

Why do we vote to “retain” Judges?

The Pennsylvania Constitution sets forth how we elect Judges in Pennsylvania. Article 5, § 15 was amended in 1968 to provide for a retention election of a sitting judge, rather than a contested political election at the end of a sitting Judge’s term.¹ This change was designed to “remove judges from the pressures of the political arena once they begin their first term in office.”² The idea being that a Judge should base their decision on the law, not on how it will affect their next election. While this works in theory, in reality, it makes it very unlikely that a sitting judge will ever lose a retention election.

A retention election is a simple yes or no vote on the ballot. There are no party designations for the candidate. If you think they should remain on the bench you vote yes. If you think they should not remain on the bench you vote no. The election is decided by a simple majority. In other words, if there are more yeses than no’s, the judge stays on the bench. Most people who look at the retention ballot think – I haven’t heard anything bad so I guess I will keep them. Judges running for retention don’t have campaign websites where you can go to look up information on them. And because most people don’t pay attention to how a judge rules during their 10 years on the bench they don’t have a good basis for voting either yes or no.

Being an informed voter for a retention election is hard. While you can start trying to pay more attention to how the courts rule going forward that probably doesn’t help you feel like an informed voter for the upcoming election. To help you out, we at Wildfire decided to take a look at the Judges running for retention this year and decided that **all of the appellate judges running should be retained**. They are:

John T. Bender is running for retention on the Superior Court. Judge Bender has been on Superior Court since 2001. He is a former Assistant District Attorney, a former District Justice, a former law clerk for the Superior Court, and previously served as President Judge of the Superior Court.

Mary Jane Bowes is also running for retention on the Superior Court this year. Judge Bowes has been on the Superior Court since 2001. She is a former law clerk for the Superior and Supreme Courts in Pennsylvania, lectures for the Pennsylvania Bar Institute, and has served as the administrative wiretap judge.

Anne E. Covey is running for retention on the Commonwealth Court. Judge Covey has been on the Commonwealth Court since 2011. Judge Covey is a former law clerk for the Commonwealth Court, was Assistant Counsel for the Labor Relations Board, and has served as an Adjunct Professor at Monmouth University.

Renee Cohn Jubelirer is running for retention on the Commonwealth Court. Judge Jubelirer has been on the Commonwealth Court since 2001. Judge Jubelirer has served as Deputy Solicitor and Assistant Solicitor for Lehigh County, served as an Assistant Professor at DePaul College of Law, and is currently Vice-Chair of the Judicial Conduct Board.

Jonathan D. Grine is running for retention on the Court of Common Pleas of Centre County. This is Judge Grine’s first retention election having been elected to the bench in 2012. Prior to his election Judge Grine served as a Magisterial District Judge. In 2017 Judge Grine received a “letter of counsel” from the Judicial Conduct Board. A “letter of counsel” is issued where there is evidence of judicial misconduct but it appears that misconduct was a first-time or isolated incident. We leave it to our readers to decide if that one incident affects your decision on whether to retain him or not.

¹ Pa. Const. Art 5, § 15

² <https://www.pacourts.us/learn/how-judges-are-elected>

Operation Wildfire: Good Things Happen When Republicans Vote

Something to Remember

The Founding Fathers, in writing the preamble to our Constitution, chose to use the words “establish justice” to stress how important the rule of law would be to our new country and that justice would be the enduring foundation of our democracy.

Judges and courts have a significant impact on our daily lives and we entrust them to make some of the more important decisions that affect us. They exist to protect our liberties and our most fundamental and sacred rights as set forth in the Bill of Rights, as well as to protect us from unlawful and unwarranted intrusion into our lives from the government.

Without our courts, there is no justice, there is no freedom. Over 200 years ago, John Adams declared that if we are to have a “government of laws and not men,” we need our courts and judges to ensure that our legal rights are protected.

When those who come to the courthouse arrive to participate in our justice system, they should leave knowing that our courts, our judges, were there for them, administering justice fairly and impartially and insuring civil discourse in order that respect for our justice system be preserved and perpetuated.

Our courts and judges are important to the cause of justice for all. And that’s why we must retain those judges who have proven, beyond a doubt, a commitment to impartiality, to justice and to the judicial profession. But above all, we must retain judges who will interpret the law and not legislate from the bench. Again, Wildfire recommends the retention of the following Judges:

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| Superior Court: | John T. Bender Mary Jane Bowes |
| Commonwealth Court: | Anne E. Covey Renee Cohn Jubelirer |

What’s Ahead

Our next issue will discuss the U.S. Constitution. On September 27, we’ll summarize the 2021 Judicial Ballot and review Operation Wildfire choices once again.