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Commonwealth Court of Pennsylvania

Reminiscences of
Charles P. Mirarchi, Jr., Senior Judge

January 22, 2009

Philadelphia, Pennsylvania

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1 MR. SCHUCKERS: Today is January 22nd, 2009. This
2 is Dan Schuckers, who's in the chambers of the Honorable
3 Charles P. Mirarchi, Jr., who was a senior judge on the
4 Commonwealth Court and is now and has been handling the
5 mediation program for the last four or five years.

6 Judge Mirarchi has had a very long, distinguished
7 legal career, having been in the practice of law for 23 years
8 and being on the bench, both at the common pleas court level
9 and the Commonwealth Court of Pennsylvania, for about
10 33 years and then assisted in establishing and managing the
11 Commonwealth Court's mediation program for the last five
12 years. Thus, he has devoted about 60 years to a
13 distinguished legal career during which time he's done an
14 outstanding job. And I'm here to interview him today and

15 hopefully get his reminiscences of his legal career, among
16 other activities.

17 Judge Mirarchi, thank you for being here today, and
18 I really appreciate your taking the time to do this.

19 I noticed in your biography that you were born in
20 Philadelphia in 1924. Do you have any memories of growing up
21 in Philadelphia in the 1920s or 1930s?

22 JUDGE MIRARCHI: Well, mostly in the 1930s because
23 from '24 to '30, I would be about six years old. So it was
24 difficult to reflect, although I do have some memories of my
25 age at four, five and six, but they're limited.

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1 And I was blessed with good parents who were
2 concerned about an education. In fact, my father, who had
3 come over from Italy, worked as a boot black, then worked as
4 a barber, earning the distinction of being a master barber,
5 went to law school at night, got permission to take the bar
6 after three years of night school with the understanding that
7 he would go back and finish his degree in the fourth year.

8 But being in need of money and having a family to support and
9 having passed the bar and was admitted to the Pennsylvania
10 Bar, he began to practice law. At that time, he couldn't
11 afford to go back to law school.

12 MR. SCHUCKERS: Now, would he have entered the
13 practice of law in the 1930s or 1940s?

14 JUDGE MIRARCHI: No. He entered the practice of
15 law in the Twenties; he was already a lawyer when I was born.

16 MR. SCHUCKERS: Is that right? Now, when he did
17 come to this country?

18 JUDGE MIRARCHI: About 1900, when he was about 12
19 years old.

20 MR. SCHUCKERS: And did he meet your mother in this
21 country?

22 JUDGE MIRARCHI: Yes. In fact, actually he met my
23 grandfather, my mother's father, first because my grandfather
24 was in the real estate business.

25 MR. SCHUCKERS: So this is your mother's father?

1 JUDGE MIRARCHI: My mother's father. And as a

2 result of Dad having just become a lawyer and living in close
3 proximity to where my grandfather lived. My mother, who was
4 in her teens, was my grandfather's secretary. My father was
5 in contact with my grandfather through professional
6 activities, and they became acquainted. That's how he met my
7 mother.

8 MR. SCHUCKERS: One thing led to another?

9 JUDGE MIRARCHI: Yes. And my mother was some
10 18 years old when she married my dad. He was about 18 years
11 her senior.

12 MR. SCHUCKERS: Was your mother -- did she work
13 outside the home?

14 JUDGE MIRARCHI: Actually no. My maternal
15 grandfather was in the real estate business. His office was
16 converted from the garage in the rear of the house. She did
17 work somewhat in the home because his real estate office was
18 in the garage in the rear of the house.

19 MR. SCHUCKERS: What section of Philadelphia was
20 that?

21 JUDGE MIRARCHI: South Philadelphia.

22 MR. SCHUCKERS: South Philadelphia?

23 JUDGE MIRARCHI: We considered this the garden spot

24 of Philadelphia.

25 MR. SCHUCKERS: Now, was South Philadelphia at that

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1 time a very Italian area?

2 JUDGE MIRARCHI: Yes. It started out as an
3 Irish/German neighborhood. But it was in the process of
4 changing, as more Italian-Americans began to move into the
5 South Philadelphia area.

6 MR. SCHUCKERS: As you were growing up, do you have
7 any recollection of any conflicts between those groups? You
8 mentioned the Germans and the Irish and then there were the
9 new Italian immigrants.

10 JUDGE MIRARCHI: No. The various ethnic groups
11 began the process of becoming assimilated. South
12 Philadelphia where I was born -- I was born a block away from
13 the house I live in today. And consequently, I've been there
14 for over 84 years.

