

Supreme Court of Pennsylvania

Investiture

HONORABLE

JANE CUTLER GREENSPAN

Thursday, July 31, 2008

3:00 p.m.

Courtroom 653 – City Hall

Philadelphia, Pennsylvania



HONORABLE JANE CUTLER GREENSPAN

Proceedings

CHIEF JUSTICE CASTILLE: Good afternoon, everyone. Welcome to this ceremonial session of the Supreme Court of Pennsylvania.

We sit in ceremonial session, on this auspicious occasion, to welcome a member of our Court, its newest member, Justice Jane Cutler Greenspan.

Because of the retirement of our esteemed colleague, Chief Justice Ralph J. Cappy, Governor Edward G. Rendell has been given the constitutionally mandated task, to select and to recommend, to the Pennsylvania Senate, a qualified individual, to sit on our Court for the interim period, until the seat is filled in the election of the year 2009.

The Governor has selected you, Jane Greenspan, to fulfill this important interim appointment, and your nomination has been unanimously approved by the Pennsylvania Senate.

Justice Greenspan, you are about to become a member of a select body of Pennsylvanians, and even a few Englishmen, who have occupied a seat on the Supreme Court of Pennsylvania. In fact, Justice Greenspan, you will be the 174th Justice of the Supreme Court of Pennsylvania, but it all depends on how you count Captain William Crispin.

Captain Crispin was a resident of Great Britain, and he was named by William Penn, in 1684, as the first Justice of our direct forbear, the Provincial Court of Pennsylvania. Captain Crispin's great misfortune is that he never came to occupy that seat on this Court, for while sailing from England to the colony of Pennsylvania, Captain Crispin died at sea.

You, Justice Greenspan, as a result of the Governor's selection, and by the concurrence of the Pennsylvania Senate, will take a seat on the oldest sitting Supreme Court in this nation. The Supreme Court of Pennsylvania was established in

INVESTITURE

1722, and has been in continued existence since that time, now for over 286 years. This Court predates the establishment of the U.S. Supreme Court by 67 years. However, this Court can trace its history even earlier, to its direct forbear, William Penn's Provincial Court, established on June 4th, 1684, under William Penn's Frame of Government, the founding document of the English colony of Pennsylvania.

Our Supreme Court has now been in continual service to the Commonwealth of Pennsylvania for over 324 years. Originally, the Provincial Court did not function as an independent branch of government, as we do today. The Provincial Court answered directly to the Governor of Pennsylvania. I know our Governor would like to have that, right, Mrs. Rendell?

It answered directly to the Governor of Pennsylvania, and then to the King of England. However, in drafting the Constitution of 1722, the Governor sought to increase taxes, and the General Assembly agreed to give the Governor brief taxation power, only if the Supreme Court would be constituted as an independent third branch of government. The deal was struck in 1722, and here we sit today, and there go your hard earned dollars.

Justice Greenspan will become only the sixth woman to serve on this Court in its 324 year history. Three women, Justice Anne Alpern, Justice Juanita Kidd Stout, and Justice Cynthia Baldwin, were appointed by their Governors to interim terms of office on the Supreme Court. Justice Sandra Schultz Newman was the first woman elected to serve a ten-year term of office on this Court. Our colleague, Justice Debra Todd, was only recently elected, the second woman, to a ten-year term of office on the Supreme Court of Pennsylvania.

As you ascend to this bench, this Court will, for the first time, have two women serve at the same time. God help the Commonwealth.

It is our distinct pleasure to be here amongst your friends and colleagues, in this ceremonial session, to welcome you to this Court.

HONORABLE JANE CUTLER GREENSPAN

At this time, the Court will call upon the Honorable C. Darnell Jones, the President Judge of the Court of Common Pleas for the First Judicial District, for his welcoming.

Might we say, Judge Jones, the Supreme Court extends its congratulations for your nomination, by the President of the United States, to a seat on the Eastern District of Pennsylvania Federal Court.

PRESIDENT JUDGE JONES: Good afternoon. Mr. Chief Justice Castille, all Associate Justices, former Associate Justices, Judges of the various Courts, dignitaries, friends, and especially the family members of soon-to-be Justice Jane Cutler Greenspan: Greetings. On behalf of the entire First Judicial District of the Commonwealth of Pennsylvania, I welcome you.

