

NOV 16 2015



COMMONWEALTH OF PENNSYLVANIA
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November 16, 2015

Chair of the Special Committee on Senate Address
The Honorable John R. Gordner
Room 177, Main Capitol Building
Harrisburg, PA 17120-3027

RE: Supplemental Response
The Special Committee on Senate Address

Dear Senator Gordner:

In anticipation of your meeting of Tuesday, November 17, 2015, please allow this letter to serve as a supplemental response to my correspondence of November 13, 2015, wherein the jurisdictional issues related to the Special Committee was discussed. Therein, the constitutionality and the precedent for such direct address were discussed.

Critically, it is imperative to also note that the Supreme Court of Pennsylvania specifically stated in its Order of September 21, 2015 (relating to temporary suspension) **"This order should not be construed as removing Respondent from elected office and is limited to the temporary suspension of her license to practice law."** A copy of said Order is attached for your reference.

It is unlikely that the highest court in this Commonwealth did not contemplate or take into consideration the potential for direct removal or consider the constitutional procedures for removing an **elected** official from office. In fact, the specific addition of the sentence that announces that this temporary action should not be construed as removing an elected official from office demonstrates contemplation and a direct order disallowing the temporary suspension as a basis for removing an elected Attorney General. This order does not merely stand mute on the issue, but rather directly addresses the action this Special Committee of the Senate is now investigating, or attempting. Accordingly, the jurisdiction of inquiry is unconstitutional, as the proper forum is found in Article VI relating to impeachment after conviction and the senate action has previously been addressed and specifically rebuked by the Pennsylvania Supreme Court.

Please also note that the suspension is **temporary** and may be dissolved or amended at any time following proper procedures. Senate action of direct removal is permanent with no means of redress for the office holder or the citizens of Pennsylvania. It would be an untenable situation wherein the Senate carries out such a removal and the temporary suspension upon which it relies as justification is thereafter dissolved or amended.

Thank you for your attention to this matter.

Respectfully,



KATHLEEN G KANE
Attorney General

KGK/jma
ENCL\ (1) Order dated 9/21/2015

cc: w/attachment to:
Honorable Joseph B. Scarnati, III, President Pro Tempore
Honorable Lisa Baker
Honorable Gene Yaw
Honorable Judith L. Schwank
Honorable Sean Wiley
Honorable Art Haywood
Honorable Mike Turzai, Speaker of the House
Governor Tom Wolf, Governor of Pennsylvania
File (11162015.docx)

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2202 Disciplinary Docket No. 3
Petitioner :
v. : Board File No. C3-15-558
: Attorney Registration No. 69680
KATHLEEN GRANAHAN KANE, :
Respondent : (Dauphin County)

ORDER

PER CURIAM:

AND NOW, this 21st day of September, 2015, upon consideration of the responses to a Rule to Show Cause why Kathleen Granahan Kane should not be placed on temporary suspension, the Rule is made absolute; Respondent Kathleen Granahan Kane is placed on temporary suspension; and, to the extent applicable, she shall comply with all the provisions of Pa.R.D.E. 217.

Respondent's rights to petition for dissolution or amendment of this order pursuant to Pa.R.D.E. 208(f)(4), and to request accelerated disposition of charges underlying this order pursuant to Pa.R.D.E. 208(f)(6), are specifically preserved.

This order should not be construed as removing Respondent from elected office and is limited to the temporary suspension of her license to practice law.