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Retired from Pennsylvania Commonwealth Court
1988 - 2009*



Pennsylvania Supreme Court
Chief Justice Robert N.C. Nix, Jr.



Pennsylvania Supreme Court
Justice Juanita Kidd Stout

THE HISTORY AND LEGACY OF BLACK JUSTICES AND JUDGES
IN PENNSYLVANIA'S STATEWIDE APPELLATE COURTS
A Celebration of Black History Month
February 2022

I

In the early 20th century, Dr. Carter G. Woodson, noted scholar, author, journalist and historian, launched what would become a national holiday to encourage understanding by all people of the contributions of Black people to this society. Years later, in 1976, the concept grew, by Presidential proclamation, into a month-long celebration – Black History Month - with celebrations throughout the nation and among specific professions, industries and other fields of endeavor. Today, Black History Month is a time to reflect upon, honor and celebrate contributions of Blacks to this society and the achievements scored in many arenas, albeit far too few, including the judiciary. It is especially so when some of the forces of our times seek to reverse gains made by Blacks who continue to fight for equality, fairness and justice for all.

As a former Commonwealth Court Judge, it gives me honor and great pride to reflect principally upon those who paved the way for others to follow. Their determination, grit, courage, faith, conviction and strength of character no doubt carried them through some very difficult times as they confronted barriers not faced by White counterparts to gain a seat in the statewide appellate courts. Just as were many of their White peers, Black lawyers and judges were also advocates for a fair, just, impartial and independent judiciary and committed to ensuring that the system of justice in this Commonwealth lived up to its constitutional mandates. Despite its past, however, and the slim number of those appointed and elected to date, this state can count among Black statewide Justices and Judges some of the most heroic history makers of all time.

(A)

Pennsylvania Supreme Court – Officially Established in 1722 – Only one Black Justice Elected
Chief Justice Robert N.C. Nix, Jr. (Philadelphia) in 1972 became the first Black ever elected to the Pennsylvania Supreme Court, the highest appellate court in the state. Governor Milton Shapp appointed the Chief Justice to the Supreme Court in 1971, followed by his election to a full 10-year term beginning in 1972. To this day, Chief Justice Nix remains the only Black elected to the Supreme Court in its 250-year history, the oldest appellate court in the nation. Although he served as a Justice on the Court from 1972 to 1996, his history and legacy will be that of becoming the first Black Chief Justice to lead a High Court in any state in the nation. He served for twelve years as Chief Justice from 1984 to 1996 and served a term as president of the National Conference of Chief Justices. After graduation from Villanova University at the top of his class with a degree in Philosophy, Chief Justice Nix entered the University of Pennsylvania Law School. Upon graduation from law school, he then began practicing law with his father, Congressman Robert N.C. Nix, Sr. in the firm “Nix, Rhodes & Nix”, where he fought vigorously for racial justice and equity in employment and housing and on many other fronts at a time when racial discrimination was rampant in Philadelphia and the state. Chief Justice Nix was elected to the Philadelphia Common Pleas Court in 1967 and served there until 1971, and his father Congressman Nix was elected in 1958 as the first Black from Pennsylvania to serve in the U.S. House of Representatives.

During his time on the Supreme Court, Chief Justice Nix endured challenges even within the judicial system that appeared by many to be racially motivated; yet, he handled his challenges with dignity, a calm demeanor and grace that helped to diffuse more conflict, maintain judicial decorum and demonstrate genuine concern for the effective administration of the justice system. His experience as a civil rights lawyer and advocate no doubt strengthened his resistance to discrimination and injustice wherever he saw it. This was evidenced by his “vociferous” dissent to the Supreme Court’s 1989 ruling in *In Re: Matter of Madame Justice Juanita Kidd Stout* requiring her removal from the Court when she turned 70. The Chief Justice lamented that the sorry record of participation on the Court by female members of this Commonwealth (only two) reflected one type of discrimination against Justice Stout (sex discrimination); and because she was denied a chance to complete the limited participation on the Court due to her age, she was subjected to another type (age discrimination). All people, including jurists, potentially can benefit from learning more about the Chief Justice’s contributions and achievements and, by doing so, help to encourage greater understanding of Black History, while at the same time create a stronger and more unified society. After living a remarkable life, Chief Justice Nix passed away in 2003.

