sorely, sorely missed.

CHIEF JUSTICE CAPPY: Thank you.

Justice Mike Eakin.

JUSTICE EAKIN: I haven't taken a poll of this, but I may be the only member of the Court that actually appeared before the Court and dealt with Paul as an advocate. And the remarks made about Paul's willingness to help and really anxiousness to help ring true with me because when you come here as an advocate, you are semi afraid, you're nervous; did I screw this up; well, I don't want to do that wrong.

Always an answer, never demeaning, never a question that this was something dumb and you should have known that. It was always very helpful. That carries over to my experience with Paul here, in that everything runs smoothly. You don't notice Paul during the session, but the briefs are there, and then your briefs are taken away.

It's automatic seamless and unobtrusive to the point of almost invisibility, and that is the mark I think of someone doing that job just remarkably well. Paul did not demand; Paul commanded. And that held true top to bottom. I also know Paul having shared a beer or two with him on occasion. We had a semi-informal tradition of when we are in session, the various clerks that travel with us go out to dinner as a group one night during session, usually hosted by the local clerks.

But Paul and Charlie would join that group, and I occasionally would insinuate myself into the group, not wanting to be there at first because I really think they want to talk about us, and that might inhibit the free flow of information. But when I was there, things that happened would come up, and we would talk.

And there would be the occasion for Paul, had he chosen to do so, to agree that a certain Justice shouldn't do this or hadn't done this right. He never took that opportunity. He

may have smiled knowingly, but he never took a cheap shot at anybody.

Going back to my experience as an advocate, if you came before this Court in the early 1990s, Justices who have moved on did not, I think, treat this Court as the Court should be, did not make the appearance of this Court as it should have been. Paul never took the opportunity to criticize those Justices. His loyalty to the Court was firm and unflinching.

I love the picture; the twinkle in the eye, the knowing look. While Paul may have been quiet and appeared unassuming, there was a lot going on up there, and I wish we had a stenographic record of everything that Paul thought or had said in his 25 years because that would be a heck of a reading. I shall miss him.

CHIEF JUSTICE CAPPY: Thank you.

Justice Tom Saylor.

JUSTICE SAYLOR: I think that the quote in the program captures the essence of our relationship with Paul. "He was truly more than a coworker or a colleague. He was also a friend." And because of my friendship with Paul engaged in my years on the Court, I came to know firsthand through our conversations of his deep love for his family, which I think, with the Court, was at the center of his life.

And I know how much he treasured his home in the northeast and how much he lived for and looked forward to going to his new house on the weekends. Paul, as with a few special people, came into our lives and touched us deeply and left us all too soon. He will be sorely missed by all who were fortunate enough to know him and especially by the institution in which he loved and served so loyally.

CHIEF JUSTICE CAPPY: Thank you.

Senior Justice Castille.

SENIOR JUSTICE CASTILLE: Paul has served this Court well. You see the list of Justices and Chief Justices that he served under; Michael J. Eagen, Henry O'Brien, Samuel J. Roberts, Robert N. C. Nix, Jr., John P. Flaherty, Stephen

MEMORIAL PROCEEDINGS

Zappala and present Chief Justice, Ralph Cappy. I just wished my name was there, that Paul had worked for me.

We have a new crier, Brian Minner, who is in the large shoes that he will have to fill in taking Paul's place. I believe that I will hear his voice one more time, Oyez, Oyez at the gates of heaven.

Thank you, Chief.

CHIEF JUSTICE CAPPY: Thank you. We have the tradition of proceeding in reverse seniority because gray hairs like me are supposed to come up with something knowledgeable at the end of these very eloquent remarks. You know that's impossible, but that's as it should be. I obviously echo everything that has been said here about this exceptional man, a man who you now have learned will be sorely missed by this group of Justices on the Court.

We should note that he not only had an extraordinary regard offered to him from members of the Court, but that regard permeated our entire system beginning with his very dear friend, Charles Johns, but also as represented in this room. Mrs. Susan Castille, I see in the back, and I'm not going to go through the list; my chief clerk, Betty Minnotte, former Justice Lamb, as I mentioned a moment ago.

That's just indicative of the effect that he had, not only on us as people, but on the people who work with us in the AOPC, in the prothonotary's office and in our own individual chambers. He was a part of all those families, and yet maintained the dignity of his own position.

I too love this picture that you have and is in the program. You all know that he's standing up there right now in that blue blazer with the crest of the Supreme Court on it and that wisp of a mustache I always accused him of trying to look like Clark Gable as he proceeded through life, standing there with a cigarette in his hand, just looking down and shaking his head and marveling at what is occurring here.

This should be a bit of a celebration of his life, not only his dedication to his family that's been alluded to, but his honest and sincere dedication through this Court; and most

importantly, to the judiciary as a whole. I used this line last night. We all know who Charles de Gaulle was, the world's greatest—maybe I didn't use it.

I'm speaking so much now, I can't remember what I said recently. We all know Charles de Gaulle, General de Gaulle from France, the world's largest egotist. I'm paraphrasing when he said, cemeteries of the world are filled with irreplaceable people. And that's true.

We welcome Brian, and we know that Brian's going to do a great job once he learns this job. But there's an aspect of Paul that is irreplaceable, and that is the personal relationship that he had with all of us. So we will take that with us in his good memory.

I too join my colleagues in offering our most sincere sympathy and condolences to the family and hoping that this memorial service will do something to help you weather these tough times and focus on the wonderful memories that you must have of this great man.

Thank you for coming this morning. This will conclude our services, and I will ask Mr. Johns to adjourn the Court.

MR. JOHNS: Court stands adjourned.

(Memorial service was adjourned at 11:32 a.m.)

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