15 MR. SCHUCKERS: So you live in the house that you
16 were raised in?

17 JUDGE MIRARCHI: Raised in, yes.

18 MR. SCHUCKERS: How many siblings did you have?

19 JUDGE MIRARCHI: I had one sibling, my sister, who
20 unfortunately died some years ago. She must have had heart
21 problems that we didn't know about because we found her
22 deceased in her home. And when she married, she lived a
23 block away from us.

24 Originally when the Irish and the German people
25 immigrated to the United States and settled in Philadelphia,

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1 they're the ones who had the area between Washington Avenue
2 almost down to the Navy yard. And then when they started to
3 move out, the Italians moved from the Lombard/South Street
4 across Washington Avenue, which was a big dividing line, and
5 began to settle in those houses.

6 MR. SCHUCKERS: Was there much ethnic tension?

7 JUDGE MIRARCHI: Well, among the teenagers, there
8 was always some minor tension.

9 MR. SCHUCKERS: And you went to Philadelphia public
10 school?

11 JUDGE MIRARCHI: I went to Philadelphia public
12 schools: The local school, Barrett Junior High School, South
13 Philadelphia High School for boys next door, and we had a
14 separate South Philadelphia High School for girls. After I
15 graduated, it integrated.

16 MR. SCHUCKERS: Do you have any recollections of
17 some of your teachers or principals in those schools?

18 JUDGE MIRARCHI: Niewig was the principal of South
19 Philadelphia High School when I went. And he was a stern
20 taskmaster. And, in fact, I remember a situation where we
21 were in assembly, which was across from the principal's
22 office, where 300 young men were sitting as a result of
23 detention. Monitors couldn't keep them quiet too long. And
24 consequently, they began to speak louder and louder. The
25 principal came in and told us we were going to be kept in

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1 detention until 5 p.m.

2 3:00 came, and we were not dismissed. And when
3 4:00 came, we were still there. Mothers of these young men
4 began to assemble. And when 4:30 came, a very irate

5 grandmother, mine, came down the center aisle, pointed a
6 finger at Niewig and told him, "You have no right to keep
7 these young men. The mothers are outside and have been
8 waiting for over an hour." Then she turned to the class and
9 said, "You're dismissed." But nobody wanted to leave because
10 they wanted to see more of the tension that was being
11 generated.

12 MR. SCHUCKERS: But he was a very strict principal?

13 JUDGE MIRARCHI: He was a very strict
14 disciplinarian, and I admired him in that respect.

15 MR. SCHUCKERS: Do you have any memories of growing
16 up during the Depression?

17 JUDGE MIRARCHI: As hard as it was, I have memories
18 growing up in the Depression because my father, as I said,
19 who came over, worked at a boot black, as a barber, went to
20 law school at night and maintained an office on the second
21 floor in our home for the convenience of clients. And if
22 clients came in around suppertime, they didn't wait in the
23 living room to see him. They were invited to have dinner
24 with us. My mother never knew how many people there were
25 going to be for dinner, never.

1 MR. SCHUCKERS: So the clients would have dinner
2 with you?

3 JUDGE MIRARCHI: Yes. And I think some of them
4 purposefully came at dinnertime.

5 MR. SCHUCKERS: But your father was able as an
6 attorney to make a living during the Depression?

7 JUDGE MIRARCHI: He did. And he -- and I know that
8 it was difficult. He spoke almost all of the Italian
9 dialects, because the regions in Italy, each had their own
10 particular dialect of Italian. And he had the capacity to
11 communicate with each of them regardless of the area from
12 which they came from in Italy.

13 MR. SCHUCKERS: Were most of his clients recent
14 immigrants from Italy?

15 JUDGE MIRARCHI: No. While many of them were
16 recent, there was a large core who had been here for some
17 time. They established their own community of friends.

18 MR. SCHUCKERS: And what sort of practice did he
19 have, just a general practice?

20 JUDGE MIRARCHI: It was just a general practice;

21 neighborhood squabbles, wills and just general advice. He
22 helped establish their clubs and mutual aid societies.

23 MR. SCHUCKERS: Now, after public school, you then
24 went to Temple University. Is that correct?

25 JUDGE MIRARCHI: Yes. And Temple University Law

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1 School evening division.

2 MR. SCHUCKERS: Do you have any memories of the
3 university or the law school in those days?

4 JUDGE MIRARCHI: Yes. Temple University Law School
5 in those days was small. In fact, there was but one room for
6 each level of class. It was located in the Gimbel Building
7 on the 13th floor, Ninth and Chestnut. There was only four
8 rooms, one for each of the levels they taught, first year,
9 second year, third year and fourth year. And that's all they
10 needed. Of course, today now we have a separate building for
11 the law school.