Today we honor and exalt one of the most accomplished and respected jurists to have sat on the bench, at least in the last thirty years that I have been a participant and observer. I was fortunate enough to come onto the bench approximately twenty years ago, with that group of ten Judges, along with Judge Greenspan, having been appointed by the late Governor Robert Casey. Over the last twenty years, I have had the privilege and the honor, as we all have, of watching Judge Greenspan ascend to the very top of the ladder of this profession. She has been an outstanding example of decorum, of professionalism, and has performed consistently at the highest level of expertise. The Judges of the First Judicial District are extremely proud that one of our own is now ascending to the throne. Congratulations.

Welcome to all of you.

CHIEF JUSTICE CASTILLE: Thank you, Judge Jones.

There are many, many dignitaries in the audience. I will start with the first row over here, and work my way all the way to the back. We want to be sure that we get out of here sometime before 7:00 or 8:00 at night, but I would like to recognize some individuals in the judiciary, who I believe need to be recognized.

INVESTITURE

We have the President Judge of the Superior Court, Judge Kate Ford Elliott, and the President Judge of the Commonwealth Court, Bonnie Brigrance Leadbetter. By the way, there is a majority of female Judges on those Courts, and the Commonwealth is still functioning.

JUSTICE TODD: Better than ever.

CHIEF JUSTICE CASTILLE: I have some assignments for you.

I would like to recognize former members of the Supreme Court, who have served this Commonwealth well in the past, and who are with us today: Justice William Lamb, Justice Jim Fitzgerald, Justice Russell Nigro, Justice Sandra Schultz Newman, and Justice Cynthia A. Baldwin. Welcome.

We will now call upon individuals to make further remarks on behalf of Justice Jane Greenspan. First is the Honorable Marjorie O. "Midge" Rendell, Circuit Judge for the Third Circuit of the Federal Courts, and the First Lady of Pennsylvania.

Midge Rendell.

JUDGE RENDELL: Thank you, Chief Justice Castille.

Associate Justices, friends, family, it is truly an honor to speak on this happy occasion, on behalf of this wonderful woman and Judge.

I was once asked by a young student whether I thought my role as a Judge was a job, or was it who I really was. I thought this was a great question, and I responded that Judge was who I was 24/7, and I thought about that, when thinking of what I wanted to say today. I was also thinking that the same question could be asked about gender. Are we women, as a matter of our gender, or is woman, and women, who we really are, as we live and breathe?

There is something special about being a woman, and about being a Judge, and especially about being a woman who is a Judge, and even more special, when that woman and Judge is Jane Cutler Greenspan.

HONORABLE JANE CUTLER GREENSPAN

What a day this is for women Judges, elevating our sixth woman Justice to the Court, and I hate to correct the Chief Justice, but this is the second time in history that two women have served together on the Court, the first being when Sandra Schultz Newman and Cynthia Baldwin served together a few years ago.

CHIEF JUSTICE CASTILLE: Thank you, Judge.

JUDGE RENDELL: Sorry; you can't give me any assignments.

I have known Jane for more years than I care to mention, for it is longer than many people in this room have been alive. I knew her mainly as a fellow woman, toiling in the fields of law and family, not necessarily trying to have it all, but trying to keep it all afloat.

Jane and I didn't lunch together. We never took the time. Actually, I don't think we ever took time to have lunch, period, but we have been friends, and observers of each other's progress, from those early days, and it is so wonderfully satisfying to come to this moment, when all of Jane's hard work—and I do mean hard work, for her work ethic and willingness to take on the toughest assignments is legendary—is paying off for her, and for all of us, as she assumes the robe and the role of Justice of the Pennsylvania Supreme Court.

Jane has enthusiastically tackled everything she has been involved in. In fact, she has led almost all of the efforts she has been associated with. As editor of Law Review, wearing several hats as chief, while in the District Attorney's Office, serving on rules committees, leading in the Courts, she has been devoted to the law in so many ways, and she does it all with a sense of good will, and good humor.

Jane and I started practicing when women had to figure out how they were going to succeed, how to be taken seriously, without taking themselves too seriously, and I think Jane has mastered the art. She leads by example, and others follow, because they respect her, and recognize that not only is she brilliant and hard working, she is nice and fun to be around.

