

OPERATION WILDFIRE

Good things happen when Republicans vote

Issue Two

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Why State-wide Judicial Races Matter

In PA we have a legislative branch that makes the laws, an executive branch that enforces the law, and a judicial branch that interprets the law. The system works best when each branch sticks to its job.

The Judicial Branch in PA has several levels. The Magisterial District Courts and the Courts of Common Pleas are the two levels with which most people have contact. But the appellate court levels (Commonwealth Court, Superior Court, and Supreme Court) are the ones that may have the most effect on your everyday life.

If you disagree with actions at the Magisterial District Court or the Court of Common Pleas, dependent upon the subject of your case, you may want to appeal it to a higher court. Under certain circumstances, your appeal would go to the Commonwealth Court or Superior Court. Both the Commonwealth Court and the Superior Court review every case properly brought before it. Once they make a decision that decision is generally binding on the lower courts. The PA Supreme Court is a little different. If you don't like a decision made by the Commonwealth Court or the Superior Court, you can ask the Supreme Court to review that decision. The Supreme Court does not have to accept a case for review. But when they do, any decision they make is binding on every lower court. And, in most cases, they make the final decision in a case. If you don't like what the PA Supreme Court decided there is usually not much that can be done.

Candidates who want to run for any one of the three appellate courts usually have to wait until there is an opening on one of the courts to run. An appellate court judge is elected for a 10-year term. At the end of their term, if they want to stay on the bench, they run for retention. It is an uncontested race where the voters decide either to keep them on the bench or not. It is only if they are not retained that the seat would open up for a contested election. The other way a seat is opened is if the Judge reaches the mandatory retirement age of 75 and can no longer serve on the Court.

So why does your vote matter? Here's just one example. The power of the state legislature to draw congressional districts flows from the US Constitution, Article 1, Section 4, clause 1.¹ Remember the last round of redrawing the congressional boundaries? The democrat and the republican members of the legislature did not agree on the boundaries and the decision ended up before the PA Supreme Court. Rather than rule on whether what the map said was correct the court decided they would just redraw the lines themselves. Effectively they acted as the legislature and "made law", rather than doing what was their job of "interpreting the law". And this year's redistricting is likely to end up with the same problem. The Democrats in the PA Legislature have already told the Supreme Court they should plan to redraw the lines BEFORE the legislature has even attempted to do so on their own².

There are open seats for all three appellate courts which are on the ballot for November.

For the Supreme Court, the candidates are P. Kevin Brobson (R) and Maria McLaughlin (D). You can learn more about them at brobsonforpa.com and judgemclaughlin.com

¹ League of Women Voters of Pennsylvania v. Commonwealth, 178 A.3d 737 (Pa. 2018)

² PennLive.com, April 27, 2021 – Anticipating 'partisan' impass, Democrats ask court to prepare to draw Pa. congressional map.

For the Superior Court, the candidates are Megan Sullivan (R) and Timika Lane (D). You can learn more about them at Megsullivanforjudge.com and judgelane.com

For the Commonwealth Court, there are two seats open. The candidates are Drew Crompton (R), Stacy Wallace (R), Lori Dumas (D), and David Spurgeon (D). You can learn more about them at judgescrompton.com, stacyforpa.com, judgedumas2021.com, and judgespurgeon4commonwealth.com

John T. Bender (D) and Mary Jane Bowes (R) are running for retention on the Superior Court this year. Anne E. Covey (R) and Renee Cohn Jubelirer (R) are running for retention on the Commonwealth Court this year.

We must elect Judges to the appellate courts who are going to interpret the law and not try to make law from the Bench.

In this edition we'll begin with the Pennsylvania Supreme Court.

In Our Opinion

For the past three years, the PA Supreme Court has been a court of “super legislators,” revising laws that our state legislators passed instead of doing their job to interpret the law. We need to elect a justice who will interpret the law.

Only one candidate, Kevin Brobson, has declared “I will not legislate from the bench.”

Judge Brobson currently sits on the Commonwealth Court, where he was elected by his peers as president judge despite not having the most seniority. He has obtained special appointments to the Supreme Court for pending cases and to preside over an expedited trial of a case involving a Pennsylvania constitutional matter. Judge Brobson is “Highly Recommended” by the Pennsylvania Bar Association for a position on the Supreme Court.

Kevin has earned the endorsement of organizations ranging from the Pennsylvania Manufacturers Association and Chamber of Business and Industry to Gun Owners and the Fraternal Order of Police.

His opponent, also “Highly Recommended” by the Bar Association, appears to be a community organizer more inclined to continue the practice of legislating from the bench. She has received endorsements from members of her own party and from various unions.

With your support, we will have at least one justice on the PA Supreme Court that will interpret the law, not legislate from the bench.

The above information was based on our review of Kevin Brobson and his opponent's websites. We encourage you to do your own research and believe you will come to the same conclusion that Kevin is the better choice.

What's Ahead

In future issues we'll provide information about candidates for the Superior Court and Commonwealth Court, as well as judges running for retention.