12 MR. SCHUCKERS: How many people would have been in
13 your law school class?

14 JUDGE MIRARCHI: I would say approximately 45.

15 MR. SCHUCKERS: And you graduated in 1948?

16 JUDGE MIRARCHI: Yes.

17 MR. SCHUCKERS: How many women were in that class?

18 JUDGE MIRARCHI: As I recollect, there were three.

19 MR. SCHUCKERS: Have you maintained contacts with
20 your classmates?

21 JUDGE MIRARCHI: I did for a good number of years.

22 Bill Silver and I went to college together, and we

23 matriculated into the law school together. And he opened up

24 a neighborhood law office in West Philadelphia and did well.

25 But then I married and started a family. It became more and

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1 more difficult to have an expanded social life of that

2 nature. We had five children.

3 MR. SCHUCKERS: Did you enjoy law school?

4 JUDGE MIRARCHI: Absolutely.

5 MR. SCHUCKERS: You did well at it. You're one of
6 the editors on the Law Journal. You enjoyed that?

7 JUDGE MIRARCHI: I enjoyed it. It was really well

8 organized. The professors were excellent. I can picture
9 them. Some of the names I don't remember now, but I can
10 picture them. And they were intense in their presentation,
11 and some of them were practicing lawyers.

12 MR. SCHUCKERS: When you graduated in 1948, what
13 options were available at that point?

14 JUDGE MIRARCHI: Little or none. The thing is, at
15 that time, my father was a practicing attorney before he
16 married my mother, and he had opened up a neighborhood
17 office. And when he married my mother, he kept the second
18 floor back room of our home for a law office. And he had --
19 he shared an office in town, Center City Philadelphia, with
20 four or five other gentlemen, and he had a little office on
21 the second floor of our home. So we had a steady flow of
22 people coming in. And his theory was that they worked during
23 the day; if they want to see a lawyer, they'd have to come at
24 night. He wanted to be there for them.

25 MR. SCHUCKERS: Now, did you go into practice with

1 him?

2 JUDGE MIRARCHI: Right off the bat.

3 MR. SCHUCKERS: And the name of the law firm was?

4 JUDGE MIRARCHI: Well, at the time, it was Charles
5 P. Mirarchi. And he added Senior because when I came aboard,
6 I was Charles P. Mirarchi, Jr. Consequently, we were
7 Mirarchi and Mirarchi. And there was another young graduate
8 who was in my class, somewhat older than me, who joined us.
9 He had had a plastic business during the war and did quite
10 well and wanted to go to law school, which was his dream;
11 thus, he went to law school. I met him when we were in our
12 first class in the first year.

13 MR. SCHUCKERS: And he became a partner?

14 JUDGE MIRARCHI: Yes. And then the firm became
15 Mirarchi, Mirarchi and Aleli.

16 MR. SCHUCKERS: You were in practice for 23 years.
17 Did you specialize in any type of cases, or did you continue
18 your father's practice of taking all sorts of cases?

19 JUDGE MIRARCHI: All sorts of cases.

20 MR. SCHUCKERS: Did you do much criminal work?

21 JUDGE MIRARCHI: I did some criminal work. At that
22 time, I didn't intend to specialize in criminal law. I might
23 have been too judgmental to do it; and consequently, it would

24 be better for our potential clients if I didn't do it. But I
25 had success in those cases that I did represent.

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1 MR. SCHUCKERS: But it was essentially a civil
2 practice?

3 JUDGE MIRARCHI: Yes.

4 MR. SCHUCKERS: Did you have much of a federal
5 practice?

6 JUDGE MIRARCHI: No. Although, those cases I
7 handled resulted in the defendant either being acquitted or
8 receiving probation, except for the homicide defendants who
9 received appropriate sentences.

10 MR. SCHUCKERS: Now, you stayed with state and
11 civil practice?

12 JUDGE MIRARCHI: Yes. But I did have some federal
13 work.

14 MR. SCHUCKERS: Was there any type of law that you
15 really enjoyed?

16 JUDGE MIRARCHI: Actually, I enjoyed all of the

17 phases of the law, although, as I said, I specialized in the
18 civil practice rather than criminal, although I think I would
19 have done quite well in criminal.

20 MR. SCHUCKERS: You practiced for 23 years. What
21 made you decide to head for the bench and to go through that
22 process in Philadelphia?

