

**[J-100-2025] [MO: McCaffery, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: APPOINTMENT TO FILL A	:	No. 51 MAP 2025
VACANCY IN THE OFFICE OF COUNTY	:	
COMMISSIONER	:	Appeal from the July 18, 2025, order
	:	of the Commonwealth Court at Nos.
	:	653 and 697 CD 2025 affirming the
APPEAL OF: LACKAWANNA COUNTY	:	order of the Lackawanna County
AND WILLIAM GAUGHAN	:	Court of Common Pleas at No.
	:	2025-CV-2692.
	:	
	:	SUBMITTED: September 23, 2025

CONCURRING OPINION

CHIEF JUSTICE TODD

DECIDED: October 20, 2025

I agree with the majority that Pa.R.J.A. 1908 and Lackawanna County Home Rule Charter § 1-2.206 do not conflict, and that we should affirm the Commonwealth Court on that basis. As a result, in my view, we need not and should not address whether, if the provisions *did* conflict, Section 1-2.206 would violate separation of powers principles. See *Commonwealth v. Herman*, 161 A.3d 194, 209 (Pa. 2017) (applying “sound tenet of jurisprudence” that courts should avoid constitutional issues when the question may be decided on other grounds). Accordingly, I join only the majority’s resolution of the conflict issue.

Justice Wecht joins this concurring opinion.