INVESTITURE

Being a Judge can be lonely at times, especially when on an Appeals Court. You are making decisions that upset many people's lives. It is at these moments that you need to look inward, rather than outward, and do what is right, under the law. Jane has the capacity and moral courage to do that. She has proven that time and time again, on the trial court.

When asked to speak on occasions like this, I ask myself: Why; why was I chosen? In this case, there are three reasons. First, because I am a friend, and a Judge, and we have much in common, including mutual respect. Second, because Ed couldn't be here, but I mean that in a good way. Ed is the more logical fan of Jane, given his many years of serving with Jane in the District Attorney's Office. So, he asked me to bring his greetings and best wishes, and convey his thoughts, as well, and I quote: "I am thrilled to have had the opportunity to appoint Jane Greenspan to the highest Court of the Commonwealth, just as I was extremely proud to have her serve with me during my time as District Attorney for Philadelphia. Way back then, it was easy to see that Jane was not only an exceptional lawyer, but also an exceptional person, smart, strong, fair, and extremely dedicated to seeing, first and foremost, that justice was done.

"I always believed that the most important characteristic necessary to be a good Judge was being a good person, and if that is the test, Jane Greenspan will be a very good Supreme Court Justice," end of quote.

Needless to say, the entire Rendell family is thrilled today, and that includes our son, Jesse, and that brings me to reason three, as to why I am here.

Jane, 28 years ago, you loaned us a high chair for Jesse, one of those sturdy wood ones, that oatmeal and pablum would stick to like glue. Now, I know you were thinking that if you asked me to speak, you might just get it back. Well, I have bad news for you. It is on loan in Mike Stiles' house right now, being well used for grandkids, and I have every intention of doing the same, assuming I can get it back from him. So, nice try, but I think you came out okay, after all. You lost a high chair, but now you have one of the highest chairs in the

HONORABLE JANE CUTLER GREENSPAN

Commonwealth, as a Justice of the Supreme Court of Pennsylvania.

Congratulations.

CHIEF JUSTICE CASTILLE: Thank you for those words, Judge Rendell.

We now call upon the Honorable Constance H. Williams, Senator of Pennsylvania's 17th District.

Senator Williams.

SENATOR WILLIAMS: Thank you, Chief Justice.

Associate Justices, friends, family. What a wonderful occasion, Madame Justice, and how thrilling that all of your family, and friends, and colleagues, are here to celebrate this next step in your outstanding career. For me, it is an unusual opportunity to salute you, my cherished friend, for over thirty years of friendship.

I do also want to congratulate Governor Rendell on his wise decision, and to thank my Senate colleagues for giving you their votes, confident in confirming the nomination. Your appointment is proof enough of why we must have merit selection of Judges. When the vote came up, I want you to know that I had my cell phone on in the chamber, which I am not really sure we are supposed to do, so that Jane could hear the roll call of the votes for her being confirmed. It was quite exciting.

But also, to be as transparent as possible, there are some things about our friendship that I think you ought to know. We are both Jersey girls. We both grew up in Middlesex County, New Jersey. We dated brothers, although not at the same time. We didn't know each other. Our fathers are buried in plots next to each other, at the same cemetery in New Jersey.

As transplanted Pennsylvanians, in Philadelphia, Justice Jane and I, both young mothers, with daughters the same age, and physician husbands, lived across the street from one another. After a long day for Jane, as Assistant District Attorney, and for me, in graduate school, we would do our grocery shopping at 9:00 at night.

INVESTITURE

Madame Justice, I know what an exceptional person you are, over and above your outstanding credentials. Now the citizens of Pennsylvania will have the opportunity to be the recipient of your experience, as a Clerk to Justice Robert Nix, as a Prosecutor in the DA's Office, and as a Judge in the Philadelphia Court of Common Pleas.

Pennsylvanians are marvelous and complicated. The decisions that you will be making on our highest Court will be as diverse and complex as the people of the Commonwealth, decisions about death penalties, criminal procedures, labor issues, eminent domain, taxes, election reform, issues that affect each of us in every aspect of our lives. You will have to unravel the best or worst intentions of our legislative process, our process that even with good faith and compromise, often challenges the Constitution.

