

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON SB 333 AND 334

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Public Hearing held in the offices of the Philadelphia Bar Association, 1101 Market Street, 11th Floor, Philadelphia, Pennsylvania, held on Friday, March 22, 2013, commencing at 10:07 a.m., before Kathleen McHugh, a Registered Professional Reporter, Certified Realtime Reporter, Certified Shorthand Reporter (NJ), and Notary Public.

1 APPEARANCES:

2 Chairman Ronald Marsico

3 Chairman Thomas R. Caltagirone

4 Representative Glen R. Grell

5 Representative Joseph T. Hackett

6 Representative Vanessa Lowery Brown

7 Representative Madeleine Dean

8 Thomas Dymek, Executive Director of the House Judiciary
9 Committee

10 Michael Kane, Majority Legal Counsel

11 Lauren Orazi, Executive Director for Rep. Caltagirone

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14 Index of Speakers

15	HONORABLE GLAZER	7
	CHANCELLOR WILKINSON	45
16	MR. McCANN	55
	REPRESENTATIVE WATERS	72
17	REPRESENTATIVE THOMAS	79
	REPRESENTATIVE COHEN	84
18	MR. DAVIS	95

1 CHAIRMAN MARSICO: Good morning,
2 everyone. I'm Representative Marsico, the chair of the
3 House Judiciary Committee.

4 Welcome to the House Committee's hearing
5 on Senate Bills 333 and 334. These two Senate Bills are
6 sponsored by Senator Pileggi and each addresses the
7 issues of reforming the Traffic Court here in
8 Philadelphia.

9 First of all, let me thank Chancellor
10 Kathleen Wilkinson and the Philadelphia Bar Association
11 for hosting this hearing.

12 Miss Wilkinson will also be providing
13 testimony and we thank her and the Bar Association for
14 all of their help in accommodating this hearing on this
15 topic of great importance, especially here in
16 Philadelphia.

17 The first bill, Senate Bill 333, is
18 actually a joint resolution that would amend the
19 Pennsylvania constitution to eliminate the Traffic Court
20 of Philadelphia. As a constitutional amendment, to be
21 enacted, this measure would have to pass two consecutive
22 legislative sessions and then be voted on in a public
23 referendum throughout the Commonwealth. Accordingly, the
24 earliest the constitution can be or could be amended
25 would be spring of 2015.

1 The second bill, Senate Bill 334,
2 reorganizes the Philadelphia Municipal Court to assume
3 the functions of the current Philadelphia Traffic Court.
4 Because amending the state constitution to eliminate
5 Traffic Court could not take place until 2015 at the
6 earliest, Senate Bill 334 is designed to phase out
7 Traffic Court over time.

8 I'm sure we will hear much from our
9 witnesses today about the events that have given rise to
10 these proposed reforms and discussion of how these
11 reforms are intended to improve the judiciary in
12 Philadelphia.

13 I am very pleased to say we have a first-
14 rate group of testifiers, witnesses here today, to
15 address this subject, including Judge Gary Glazer of the
16 First Judicial District; Chancellor Kathleen Wilkinson of
17 the Philadelphia Bar Association; Ed McCann, First
18 Assistant District Attorney here in Philadelphia; Lynn
19 Marks, Executive Director of Pennsylvanians for Modern
20 Courts; Suzanne Almeida -- sorry about the
21 mispronunciation if I did -- program director for
22 Pennsylvanians for Modern Courts; and three state
23 representatives from here in Philadelphia who will offer
24 their perspectives on the issue: Representative Mark
25 Cohen, Representative Curtis Thomas, and Representative

1 Ron Waters. We look forward to all of your testimony.

2 Before we begin with testimony, let me
3 just add one small housekeeping note. While I expect we
4 will receive much useful testimony today, the Committee
5 will also accept and keep the record open in order to
6 receive more written comments from other interested
7 persons or organizations.

8 Before we start with our first witness,
9 I'd like to have the members of the staff introduce
10 themselves, starting with Chairman Caltagirone.

11 CHAIRMAN CALTAGIRONE: Thank you, Chairman
12 Marsico. Just a little observation. You know, justice
13 should be blind, and of course the scales of justice
14 should be fair and equitable to everyone.

15 It's kind of disturbing that when you see
16 in the judicial system of which I've been a part for many
17 more years, I guess, than I want to even think about, to
18 see the kind of things that have happened here in
19 Philadelphia and the mark that it has left on the
20 adjudication of cases that came before these judges, I
21 would just hope that this message would go loud and clear
22 that that kind of nonsense just cannot be tolerated in
23 today's society, in today's world, and I look forward to
24 the testimony. And I was reading your remarks, Judge
25 Glazer, and I think it was right on the head when you

1 said it's the people's court and that kind of business
2 should be conducted openly and fairly, and with that,
3 I'll pass the mic down to my executive director.