Justice Juanita Kidd Stout (Philadelphia) is the first Black woman to serve on the Supreme Court. Governor Robert P. Casey appointed her in 1988, and she thus became the first Black woman to serve on any state Supreme Court in the nation. She served from 1988 to 1989 but nonetheless left an indelible mark on the Court. In 1959, Governor David Lawrence appointed her to the Philadelphia Municipal Court. Thereafter, she was elected to a full term, becoming the first Black woman to win a judgeship in any court in the nation. Ten years later in 1969, she won a seat on the Common Pleas Court where she served until her Supreme Court appointment. When it ended, she returned to Common Pleas Court as a senior judge. In 2012, the Philadelphia City Council

entered a resolution renaming the Criminal Justice Center in her honor: “Justice Juanita Kidd Stout Center for Criminal Justice.” After receiving a music education degree in the 1940s from the University of Iowa, Justice Stout returned to Oklahoma to teach music, but due to Jim Crow laws she reportedly was denied the opportunity to teach in her home state. She later obtained a law degree from Indiana University Law School and ultimately moved to Philadelphia in 1950 to work for a distinguished jurist: 3rd Circuit Court of Appeals Judge William H. Hastie, the first Black appointed to a U.S. Circuit Court of Appeals in the nation. Justice Stout passed away in 1998.

Justice Cynthia Ackron Baldwin (Pittsburgh) was the second Black female to serve on the Allegheny County Court of Common Pleas and the first one elected to the court, where she served from 1990 to 2006. In February 2006, Governor Edward Rendell appointed her to the Supreme Court where she served from February 2006 through December 2007 and was the second Black female justice in the Court’s history. She earned her bachelor’s and master’s degrees from Penn State University and then taught English at the same university before earning her law degree from the Duquesne University School of Law, where she was on Law Review. After earning a law degree, she worked as staff attorney for Neighborhood Legal Services and as Deputy PA Attorney General – in Charge of the Western Regional Office of the Bureau of Consumer Protection. Upon retiring from the Supreme Court, she became a partner at Duane Morris LLC, and the first Vice President and General Counsel for Penn State University, where she had become the first Black woman to chair the Penn State Board of Trustees. She has devoted an extensive amount of time to civic and community affairs and most notably was a Fulbright Scholar teaching in Zimbabwe and has assisted developing nations on their anti-corruption projects through the Brookings Institution. Just recently, in 2022, Justice Baldwin became the first Black chair of the Fulbright Association Board. She is a member of the International Association of Women Judges.

(B)

Pennsylvania Superior Court – Established in 1895 – Four Blacks Elected

Judge Theodore O. Spaulding (Philadelphia) was the first Black man to serve on a statewide court in Pennsylvania, which was the Superior Court and one of the two intermediate appellate courts in the state unified judicial system; it hears appeals in civil and criminal cases. We owe homage to Judge Spaulding for paving the way. In 1966, Governor William Scranton appointed him to the Superior Court, one of the two intermediate statewide appellate courts in the state. Thereafter, he won a full 10-year term in 1967 that ended in early retirement due to illness. In 1953, Judge Spaulding won a seat on the Philadelphia Municipal Court in a hotly contested race that, as a Republican, he was not expected to win. History reflects, however, that he was the first Black man to win statewide office in PA when elected to Superior Court. After Judge Spaulding graduated from Detroit University Law School, he became a long-time civil rights lawyer and civil rights activist. He served on the NAACP’s national board for over 20 years, collaborating with the Philadelphia NAACP to fight for voting rights, racial equity in housing and other areas, along with school segregation and on-going civil rights issues plaguing the city. Undoubtedly, he faced challenges when he became a statewide judge over 50 years ago, but he, too, persevered in the face of adversity. Judge Spaulding passed away in 1974.