23 JUDGE MIRARCHI: Because Dad had been selected by
24 the parties to be a candidate for a judgeship some ten years
25 earlier. Actually not even ten years earlier. And he, along

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1 with the entire ticket, lost. And as a result of him losing,
2 they went back in the practice. And all of those persons who
3 were candidates at that time were later appointed politically
4 to fill a vacancy to run in the next succeeding election
5 except one, my father. And I got angry.

6 MR. SCHUCKERS: This would have been in the 1960s.
7 Did your father lose in the primary or in the general
8 election?

9 JUDGE MIRARCHI: No, in the general.

10 MR. SCHUCKERS: He lost in the general election?

11 JUDGE MIRARCHI: Yes.

12 MR. SCHUCKERS: Did he have the endorsement --

13 JUDGE MIRARCHI: He had the endorsement of the
14 Democratic Party to run.

15 MR. SCHUCKERS: This would be the Democratic Party?

16 JUDGE MIRARCHI: The Democratic Party.

17 MR. SCHUCKERS: To run?

18 JUDGE MIRARCHI: But the whole slate lost. But
19 each one of those who were candidates at that time were later
20 appointed to the bench, except Dad.

21 MR. SCHUCKERS: Who would have made that
22 appointment? Would it have been the governor -- would it
23 have been Governor Shafer or Governor Scranton?

24 JUDGE MIRARCHI: It would have been the Governor,
25 but on the recommendation of the local party affiliates. And

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1 at that time, we were Democrats.

2 MR. SCHUCKERS: So your father was not appointed by
3 the Governor, and then that was the end of the --

4 JUDGE MIRARCHI: He was not, you know, appointed by
5 the Governor.

6 MR. SCHUCKERS: But he was supported by the local
7 party?

8 JUDGE MIRARCHI: By the local party.

9 MR. SCHUCKERS: And this was the impetus for you
10 running then in 1971?

11 JUDGE MIRARCHI: Exactly. In fact, I was going to
12 run in '69. And I had become close friends with Mayor Tate,
13 Party Chairman Peter Camiel and the political party.

14 MR. SCHUCKERS: Frank Rizzo was a police
15 commissioner at that time, as I recall.

16 JUDGE MIRARCHI: He was the police commissioner at
17 that time. And Pete Camiel --

18 MR. SCHUCKERS: Who was the party chairman at that
19 time.

20 JUDGE MIRARCHI: Pete Camiel. Both Mayor Tate and
21 Pete Camiel talked to me about not running in '69. In fact,
22 Pete Camiel pretty much said, "Charlie, we're not going to
23 win this election. I don't want you to run. You'll run next
24 time." And they kept their word.

25 Then in '71, I was handling a legal matter in

1 Jersey, and I returned home at about midnight, because they
2 have night court in Jersey -- so it would have been 11:30,
3 12:00 -- and I was told to call Pete Camiel.

4 MR. SCHUCKERS: This was going to be an important
5 phone call?

6 JUDGE MIRARCHI: And he said, "Whatever time he
7 comes in." And he said, "Charlie, you want to run?" I said,
8 "Yes." He said, "Well, this is Thursday night. Friday
9 you're going to have to go to Harrisburg, get the nominating
10 petitions and get 400 signatures by Monday because we have to
11 file them; Monday is the last day."

12 I arranged for a meeting of friends and neighbors
13 for the weekend, went to Harrisburg Friday for the nomination
14 forms. I had called for a meeting at my house Friday night.
15 I must have had 40 people there. I gave them all petitions.
16 And I said, "I've got to have them back in 24 hours, so don't
17 miss a line. Don't miss a question."

18 We needed 200 signatures or whatever it was at the
19 time. My committee met Friday and Saturday nights. By

20 Sunday night, we had over a thousand Democratic signatures
21 and 400 Republicans. And Monday we went to Harrisburg to
22 file the petitions.

23 MR. SCHUCKERS: And no one challenged them, and
24 then you were on the ballot?

25 JUDGE MIRARCHI: In fact, what happened is that I

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1 brought them up personally with a friend of mine. We had so
2 many signatures. He looked at it, and he said, "We're not
3 going to have to check each, but I have checked 200 necessary
4 -- you've got 2,000 here." He says, "You've got enough good
5 signatures." And they were all good signatures.