Many years ago, I had the opportunity to sit on a committee to identify judicial candidates for Governor Casey. Since I was not an attorney, I called my uncle, Robert Wilentz, who was Chief Justice of the New Jersey Supreme Court, for advice about what to look for in a good Judge. He told me that a good Judge was to have a strong influence, keen knowledge of the law, and the qualities of humility and empathy, because Judges will decide lives and fortunes.

My dear friend, I can think of no one better to serve the people of this Commonwealth as a Justice of the Pennsylvania Supreme Court.

Congratulations.

CHIEF JUSTICE CASTILLE: Thank you, Senator Williams.

We will now hear from the Honorable Lynne Abraham, District Attorney of the City of Philadelphia, for her remarks.

DA Abraham.

DISTRICT ATTORNEY ABRAHAM: Mr. Chief Justice, Associate Justices of the Court, soon-to-be Madame Justice Greenspan, and guests, all.

I couldn't help, as I walked into this room and looked around, to see all of the former Prosecutors, not only of

Philadelphia, but around the state. My sense is if I asked the audience to stand, many, many, many people presently on the bench, and formerly on the bench, including the Supreme Court, would stand, and say with pride that they once formerly served in a Prosecutor's Office, including my office, the District Attorney's Office of Philadelphia.

I think it is important to note today that there is something magical and mystical that occurs to me when I walk into any courtroom, including this courtroom, which is where I sat for eleven years, as a Court of Common Pleas Judge, or the Supreme Court, a very small, very impressive room, where the Supreme Court sits in Philadelphia. I think it is important to note, also, that Jane comes from a background that bears some talking about, even though briefly, in the District Attorney's Office. I know it is going to be quite a change, from the majestic chambers that she will serve in, and sit in, in the Supreme Court of Pennsylvania, whether it is here, in Pittsburgh, or in Harrisburg, from Room 170 in City Hall, where Jane labored, anonymously, as the Chief of the Private Criminal Complaint Unit, and in addition to the weighty matters that Connie Williams told Jane Greenspan that she would be seeing on the Supreme Court, she started off with barking dogs, bad checks, terrible neighbors, and family fights, and when she gets on the Supreme Court, she will be dealing with death penalties, and tax matters, and search and seizure issues, and barking dogs, and bad checks, and bad neighbors, and domestic fights. So congratulations. You have truly come full circle.

It is important, also, to note today, especially when we announce the findings of our Grand Jury investigating child abuse, that Jane was a pioneer in child abuse. Indeed, Ed Rendell, our Governor and former District Attorney, saw in Jane something very special, in a new and budding field of law, child abuse and domestic violence. Little did he know then, or others at that time, how important the whole field of domestic violence, child abuse, family and martial law, would become for all of us.

INVESTITURE

As she sat in Court, fourteen of those years were on Homicide cases, and I know how difficult and strenuous that job is.

I think this is such an important day, and I hasten to add that I hope your husband does not find the need to run over and put a cuff on you, and check you blood pressure. I am sure the cuff would burst with excitement. However, this euphoria will not bear the hallmarks and the need for any therapeutic intervention.

I think it is important for everyone here to take a moment and note the number that Justice Castille appended to Jane's ascension, Number 174. You can play that straight, or you can play it in a box, and you can say: Justice Castille told me that this was the number.

When Jane moved from one fire trap, in Room 170—and she really made good time—she went to the other fire trap on the 9th Floor of the Blum Building, at 13th and Chestnut, where Ed had moved the Office of the District Attorney. She was then affectionately known as the mom of the Appeals Division, and Ron Eisenberg, the gentleman in the back talking to Rich Goldberg, a former colleague, a former Prosecutor, now a United States Attorney's Assistant, also remembers you quite well, because you were the first boss he had in the DA's Office, and you must have taught him well, because now he is the Chief of our Appeals and Law Division.

Her small office had a window—so you know you were a favored person—and a small presence, but everyone was in that room, every day. Young attorneys would come into Jane's office, sit on the floor, and talk about weighty matters, like Trivial Pursuit. That was entertainment, sitting on the floor, having fun, talking about Trivial Pursuit.

Jane has never been a mechanical person. She has a touch for victims, and she always wanted to make sure that the Court would do the right thing by victims. She really was a fabulous editor, and talked not only to the people in her office, but also people around the office. She was a great human being, and she has been a wonderful Judge, who will do honor to this Court.