Judge Justin Morris Johnson (Pittsburgh) was the second Black man elected to Superior Court, and he served there from 1980 to 2007. He practiced law in Pittsburgh after graduating from the

University of Chicago Law School in 1962 and joining the law firm with his well-known father Attorney Oliver Livingstone Johnson and brother, retired Allegheny County Common Pleas Court Judge Livingstone Johnson. When he joined the firm, it was renamed “Johnson, Johnson & Johnson” where he remained for 15 years and then served in other positions before he was appointed to the bench in 1980 by Governor Dick Thornburgh. Judge Johnson helped to establish the Homer S. Brown Law Association in Allegheny County and the PBA Minority Bar Committee and served, as well, as an adjunct professor at Duquesne University Law School. The Supreme Court appointed him in 1969 as a member to the PA Board of Law Examiners where he served until 1984 and chaired the board for six of those years. After college, he joined the U.S. Air Force and earned the rank of Major during 14 years of active and reserve duty. He received many awards during his distinguished career, including, among others, the Homer S. Brown Service Award, PBA Judges’ Award and the Martin Luther King, Jr. Citizen’s Award. He passed away in 2021.

Judge Cheryl Allen (Pittsburgh) was the first Black woman elected in 2007 to the Superior Court and served there with distinction from 2008 until her retirement in 2015. She was appointed to the Allegheny County Court of Common Pleas in 1990 and was elected to a full 10-year term in 1991 where she remained until 2007. She earned her undergraduate degree from Penn State University and her law degree from the University of Pittsburgh, School of Law. She served as a Pittsburgh Public School Teacher before becoming a lawyer and began her legal career as a staff attorney with Neighborhood Legal Services. Thereafter, she was an Assistant County Solicitor in the Allegheny County Law Department, an attorney for the PA Human Relations Commission, an associate professor at Point Park University, and, since retirement, she serves as Of Counsel for Independence Law Center of the Pennsylvania Family Institute. She also is a member of the Board of Trustees of Waynesburg University. Judge Allen maintained a law practice for over ten years with emphasis on family law and employment discrimination law and successfully represented litigants against a major health-care facility before a PA state appeals court. She has received many accolades for her service, including, among others, a Juvenile Court Judges’ Commission Award and The Legal Intelligencer & Pennsylvania Law Weekly Women of the Year Award. Judge Allen continues to serve in various roles as an advocate for children and youth.

Judge Lillian Harris Ransom (Philadelphia) served as a judge on Superior Court by appointment from Governor Tom Wolf on June 13, 2016, with confirmation by the state Senate on June 27, 2016. Her interim term ended on December 31, 2017 but she remained on Superior Court as a senior judge for part of the following year. She then returned to Common Pleas Court where she began her judicial service as a trial judge in 1995. Judge Ransom earned her undergraduate degree from Hampton University, her J.D. degree from St. Louis University and master's degree from Temple University. While serving on Common Pleas Court, Judge Ransom presided over family and criminal matters. At the time of her appointment, she was the Homicide Team Leader assigned to facilitate and organize the re-sentencing of juveniles whose mandatory life prison sentences were overturned on appeal. Upon return to Common Pleas Court as a senior judge, Judge Ransom resumed her assignment and also presides over the Mental Health Court that allows offenders with severe mental illness to participate in judicially-supervised diversionary programs. Judge Ransom was the fourth Black and second Black female to serve on Superior Court since 1895.

Judge Carolyn H. Nichols (Philadelphia) was elected in 2017 to Superior Court. In 2011, she was elected to the Philadelphia Court of Common Pleas and served there until her Superior Court

election. Judge Nichols was a Legislative Assistant to former Philadelphia Councilwoman Augusta Clarke, an Assistant City Solicitor, a Deputy Secretary of External Affairs for the Office of the Mayor of Philadelphia and General Counsel for the Philadelphia Parking Authority. She earned her J.D. and LL.M. degrees from Temple University Beasley School of Law and holds an M.B.A. degree from Eastern University. Prior to becoming a trial judge, she maintained a private law practice. Rutgers Law School BLSA honored her with the Dr. Martin Luther King, Jr. Champion of Social Justice and Equality Award in 2019, and in 2018, she received the NBA/Judicial Council/Clifford Scott Green Chapter's Pinnacle Award for her service to the Common Pleas Court. Judge Nichols is a member of the Montgomery County and Philadelphia Bar Associations and the Judicial Council and International Association of Women Judges. She is the fifth Black and third Black female to serve on Superior Court.