6 MR. SCHUCKERS: So you then won the primary?

7 JUDGE MIRARCHI: I was the candidate, and I was in
8 the primary.

9 MR. SCHUCKERS: And then you won the primary and
10 the general election in '71?

11 JUDGE MIRARCHI: Right.

12 MR. SCHUCKERS: And you took office in January of
13 '72, and you were retained in 1981 and 1991?

14 JUDGE MIRARCHI: Right.

15 MR. SCHUCKERS: Was there any type of cases that
16 you really enjoyed while you are a common pleas court judge
17 in Philadelphia?

18 JUDGE MIRARCHI: I enjoyed almost every phase of
19 it. I was a little concerned because I hadn't spent much
20 time doing criminal work. But the first assignment that I
21 received when I got on the bench was to sit in criminal
22 court. And after one day, I felt at home. And I had no
23 problems.

24 MR. SCHUCKERS: What were the divisions in the
25 common pleas court then?

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1 JUDGE MIRARCHI: We had the civil, the criminal and
2 the orphans' court division.

3 MR. SCHUCKERS: Which handled what, family matters?

4 JUDGE MIRARCHI: Not family. That was handled by
5 the municipal court at that time, which was not on the same
6 equal par as it is today.

7 And consequently, I handled -- I did a lot of
8 wills, consequently a lot of estate work. So I felt
9 comfortable doing that. And when I went on the bench, they
10 asked what assignment would you like? I had orphans' court
11 first; I had civil second and criminal third.

12 MR. SCHUCKERS: So they put you where?

13 JUDGE MIRARCHI: In criminal, right off the bat.

14 MR. SCHUCKERS: And who made that decision?

15 JUDGE MIRARCHI: The President Judge.

16 MR. SCHUCKERS: Who was the President Judge at that
17 time?

18 JUDGE MIRARCHI: Donald Jamison.

19 MR. SCHUCKERS: And the President Judge would have
20 the authority to do that?

21 JUDGE MIRARCHI: Jamison.

22 MR. SCHUCKERS: Judge Jamison.

23 JUDGE MIRARCHI: Judge Jamison, who was a
24 Republican. And I say that pleasantly because we were close
25 friends.

1 MR. SCHUCKERS: How many judges would there have
2 been then on common pleas court in Philadelphia? This is
3 1972.

4 JUDGE MIRARCHI: In 1972, we had in the common
5 pleas court seven courts, CP-1 through CP-7. So we had 21
6 common pleas court, six orphans' court and 20 municipal
7 court.

8 MR. SCHUCKERS: So that's a total of approximately
9 50?

10 JUDGE MIRARCHI: Right, 47 judges.

11 MR. SCHUCKERS: You had your own chambers in City
12 Hall?

13 JUDGE MIRARCHI: Yes. Well, originally, no, we
14 were across the street from City Hall. We were the new kids
15 on the block. And they had increased -- Governor Shapp had
16 just appointed that weekend 25 new judges plus filled
17 vacancies. A bill passed to create new judges. He appointed
18 25 new judges, Shapp. And consequently, City Hall was all
19 filled.

20 MR. SCHUCKERS: That would have been a real strain
21 on the facilities because you're going from approximately 50
22 and increasing by another 25.

23 JUDGE MIRARCHI: Yes.

24 MR. SCHUCKERS: How many law clerks did you have?

25 JUDGE MIRARCHI: I had one law clerk until I became

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1 administrative judge, and then I was entitled to two law

2 clerks.

3 MR. SCHUCKERS: Now, when did you become an

4 administrative judge?

5 JUDGE MIRARCHI: Two years later. I ran for -- we

6 ran for that position among the division that you were in.

7 MR. SCHUCKERS: What were your duties as an

8 administrative judge?

9 JUDGE MIRARCHI: To administer the assignments for

10 the judges in the common pleas court. But that was in the

11 trial division, and that was the most active division in the

12 court system. And as a result, we had to assign. And you

13 worked six weeks on; you had a week in chambers. But you

14 always had to have the courts filled in.

15 And of course, as administrative judge, where there

16 was an absence of a judge for whatever reason -- he may have

17 been on the beach in Jersey, but I would never let a court go
18 unmanned. And in one day, I handled three separate courts,
19 each having assigned about 50 cases.

20 MR. SCHUCKERS: Of the approximately 50 judges who
21 were on the bench when you were there, were there any women
22 at that time on the bench?

23 JUDGE MIRARCHI: About two or three.

24 MR. SCHUCKERS: Two or three.

25 JUDGE MIRARCHI: Judy Jamison was one of them, and

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1 she was in the orphans' -- she was assigned to the orphans'
2 court. I know there was one or two more.

