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PRESIDENT

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THOMAS G. WILKINSON, JR.

June 5, 2012

Chief Justice Ronald D. Castille
Supreme Court of Pennsylvania
1818 Market Street, Suite 3730
Philadelphia, PA 19103-3639

Dear Chief Justice Castille:

It is of great importance to lawyers and litigants that the Pennsylvania Supreme Court return to its full complement of seven active justices as soon as possible. This is necessary for several reasons, including to prevent tie votes on pending appeals and to maintain the public's confidence in the integrity of our highest court. Our Board of Governors has authorized me to deliver this letter respectfully urging the Court to consider appointing a temporary justice as its seventh member in view of the potentially protracted criminal and disciplinary proceedings that have been initiated against Justice Joan Orié Melvin.

In light of Justice Orié Melvin's voluntary recusal and suspension from all judicial duties pending resolution of nine counts of alleged criminal wrongdoing, the Supreme Court has the authority to make a temporary assignment to fill the seat under Article V of the Pennsylvania Constitution:

Article V: Judicial Administration, Section 10.

- (a) The Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another as it deems appropriate.

There is precedent for a senior judge to temporarily fill the current vacancy. When criminal charges were brought against a member of the Supreme Court in 1993, the Honorable Frank J. Montemuro Jr. was assigned by the Court as a "senior justice" and its seventh member. In doing so, the Court acted to avoid the unfortunate occurrence of evenly split decisions lacking precedential value.

On behalf of the 28,000 members of the Pennsylvania Bar Association, we recommend that the Court appoint a temporary justice so as to return our state's highest court to a full complement.

Respectfully,

A handwritten signature in cursive script that reads "Thomas G. Wilkinson".

Thomas G. Wilkinson Jr.

cc: Matthew J. Creme, Jr., Immediate Past President
Forest N. Myers, President-elect
Francis X. O'Connor, Vice President