(C)

Pennsylvania Commonwealth Court – Established in 1968 – Three Blacks Elected

Judge Robert W. Williams, Jr. (Philadelphia) is the first Black man elected to PA Commonwealth Court in 1979, the other intermediate appellate court that hears appeals involving local and state government matters. Judge Williams served on the court until 1985 when he resigned to run for Philadelphia District Attorney. He graduated from Howard University and the Boston University School of Law, and, after law school, he worked as a trial deputy and chief of the homicide division in the District Attorney's Office from 1958 to 1963. Judge Williams practiced law, handling civil and criminal cases, and he served as special counsel to the Philadelphia City Council, sat on the Philadelphia Crime Commission and Board of Education and served as a Temple University Trustee, among other prominent positions. In 1970, he became a Philadelphia County Common Pleas Court judge and served there until 1979 when elected to Commonwealth Court. He earned a reputation that prevailed throughout his career for integrity and fairness and a commitment to upholding the law. In addition, he enjoyed a reputation for courage, valor and high leadership. A skilled U.S. Army Air Force navigator during World War II, Judge Williams is a product of the well-known Philadelphia law firm "Norris, Schmidt, Green, Harris, Higginbotham & Associates." He is proud that his friend and colleague, then U.S. Solicitor General Thurgood Marshall, moved for his admission to the Bar of the Supreme Court in 1967. Soon thereafter, Solicitor General Thurgood Marshall became the first Black to serve as a Justice on the U.S. Supreme Court.

Judge Doris Smith-Ribner (Pittsburgh) became the first Black woman elected in 1987 to the Pennsylvania Commonwealth Court on which she served from 1988 to 2009. In addition, she is the first Black woman to win statewide office in Pennsylvania and the first to serve as a judge on the Allegheny County Court of Common Pleas by interim appointment from Governor Dick Thornburgh. Judge Smith-Ribner earned her undergraduate and J.D. degrees from the University of Pittsburgh and its School of Law. She worked her way through school as a legal assistant and after graduation became a partner in the well-established "Law Offices of Byrd R. Brown." He was a skilled and prominent civil rights, criminal and personal injury trial lawyer and the son of Judge Homer S. Brown, civil rights leader and first Black judge in Allegheny County elected in 1956. The law firm also included a highly respected associate who was the first Black Speaker of the PA House of Representatives and the first Black to serve as Speaker in any state legislature in the nation: mentor, Honorable K. Leroy Irvis. Judge Smith-Ribner litigated discrimination cases in federal court and criminal and civil cases in state and federal courts, and she successfully

pursued audit claims against local public officials on behalf of county taxpayers while serving as Solicitor to the Allegheny County Controller. She has served on Pitt Law School's Board of Visitors for many years; was appointed by Governor Tom Corbett to the state's first PA Justice Reinvestment Work Group (U.S. Justice Department Initiative); was appointed by President Obama as a Commissioner on the Advisory Commission for the White House Initiative on Educational Excellence for African Americans; and serves as a member of Lincoln University's Board of Trustees. Over 20 years ago, she developed the Commonwealth Court mediation program approved by the Board of Judges that continues to the present time.

Judge Johnny Butler (Philadelphia) was appointed by Governor Edward Rendell to serve two interim terms on Commonwealth Court from 2008 to 2011. A graduate of Howard University and the Howard University School of Law, Judge Butler held various significant government and public interest legal positions. He served as Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc., Associate Regional Attorney for the U.S. Equal Employment Opportunity Commission (EEOC), and the Philadelphia District Director and Acting General Counsel of EEOC. He spent eight years as Secretary of the PA Department of Labor & Industry and served as of counsel to the Philadelphia Law Firm of Booth & Tucker before ascending to the statewide appellate court. He was the second Black male to serve on Commonwealth Court and the third Black to serve in the court's history.