3 MR. SCHUCKERS: Did you enjoy being an
4 administrative judge?

5 JUDGE MIRARCHI: Yes. I enjoyed being a judge.
6 And to me, it was a fulfillment and a challenge.

7 MR. SCHUCKERS: Did your father live long enough to
8 see you become a judge?

9 JUDGE MIRARCHI: Yes. Oh, yeah.

10 MR. SCHUCKERS: He must have been very proud.

11 JUDGE MIRARCHI: He was there when I was robbed, and
12 he held the robe.

13 MR. SCHUCKERS: And your whole family was there?

14 JUDGE MIRARCHI: The whole family, including my
15 five children, and my parents were there.

16 MR. SCHUCKERS: And then you ran for retention in
17 1981 and in 1991; you won retention both times. Are there
18 any cases that you remember as being very prominent cases and
19 very challenging cases?

20 JUDGE MIRARCHI: In 1991 -- why I remember it was
21 1991 is because I had the case of Sprague versus the
22 Inquirer. Sprague had sued the Inquirer for some articles
23 that were written back in '71 during the political heyday.

24 MR. SCHUCKERS: This was for defamation?

25 JUDGE MIRARCHI: Yes. And that case has been

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1 tried, went up through all the steps for appeals, and a
2 retrial was ordered, which was in 1981. That was tried. It
3 went up again. A new trial was ordered. And then it was

4 tried again in '91, and I was the one who had the case.

5 And at that point, Sprague -- I brought Sprague in;
6 I brought the attorney for the newspapers in. And I said,
7 "The Inquirer has had a shot at me for 20 years, so if you
8 feel that you don't want me as the judge, I will recuse
9 myself. I will not recuse myself on my own motion. You
10 would have to make the motion before me, and I will honor it,
11 although I know I can be fair. But if you don't think so,
12 that's what's important to me."

13 Both sides -- and by the way, I had the court
14 reporter present, and we had our conference on the record.
15 Both sides said, "No, we want you to be the presiding judge."
16 "Okay. Now you're going to have to hold your peace because
17 I'm not going to change my mind here."

18 MR. SCHUCKERS: You're going to handle the case?

19 JUDGE MIRARCHI: I'm going to handle the case.

20 Later on during the course of the trial, Sprague asked me to
21 recuse myself. And I said, "You had your shot. You got one
22 shot at this."

23 MR. SCHUCKERS: So that motion was denied?

24 JUDGE MIRARCHI: Absolutely.

25 MR. SCHUCKERS: You mentioned about the Inquirer.

1 What did you mean in terms of your relationship with the
2 Philadelphia Inquirer?

3 JUDGE MIRARCHI: When I was elected judge, my
4 sister had been my secretary in the law office for 20 years.
5 In fact, she quit the third year in college to be my
6 secretary. And I'd pay her \$10 a week once in a while.

7 And consequently, when I was elected and I had to
8 name my office staff, I appointed her as my secretary. The
9 Inquirer had it in the paper that Mirarchi appointed his
10 sister as secretary; not that she had been my secretary for
11 20 years before that. So I had told the Inquirer when I had
12 the occasion that it was before me, I said, "Each of you has
13 had difficulty and taken shots at me. If you think I should
14 recuse myself, I will. But I will not do it on my own
15 motion. You have to make the motion."

16 Later on during the trial, they asked me to recuse
17 myself. And I said, "You had your shot."

18 MR. SCHUCKERS: Do you have any memories of some of
19 the attorneys who appeared in front of you?

20 JUDGE MIRARCHI: One of the stellar attorneys that
21 appeared in front of me was Beasley.

22 MR. SCHUCKERS: Jim Beasley?

23 JUDGE MIRARCHI: Jim Beasley was probably one of
24 the best trial lawyers; not just in Philadelphia, in any
25 community, in any state. He was absolutely excellent.

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1 MR. SCHUCKERS: And he appeared in front of you
2 several times?

3 JUDGE MIRARCHI: Several times. He was involved in
4 the case involving the Inquirer and several other cases which
5 resulted in verdicts in a negligence case.

6 MR. SCHUCKERS: Did you handle a lot of -- you
7 started out on the criminal side. Did you handle a lot of
8 cases then when you transferred to the civil division?

9 JUDGE MIRARCHI: Yes. Later on, about five years
10 later, I was transferred into the civil division. Well, I
11 transferred myself. At that time, I was the administrative
12 judge.

13 MR. SCHUCKERS: Did you enjoy working in the civil
14 division?

15 JUDGE MIRARCHI: Yes. It was a challenge because
16 the criminal field of law is more narrow than the civil area.
17 And so it became more challenging, but it was extremely
18 interesting. But the one thing I had, whether it's criminal
19 or civil, was a list. I refused to adjourn at 3:00 or 4:00
20 if I still had parties who had been waiting all day, and we
21 worked into the late evening, 7, 8:00.

