

PBA's Constitutional Review Commission Hitting the Road

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From the beginning, the Pennsylvania Bar Association's Constitutional Review Commission has planned to invite experts to offer insight and guidance before completing a report of recommendations.

There was, however, an obvious problem for the commission's members: How do you get everyone you want to hear from to appear before you? And how do you do that while maintaining some semblance of transparency?

So, the commission decided, it would take its show on the road.

But a lack of interest may put those plans on hold.

The commission's committee on the judiciary is scheduled to begin holding public hearings next week in Pittsburgh to listen to testimony from citizens, scholars and others interested in the commission's review of the constitution.

As of press time, however, "minimal" response had the committee reconsidering that.

The commission's committee on legislative reapportionment, also dedicated to the idea of public hearings, is scheduled to begin its road trip the following week in Harrisburg.

All of it, really, is seen as a solution to the problem.

"I think it's pretty important that this be totally open," said judiciary committee chair Jerry Grimoud. "That's our philosophy. We're talking about the con-

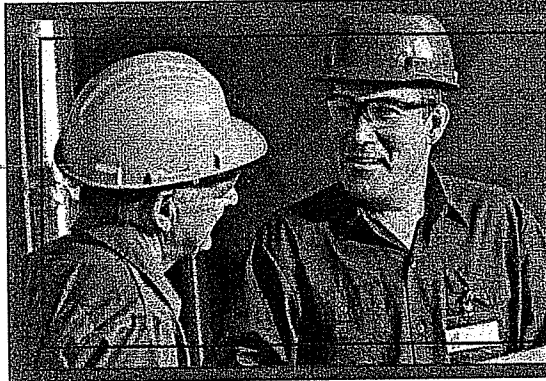
stitution, which applies to everybody. We have to protect our credibility. If we start meeting behind closed doors, that would not be good in terms of public confidence."

Both the judiciary and legislative reapportionment committees will hold monthly hearings in Pittsburgh, Philadelphia, Harrisburg, State College and Wilkes-Barre, according to the PBA. The judiciary committee will also hold meetings in Erie and Mercer County.

"There will be, hopefully, some professors, some academics, where they will have well structured approaches to the issues they feel strongly about," Grimoud said. "We'll have some lay persons, I'm sure, who are self-taught and who have something to offer."

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Grimoud said the judiciary committee has reached out to 65 "experts and organizations" for testimony.

How many of those invited will actually seek to testify remains to be seen.

PBA spokesman Jeff Gingerich said the judiciary committee originally had a Jan. 5 deadline for testimony applications but extended that time frame to Jan. 7 in light of the holidays.

Still, it appears the extension did little to up interest.

On Jan. 6, before press time, Gingerich wrote in an e-mail that, "As of this morning, response has been minimal and the committee is expected to hold a conference call tomorrow to decide whether to extend the deadline for submission of testimony or cancel the hearing of Jan. 19 and possibly reschedule it for a later date in Pittsburgh."

Testimony applications have already been received for future hearings at other locations, Gingerich said.

One of those invited, Duquesne University Law professor Bruce Ledewitz, said he will decline the invitation. Ledewitz, normally an outspoken individual, would not say why, however.

James Gardner Colins, the chair of the commission, said the application process is in place as an "issue of efficiency."

"We just don't want to open it up and, all of a sudden, 100 different individuals or entities want to give comment," Colins said. "Also, people shouldn't be given two opportunities. They shouldn't be allowed to come to the next venue. I think that would be obstructionist."

Still, said Colins, the idea of public hearings allows for individuals who aren't members of an "elitist organization" an opportunity to provide input.

"This has really never been done before," Colins said. "We're trying to figure out what works ... It's an information gathering process."

Democracy Rising president Tim Potts,

who received an invitation to testify before the judiciary commission, said he's hoping to attend the commission's February meeting in State College.

Potts said the commission may not be immune from self interest when examining the judiciary in Article V of the constitution, but that the hearings will have the ability to shed light on that which needs to be changed.

Potts said the judicial branch's "fundamental problem" is that it believes there is only a "tenuous link" to citizens and that it only serves itself.

He will focus his remarks on four areas — extra-constitutional claims of authority, lack of transparency, "rampant" conflicts of interest and the question of electing, rather than selecting, judges.

"I think it's a terrific idea," Potts said of the public hearings. "I'm hopeful, since this is an election year, that this will bring more attention to issues surrounding the judiciary."

A second invited organization, Pennsylvanians for Modern Courts, said it hopes to have a chance to speak to the committee when it travels to Philadelphia in May.

Lynn Marks, the executive director of Pennsylvanians for Modern Courts, said the organization was glad the commission would consider Article V.

"It makes perfect sense a bar association would consider Article V," Marks said.

Marks said PMC has not yet taken a position on whether it supports a constitutional convention, but that it does believe a review of the judiciary should be included if there is one.

"If they're going to do a wholesale review, it would be irresponsible to not include the judiciary," Marks said. "I would be more concerned if it were not included. I would question why."

The deputy director of Pennsylvanians for Modern Courts, Shira Goodman, was recently named a commission member, according to its website.

Marks said Goodman would not make PMC's presentation to the commission,

The PBA's Constitutional Review Commission will begin its public hearings next week in Pittsburgh. The schedule for those hearings is below. Judiciary committee hearings are scheduled to run from 1 p.m. to 4 p.m. Legislative reapportionment committee hearings are scheduled to run from 10 a.m. to 4 p.m. All applications to make a statement are due two weeks before the hearing. For more information, visit the commission's website: www.pabarcre.org.

January 19	Judiciary	University of Pittsburgh School of Law, Pittsburgh
January 26	Legislative Reapportionment	Widener Law School, Harrisburg
February 16	Judiciary	Penn State's Dickinson School of Law, State College
February 23	Legislative Reapportionment	Penn State's Dickinson School of Law, State College
March 16	Judiciary	Erie County Council Chambers, Erie
March 23	Legislative Reapportionment	Duquesne Law School, Pittsburgh
April 20	Legislative Reapportionment	Wilkes University, Wilkes-Barre
April 27	Judiciary	Wilkes University, Wilkes-Barre
May 4	Legislative Reapportionment	Pennsylvania Bar Institute Conference Center, Philadelphia
May 17	Judiciary	Pennsylvania Bar Institute Conference Center, Philadelphia
June 3	Judiciary	Mercer County, Location to be announced
June 22	Judiciary	Widener Law School, Harrisburg

given her role as a member.

Each piece of testimony — including online submissions — will be weighed by the committee as it works to release a report with recommendations by June, Colins said.

Just don't expect any resounding unanimity.

Colins said the committee has "great speech and debate" on nearly every aspect addressed so far.

"We have a very healthy and diverse group of individuals," Colins said. "It's difficult to conceive absolute unanimity. From a very realistic standpoint, that's not going to happen." •