Judge Lori A. Dumas (Philadelphia) was elected in 2021 to Commonwealth Court. She served almost two decades on the Philadelphia County Court of Common Pleas and for a majority of that time in Family Court–Juvenile Division. She was instrumental in creating the Juvenile Human Trafficking Court to provide services to young victims of human trafficking. Judge Dumas has been involved with various boards and organizations, including among others, Women Against Abuse, NAACP, Big Brothers/Big Sisters, Northwest Victim Services and Alpha Kappa Alpha Sorority, Incorporated. She is a member of the Philadelphia and Pennsylvania Bar Associations, the Juvenile Court Judges' Commission and the National Council of Juvenile and Family Court Judges, and she sits on the Elder Justice Task Force of the First Judicial District. She received her bachelor's degree in Sociology from Duke University and returned home to Philadelphia to practice law and serve her community after earning her J.D. degree from North Carolina Central University School of Law. She is the 12th Black to serve on the statewide appellate courts, the seventh Black female to do so and the second Black female elected to Commonwealth Court.

II

It is evident from even a cursory review of the history and legacy of Black Justices and Judges who have served this Commonwealth and nation that they should be recognized and celebrated during this Black History Month. There is no question that the number of Black Justices and Judges in the Pennsylvania statewide appellate court system is slim at best, demonstrating a critical need for greater scrutiny of this issue. However, one cannot argue that the presence of the Justices and Judges included here does not impact diversity in the courts. It also affirms public perception that decisions can be made based on principles of fairness and equal justice, and it creates greater confidence in the public generally and court users specifically when they see Justices and Judges who reflect the racial, ethnic and cultural makeup of this society.

Celebrating the achievement and contributions of Black people, including the history and legacy of Black Justices and Judges, is what Black History Month is all about, and it adds a foundational basis to support the impact of their presence with regard to changing public perception about the fairness, integrity and independence of the judiciary. Moreover, learning about the contributions and achievements of Black Justices and Judges during Black History Month and throughout the year, as well, can and will increase understanding among all people, a major focus behind launching and then promoting Black History Month. Also, more education about the history and legacy of Black Justices and Judges reduces the need, desire or inclination for some to distort or misinterpret that history for political or personal motivations.

Learning about the extraordinarily hard work behind the pursuit of judgeships, particularly in the midst of segregation, the presence of Jim Crow and the racial barriers that Blacks have historically had to confront, and then breaking down those barriers to find triumph and success, is a lesson that must be told to children and adults alike. This type of education will encourage that mutual understanding and respect needed among all people to strengthen this society. Moreover, the judicial branch of government is expected to function under well-defined principles to promote public trust and confidence; and if members of the judiciary committed themselves to learn about the contributions and achievements of Black Justices and Judges and shared that history accurately, it could enhance public perception of the fairness and integrity within the system and promote the understanding and respect among all people of this state that is so needed during these times.

The judiciary is encouraged to join in celebrating Black History Month. At a time when national discourse focuses, in part, around who may be the next U.S. Supreme Court Justice, Black History Month presents a unique opportunity to rename the Pennsylvania Judicial Center in Harrisburg as the “Chief Justice Robert N.C. Nix, Jr. Judicial Center.” Countless individuals, legal organizations and others across the Commonwealth support the renaming, which would serve as lasting tribute and honor to the first Black Chief Justice of the Pennsylvania Supreme Court who holds the added distinction of being the first Black Chief Justice of any state Supreme Court in the nation.

(Judge Smith-Ribner served on Commonwealth Court for more than two decades. This article represents a desire to review the history and impact that so few Black Justices and Judges had on this society and to show, in part, the commitments made to seek equal justice under law for all people. It includes review of unified judicial system historical records, government manuals and documents, law school studies about the judiciary, biographical records and other source materials along with precious interviews and discussions with many of the legends mentioned.)