22 MR. SCHUCKERS: In 1994, you reached the mandatory
23 retirement age, after 23 years on the common pleas court, and
24 then you were assigned to the Commonwealth Court as a senior
25 judge. Do you remember how that came about?

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1 JUDGE MIRARCHI: Yes. Jim Colins was a friend of
2 mine for a long time in South Philadelphia. He was marrying
3 a young lady from South Philadelphia, and I performed the
4 wedding ceremony in his South Philadelphia home. And we were
5 friends.

6 And when there appeared to be a vacancy in the

7 Commonwealth Court, I didn't pay any attention to it. I
8 didn't know anything about the Commonwealth Court. And I had
9 figured I had a niche and I was enjoying my niche. But Jim
10 Colins said, "Charlie, I want you to come to the Commonwealth
11 Court." And at this point, I was in my senior status. And I
12 came to the Commonwealth Court. I didn't know anything about
13 it when I got here.

14 MR. SCHUCKERS: He was a President Judge from '94
15 to '99 and then later from 2002 to about 2007. So he had two
16 five-year terms, and he was instrumental in getting you
17 appointed as a senior judge on the Court.

18 JUDGE MIRARCHI: He said, "I want you on my court."
19 I stated that I knew little of the Commonwealth Court. His
20 response was that he did not know much when he was elected.
21 Consequently, I said, "If you can get me on it, fine; I'll
22 come."

23 MR. SCHUCKERS: And of course, you served for
24 almost ten years on the Commonwealth Court. Was there any
25 type of cases that you really enjoyed?

1 JUDGE MIRARCHI: I found all of them, every case
2 that I tried, to have something interesting. And
3 Commonwealth Court was no exception. We had the riots
4 involving -- I don't know. I'm trying to remember. We had
5 another problem involving one of the contractors. It was
6 something -- it was not what I thought it was going to be.

7 MR. SCHUCKERS: So much of the Commonwealth Court
8 jurisdiction deals with administrative agencies, workers'
9 compensation, Department of Public Welfare, PennDOT,
10 unemployment compensation. Had you had much experience in
11 those areas?

12 JUDGE MIRARCHI: I had little to none before I came
13 on the bench and just started to handle those cases. I read
14 prior decisions.

15 MR. SCHUCKERS: Of course, the Commonwealth Court
16 has some original jurisdiction. About ten percent of the
17 cases are original jurisdiction. And you had the case of, I
18 think, Commonwealth versus U.S. Minerals, which was a very
19 big case involving the fire over in the PennDOT Building and
20 then the decision by the Commonwealth to knock the building
21 down and build a new building there. You had that trial. Do
22 you have any recollection concerning that particular case?

23 JUDGE MIRARCHI: I can remember, it was probably
24 one of the most well tried cases that I had. The lawyers
25 were detailed. Both sides were sharp. But it was a long

25

1 case. And the reason that it was so long is that they
2 produced so many expert witnesses that you couldn't get
3 through them in a few minutes. Some of them took days,
4 weeks, etc.

5 MR. SCHUCKERS: And they felt they needed those
6 experts because there was so much money involved. There were
7 millions of dollars.

8 JUDGE MIRARCHI: Exactly. And I didn't limit their
9 number of witnesses because they had a right to come in.

10 MR. SCHUCKERS: In 2004, of course, you were
11 introduced to the mediation program in the Commonwealth
12 Court. Do you have any reflections about the last four or
13 five years as the judge who has helped out with the
14 Commonwealth Court's mediation program?

15 JUDGE MIRARCHI: Yes. Judge Smith-Ribner believed

16 that mediation would help in disposing of cases and thus was
17 the thing to be introduced to the court system, even though
18 the Commonwealth Court is an appellate court and you don't
19 think in terms of an appellate court doing mediation, but
20 it's certainly something -- we can do some good by
21 introducing it.

22 And the three of us with senior judge status, we
23 went to Washington for seminar courses. And I found out that
24 you don't learn by the courses, you learn by doing. And we
25 came back to Philadelphia. We were assigned to mediation.

26

1 And I think it was a big surprise to most of the legal
2 community.

3 MR. SCHUCKERS: And one of the things I learned
4 just a couple of weeks ago, the Commonwealth itself has a
5 Commonwealth-wide mediation program; that is, the Office of
6 General Counsel utilizes a mediation program to try to
7 resolve the matters before litigation gets too heated and all
8 the money is spent on litigation costs.