HONORABLE JANE CUTLER GREENSPAN

In his book: "What's So Great About America," the author, Dinesh D'Souza talks at great length about this country, and when the question came about: What's so great about this country; the answer is quite simple: That we have the ability to write our own script. Every one of us, as an individual, has the capacity to write our own script. Every one of us, as an individual, has the capacity to write our own script, work hard—nothing will be given to us—and aspire and work, and work and aspire, and if one works hard enough, and has just a little bit of luck, and a lot of industry, great things will happen.

This whole country was founded on the notion of great aspirations, and a lot of hard work, and that has been a hallmark of Jane's career, and while she has been writing her script, and had the help of other people's writings, she will do justice on this Court, as others have before her. She will do honor to the bench, and she will become a great jurist.

So, I know that she will be a welcome addition to the Court; I know that she will do well, as she has in the Court of Common Pleas, and I can't say more about her than I do today, in wishing her God's speed and good luck, from all the men and women in the District Attorney's Office, and the public, whom you have served so well and faithfully.

Congratulations.

CHIEF JUSTICE CASTILLE: Thank you, District Attorney Lynne Abraham.

We are going to depart from the program just a little bit, and at this time, we will have the President Judge of the Common Pleas Court of the First Judicial District, Judge Jones, read the Commission of Office.

Judge Jones.

PRESIDENT JUDGE JONES: As most of you know, there is a Commission to be read, and I have the honor of doing so, at this time. It comes from the Governor of the Commonwealth of Pennsylvania, and reads as follows: "Commonwealth of Pennsylvania, Governor's Office: Jane Cutler

INVESTITURE

Greenspan, of the County of Philadelphia, in the Commonwealth of Pennsylvania.

“Greetings: Reposing a special trust and confidence in your prudence, integrity, and ability, and under authority of the Constitution and laws of the said Commonwealth, in such case made and provided, I have nominated and by and with the advice and consent of two-thirds of all the members of the Senate, have appointed and do by these presents commission you to be Justice of the Supreme Court of Pennsylvania.

“To have and to hold the said office, together with all the rights, powers, and privileges, thereunto belonging, or by law, in anywise appertaining, until the first Monday of January, 2010, if you shall so long behave yourself well.

“This appointment to compute from June 30th, 2008.

“Given under my hand, and the Great Seal of the State, at the City of Harrisburg, this thirtieth day of June, in the year of our Lord, two thousand and eight, and of our Commonwealth, the two hundred and thirty-second. Edward G. Rendell, Governor.”

CHIEF JUSTICE CASTILLE: We will now call upon Jane to take the oath of office.

Holding the Bible is Jane’s husband, Allan M. Greenspan.

Will you please come forward?

(Whereupon, Judge Greenspan and her husband, Dr. Allan Greenspan, approached Chief Justice Castille, at this time.)

CHIEF JUSTICE CASTILLE: The robing will be by Katherine Greenspan Craner, and Emily Cutler Greenspan, her daughters.

(Whereupon, the robing of Judge Greenspan was conducted by her daughters, Katherine Greenspan Craner and Emily Cutler Greenspan, at this time.)

CHIEF JUSTICE CASTILLE: Jane Greenspan, place your right hand on the Bible, raise your left hand, and repeat after me: I, Jane Cutler Greenspan—

JUDGE GREENSPAN—I, Jane Cutler Greenspan—

CHIEF JUSTICE CASTILLE—do solemnly swear—

JUDGE GREENSPAN—do solemnly swear—

CHIEF JUSTICE CASTILLE—that I will, support, obey, and defend—

JUDGE GREENSPAN—that I will, support, obey, and defend—

CHIEF JUSTICE CASTILLE—the Constitution of the United States of America—

JUDGE GREENSPAN—the Constitution of the United States of America—

CHIEF JUSTICE CASTILLE—the Constitution of the Commonwealth of Pennsylvania—

JUDGE GREENSPAN—the Constitution of the Commonwealth of Pennsylvania—

CHIEF JUSTICE CASTILLE—and that I will discharge the duties of my office—

JUDGE GREENSPAN—and that I will discharge the duties of my office—

CHIEF JUSTICE CASTILLE—as a Justice of the Supreme Court of Pennsylvania—

JUDGE GREENSPAN—as a Justice of the Supreme Court of Pennsylvania—

CHIEF JUSTICE CASTILLE—with fidelity—

JUDGE GREENSPAN—with fidelity—

CHIEF JUSTICE CASTILLE—so help me God.

