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Senate State Government Committee Hearing Written Testimony on SB 125

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Association

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves

The Federalist No. 78 (Alexander Hamilton)

In Pennsylvania and throughout the United States, the rule of law and the independence of the Judiciary are under greater strain than at any other time in modern memory. Pennsylvania's constitutional framework, refined in 1874 and modernized in 1968, deliberately vests the Judicial Branch with substantial authority to ensure an effective check on executive and legislative overreach. Nothing in the Commonwealth's legal, civic, or institutional landscape justifies undoing these carefully constructed safeguards today, which is why the Pennsylvania Association for Justice opposes SB 125. This legislation undermines the rule of law and weakens the Judiciary by removing a critical guardrail of the unified, comprehensive Judicial branch embodied in our Constitution; it gives the General Assembly the authority to establish venue in civil cases in the commonwealth by statute.

I. The Pennsylvania Association for Justice

These written remarks are being provided on behalf of the Pennsylvania Association for Justice ("PAJ"), a non-profit organization comprised of over 2,000 members of the trial bar of the Commonwealth of Pennsylvania. For over 50 years, PAJ has promoted the rights of Pennsylvanians by advocating for the unfettered right of access to justice and maintenance of a free and independent judiciary.

II. Introduction and Core Principles

The Pennsylvania Association for Justice submits this testimony to reaffirm a foundational truth: a truly free people are governed by laws, not by the transient will of temporary majorities or

the impulses of powerful actors. The rule of law depends upon an independent Judiciary empowered to apply the Constitution without fear, favor, or political interference. Pennsylvania's constitutional tradition recognizes this reality and embeds meaningful judicial authority to secure it.

III. The Rule of Law and Judicial Independence Are Under Unprecedented Strain

Across the nation and within the Commonwealth, the independence of the courts faces mounting risks that, taken together, exceed anything in recent decades. There is a growing pattern of rhetoric that seeks to delegitimize lawful judicial decisions by labeling them “political” whenever outcomes are unpopular or contrary to the proponent’s desires. Such attacks, especially when coordinated or amplified by those wielding governmental power, can chill judicial decision-making and erode public trust in neutral adjudication.

Policy proposals and tactical pressures increasingly aim to narrow judicial jurisdiction, constrain remedial authority, alter judicial selection or tenure to achieve partisan advantage, or limit courts’ ability to provide meaningful relief. Efforts to turn courts into compliant arms of the political branches undermine the constitutional promise that disputes will be decided by impartial arbiters according to law.

In combination, these dynamics place contemporary pressures on Pennsylvania’s Judiciary that are more significant than those faced in recent memory. That is precisely why the Commonwealth’s Constitution is designed with deliberate protections for an independent and effective Judiciary. These core principles must be preserved rather than diluted.

IV. The Pennsylvania Constitutions of 1874 and 1968 Deliberately Empowered the Judiciary to Check Overreach and Ensure an Effective Justice System

Pennsylvania’s constitutional history is one of intentional, bipartisan, and considered efforts to strengthen judicial independence in service of the public. Both the 1874 Constitution and

the 1968 Constitution examined, debated, and refined judicial structure and powers to ensure courts could act as a meaningful and comprehensive check on the other branches and deliver reliable justice. After periods of political and corporate influence over public affairs, the 1874 Constitution introduced structural reforms to restore public confidence and recalibrate the balance of power. The need for an independent Judiciary with comprehensive powers over the justice system was critical to curtail the proliferation of inequitable, unfair special laws favoring the robber barons and behemoth trusts. The 1874 Constitution elevated the Judiciary's independence by establishing clearer separation of powers, reinforcing judicial tenure and jurisdiction, and consolidating court structures to reduce fragmentation and undue influence. The animating principle is that courts must be strong and independent enough to adjudicate without interference and to check unlawful government action.

V. The 1968 Constitution: Modernization for clarity, efficiency, and independence

The 1968 Constitutional Convention modernized and unified Pennsylvania's judicial system into a coherent Unified Judicial System, clarified the Supreme Court's supervisory and administrative authority, and refined jurisdictional arrangements to promote efficiency and consistency across the Commonwealth. The result was a Judiciary designed to be both independent and capable of administering justice statewide, ensuring uniformity of law, and providing remedies that are timely, accessible, and meaningful.

Neither the 1874 nor the 1968 constitutional compromises were accidental or improvised. They were crafted after hard-won lessons about the risks of concentrated political power, institutional inefficiency, and regional disparities in justice. Among the recurrent themes is that Pennsylvania must empower its Judicial Branch with substantial constitutional authority including

administrative oversight, supervisory powers, and robust jurisdiction so that courts can serve as a true check on executive and legislative excess and as a guarantor of individual rights.

