

Induction Ceremony

CHIEF JUSTICE
MAX BAER

Supreme Court of Pennsylvania

Installation

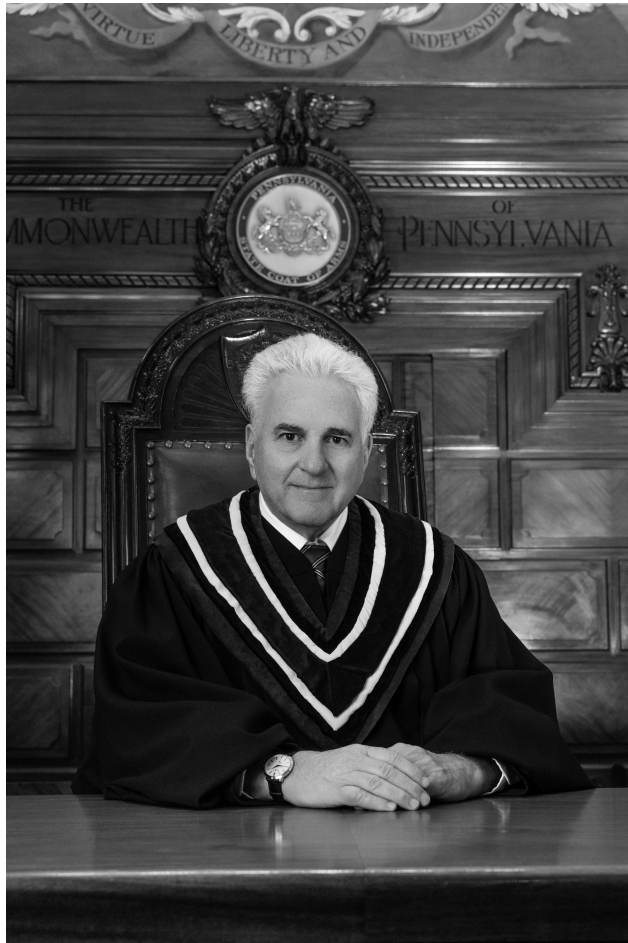
THE HONORABLE
MAX BAER

CHIEF JUSTICE OF THE
SUPREME COURT OF PENNSYLVANIA

Supreme Court Justices:

Chief Justice Max Baer
Justice Thomas G. Saylor
Justice Debra Todd
Justice Christine Donohue
Justice Kevin M. Dougherty
Justice David N. Wecht
Justice Sally Updyke Mundy

Supreme Court Courtroom
City-County Building
Pittsburgh, Pennsylvania
October 5, 2021, 1:00 P.M.



CHIEF JUSTICE MAX BAER

Proceeding

COURT CRIER: The Honorable Chief Justice and Justices of the Supreme Court of Pennsylvania presiding over this special ceremonial 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. Please be seated.

JUSTICE SAYLOR: Good afternoon.

I would like to welcome everyone to this session of the Supreme Court especially convened for the purpose of formally administering the oath of office of the Chief Justice of Pennsylvania to the Honorable Max Baer.

It is most fitting that this ceremony is being held in the Chief Justice's home city of Pittsburgh where he was born, raised, and spent his formative years of his distinguished legal and judicial career. But this occasion is even more glorious because it has allowed Chief Justice Baer to be surrounded by the members of his family, many of whom have traveled far distances to attend.

The Pennsylvania Supreme Court has a long and storied history. Originally created by the Judiciary Act of 1722, it will thus be celebrating its 300th anniversary this coming year under the leadership of your new Chief Justice.

We will now begin by calling upon Joey Glick to deliver the invocation.

MR. GLICK: Hello everyone. My name is Joey Glick. I'm a rabbinical student in Boston.

Chief Justice Baer - it's so good to say those words - is my friend, folk music mentor, and surrogate uncle and I have the honor of opening at this time with a quick blessing.

Let's take a minute to close our eyes, take a big breath in and out.

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May it be your will, God of Fighting Judges, God of Loving Mercy, spirit who protects the vulnerable child and gives comfort to the hurting parent in Max Baer's tenure as chief justice be a blessing. May Chief Justice Baer embody the wisdom of King Solomon, the charity of Roberto Clemente, the strength of Ruth Bader Ginsburg, and the flare of Myron Cope.

Keep Max safe and well so that he can keep us safe and the court gentle and strong, equitable and just, and we say together amen.

THE AUDIENCE: Amen.

JUSTICE SAYLOR: Thank you. We will now have the Pledge of Allegiance and America the Beautiful led by Chief Justice Baer's nieces, Delaney and Jilli McVicker and Grace Baer.

(Pledge of Allegiance)

(Applause)

(America the Beautiful sung by Delaney and Jilli McVicker and Grace Baer.)

(Applause)

JUSTICE SAYLOR: I will call upon the Honorable Kimberly Berkeley Clark for welcoming remarks.

PRESIDENT JUDGE CLARK: Thank you.

Thank you former Chief Justice Saylor, and may it please the court, Chief Justice Baer and Justices. Good afternoon everyone. It is my great pleasure to welcome you to the installation of the Honorable Max Baer as the 57th chief justice of the Pennsylvania Supreme Court.

When Chief Justice Baer called me a few months ago and asked me if I would be willing to give the welcome at his ceremony, I told him that I would be honored. He also told me that I only had five minutes to speak and suggested a story that I could share with you. While I usually do what he asks, I decided that I would share with you my experiences with the Chief and ask you to reflect on yours.

When I think about Max Baer, the word "legend" comes to mind. By definition, a legend is an extremely famous or a

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notorious person especially in a particular field and I think that we can all agree that in the field of custody, dependency, and juvenile matters he is a living legend. When I came to the bench in 1999, he was already legendary for revamping and improving the child welfare system and dependency court here in Allegheny County. With the spirit of collaboration, he worked tirelessly to create a system where children remained with their parents when possible and, if not, to be placed with kin to minimize trauma. Some of the changes such as three-month review hearings and an emphasis on kinship care that occurred here in Allegheny County have become best practices in Pennsylvania and nationally.

Never one to let grass grow under his feet, Max Baer decided that it was not enough to improve child welfare and dependency practice in Allegheny County, he decided to take on Pennsylvania. Then Judge Baer decided to run for the Supreme Court as “The Fighting Judge,” working to improve outcomes for children involved in custody battles and dependency court and he has never looked back. Due to his efforts and, dare I say, strong personality, Pennsylvania is recognized as a leader in dependency court. With his leadership and vision, we now have a mission and guiding principles for dependency court, a children’s fast-track, and a robust state round table that has developed and continues to develop best practices for dependency court.