9 JUDGE MIRARCHI: And one of the things that we

10 learned is the costs that go into the appeals. And it's not
11 just the attorney's fees, but the printing; the printing of
12 voluminous records. And consequently, it is to the advantage
13 of everybody to mediate cases.

14 MR. SCHUCKERS: Do you have any particular advice
15 for anybody doing mediation in terms of your personal
16 experience?

17 JUDGE MIRARCHI: To some extent, I don't know that
18 there are specific guidelines -- and I didn't find any in the
19 courses that I took -- but one of the things that I believe
20 you need is the open opportunity, permission of both sides to
21 meet each side individually and privately and then try to
22 develop a -- after talking with both sides to see if there's
23 a common denominator that you can find that you can weave
24 into the discussion. The judge can't order them to settle.
25 And it worked. And as a result, I think we've enjoyed a

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1 reasonably good success. They tell me it's somewhere around
2 50 percent of the cases that we mediate that are settled,

3 which is a significant percentage.

4 MR. SCHUCKERS: Do you find the practicing bar
5 receptive to the idea of mediation?

6 JUDGE MIRARCHI: They were very reluctant.

7 MR. SCHUCKERS: So initially they were reluctant,
8 but more and more, the practicing bar has been willing to
9 accept it?

10 JUDGE MIRARCHI: Yes.

11 MR. SCHUCKERS: And I think the Court has been very
12 fortunate to have John Gordon who helped out with the
13 mediation program for years.

14 JUDGE MIRARCHI: John Gordon was a pro. He was an
15 administrator and an attorney/administrator of our program.
16 He had an eye for picking out cases, and he worked long hours
17 in putting those cases together to keep the caseload moving.

18 MR. SCHUCKERS: And you mediated a lot of cases in
19 Eastern Pennsylvania, but as I recall, you also have helped
20 out with mediation in the western part of the state in light
21 of the fact that Judge Jiuliantie from Erie has retired. I
22 think you had helped out in the western part of the state
23 with some of those cases.

24 JUDGE MIRARCHI: That's right. How we've decided
25 to work that out, and the marvel of technology, is to do

1 telephone mediation. And I've had mediation by having both
2 parties have a line at the same time. When I needed to go
3 from one party first and then the second party later, I would
4 terminate the conversation with their permission and get
5 their permission to speak to each side individually,
6 privately. And it worked.

7 MR. SCHUCKERS: Well, Judge Mirarchi, thank you
8 very much. Is there anything you'd like to add? That's
9 pretty much what I had hoped to cover today.

10 I just want to thank you for your outstanding
11 service to the public in terms of your law practice and then
12 on the common pleas court bench and then on the Commonwealth
13 Court for ten years but also with the mediation program the
14 last four or five years.

15 JUDGE MIRARCHI: Yes. Lawyers have been telling me
16 that mediation has saved them as much as 10, 15, 20, 30,
17 \$40,000 because of the high cost of printing the record that
18 we accumulate in any given case. It's quite voluminous

19 because each of the records have to be resubmitted, and those
20 records are the testimony of people who are called as
21 witnesses. And consequently, the cost has become
22 prohibitive.

23 MR. SCHUCKERS: And now you have -- John Gordon has
24 left the Court. Now you have Rich Procida, who has been able
25 to help you out.

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1 JUDGE MIRARCHI: Rich has been a very good
2 successor to John Gordon. I was worried about the fact that
3 John would leave. I was happy for him because he was doing
4 what he wanted to do, having traveled many places. But I was
5 concerned for our department, and Rich has filled in the gaps
6 very nicely and very competently.

7 MR. SCHUCKERS: That's great. So the program will
8 continue --

9 JUDGE MIRARCHI: And I don't want to leave out
10 Margo because she was the secretary with John and she is our
11 secretary now.

12 MR. SCHUCKERS: Do you have anything else you'd

13 like to add, Judge?

14 JUDGE MIRARCHI: Just that I was quite fortunate to

15 enjoy these experiences.

16 MR. SCHUCKERS: Well, the Commonwealth Court has

17 been very fortunate to have you.

18 JUDGE MIRARCHI: Thank you.

19 MR. SCHUCKERS: Glad you enjoyed it, Judge. Thank

20 you very much. I appreciate it.

21 JUDGE MIRARCHI: My pleasure.

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23 ADDENDUM: I have attached to these reminiscences

24 Judge Mirarchi's eight-page vitae.

25 DANIEL R. SCHUCKERS