JUDGE GREENSPAN—so help me God.

CHIEF JUSTICE CASTILLE: Congratulations to you, Justice Greenspan.

(Whereupon, the audience loudly applauded Justice Greenspan's investiture, at this time.)

CHIEF JUSTICE CASTILLE: Now we will have remarks, we, who are now your fellow Justices, starting with Justice Thomas Saylor.

INVESTITURE

JUSTICE SAYLOR: Justice Greenspan, I would like to join in welcoming you to the Supreme Court of Pennsylvania. You bring a wealth of judicial experience and a superb and excellent reputation to this position.

I know that you will enjoy your experience on the Court, and I know also that the Court will benefit from your presence.

Congratulations.

CHIEF JUSTICE CASTILLE: Justice Mike Eakin had a prior commitment he couldn't get out of, but he wishes to send his best regards to you.

We will now hear from Justice Max Baer.

JUSTICE BAER: Jane, first of all, I thank you, Seamus, and Debra. It is a great day for me. I, finally, forever, am not last.

There was an old-timer named Griffin Bell. He served on the United States Court of Appeals for the Fifth Circuit, appointed by President Kennedy. He left, and then returned to practice, and was later named Attorney General of the United States by Jimmy Carter.

When he had been in the office of Attorney General for about six months, he was asked how he liked the job, and he told this story, which is apropos to you, and our Court. He said that there had been this terrible hotel fire, and they immediately started an investigation, and quickly, they centered upon an individual, and they proved that he had been intoxicated. They had multiple witnesses, from three or four watering holes, that showed that he had been intoxicated, and the theory was that he went back to the room—and he was a smoker—lit a cigarette, and fell asleep in bed, causing the bed to catch fire, causing the hotel to burn down. They found the cigarette pack next to him in the room. So, they arrested him.

When it came time for him to enter a plea, the Defense Lawyer and the DA explained to him the theory of the case, and where they were, and the Judge said: How do you plead; and he looked at the Judge and said: Your Honor, I plead guilt to being drunk, but the bed was on fire when I got in it.

HONORABLE JANE CUTLER GREENSPAN

Well, I welcome you, and we all welcome you. We can't ascribe to your state of mind, your physical health, when you agreed with the Governor to take this position, but your metaphorical bed is very much on fire. So, welcome to it. We are a collegial Court, and we love having you; we look forward to having you, and we look forward to you distinguishing yourself, wrestling with the unsolvable problems that we face daily.

You have our very, very best.

CHIEF JUSTICE CASTILLE: We will now hear from the Honorable Debra Todd.

JUSTICE TODD: Justice Greenspan, I can't tell you how happy I am to have you on the Court, how much we welcome you, and congratulations, not only to you, but to your family. I see a lot of smiling, proud faces over there and I know they shared this journey with you, and my sincere congratulations to you, as well.

This is, indeed, a great day for our new Justice, but also a great day for women in the law, as we pay homage to the memory of Justice Anne Alpern, and Justice Juanita Kidd-Stout, and also, of course, to our first elected woman on the Supreme Court of Pennsylvania, Justice Sandra Schultz Newman. It is so great to see you here today, and we honor you, as well, Justice Cynthia Baldwin. It is so wonderful to have these women here to honor you, Justice Greenspan.

With respect to the other distinguished women in the judiciary, I would like to also acknowledge my former President Judge, and dear friend, the President Judge of the Superior Court of Pennsylvania, Kate Ford Elliott, and the President Judge of the Commonwealth Court, Bonnie Brigrance Leadbetter. These women, along with the women in the judiciary who I see here in the courtroom, from the Philadelphia Court of Common Pleas, and from other courts in the state, all represent a significant journey, in their own right, and I know that they are all here to honor you.