Chief Justice Baer, as a result of your leadership, children are safer and families are stronger. I was privileged to be a part of your vision and, personally, it’s been a great ride.

During the pandemic, I began writing poetry. So to honor you and to welcome all who are present, I wrote a poem for you for this occasion. It’s called Legend, or Ode to Max.

What is a legend, larger than life creating a vision,
starting the fight.

Boxing gloves on and feet on the floor, fighting for
children a righteous war.

It takes a legend, someone like Max, to improve the
system and never look back. Our children are safer and
better with kin, family division is now a place where
judges want in.

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Round tables, missions, work groups and more, safety and wellbeing and permanency at the core.

It takes a legend, someone like Max, to change an entire system and make such an impact.

Family group and family findings are some of our tools and children's fast-track is now in the rules.

A well-trained judiciary is part of his legacy with a dependency bench book as part of his treasury.

It took someone like Max, a legend of force, with gentle pressure applied to keep us on course.

As we reflect on the past and look to the future, we know that the vision of Max will continue. With appreciation and thanks for all you have done, children are safe and families are strong.

It took a legend, someone like you, to embrace change and we say thank you.

Welcome everyone.

(Applause)

JUSTICE SAYLOR: Thank you, President Judge. For remarks, we'll first call upon Joshua Bloom, Esquire.

MR. BLOOM: May it please the Court. Chief Justice Baer's first job was working in his parents' car dealership when he was 11 years' old. But rather than focusing on selling cars when he first started, he took a grievance into his father's office on behalf of a car washer who, in his opinion, was underpaid as compared to the salesperson. His family knew right away that Chief Justice Baer had a very fond and passionate feeling for justice, and also a strong urge to look out for the struggles of the underdog.

When Chief Justice Baer ran for the Supreme Court during 2003, he was actually politically attacked for being too biased on behalf of children. I didn't realize that was a thing. He was well-known for the many battles fighting to reform the juvenile court system in Allegheny County, and with as many confrontations, battles, and struggles to get that done, he took on the nickname "The Fighting Judge." And fight he would need to do because when he ran for Supreme Court,

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he faced an extremely powerful and politically fierce Orie family.

At that time, Judge Baer was the underdog in that battle. But it was at that time Judge Baer's deep compassion for children that I have no doubt is what caused him to win that race because it was that deep compassion that became infectious with the voters and pulled him over the top to become a justice of the Supreme Court.

Sadly, since that time, in many ways our political system and our social culture have dramatically regressed into extreme divisiveness. Well thought out public policies, critical thinking, and analytical reasoning have, in many respects, and, unfortunately, been replaced with impulsive tweets, mindless Facebook posts, so-called cable news outlets, and worst of all, misinformation. Our political system and social culture, sadly, in many ways has begun to resemble a dysfunctional broken home, a deeply divided family.

Meanwhile our Commonwealth's judicial system does not have a euphemism for misinformation. Our judicial system continues to call lies perjury, thankfully, and we are very fortunate to have a Supreme Court that is willing to decide cases based upon what's best for our Commonwealth and our system in the long run rather than what might neatly fit into a tweet or a headline.

In light of the issues that our country and Commonwealth currently face, there could not be a better time and more relevant time for our Supreme Court to be led by a chief justice who will fight for the Commonwealth that we all want for our children and for our future, "The Fighting Chief Justice Baer."

I want to personally congratulate Chief Justice Baer in taking this position and I want to congratulate all of us in the Commonwealth for having Chief Justice Baer in this great Supreme Court. Thank you very much.

(Applause)

JUSTICE SAYLOR: Thank you, Joshua. The next speaker is Carol Behers, Esquire.

MS. BEHERS: May it please the Court, Chief Justice Max Baer, Honorable Justices of the Supreme Court. I am so

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happy to be here today to share this joyous celebration with all of you and give you a little bit of insight into Chief Justice Baer's time spent in the family division in Allegheny County.

He was assigned to family court in 1990. As family lawyers, we're always curious when new judges are elected as they are frequently assigned to family court. Speculation abounded about our new judge, his background, experience, he wasn't a family law lawyer. Oh, but how quickly he took to family division spending nine-and-a-half years in our division, five-and-a-half as administrative judge. He distinguished himself as a thoughtful jurist, prolific writer, and he worked diligently for the families of Allegheny County.

From the first day he rolled up his sleeves and started thinking out of the box. His innovations earned him state-wide reputation and national recognition. One of Chief Justice Baer's favorite sayings is failure is not an option. If he saw a problem, he solved a problem. And we had problems. Some examples of his innovations, he told me this story once and I just always remembered it, he was working late one evening as he often did and a woman came in to file a support complaint only to find out that the court was closed. She had taken two buses to get there. He told her to come back the next day but she said she wouldn't be able to do that because she had to work. If she took off work, she wouldn't get paid. So, he worked on a solution to fix the problem and the idea of night court was born and persons who needed to file for support no longer had to take off work.

He soon became aware that the current way of handling custody cases wasn't working well and resulted in too much custody litigation, which was hard on the kids. The Generations Program came out of his concerns. Parents and children attended a parenting class and every case was subject to mandatory mediation. Many cases settled and litigation was avoided.

He also realized the courts were terminating parental rights and creating orphans when there were no adoptive parents ready to step in to adopt a child. He and others created a program with volunteer lawyers to represent kids in adoption proceedings and cleared a huge case backlog. 200 adoptions were cleared in one year.

As for juvenile placements, a case once came before Justice Baer where the children told him all they wanted was to

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stay together and stay in their school. It seemed impossible, there were five children. He called a local TV personality. She put the story and the kids on TV and, lo and behold, they were able to stay together in the same school district where they had previously attended.

He recognized that oftentimes matters involving the same family were heard by different judges. It made no sense to him, so he introduced the one judge-one family rule policy which Justice Wecht fully instituted when he became the Administrative Judge in the Family Division.

Family lawyers actually looked forward to conciliations in his chambers with his collection of wizards. He gave thoughtful attention to all the issues that came before him and was always prepared.

I once had a highly litigated case where both lawyers had an expert and their business valuation was \$2 million apart. What did Justice Baer do? He found a solution. He called a friend who worked in that industry and who was a lawyer, gave him all the information, he submitted his own report, and we agreed to settle the case on that basis. Never had that happened. It was a delight to practice in front of him.

