

[J-110-2019][M.O. - Todd, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

MICHAEL RENNER,	:	No. 52 MAP 2019
	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court at No. 1479 CD
	:	2017 dated 10/12/18, reargument
v.	:	denied 12/3/18, affirming the order
	:	dated 10/5/17 by the Lehigh County
	:	Court of Common Pleas, Civil Division,
COURT OF COMMON PLEAS OF	:	at No. 2016-CV-3195
LEHIGH COUNTY, COUNTY OF LEHIGH,	:	
JOHN J. SIKORA AND MARK SUROVY,	:	
	:	
Appellees	:	ARGUED: November 21, 2019

CONCURRING OPINION

CHIEF JUSTICE SAYLOR

DECIDED: July 21, 2020

In *Villani v. Seibert*, 639 Pa. 58, 159 A.3d 478 (2017), a majority of the Court explained that “the notion that the powers accorded to this Court under Article V, Section 10(c) are exclusive . . . must be considered with great circumspection.” *Id.* at 79, 159 A.3d at 490. In *Yocum v. GCB*, 639 Pa. 521, 161 A.3d 228 (2017), a majority of the Court determined that a particular variant of the Article V, Section 10(c) powers -- the power to regulate attorneys -- did not preempt other statutes and legal obligations when applied to a broader class of individuals in addition to those who “happen to be attorneys.” *Id.* at 554, 161 A.3d at 248.

Here, I incorporate by reference the reasons developed in *Villani* and *Yocum* why a categorical portrayal of the Court’s Article V, Section 10(c) powers as exclusive is

unsustainable. See *Villani*, 639 Pa. at 79-80, 159 A.3d at 490-91; *Yocum*, 639 Pa. at 553-54, 161 A.3d at 247-48. For example, if the Court’s authority to supervise judicial employees were exclusive, it would logically follow that they would be immune from exposure to the punishment prescribed in the Crimes and Sentencing Codes for criminal-law violations committed during their working hours.¹

Because of the majority’s strong focus on exclusivity, see, e.g., Majority Opinion, *slip op.* at 21-23, I am unable to join its opinion. I concur in the result, however, based on the exercise of the “discerning judgment [that] obviously must be brought to bear to sort through the pervading power questions.” *Villani*, 639 Pa. at 80, 159 A.3d at 491.

¹ I certainly do not suggest that the Court should abide all actions by other branches of government touching on the subject areas set forth in Article V, Section 10(c). Rather, I believe only that no separation-of-powers violation should be found in the absence of a legislative or executive incursion upon some fundamental component of judicial power, authority, or function. And again, I submit that it has been demonstrated time and time again that not all forms of regulation by other branches touching on this Court’s prerogatives under Article V, Section 10(c) represent such an incursion.