You know, one of the first recognized woman attorneys in the United States of America was a woman named Myra Bradwell, an attorney in Chicago, in the 1860's, and many of

you who went to law school, and studied the opinions of the United States Supreme Court, will recall that in the 1860's, the U.S. Supreme Court declared that the timidity of the female gender was represented to be unfit for the practice of law, the profession of an attorney of law, and certainly, without saying, the prevailing wisdom, at that time, was that women were not only unfit to be lawyers, but unfit to be Judges. So, we have come a long way, and it is so wonderful to have you here on the Court today.

I did mention to the Chief Justice that I am thrilled; I am delighted to have a girlfriend on the Court, but he should not worry. We will still defer to him when it is appropriate to do so.

Thank you. Congratulations.

CHIEF JUSTICE CASTILLE: Now, Justice Seamus McCaffery.

JUSTICE McCAFFERY: Madame Justice Greenspan, congratulations.

I would like to start out initially by just recognizing an individual in this room, who has been passed over, the President Judge in my old Court, the hardest working Court in the Commonwealth of Pennsylvania, Philadelphia Municipal Court President Judge Louis Presenza.

Madame Justice Greenspan, in my ten years on the trial bench here in Philadelphia, and now almost five years on the appellate courts of the Commonwealth of Pennsylvania, I have found that as a trial Judge, life is much simpler, because your decision is pretty much all that counts, but the minute you enter the realm of the appellate court, you will find that it is not just your decision; it is the decision of the body, the decision of the court.

In the 300-some plus years of the Pennsylvania Supreme Court's history, I have found, through my readings, that we are just a minor role player in the overall cogs of this great system. The legacy that we leave is not that of Seamus McCaffery, or Jane Greenspan; it is the legacy of this Court, and this Court is a great Court, led by great Justices since the

very beginning. Our legacy is that we follow the law, the rule of law, and the role of law.

It is so, so important that each of us, individually, or, for that matter, all of us collectively—because it is the citizens that depend on this, the final step in the judiciary—insure that the integrity of all of our Courts, and all of our legal systems, are intact, because they rely on us.

And I know from my lovely wife, who had the opportunity to work with you in the DA's Office, that you are just and outstanding lawyer, Judge, and, I am sure, Justice.

In your tenure with this Court, you will find that it is much different, but I suspect strongly that you will be great.

Thank you.

CHIEF JUSTICE CASTILLE: Thank you, Justice McCaffery.

Jane is no stranger to me personally, or to this Court. Jane and I were Assistant DA's many years ago, when she started in the Philadelphia District Attorney's Office, as an assistant DA, in the Appeals Unit. She probably had the unenviable task of trying to save some of my prosecutions. I think that if you look up prosecutorial misconduct, you'll see my name there. So, we go back to there.

It is kind of strange for this Court, because this Court has often called upon Jane to do important things for the system. She has most recently been Chair on the Appellate Court Procedural Rules Committee, on which she served six years. She was appointed by the Supreme Court of Pennsylvania as a member of the Capital Case Standards Committee. She was appointed by the Supreme Court of Pennsylvania to the Orphans Court Procedural Rules Committee, and was Chair of that committee and served there for six years. She was also appointed by the Supreme Court to the Criminal Procedural Rules Committee, where she also served with distinction for six years.

So, Jane, you are not a stranger to this Court, and we welcome you.

INVESTITURE

Justice Greenspan, as you well know, this is the Court of last resort in our judicial system. Our cases range widely, and include a breadth of topics, ranging from criminal law, to civil law, to administrative law, to Constitutional law, to election law. I always say that every day that I sit on this Court is another day of continuing legal education for me, and I believe my fellow Justices would agree. You will find this observation to be more than accurate; you will find it to be imperative.

Just when you think an area of the law, or even a point of the law, is well settled, you will find that Pennsylvania's industrious and inventive attorneys will somehow create a new theory about that which was thought to be settled law, now requiring our further attention and resolution.

You will, above all else, find your work on this Court to be intellectually challenging, and I am certain that you, Justice Greenspan, will be up to the task of meeting that challenge.

The Supreme Court decides issues that affect a broad range of bodies and individuals across the entire state, and the decisions made by this Court affect more than just the parties, or the single matters that come before us. The opinions of this Court, in effect, become the law of the land, applicable to all parties who have similar questions concerning similar legal matters.

A simple example is that if we decide a Workers' Comp case, then that case law applies to every worker and every employer in Pennsylvania, unless and until it is overruled, or the statute upon which the decision is made is changed by the Legislature.