But then rumors began that Judge Baer was leaving us for Civil Division. Many of us were very disappointed. I appeared before him on a blustery December day in 1993. His boxes were packed. My mother was very ill and hospitalized. I was called to the hospital in the middle of that night. I held her hand and told her that I knew I would be losing her that night and I told her that Judge Baer was leaving Family Court. She squeezed my hand and I learned the next day that he was not only staying in Family Court but was appointed Administrative Judge. I always felt my mother had something to do with that decision. So, he stayed with us for another five-and-a-half years before moving to Civil Division.

In 2003, he was elected to the Supreme Court. His opinions, particularly those dealing with family law topics, are scholarly and thoughtfully reasoned. He is passionate about children and family law. He continues to fight for families and children on the Supreme Court. As a justice, he has been able to implement and oversee many programs, some of which were mentioned, the creation of the statewide depen-

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dency court registry and data system creation of the dependency bench book, educational curriculum for dependency judges, and training for hearing officers and GALs and attorneys for parents only to mention a few. Due to Justice Baer's efforts, PA requires a family finding to determine if there is a family member or kinship care available for children so as to eliminate the need for foster care for a waiting child.

What a fitting combination to this illustrious legal and judicial career to become Chief Justice of the Supreme Court of Pennsylvania. And to be the 57th justice, I think, has special meaning, too. May we all be inspired by Chief Justice Baer, the legacy he has created, and may we live by his mantra, failure is not an option.

How lucky for the family law lawyers of Allegheny County that Max became a part of our family.

Congratulations, best wishes to you and your family, and much continued success.

(Applause)

JUSTICE SAYLOR: Thank you very much. The next asked to share some remarks is Chief Justice Baer's son, Benjamin Baer, Esquire.

MR. BENJAMIN BAER: May it please the Court, Justices, Dad.

So, my dad asked me months ago to say some words here today and I'm honored to do so. At the time I was asked to speak, my brother, Andy, was just starting a 12-month deployment in Turkey. There was no hope he was going to be here. I should mention Andy is in the United States Air Force, Lieutenant Colonel. So, he jumped through a bunch of hoops, everything has worked out, and Andy is here today with us as well as his family who has flown in from Pearl Harbor, Hawaii.

(Applause)

MR. BENJAMIN BAER: I agree it's nice but I thought we could do a step further. Do you want to talk with me?

MR. ANDY BAER: Okay, I'm in.

(Applause)

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MR. BENJAMIN BAER: So, Dad, before we get to you, because we're going to get to you, I want to take just a minute to thank and honor two women here today because without these two, there simply would be no Chief Justice Max Baer. There wouldn't even be a Justice Baer.

Michele, my dad's right hand.

(Applause)

MR. BENJAMIN BAER: All I said was her name and you already started clapping. But she has been with my dad as long as I can remember, she runs chambers, she takes care of everything. Thank you, Michele.

My mom.

(Applause)

MR. BENJAMIN BAER: You're a saint. You put up with him. You put up with him. I'm okay. But you put up with me too but thank you both. All right, you ready?

MR. ANDY BAER: Sure.

MR. BENJAMIN BAER: Andy actually made me prepare for this. So, Dad, it's an honor to be here. It's an honor to speak. It's an incredible occasion. We're just thrilled to have this opportunity to make some remarks.

MR. ANDY BAER: I echo that. Thank you, Ben, for inviting me up here. Thanks to this front row who is just killing it. Nice job guys, everybody. Thank you to the Court for allowing us to be here. It's an honor for me to stand here, it's an honor for me to represent our family and offer our remarks.

Now Ben and I thought long and hard about what kind of theme we could present, something unique that he and I bring to the table here, and we definitely did not start last night with pizza and beer putting this together.

MR. BENJAMIN BAER: We definitely didn't rewrite it this morning.

MR. ANDY BAER: Definitely didn't. Now we had a couple good ideas but what we really wanted to do was something in your style, Max. So, pardon our stylistic plagiarism, it is

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intentional, as we embark on a journey of Max Baer proportions.

MR. BENJAMIN BAER: I'm going to make a disclaimer, I think this is my first of two disclaimers, this is not an invitation to ask the Chief Justice to perform a wedding for you.

MR. ANDY BAER: Many years ago my father was asked to perform a wedding. As I understand it, it was the first wedding he may have performed. I couldn't have been more than Jack Baer over there, seven years' old, give or take. He was trying to come up with a perfect way to close out that ceremony to send the couple off on that journey.

In doing so, he leveraged his deep love of music and his longstanding affection for Bob Dylan and the 1973 classic *Forever Young*. So, he incorporated the following stanza right there into the ceremony. He said, as I understand it, may you build a ladder to the stars and climb on every rung and may you stay forever young.

MR. BENJAMIN BAER: So right there with Bob Dylan a tradition was born. My dad would go on to perform a number of weddings. So if my dad performed your wedding and you're here today, raise your hand. Josh, that's right, I was there.

If you've been to a wedding that my dad performed — oh, I didn't raise my hand. He did ours — if you've been to a wedding that my dad performed, raise your hand. If your hands aren't up, this is the swearing in of Max Baer. I want to make sure you're in the right spot.

We decided that for our talk here today we were going to do some lyrics, try to find a great song, or maybe even a couple of songs, to tie this whole thing together for you, Dad.

MR. ANDY BAER: So, we thought through all the music we could come up with and we're going to do our best to pick the songs that we thought really had special meaning and embodied the essence of Max Baer.

MR. BENJAMIN BAER: Alright, but in picking songs that embody Max Baer, we decided we were going to go with the artists and the songs and the lyrics that Max Baer loves and I need to be honest with you, my dad has very questionable taste in music.

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So, I'm going to go first. Ready?

One of the songs that I thought would be appropriate was "Hail to Pitt" or the "Pitt Victory Song" because nobody loves Pitt football like my dad. So, I asked Andy and we looked at the lyrics together and the best lyrics Andy could find for us was "cheer loyal sons of Pittsburgh, cheer on to victory and fame." You got the loyal son of Pittsburgh part, it was just the victory and fame issue. That Tony Dorsett 1976 was a long time ago.

So, while you love Pitt, we're going to look for a better lyric, something else.

MR. ANDY BAER: So, I had it, I got it - Johnny Cash and "Long Black Veil." My dad loves the Man in Black and the song is about a judge, right? I mean, done, nailed it. So, I looked through the lyrics and I quote "the judge said, son, what is your alibi? If you were somewhere else, you don't have to die." Leave it to the Air Force guy to think that's how justice works.