4 MS. ORAZI: My name is Lauren Orazi. I'm
5 the executive director for Chairman Caltagirone.

6 REPRESENTATIVE HACKETT: I'm
7 Representative Joe Hackett from the 161st District,
8 Delaware County.

9 REPRESENTATIVE LOWERY BROWN: Good
10 morning. I'm Representative Vanessa Lowery Brown from
11 Philadelphia County.

12 MR. KANE: Good morning. I'm Michael
13 Kane. I'm majority legal counsel for the House Judiciary
14 Committee.

15 MR. DYMEK: Good morning. Tom Dymek,
16 Executive Director of the House Judiciary Committee.

17 REPRESENTATIVE GRELL: Good morning. I'm
18 Representative Glen Grell from the 87th District in
19 Cumberland County and the chairman subcommittee on
20 courts. Thank you.

21 CHAIRMAN MARSICO: Thank you, members and
22 staff. Thank you very much for your attendance today.

23 We're going to start with the -- like I
24 said, the first testifier is the Honorable Gary Glazer,
25 Judge, Philadelphia Court of Common Pleas, Civil

1 Division.

2 Judge Glazer, please come forward, and you
3 can begin your testimony at your pleasure.

4 HONORABLE GLAZER: Good morning, Committee
5 Members. I very much appreciate this opportunity to
6 testify this morning about this proposed legislation and
7 I commend the General Assembly probably more deeply than
8 you can imagine for acting promptly to address the
9 problem of corruption in the Philadelphia Traffic Court.

10 I have been a judge on the Philadelphia
11 Court of Common Pleas since my election in 1991. I'm
12 currently assigned to the commerce program in the civil
13 division of the court.

14 Prior to my election to the bench, I
15 served both in private practice and as an Assistant
16 United States Attorney here in Philadelphia for
17 approximately ten years, where, among other things, I
18 investigated and prosecuted judicial corruption in the
19 Philadelphia Court of Common Pleas in the late 1980s.

20 In December of 2011, following a series of
21 FBI searches on the chambers, offices, homes, and
22 businesses of Traffic Court judges and employees, the
23 Pennsylvania Supreme Court, upon recommendation of Chief
24 Justice Ronald Castille, appointed me as Administrative
25 Judge of the Traffic Court to replace Traffic Court

1 Administrative Judge Michael Sullivan, who had been one
2 of the targets of the FBI searches.

3 Judge Sullivan has been indicted by a
4 federal grand jury in January of 2013 in connection with
5 the government's investigation of the pervasive
6 corruption of the Traffic Court. He is presently
7 awaiting trial along with five other judges of the
8 Traffic Court and other individuals, including William
9 Hird, the former director of records of the Traffic
10 Court.

11 One Traffic Court judge has actually been
12 indicted two times, one for a governmental fund fraud
13 that was unrelated to the Traffic Court corruption. He
14 was subsequently indicted a second time for the Traffic
15 Court corruption.

16 To date three judges have pled guilty to
17 the federal corruption charges.

18 The Supreme Court's appointment of a
19 Common Pleas judge to oversee the Traffic Court was both
20 unprecedented and a reflection of the Supreme Court's
21 concern about the chronic, longstanding nature of the
22 corruption of the Traffic Court, as well as the Supreme
23 Court's commitment to reforming the system that has been
24 a perennial embarrassment to the citizens of the
25 Commonwealth of Pennsylvania.

1 The Traffic Court hears matters involving
2 motor vehicle violations, such as speeding, reckless
3 driving, driving with a suspended license, and driving
4 without proper documentation, such as insurance or
5 registration. The Traffic Court in Philadelphia does not
6 handle parking tickets. Those are adjudicated by the
7 Philadelphia Parking Authority through the city's
8 Department of Revenue.

9 Since my appointment as the Administrative
10 Judge, I have overseen the Traffic Court's operations
11 while simultaneously maintaining a full caseload in the
12 commerce program. As Administrative Judge I also oversaw
13 the work of the firm of Chadwick & Associates in
14 reviewing the Traffic Court's operations and worked with
15 that firm to develop measures to restore the integrity to
16 the Court's operation and promote public confidence in
17 the processes for adjudicating moving violations.

18 The legislation which you are considering
19 today is the centerpiece of a plan to accomplish those
20 very formidable objections and objectives.

