

Supreme Court of Pennsylvania

Memorial

HONORABLE

FRANK J. MONTEMURO, JR.

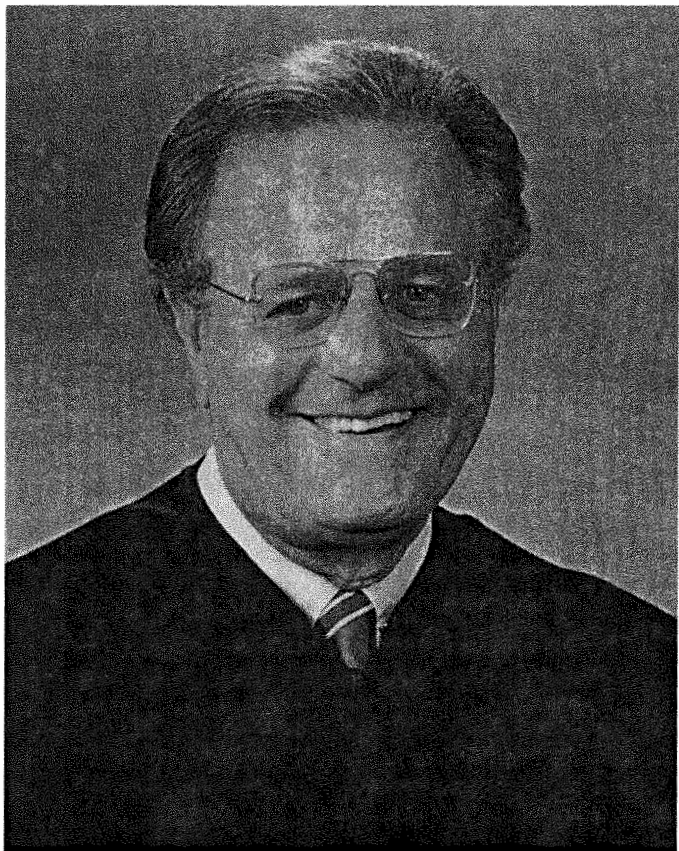
City Hall

Courtroom 456

Philadelphia, Pennsylvania

September 12, 2012

9:30 A.M.



HONORABLE FRANK J. MONTEMURO, JR.

Proceeding

COURT CRIER: The Honorable, the Chief Justice and the Justices presiding over this Special Ceremonial Session 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.

CHIEF JUSTICE CASTILLE: Good morning, Mr. Minner. Good morning, Ms. Bizzoso. Good morning, everyone.

This is a special session of the Supreme Court of Pennsylvania to honor one of our own, former Justice Frank Montemuro. Today you are witnessing a special session of this Court.

The Supreme Court of Pennsylvania was founded in 1722 by the Constitution. So we are over 200 years old sitting continuously. We harken back to an earlier Supreme Court. William Penn's provincial frame of government started the Provincial Court in 1684. So we are in our third century of direct service to the State of Pennsylvania.

This Court is, in fact, the oldest Supreme Court in the United States.

So we welcome all who are here today for this ceremonial session.

I would like to just welcome personally a friend, Margaret Peggy Montemuro, the wife of Frank Montemuro. We welcome you. We have with Mrs. Montemuro, Frank, III, and Paula, and daughter Kara. We have son Mike and Pam Montemuro and son Mike. And we have Lorraine and John Fitzgerald, the Justice's sister and brother-in-law. And obvi-

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ously we have many, many friends who are here today to observe this special ceremony.

So this Court welcomes each and every one of you.

Frank Montemuro, a distinguished member of the Supreme Court, passed away on March 29th, 2012.

Justice Frank Montemuro was a native of Philadelphia who was born on October 27, 1925.

After graduation from high school, Frank Montemuro joined the U. S. Navy in time for wartime service in World War II. He served in the Pacific Theater aboard an amphibious Landing Ship and he participated in the occupation of Northern China by the U. S. military forces in World War II. He was, indeed, part of what Tom Brokaw called the Greatest Generation of Americans.

After returning to Philadelphia, Justice Montemuro received his undergraduate degree from Temple University in 1949 and his Bachelor of Laws degree from Duke University in 1952. He was admitted to the Bar of the Supreme Court of Pennsylvania and began a successful legal career as a practicing attorney in Philadelphia in the field of Family Law and Domestic Relations Law.

In 1964 at the youthful age of 39, Justice Montemuro was appointed by Governor William Scranton as a Judge on the Philadelphia Court of Common Pleas. His peers on that Court twice elected Judge Montemuro at that time as Administrative Judge of the Family Court Division where he presided with distinction for ten years.

In 1980, then-Judge Montemuro was appointed to an interim seat on the Pennsylvania Superior Court by Governor Dick Thornburgh and he was elected to a ten-year term on that Court in 1983.

Following the death of Supreme Court Justice James T. McDermott, Judge Montemuro was appointed to the Supreme Court as interim Justice of the Court by Governor Robert Casey in 1992. The interim appointment was ended upon the election of Justice Ronald D. Castille, now Chief Justice, to the Supreme Court.

Demonstrating the Supreme Court's respect for Justice Montemuro's ability and integrity, the six commissioned

Justices of the Court at that time appointed Justice Montemuro as a Senior Justice of the Supreme Court — a first. That was in order to fill a vacancy that then existed on the Supreme Court.