MR. BENJAMIN BAER: We need to finish the song for those younger members in the audience.

MR. ANDY BAER: Yeah, apparently that is not an example of justice well served. There is more nuance to legal proceedings than a four-line Cash verse. So back to the drawing board we went.

MR. BENJAMIN BAER: So, I thought I did a good job with this one. Josh spoke earlier and Josh talked about my dad's first job ever. I'm going to talk for a second about my dad's first job as an attorney.

He started working with a firm that was essentially collections and seizing property and taking property away. He fulfilled his commitment. He did his job well. He lasted almost exactly one week. He left and he went to the then Department of Justice which would today be part of the Attorney's General Office and moved to Harrisburg.

On his way out of the office at his first job - my mom is laughing because she likes this part - the owner of the firm was down on his hands and knees with a file and he was scraping my dad's name off the glass office door where he had worked. He said you're making a big mistake, your legal career is going to go nowhere.

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Well, the rest is history. So I'm going to borrow from Toby Keith, here's a lyric, "how do you like me now?"

(Applause)

MR. ANDY BAER: So, we've been looking hard at this point. It's now like midnight last night and we're just not hitting the mark. So, we scoured the internet, we searched our memories, we find the remnants of his old vinyl collection, most of which Joey Glick has at this point, it was great, and we decided though we had to get serious.

Many wonderful songs are applicable and we've chosen a few lyrics that we're going to share with you now to really tell the story, commemorate the moment, and through our emulation of your style and swagger, to demonstrate how proud we are of you.

So, no more "Hail to Pitt." Let's get serious. Let's get started.

MR. BENJAMIN BAER: Okay. So, there was already some talk today about the election for the Supreme Court, and when my dad was running in '04, I had just finished college. I graduated in '03. So, I took a year off and I worked on the campaign. I saw firsthand how difficult it was and the unbelievable amount of work my father put in, incredible work ethic, something that amazed me at the time that I've always tried to emulate.

I remember Justice Wecht was running for the Allegheny County Court of Common Pleas bench and I would see him at every campaign event campaigning just as hard. I remember the night before the general election when everybody was beat up and tired and my dad spoke to the base in the final rally before the votes would take place the following morning and he came out on stage and in complete departure from the campaign speech that was so well practiced and rehearsed, he gave unbelievable remarks, he energized the crowd. I remember like it was yesterday the line he used to close. He said I've never failed at anything significant in my life and I do not intend to start tomorrow.

The race was won and since '04 you have been a justice on the Supreme Court and now a chief justice. In thinking about that moment and thinking of a lyric that would summarize, and with permission from Bob Mongeluzzi, I'm going to go with a Boss quote:

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Well, we busted out of class, had to get away from those fools, we learned more from a three-minute record, baby, than we ever learned in school.

But we made a promise we swore we'd always remember, no retreat, baby, no surrender.

Like soldiers in the winter's night with a vow to defend, no retreat, baby, no surrender.

MR. ANDY BAER: Sure, no big deal, make me follow The Boss. No problem, I got this.

Now while my dad's drive and work ethic which he instilled into me and I try to pass to my children are beyond reproach, there's a softer side to my dad which we've heard alluded to already today. I want to talk for a moment about kids.

He has always, always put children first. As I was growing up, you'd hear this mantra come from him around my house. I think he adopted it from a summer camp when he was the head counselor. He would say "happy campers, happy counselors, happy camp."

The point is you put your time and energy into the next generation and the rest sort of takes care of itself. Anyone who ever visited my dad's chambers back on the Court of Common Pleas or even today can tell you about the toys, Beanie Babies, Star Wars. There's some awesome Star Wars stuff in there. He would let the scared and abused and neglected children working through the court system come in and pick up a toy and keep it as theirs. It would help them through the very traumatic experience in their most vulnerable time.

Now while Max continues to tirelessly work for the children of Pennsylvania, there is no doubt that he absolutely, positively adores his grandkids Jack, Connor, Arielle, Ruby, Baby Beau, these five sitting right here, and all the nieces and nephews throughout this crowd today. They're the light of his life.

So, to capture the love of the children, that's what I'm going to go for here. I'm going to invoke one of my dad's all-time favorites and a song he sang to Ben and I when we weren't much older than them and now I sing it to my little guys. They love it. We'll see if they lose their mind here. Tom Paxton's "Marvelous Little Toy."

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I've got to catch you up to speed. In the song, a dad brings home a wonderful new toy for his little boy. They play with it for many years until the boy grows up. The toy goes on the shelf, it gathers dust, and one day the little boy is a dad. The little boy dusts off the toy just like I dusted off the song and gives it to his children.

So:

The years have gone by too quickly it seems and I have my own little boy.

And yesterday I gave to him the marvelous little toy.

His eyes nearly popped right out of his head as he gave a squeal of glee.

Neither one of us knows just what it is but he loves it, just like me.

MR. BENJAMIN BAER: That was a good one.

MR. ANDY BAER: Thanks.

MR. BENJAMIN BAER: Not only do I not sing it to my kids, when I told my wife we're going to do the lyrics, she said only if you promise not to sing.

So, I think Andy just touched on something very important. We've heard it as a reoccurring theme, the love of children, the protection of children throughout the Commonwealth, and the love of his own children and grandchildren but it's more than just that. I want to talk about a love of family. We all had to be here an hour early which asking the Baer family to get anywhere an hour early is not going to happen. But we were here taking pictures. It was unbelievable the amount of effort that it took for all of the people here. In fact, I think about 50 percent of the guest list are direct relatives of mine - my dad loves his family. You know, we want to take a moment to recognize that aspect of him as well.

So, when we worked on this one together, we thought what song really sort of sums up my dad's love of family and we thought of another family's anthem that when my dad would drive us, yeah, he'd drive us from Pittsburgh to Florida, he would play this CD again and again and again. So, we're talking about Harry Chapin and the Chapin family.

We want to take a moment to also touch on not just all the family here but those that are with us in spirit including

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Gram Scheimer, including Aunt Patti Roses, including Pop-Pop, and the proudest of them all who will not shut up right now, Mom-Mom.

To borrow from the Chapins:

It seems like I've been here before, I can't remember when

But I have this funny feeling that we'll all be together again.

No straight lines make up my life and all my roads have bends

There is no clear-cut beginnings and so far no dead ends.

