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State Justices Appear Critical of Krasner Impeachment Proceedings

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Many of the Pennsylvania Supreme Court justices appeared inclined to temper the General Assembly's efforts to remove Philadelphia District Attorney Larry Krasner from office during oral arguments on the proceedings.

During the four-hour session Tuesday, the high court grappled with a host of legal questions regarding the lawfulness of Krasner's impeachment, with several justices gravitating toward the argument that the articles of impeachment expired when the General Assembly adjourned.

The Pennsylvania Constitution establishes that General Assembly business dies at the end of its two-year term, and the state Senate voted to take up the articles of impeachment on the last day of the legislative session. The trial was scheduled to occur in the beginning of the next session.

Krasner and Senate Democratic Leader Jay Costa—represented by Hangley Aronchick



Photo by Wikimedia Commons

KRASNER

Krasner's opponents, Sen. President Pro Tempore Kim Ward and impeachment managers Reps. Tim Bonner and Craig Williams, argued otherwise.

Kleinbard's Matthew Haverstick, representing Ward, asserted that the Senate's impeachment functions and legislative powers are separate.

But the justices' questioning suggested some alignment with Krasner and Costa's points.

"Outside of the odd situation of impeachment, this is a rather unremarkable

Segal Pudlin & Schiller's John Summers and the Woods Law Offices' Corrie Woods, respectively—contended that the articles of impeachment could not carry over.

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proposition,” Chief Justice Debra Todd said. “It seems to me that impeachment is really no different than any other legislative business.”

Justice Christine Donohue, too, voiced support for the argument, noting, “there is no inherent termination point” if the impeachment proceedings do not end with the General Assembly’s adjournment.

Justice David Wecht, however, expressed concern that determining articles of

impeachment do not survive between sessions would incentivize impeached officials to purposefully slow down proceedings to avoid conviction.

Woods characterized the adjournment matter as the “narrowest and most clearly justiciable issue” in the case, amid arguments over which questions the court could actually address.

Saxton & Stump’s Robert Graci, who represented Bonner, contended parts of Krasner’s challenge to the impeachment proceedings were not subject to the court’s review at all.

Krasner also argued articles of impeachment against him failed to allege any

conduct that amounted to the “misbehavior in office” standard necessary to remove him from office.

“The respondents here are saying ‘we can just toss you for any reason that we want,’” Summers said.

But Graci said the interpretation of “misbehavior” as it relates to impeachment is up to the legislators and not the court—an argument that prompted heavy questioning from Wecht and Donohue.

Of the five justices presiding over the matter (Justice Kevin Dougherty did not participate), Justice Kevin Brobson seemed the most

inclined to favor a hands-off approach from the court. Brobson suggested that the court may not need to involve itself at all because the Senate could address whether the allegations amounted to misbehavior in office.

“Why should we inject ourselves at this time in a process that should be going on exclusively in the General Assembly until at least the General Assembly has the opportunity to finish that process, and then maybe if we have to clean something up we clean something up?” he said.

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