When that vacancy was filled by the voters, Senior Justice Montemuro was assigned by the Supreme Court to serve as a Senior Judge on the Superior Court where he served until his mandatory retirement at 80 years of age.

Not only did Justice Montemuro serve the legal profession with great distinction, he also led in important efforts to enhance the judicial system in Pennsylvania.

In 2001, the Supreme Court appointed former-Justice Montemuro as the neutral on the five-person Legislative Reapportionment Commission whose constitutionally mandated task was to redraw the boundaries of each of Pennsylvania's electoral districts following the 2000 U. S. Census.

Justice Montemuro was assigned by our Court to study and implement the Internal Operating Procedures for the Supreme Court, which we did not have at that time; and in 1994, this Court adopted the proposed IOP's which still guide us in our deliberation and procedures to this very day.

Following two Supreme Court decisions, *County of Allegheny versus Commonwealth of Pennsylvania* and *Pennsylvania State Association of County Commissioners versus The Commonwealth of Pennsylvania*, Senior Justice Montemuro was appointed by the Supreme Court as its Master in order to assess the unification of Pennsylvania's judicial system as mandated by those decisions.

After numerous hearings and studies which were presented to the Montemuro Commission, the Commission presented a detailed plan for executing and financing the transition of the state judiciary to a unified judicial system. Many of the recommendations have been implemented and the remainder of the report's recommendations still guide this Court on its long-term efforts towards unification.

I still have my badly dog-eared copy of the report that remains on my desk to this very day. It had a nicer cover when it first came.

Senior Justice Montemuro also had been appointed by Governors Raymond T. Shafer and Milton I. Shapp to various

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commissions and committees seeking to enhance the judicial system and the delivery of justice in Pennsylvania. Senior Justice Montemuro even served a four-year term on the Judicial Inquiry and Review Board, the agency charged with the unfortunate task of disciplining errant judicial officers.

Those are just a few of the many law-related accomplishments by Senior Justice Montemuro. It seems that whenever the judicial system needed a creative mind and a known leader to deal with whatever deficiency was perceived in the judicial system at that time, Frank Montemuro was the first person called.

Frank Montemuro never forgot his Italian heritage. He was an active member of the Order Sons of Italy in America since joining in 1946. He became the President of the Grand Lodge of Pennsylvania several times, usually elected unanimously by its members. He received high honors for his charitable work from none other than the President of Italy, being named once as the Knight of the Order of Merit of the Republic of Italy and again by the President of Italy as Commendatore of the Order of Merit of the Republic of Italy. In 1982, Pope John Paul II honored Senior Justice Montemuro as a Knight Commander of the Order of St. Gregory the Great in recognition for his humanitarian assistance in aiding earthquake victims in Italy.

I could go on, perhaps for hours, extolling the greatness of Frank Montemuro's service to his country, to his state, to his city, to his family.

Frank Montemuro loved the law. He loved being a Judge and a Justice. He loved his heritage. He loved his community. And he especially loved his family, especially his wife Margaret, his sons Frank, III, Michael, and Anthony, and their spouses and all of his grandchildren.

I invited the Superior Court President Judge Emeritus Steven McEwen to say a few personal words about his colleague and friend who he served with over the span of decades. Judge McEwen is presently on a panel of the Superior Court and he offers his sincere apologies to the family, but he penned the following tribute to Margaret on the death of Frank Montemuro, and I quote:

Frank Montemuro was a man of ethical absolutes, unshakeable values, spiritual discipline, and sacrificial com-

mitment. Admired for his intellect, saluted for his gentle, tolerant spirit, fair almost to a fault, and always understanding, Frank never allowed the stress of the moment to turn him from a disciplined and an informed sense of what was right.

Frank was an eloquent voice of the jurisprudence of reason. The gifts he revealed, both as a Supreme Court Justice and a Superior Court Judge, included the intelligence to reach a rational decision, the wisdom to determine if the decision was also just, and the courage to modify that decision to meet the requirements of justice.

Frank thrived on challenge and flourished on commitment. While others deliver never enough and never for long, Frank Montemuro always worked to master every challenge by diligence, because the doctrine of salvation by effort enabled him to summon an apparently boundless energy to face new challenges. For some, such an effort would be exhausting, for him it was sustaining.

Frank not only displayed an openness of mind and penchant for creativity, but he also maintained a precious balance between a firm and certain exercise of authority and a pleasant, deferential manner. All of which revealed a seamless fusion of confidence and humility and inspired deep respect and satisfaction among colleagues on the Bench and at the Bar, but especially among his companion jurists.

It may be truly said that while Frank attained the rank of most revered, he remained a most approachable legend.

And that could not have been said any better than as penned by President Judge Emeritus McEwen.

Frank Montemuro was a credit to the Unified Judicial System and his contributions to the courts of Pennsylvania will far outlast his passing.

On behalf of the Supreme Court of Pennsylvania, we offer our condolences and our prayers to Peggy, Frank, III, Michael, and Anthony.

Frank Montemuro was a great person and he will be missed by all.

Thank you.

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And we have a beautiful photograph portrait of Justice Montemuro which will be presented to the family.

And we thank the family for your appearance and all of the obvious friends that Frank Montemuro made over his many years in his great contributions to the Bar and society.

Thank you.

With that you may adjourn this Ceremonial Session of this Court.

COURT CRIER: This Ceremonial Session is adjourned.

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