MR. ANDY BAER: So, we've covered relentless driving charisma with Springsteen, love of children with Tom Paxton, and the importance of family with the Chapins.

But have you met my dad? Have you seen when he gets that good idea twinkle in his eye? He loves fun, flat-out Max power full throttle fun. He loves to have a good time. There is no back surgery that can keep him off a dance floor at a Baer family wedding. While many songs will get him moving, I have never not once, not ever seen him stay in a chair, even the fancy chair - I like the chair - I have never seen him stay seated for "Shout" by the immortal Isley Brothers.

MR. BENJAMIN BAER: Singing into an empty beer bottle.

MR. ANDY BAER: There you go.

So, Max, to commemorate for the record and the proceedings today that spirit of unbridled fun, I offer the following

You know you make me want to shout

Lift my heels up and shout

Throw my hands back and shout

Kick my heels up and shout, come on now.

MR. BENJAMIN BAER: I thought you were going to keep going.

MR. ANDY BAER: I was in. I was going.

MR. BENJAMIN BAER: Big finish, ready?

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MR. ANDY BAER: Ready.

MR. BENJAMIN BAER: Dad, all kidding aside, we love you. We're so proud of you.

Thank you for letting Andy and I speak here today. You're an amazing father. Anything we could ever need or wanted you took care of without question and we're deeply appreciative. You're the most wonderful Boppy or Walter depending on which grand kid you ask. You are a fabulous grandfather and on behalf of my kids and Andy's kids and all of the nieces and nephews and cousins here today, thank you. We want you to know how proud we are of you.

We're going to end this the way you would end the wedding with one final quote because we haven't had quite enough. So, we're going to go back and do one more.

I'll tell you when Andy and I came up with this idea initially, the first song that jumped into my mind and I said we need to do was Guy Clark, "Dublin Blues," one of your favorite songs of all time, but the blues wasn't the right theme for today's joyous occasion. So, I was sort of stuck and listening to Spotify and sometimes the music just talks to you and Guy Clark was in the rotation and "The Cape" came on. So, we're going to end this with one final lyric for you.

MR. ANDY BAER:

Eight years old, eight years old with a flour sack cape
tied all around his neck

He climbed up on the garage figurin' what the heck.

He screwed his courage up so tight, the whole thing
come unwound

He got a runnin' start and bless his heart he headed for
the ground.

MR. BENJAMIN BAER:

All grown up with a flour sack cape tied all around his
dream

He was full of spit and vinegar, he was bustin' at the
seams.

He licked his finger and checked the wind, it was gonna
be do or die

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He wasn't scared of nothin', Boys, he was pretty sure he could fly.

MR. ANDY BAER:

Now he is old and grey with the flour sack cape tied all around his head

He's still jumpin' off the garage and will be till he's dead.

All these years the people said he's actin' like a kid

He did not know he could not fly and so he did.

MR. BENJAMIN BAER:

He's one of those who knows that life is just a leap of faith

Spread your arms and hold your breath and always trust your cape.

We love you dad. Congratulations.

(Applause)

JUSTICE SAYLOR: Thank you very much. Hopefully we'll get an encore at the reception, Ben and Andy. We now understand that we will call upon Attorney Frederick Frank to present a motion to the Court.

MR. FRANK: May it please the Court, it is my high honor and great responsibility to motion the Court to administer the oath of office to the Chief Justice of the Commonwealth of Pennsylvania to the Honorable Max Baer.

I make this motion in the certain knowledge that if it is granted, he will continue to serve the Commonwealth as he has in the past, mindful of the biblical commandment to do justice, to love mercy, and to walk humbly with his God. Thank you.

JUSTICE SAYLOR: Thank you. The presentation of the commission by Lauren Baer, Esquire.

MRS. LAUREN BAER: Greetings.

Whereas a vacancy occurred for the Office of Chief Justice of Pennsylvania on March 31, 2021, and whereas you are now serving by virtue of a commission from the governor as a

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Justice of the Supreme Court of Pennsylvania and are a Justice learned in the law oldest in the commission and therefore by virtue of the Constitution and laws of the said Commonwealth became the Chief Justice.

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 presence commission you to be Chief Justice of Pennsylvania.

You are therefore to have and to hold the said office together with all the rights, powers, and emoluments there unto belonging or by law and anywise appertaining from April 1, 2021, to serve at the pleasure of the power by which you have been appointed if you shall so long remain a Justice of the Supreme Court of Pennsylvania.

JUSTICE SAYLOR: Thank you.

We will now have the main event, the administration and the oath of office. I understand that the family bible will be held by Chief Justice Baer's grandchildren, Jack, Arielle, Connor, Ruby, and Beau Baer.

All rise. Please place your left hand on the bible and raise your right hand. Repeat after me.

I, Max Baer.

CHIEF JUSTICE BAER: I, Max Baer.

JUSTICE SAYLOR: Do solemnly swear.

CHIEF JUSTICE BAER: Do solemnly swear.

JUSTICE SAYLOR: That I will support, obey, and defend.

CHIEF JUSTICE BAER: That I will support, obey, and defend.

JUSTICE SAYLOR: The Constitution of the United States.

CHIEF JUSTICE BAER: The Constitution of the United States.

JUSTICE SAYLOR: And the Constitution of this Commonwealth.

CHIEF JUSTICE BAER: And the Constitution of this Commonwealth.

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JUSTICE SAYLOR: And that I will discharge the duties of my office.

CHIEF JUSTICE BAER: And that I will discharge the duties of my office.

JUSTICE SAYLOR: With fidelity.

CHIEF JUSTICE BAER: With fidelity.

JUSTICE SAYLOR: Congratulations.

CHIEF JUSTICE BAER: Thank you.

(Applause)

THE GRANDCHILDREN: Congratulations.

CHIEF JUSTICE BAER: Thank you.

JUSTICE SAYLOR: Congratulations. You may be seated. We will now call upon Chief Justice Baer for some remarks. We'll ask the justices on the court to share some brief remarks prefatory from hearing from the Chief Justice beginning with Justice Mundy.

JUSTICE MUNDY: Congratulations, Chief Justice Baer.

I look forward to your leadership on this court. I want to remind the audience that in 2003 and 2004 when you were campaigning, Chief Justice Baer gave my younger children a huge stack of those Fighting Baer stickers which then I proceeded to peel off all my furniture and appliances. But the smile that you just exhibited and you've shown this morning, that is what I think of when I see you. I'm so glad that all of our meetings with the Court begin and end with that smile.

