

SUPREME COURT OF PENNSYLVANIA

In re: Appointment to Fill a Vacancy

In re: Appointment to Fill a Vacancy · No. 51 MAP 2025 · Decided October 20, 2025

SUMMARY

This concurring opinion addresses whether Pennsylvania Rule of Judicial Administration 1908 conflicts with Lackawanna County Home Rule Charter § 1-2.206 concerning appointment to fill a county commissioner vacancy. Chief Justice Todd agrees that the provisions do not conflict and concludes that the court should not reach the alternative separation-of-powers issue; Justice Wecht joins the concurrence.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Todd; Justice Wecht
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	October 20, 2025
DOCKET	51 MAP 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Commonwealth Court's July 18, 2025 order affirming an order of the Lackawanna County Court of Common Pleas.
PRECEDENTIAL VALUE	Published concurring opinion
PARTIES	Lackawanna County, William Gaughan

TOPICS

- home rule
- separation of powers
- statutory interpretation
- appellate procedure
- constitutional law

PRACTICE AREAS

- municipal law
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

- Whether Pa.R.J.A. 1908 and Lackawanna County Home Rule Charter § 1-2.206 conflict.
- Whether the court should reach the constitutional question of whether § 1-2.206 violates separation-of-powers principles if the provisions conflict.

HOLDINGS

1. Pa.R.J.A. 1908 and Lackawanna County Home Rule Charter § 1-2.206 do not conflict.
2. The court should not address whether Lackawanna County Home Rule Charter § 1-2.206 would violate separation-of-powers principles if the provisions conflicted, because the case can be resolved on the nonconstitutional conflict issue.

KEY QUOTATIONS

“As a result, in my view, we need not and should not address whether, if the provisions did conflict, Section 1-2.206 would violate separation of powers principles.”

FACTUAL BACKGROUND

The case concerns an appointment to fill a vacancy in the office of Lackawanna County Commissioner. The concurrence addresses the relationship between Pennsylvania Rule of Judicial Administration 1908 and Lackawanna County Home Rule Charter § 1-2.206.

PROCEDURAL HISTORY

The Lackawanna County Court of Common Pleas entered an order at No. 2025-CV-2692. The Commonwealth Court affirmed that order on July 18, 2025, at Nos. 653 and 697 CD 2025. Lackawanna County and William Gaughan appealed to the Supreme Court of Pennsylvania.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Herman, 161 A.3d 194, 209 (Pa. 2017)

OPINION

PER CURIAM.

[J-100-2025] [MO: McCaffery, J.] IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT IN RE: APPOINTMENT TO FILL A: No. 51 MAP 2025 VACANCY IN THE OFFICE OF COUNTY: COMMISSIONER: Appeal from the July 18, 2025, order: of the Commonwealth Court at Nos.: 653 and 697 CD 2025 affirming the APPEAL OF: LACKAWANNA COUNTY: order of the Lackawanna County AND WILLIAM GAUGHAN: Court of Common Pleas at No.: 2025-CV-2692.: SUBMITTED: September 23, 2025 CONCURRING OPINION CHIEF JUSTICE TODD DECIDED: October 20, 2025 I agree with the majority that Pa.R.J.A.

1908 and Lackawanna County Home Rule Charter § 1-2.206 do not conflict, and that we should affirm the Commonwealth Court on that basis. As a result, in my view, we need not and should not address whether, if the provisions did conflict, Section 1-2.206 would violate separation of powers principles. See *Commonwealth v. Herman*, 161 A.3d 194, 209 (Pa. 2017) (applying “sound tenet of jurisprudence” that courts should avoid constitutional issues when the question may be decided on other grounds).

Accordingly, I join only the majority’s resolution of the conflict issue. Justice Wecht joins this concurring opinion.