So, your service on this Court is a solemn duty, that you are sworn to uphold the Constitution of Pennsylvania, the Constitution of the United States, and the laws of the Commonwealth. Your service on this Court is a weighty duty, because of the profound effect our decision can have on the lives of all Pennsylvanians.

The individual Justices who sit on this, the highest Court, do not serve any particular political party, or any appointing authority; do not represent any particular constituency, or any particular geographic region in Pennsylvania. We who sit on

this Court serve a higher quality, and that quality is to dispense justice.

We sit on this Court to serve all of the citizens of this Commonwealth, to dispense fair and impartial justice to all, justice for the most favored in our society, and even justice for the most hated and despised in our society.

Our Court is the third branch of government, designed by our Constitution as an important check on the balance of power of the other two branches, the Executive and Legislative.

It has been said that the judiciary is the weakest branch. We do not wield the power of the purse, or the power to tax, or the power to legislate. We control no army, nor any police force, nor do we wield the government power of the Executive branch. We can only dispense justice.

Any power that this Court has arises from that single beneficence, as directed by the Constitution and the laws of this country, and this Commonwealth.

While we are dependent upon the other branches of the government, we are not subservient to those branches. As an equal branch, our true, true power derives from the moral authority arising out of our juris-prudential decisions.

We command only by the force of this moral authority, and that force is clearly derived from the citizen's support of the rule of law, and from those elected and appointed officials and leaders, who, themselves, believe the rule of law.

President John F. Kennedy once said, on the occasion of the Court-ordered desegregation of the University of Mississippi, quote: "Our nation is founded upon the principle that observance of the law is the eternal safeguard of liberty. Defiance of the law is the surest road to tyranny."

So, Justice Greenspan, we, on this Court, as a collegial body, welcome you to our ranks. My colleagues on this Court and I have full confidence that you will serve the citizens honorably, and with diligence, and with fidelity to the oath that you have taken today.

Congratulations.

INVESTITURE

If you so wish, you may address your adoring fans, and I understand that there is a rally out on City Hall for you. There are 50,000 people out there.

JUSTICE GREENSPAN: In 1973, I came to City Hall to begin clerking for Supreme Court Justice Robert N.C. Nix, Jr. At that time, I thought it doesn't get much better than this, professionally. Well, this is better.

Because it's late, and hot, let me just say thank you first to all the terrific speakers for their most kind remarks, and thank you to those people most responsible for my being here before you today.

First, Governor Rendell, for nominating me, and the Pennsylvania Senate, for confirming my nomination. I also greatly appreciate the support of David Cohen, Connie Williams, Frederick Frank, Lenny Klehr, and Ken Jarin, in the nomination and confirmation process.

In their continued support, I thank my gracious mother, Lois Cutler, my exuberant and most generous husband, Allan, my devine daughters, Kate Craner, and Emily Greenspan, and my extraordinary son-in-law, Matthew Craner all of whom I love and adore.

Thank you all so much for coming especially those who have traveled such a long distance to share this day.

I would be remiss not to mention and thank my wonderful staff, new and old, especially Delores Bates, and John Rania, and my law school interns, Jake Albertson, and Kristina Hoban, who have been extraordinary in this transition. Also for their help today, my dear friend, Lesley Seitchik, and the amazing staff of the First Judicial District, and especially the Crier's Office, as well as Kevin Flanagan, a very special Court Reporter.

Let me also thank, from the bottom of my heart, my wonderful friends and colleagues who have expressed their happiness for me. Of all the joy I have gleaned from this appointment, I can say categorically that these genuine expressions of happiness have been the most gratifying. I feel so honored not only to be joining these esteemed judicial breth-

HONORABLE JANE CUTLER GREENSPAN

ren, led by a truly superb Chief Justice, but also to have the most wonderful family and friends, both personal and professional, who are here today.

I invite all of you to join me after the ceremony for a reception in the Mayor's Reception Room, on the Second Floor, where I hope to thank each of you personally. The Court Criers and Court Officers will direct you to various elevators to the Second Floor, and the reception.

Again, thank you all from the bottom of my heart.

(Whereupon the investiture ceremony of Justice Jane Cutler Greenspan was concluded, at this time.)

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