CHIEF JUSTICE BAER: Thank you.

JUSTICE SAYLOR: Justice Wecht.

JUSTICE WECHT: Congratulations, Chief Justice. Congratulations, Max.

It is so great to be here on this occasion with you and your wonderful family. As Andy and Ben were speaking, I was reminded of a photo that many of the people in the audience have seen, a wonderful photo that hangs outside of Chief Justice Baer's chambers and has for many years and has the

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three of them celebrating on election night November of 2003.

The years have flown by. Now Ben is a partner at a great law firm in Philly and Andy is a Lieutenant Colonel in the United States Air Force flown in all the way from Turkey. Of course, Max and Beth didn't get any older which is miraculous.

It's wonderful to be able to serve on a court headed by such a fine jurist and such a fine person. As all of you know, Max Baer is a unique combination of collegiality and boldness and energy and dedication and intelligence, practicality, and so many other great traits. Recently his personality and his courage was exemplified in the very grueling and, I should say, can I say, risky surgery that he undertook and gave his back a new lease on life and I suppose him a new lease on life.

Also, Carol Behers made allusion to this, of course, as did Kim Clark, President Judge Kim Clark, many of us have had the opportunity to live and work in his footsteps that he paved in the Allegheny County family division and, in fact, we will be adjourning here, recessing here today and going to a place that used to be "The Big House" and now it is "The House That Max Built."

I know that, like many others, I learned so much from Max Baer through the work he did here on this Court and is doing on this court and the work he did for many years in the Allegheny County Family Division epitomized perhaps in the pithy concise wisdom that he memorialized in his opinion in the case of *Livingston v. Lando*, which I was going to quote, but I won't bore you with it but I just want to say for many of us we were trained and influenced by his vision and the wisdom, the kernel that he grasped of the limits of the ability of the court, the inability of the court to make everything right and become the parents for the children and the parents had to step up. It was a great reminder to me and to many others of our role as judges.

Of course, though many in the public and many in the General Assembly don't know anything about it and probably will never take the time to think it through and assess it, the work that Max Baer has done to build the child welfare system in Pennsylvania and the childrens' courts in

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this Commonwealth are a legacy, a vision. A legacy that established him as a national leader not just for now but for many, many years to come.

The savings to the Commonwealth's fisc, to the Commonwealth's treasury, and the legacy for the children and most of all the lives that he really literally saved are something that are unappreciated and that all of us should help report to the public now and in the future.

So, thank you, Max, thank you Chief Justice for the opportunity to serve with you.

CHIEF JUSTICE BAER: Thank you.

JUSTICE SAYLOR: Justice Dougherty.

JUSTICE DOUGHERTY: Chief Justice, Chief Justice Emeritus, my friends and colleagues, the Baer family, everyone here.

First, thank you for permitting us to be part of this special day. We're in a special session. As we sit here, we sit before two chief justices, what a special day. Never in my life would I think I'd have two chief justices and two popes in one year.

Let me speak about the Chief Justice Baer that I have known since 2004. The best way to sum it up after what we've heard here today comes from the words of the guy over my shoulder, William Penn, written in the 18th Century:

I expect to pass through this world but once, any good therefore that I can do or any kindness that I can show to my fellow creature, let me do it now. Do not let me defer or neglect for I shall not walk this way again.

How blessed we are on this day, October 5th, in this year, in Pittsburgh, to celebrate the legacy.

Chief, you've walked a long road. Your footprints have left indelible marks on the children and families in Pennsylvania. You've permitted me to be part of the ride and the tour since 2004. For that, I will always be grateful. For your confidential counsel as well as your ever friendship, that strikes me at my heart, but at the epitome of Chief Justice Baer, as we heard today, there is one underlying theme and that is his love of family, his personal family and his judicial family. At the end of the day, what do we have left after we

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take these robes off but our family? So, the love that you share with us, the love that you bring to the court, and the good that you have done for the children and families of Pennsylvania, no words can be expressed other than good job my son, good job. Thank you for being our chief and leading us.

CHIEF JUSTICE BAER: Thank you.

JUSTICE SAYLOR: Justice Donohue.

JUSTICE DONOHUE: Chief Justice Baer, you are a blessed man in many, many ways but, you know, I'm, like some of my colleagues and many of the people in this room, I was not a family law practitioner. I was not a Common Pleas Court Judge in the Family Division, so I really came to know Max when I was elected to the Supreme Court of Pennsylvania and that was really the first time that we had an opportunity to engage with one another. And engage Max, that is. He loves his family as much as they, obviously, love him and that's why you are a blessed man.

He shares so much of himself with us on the Court. There is never a moment when Chief Justice Baer is not available to discuss a case, to discuss an administrative matter.

You've heard a lot today about Chief Justice Baer's legacy in terms of children and families and how long-lasting that would be. Let me share with you what I think the Chief Justice's legacy will be on the Supreme Court. He's a consensus builder. Chief Justice Baer is always interested to the best of his ability to make certain that when we, as a court, decide a case that we have as clear a majority as possible. To those of you who are practitioners in this room, you understand that to both the bench and bar that type of decision is extremely important. There is not a justice on our court who works more diligently to make certain that that happens. In some of the more controversial cases that we've been involved with together over the course of the past five-and-a-half years, it was Chief Justice Baer who was making the calls to see if he could make some movement to make certain that when a decision came forward that it was clear and concise and the majority of the court. So, Max has a lot of legacies. One of them will be, in my opinion from a justice who serves with him, is his ability to build consensus.

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I look forward to the next year-and-a-half with Chief Justice Baer at the helm of our Court. He has been a large part of building the collegial court that we are. I'm certain with him at our helm it will continue to be that collegial court.

My best wishes to you. God bless you. You are a blessed man.

JUSTICE SAYLOR: Thank you, Justice Donohue. Justice Todd was unable to join us today but asked that I read this letter:

Dear Chief Justice Baer,

Please accept my sincere congratulations and best wishes on your ascension to the revered position of Chief Justice of Pennsylvania. I apologize for not being there in person but, as you know, I am on a preplanned vacation that was originally scheduled for 2020 and which has been canceled and rescheduled three times due to the pandemic.

Today's ceremony celebrates your stellar career on the bench of both the Allegheny County Court of Common Pleas and the Supreme Court of Pennsylvania. It has been my privilege to serve with you on our Supreme Court for the past 14 years and I look forward to continuing to serve with you throughout your term as Chief Justice.