VI. Venue in Context

Since the passage of the 1874 Constitution, Pennsylvania, like the balance of the country, experiences an ever-changing landscape of commerce. Commercial entities interact with individuals in a variety of ways: in places of business, in your own home, on your own phone. In the early 1900s, the Supreme Court of Pennsylvania recognized that this evolution challenged the judicial branch in providing a fair, balanced and effective Judiciary not burdened by archaic geographic constraints. *See Shambe v. Delaware and Hudson Railroad Co.*, 135 A. 755 (Pa. 1927). Pennsylvania's current venue law, which embodies the same principles as most states and the federal system, fairly addresses those challenges. The current venue law recognizes that a party ought to be subject to suit where they choose to engage in regular business rather than limiting suits against them to their chosen home. This approach is both fair and reasonable. Otherwise, Pennsylvania citizens would have no ability to ask a jury from their community in Pennsylvania to consider a case against a car manufacturer whose headquarters are in Michigan, or to seek accountability in their community against a foreign entity that comes into their county to conduct business. For example, if SB 125 were adopted, if a company from Philadelphia County breaches a contract with party in McKean County, that McKean County party would have to travel all the way to Philadelphia to seek justice even though the Philadelphia company voluntarily chose to do business in McKean County. The current law levels the playing field and treats all parties equally.

VII. Nothing in Today's Commonwealth Justifies Undoing Core Judicial Powers

The supervisory powers, jurisdiction and administrative control by the Judiciary ensure uniform statewide practice and the capacity to fulfill its constitutional role. Problems cited by

reform proponents are addressable without weakening independence. Historically, the Legislature has sought to create special rules for the Judiciary, unfairly impairing the rights of targeted classes of Pennsylvania citizens. Since the founding of our country, preventing this disparate treatment remains a core American principle. The rule of law is only as strong as the remedies available to vindicate it. Proposals that limit courts' ability to provide meaningful relief effectively insulate unlawful action from judicial review. That is antithetical to constitutional governance and would invite further overreach. Efforts to reshape courts to secure favored outcomes sacrifice the Judiciary's credibility for short-term gain. Stable, principled judicial authority exercised by judges selected and retained under rules designed to maximize independence and impartiality supports public confidence and fair markets alike. Businesses and families depend on predictable rules, neutral forums, and finality grounded in law.

The 1968 modernization was undertaken precisely to strengthen efficacy and accountability within the courts without compromising independence. The current constitutional framework empowering the Judiciary to exercise comprehensive control over the justice system reflects decades of experience and a deliberate balance among access, efficiency, and impartiality. Integral to any judicial system are the determinations of how and where it will be applied. Venue rules remain central to this constitutional imperative strengthened in the 1968 Constitution. Upending this framework destabilizes settled expectations and threatens uniform statewide justice. Nothing compels the Pennsylvania Constitution to be amended causing these dire circumstances that our citizens have already rejected.

VIII. The Public, the Economy, and Democracy Depend on an Independent Judiciary

The Judiciary is not a special interest, it is the constitutional mechanism by which rights become real and government remains limited. An independent court system:

- Protects individual liberties and civil rights by ensuring constitutional claims can be heard and enforced.
- Safeguards fair elections and lawful governance through neutral adjudication of separation-of-powers, administrative, and election-related disputes.
- Promotes economic stability by providing predictable legal rules, reliable contract enforcement, and timely dispute resolution that businesses require to invest, hire, and grow.
- Preserves public safety and community trust by applying criminal and civil laws even-handedly, independent of political winds.

IX. Recommendations: Preserve and Strengthen, Do Not Diminish

To uphold the rule of law during a period of unusual strain, the General Assembly should:

- Reject proposals that curtail the Supreme Court’s constitutional supervisory power or the Unified Judicial System’s administrative authority. These are essential to a coherent, fair, uniform statewide system.
- Protect judicial jurisdiction and preserve courts’ remedial authority to provide complete relief when rights are infringed.
- Support operational improvements to data systems, technology, and staffing that reduce delay and improve access without compromising independence.
- Promote judicial security and civics education initiatives that enhance respect for the courts and improve public understanding of how cases are decided and why.

Removing critical aspects of the Judiciary’s power and independence are unnecessarily destructive, especially during such vulnerable times. The success of Pennsylvania’s constitutional framework remains the shining example of how effective bipartisan efforts can create a Commonwealth true to its core values.

All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Pa. Const. art. I, § 1.

This moment requires that we embrace, rather than reject these principles and not return to an era of favoritism, unfairness and corruption.

X. Conclusion

Pennsylvania's constitutional tradition, refined in 1874 and modernized in 1968, recognizes that the rule of law requires an independent and effective Judiciary. Today's environment presents distinctive pressures that heighten, rather than lessen, the need for courts to operate in a comprehensive, unified manner. There is no factual, institutional, or constitutional basis to undo the Judiciary's core authorities by considering legislation such as SB 125. The safer, wiser, and more faithful course is to preserve and strengthen the framework that has served the Commonwealth well with a Judiciary independent enough to be principled and empowered enough to be effective.