I wish you all the best for a wonderful day with our esteemed colleagues and with your family and friends.

CHIEF JUSTICE BAER: Thank you.

JUSTICE SAYLOR: Finally, I would like to say before we hear from the chief justice that I've had the privilege of serving with Chief Justice Baer for over 17 years. During my time as Chief Justice, he sat on my right as a senior justice and I have been the beneficiary of his friendship, his support, and wise counsel for those many years. I am pleased that he will be leading the Supreme Court in the celebration of its 300th anniversary which will be an historic event in the life of this Court and this Commonwealth.

With those remarks by Justice Baer's colleagues on the Court, we will turn to him for his remarks but I think at some point — do you want to put the collar on now? Why don't we do that? We've been waiting.

CHIEF JUSTICE BAER: The Chief's collar is distinct. I asked Tiffany Marie who came from Hawaii and is responsible for all of this, and Andy, if they would do that.

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(Chief Justice Max Baer collared.)

CHIEF JUSTICE BAER: Because of all the kids that I very much wanted to be here, I promised that we would do this in an hour and we would have except for Ben and Andy but I must say it was worth it.

I also want you to know I'm not the ogre that you might assume. Ben described his self-sacrifice of taking the year off to work the campaign. He worked the campaign until November 3rd which was election day. On November 4th he was off to Vale, Colorado for the balance of the year skiing and teaching children at a ski school. So, it wasn't all bad.

I also wanted to mention, and I'm going to get to my prepared remarks perhaps, that of the seven of us that sit up here, three, David Wecht, Kevin Dougherty, and I, all were administrative judges of family division. So, Carol, if somebody comes to Family Division and thinks they're stuck there, you tell them it's a pretty good road.

Twenty years ago, about twenty years ago and a month, 9/11 happened. I was on the sixth floor of this building conducting cases, Michele was there as always, when the sheriffs came and evacuated us. Well, Ralph Cappy was the Chief Justice of Pennsylvania. He was in this seat in this courtroom conducting oral arguments when the sheriffs came up and evacuated him. We both somehow ended up catty-corner to this building at Oxford Centre which is where our offices have been, Christine's, David's, and Debra's who can't be with us, our offices are all on the corner, commiserating about our lost day of work and what occurred. And Ralph, Ralph was my friend and Ralph was a wonderful, wonderful man and he's sorely missed to this day, but I congratulated him on the recent appointment as Chief Justice.

And, Jack, what he said to me was the only thing you have to do to be chief justice is become a grey-haired wonder which is what Jack refers to me as although, Ben, I said today, Jack, you look wonderful in your dress clothes but you look like a grey-haired wonder perhaps and he said, no, I'm not, but Uncle Ben is becoming a grey-haired wonder.

Who could have possibly imagined that I'd be sitting in this seat? And, Ralph and his partner in crime, Steve Zappala, Sr., both of whom are on the wall back there, you'll notice

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them when you walk out, would both be gone and I'd be the one accepting what I view as an unimaginable honor of being Chief Justice and being Chief Justice of this particular version of this Court, which is just a wonderful one.

So being invested as the 57th chief justice, and I hadn't thought about the relationship to Heinz 57, someone alluded to that and I liked that. Perhaps I can talk to Art Rooney and we can switch the name of Heinz Field for a day. I just could not imagine doing it.

Someone mentioned the 300th anniversary. I want to acknowledge my buddy and my colleague, Sallie Mundy and Bob Mongeluzzi, better known to his friends as "Mongo," who I think is here today, they're the co-chairs — oh, I see Mongo — they're the co-chairs of a committee that is putting together a phenomenal celebration of our 300th anniversary which we're going to hold next May 19th and May 20th at the National Constitution Center in Philadelphia. Sallie and Mongo, thank you both for everything you're doing for that.

I'm honored to be the chief during that year. Well, Ralph, in addition to telling me that all I had to do — not that I would ever be on his court, at that point I was working hard on the trial court — but that all he had to do to be Chief Justice was be a grey-haired wonder also said to me spontaneously that I'm so sorry I did not invite you to my swearing in. There are just so many seats in the courtroom and there are just so many people that I had an obligation to invite. I said, "Ralph, don't think about it at all. I said I understand completely."

So, we have a robust room. Michele and I and others have been, and Beth, have been counting for days as everybody kept saying yes. We said, oh, my goodness, we were expecting a 30 percent decline. What are we going to do? But it worked out just perfectly.

To the extent that any of your colleagues, Carol, at the firm or elsewhere, Mongo, at the firm, did not get invited, I am sorry but as you can see, we filled every seat and we did the best we could. I very much wanted this to be a family affair. I wanted it to be meaningful for me. I'm not running for anything again. Need not worry about the politics of the situation.

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If you are here, you are like family to me. You are truly my friends. And, again, there are some members of the Appellate Court, I saw my friend Renée Cohn Jubelirer, and others that are not here. I like them all very much, but you are my family.

Last year, two years ago, my friend, Chief Justice — as of January 1st, the first Chief Justice Emeritus in the history of Pennsylvania, Tom Saylor, who now sits at my right because at his insistence we flipped seats, said to me that he wanted me to be chief for two years and he was going to step down a year early so that that could happen. I accepted that. Been doing pieces of the job for a year and the whole job since April but the pandemic was raging. I wasn't going to do any kind of investiture because it was unsafe. I was not bothered by that.

I've had lots of honors and lots of privileges in my life. I've lived a blessed life, Christine. I am trying to be restrained.

JUSTICE DONOHUE: Really?

CHIEF JUSTICE BAER: I am.

JUSTICE DONOHUE: Why start now?

CHIEF JUSTICE BAER: That's right. And, so, we were not going to do an investiture but I want you to know the origin story and I'll try to cut through this.

My son Andy, as you know, was in Turkey. He was out of commission. This was an impossibility that he could ever be here. My daughter-in-law, Tiffy, called me and she said I'll come and I'll bring Jack and Connor if you can do it the week of October 2nd because it is Jack's week off away from school for fall break. They start August 1st in Hawaii. I was so taken by that, Tiffy, and so moved. You hadn't been here in three-and-a-half years and the grandkids hadn't been here in three-and-a-half years that I said we'll do it. So, I got on the phone with my colleagues and said, "would you mind coming?" They said we would not mind coming at all, we'll do it.

This whole event really grew from my desire, from Tiffy's offer and my desire to have Tiffy and Jack and Connor come. I knew Ben would come from Philly but I never dreamed Andy would come but it is just a perfect, perfect scenario.

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I feel like I got an Emmy and I have to thank some people, I just have to. First of all, I want to thank my former colleague, Mike Eakin, who spends a great deal of time in Alaska, and his wife Heidi who traveled from either Alaska or Central Pennsylvania.

Where are you, Mike? There's Mike. Thank you for being here. It means a lot to me.

(Applause)

CHIEF JUSTICE BAER: Mahatma Gandhi somewhat famously was always worried about the vast amounts of money the government of India and his temple spent to assure he stayed poor. If you think about it, it's quite a paradox but it's true. Well, a vast number of people spend a great deal of time and a great deal of effort trying to make me look good and I appreciate that. So, again, Geoff Moulton who I saw in the back, Court Administrator of Pennsylvania; Terry Sachs, Counsel to the Supreme Court of Pennsylvania; Stacey Witalec, I think is here, who runs our press relationships brilliantly. Andrea Tuominen, Josh Wilson. All of our administrative staff, none of you ever really hear of them and yet day in and day out I'm on the phone continuously and we're always working with them. It was Chief Justice Saylor that assembled the team and it's just so great for all of us.

My child welfare family. Elke Moyer, I don't know if she made it or not. Is Elke

here? There's Elke. Elke is here. And Sandy Moore, we all know Sandy Moore. You've heard all the accolades of what I've done for children around Pennsylvania but Sandy did it all, but she allows me to share in some of it. Sandy, will you stand up?

(Applause)

CHIEF JUSTICE BAER: I assure you she is well deserving of that. Just wonderful.

My home family, you've heard a lot about. My work family, our alumni, again, I'm not sure who got here or not, Erin Wick, Todd Pappasergi, Josh Seibert, and Jello. Jello did you make it? There's Jello. You know she's achieved notoriety, she's a one-word name. I know her by no other name so I

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couldn't use her full name to introduce her. She's Jello. Joey, Taylor, Alyssa, and Cindi with an "I."

My office staff again works every day to hold us. I know you're all here, we took pictures earlier, and I thank you all - the magnificent five. I want you to stand when I name you, but I want you to hold your applause until it is over because I want to get this done.

The five and I have been together for all 18 years that we've been on the court and I just looked back and saw Brent. Brent, I missed you. Brent, will you raise your hand for me? Brent is not an original but has been with us five or seven years and will be with us forever and a very valuable member of our staff. I apologize.

Anna, where's Anna? Anna, stand up. No applause. Anna is actually sort of an interesting story. She interviewed. We wanted her at the very, very beginning to start with us. Ralph Cappy wouldn't give me the money. So, I figured it out and we manipulated and Anna has been with us. We grandfathered her in since she started.

Cindy Pepples from day one. She is a special law clerk, brilliant writing, lectures, spends a lot of time keeping me out of trouble. I mean that.

Linda, who is my secretary. Linda, where are you? There's Linda. I spill coffee I would say roughly twice a day. I yell Linda. She comes running with her mop in one hand and her rag in the other. On the other hand, just a great secretary and again been with us all 18 years.

Then the special two. To the extent that it is legal and in my office, Betsy gets it done. Betsy is all of the niceness in our office. There's Betsy Ceraso. Again, been with us. Ralph gave me Betsy but wouldn't give me Anna is what was going on, I think.

Of course, you've already heard Michele Makray who has been with me 27 years, I think. I know you're not that old. And these five and I have been together 18 years. Speaks very well of them because I'm not that easy to get along with.

Thank you all very, very much.

(Applause)

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CHIEF JUSTICE BAER: You've heard enough about my family. I love you all.

Ben and Andy, you were tremendous. Beth, you are the love of my life always. Jack is waving at me. Jack, do you want to stand? I didn't think so. Can you wave at me again? How about Connor, can you wave? Where is Arielle Rose? Arielle Rose is named for Patti Rose as you heard mentioned earlier. Ruby Ann, and Beau is asleep in his mommy's arms.

Thank you all for being here. Tiffany, thank you. Andy, thank you. Ben, tremendous. Lauren, tremendous. I appreciate it all.

I mentioned Beth already but anybody who knows our family knows that all of the niceness comes from Beth, all the sweetness. Beth worked for years as a librarian at Jefferson Elementary School. That was her particular job. Her actual job was mother to the school and she did it brilliantly. She has been with me for 47 years. 46 years? 45 years? At some point who cares. She would be at campaigns, be at this, be at that, be at anything, Beth is always there. I love you, I thank you, I salute you.

(Applause)

CHIEF JUSTICE BAER: With that, my thanks to my colleagues, all of them. I've always believed that when the sun shines on somebody, it shines on all. This is a great court. You are great justices. It is really my thanks to my friend, my colleague, Chief Justice Emeritus Saylor, to all of you.

Allow me to close just with a promise. You've heard some of my promises. I think I must have written it down in the same language. I will do this job with relentless effort, always with insistent integrity which is absolutely necessary in what we do. And, Christine, and it's written here, with uncompromising collegiality for all. I am blessed to be a member of a great court, blessed to be the chief of it. I will do my very best to leave it just as proud and strong and resolute in the preservation of law and justice as I find it taking over today from Tom Saylor. Thank you all.

(Applause)

JUSTICE SAYLOR: Well, that concludes our session for today. Before we adjourn, we invite everyone to join the

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Court and the Chief Justice at a reception at the family court rotunda across the street. Oh, no, we have Joey. I missed the benediction.

MR. GLICK: Let's take one more big breath in and out together savoring this moment and this afternoon.

May we be blessed by Helen and Bud and Little Arlo and by all the Baers and the Scheimers and Hartmans, all the car dealers and butchers and yinzers and wise women that came before us. May they keep us rooted and wise.

May we be blessed by Arielle and Ruby and Beau, by Jack and Connor, by lovers of ocean waves and high fashion. May they keep us pointed towards a future of wholeness and joy.

May all the spirits that have left us and the spirits that are yet to come bless us. May we, the lawyers and social workers and judges and cape leaders and doctors and teachers and merchants of Western Pennsylvania, may we go forth from today recommitted to kindness and to courage.

We will close today with two more opportunities to call out. On the count of three we'll give Max a big "woohoo!" One, two, three . . .

THE AUDIENCE: Woohoo!

MR. GLICK: And we say together, "amen."

THE AUDIENCE: Amen.

COURT CRIER: This court is adjourned.

(Applause)

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