21 After arriving in Traffic Court in
22 December of 2011, I determined that the Court had
23 adequate fiscal controls and that people were not
24 stealing money as had been the problem in prior years.
25 Indeed, with 115 very fine individuals as employees, the

1 Traffic Court generated in excess of \$24 million in 2012,
2 which is slightly in excess of what was generated in
3 2011. The Court also adjudicated over 200,000 motor
4 vehicle citations.

5 So what you might ask is the problem
6 here. The problem is, and was really, with the integrity
7 of the adjudication process, which subsequently became
8 known as a two-track system of justice: one for the
9 politically connected and the other for the unwitting
10 general public.

11 The practice of granting special
12 consideration to politically connected offenders does
13 extreme violence to, and makes a mockery of, the concept
14 of equal justice under law.

15 It undermines public confidence in the
16 administration of justice and it promotes a cynicism
17 about government which is already quite compelling, but
18 the traffic court situation exceeds all expectations of
19 cynicism.

20 The entire bench of the Traffic Court
21 engaged in this practice, and despite my mandate to
22 restore integrity to the Court, series of FBI searches
23 that took place shortly before my appointment and an open
24 and active grand jury investigation, which included
25 periodic visits by the FBI to the Traffic Court to pick

1 up documents or meet with employees, some judges
2 nevertheless completely resisted my efforts, remaining
3 loyal to their friends and political supporters, who had
4 a seemingly insatiable demand for fixing cases. The
5 level of this demand I found to be shocking beyond
6 description.

7 For example, in the spring of last year, a
8 ward leader contacted my office to advise that he could
9 not get in touch with a particular Traffic Court judge.
10 He asked my secretary to pass along a message to the
11 judge that the ward leader's friend was appearing in
12 front of the judge the following day.

13 The ward leader called again later in the
14 day and asked if the message had been passed along to the
15 judge who was scheduled to hear the case.

16 Upon my instructions, the secretary
17 advised this individual that the message had been passed
18 along to me, the administrative judge of the court.

19 The ward leader's reaction was, Well, how
20 does that help me? What am I supposed to do now?

21 In another instance, court personnel
22 discovered that a then-sitting judge was attempting to
23 finalize a very favorable payment plan for his cousin
24 with the same name living in Florida. In support of this
25 request, the judge, through his tipstaff, his court

1 officer, provided a forged letter purporting to be from
2 the cousin requesting a payment plan.

3 This caper was discovered by the vigilance
4 of Traffic Court employees, brought to my attention, and
5 immediately stopped dead in its tracks. The cousin, by
6 the way, paid his obligation in full and the matter was
7 concluded.

8 These are just two examples that I
9 stumbled upon purely by chance. I shudder to think what
10 I missed during my tenure at the court.

11 I found the staff, the employees of
12 Traffic Court, which numbers approximately 115, give or
13 take one or two, to be incredibly decent and good
14 people. They were, however, highly demoralized. Many
15 had been used as pawns by the corrupt judges, while some
16 had never been involved in the corruption at all.

17 Employees were extremely skeptical and
18 cynical about the prospect for change, given the periodic
19 prosecutions, housecleanings, and publicity had no
20 substantial impact on the integrity of how cases were
21 adjudicated.

22 These good people had been persuaded that
23 it was permissible to take phone calls and do favors on
24 cases so long as no money was exchanged. This theory has
25 since been eliminated when the charges in the current

1 federal indictment have charged that ticket fixing was a
2 scheme to defraud the Commonwealth of Pennsylvania and
3 the City of Philadelphia of funds due from motor vehicle
4 violations.

5 The employees have been repeatedly told in
6 consult by me and by others that bribery is not necessary
7 to bring criminal charges in the face of a scheme to
8 defraud the government of funds due to the government
9 agency.

10 It is a widely accepted fact that an
11 organization's culture and values flow from the top. In
12 Traffic Court the practice of taking calls and fixing
13 cases for the politically connected started at the very
14 top. Previous administrative judges, elected judges,
15 senior judges serving the Traffic Court, even out-of-
16 county judges, who served at Traffic Court, condoned and
17 participated in this program.

18 Consequently, the court employees, be they
19 clerks, court officers, whose jobs depended on the good
20 graces of the elected judges and their political
21 sponsors, accepted the practice and participated in
22 implementing it.

23 Some employees frankly also availed
24 themselves of the benefits where the politically
25 connected were granted preferential treatment. They also

1 submitted matters on behalf of their family members. The
2 Chadwick report described the acquittal rate for Traffic
3 Court employees and their family was 85 percent, whereas
4 the acquittal rate for the general public was 26 percent.

5 This corruption was not recent in origin.
6 Over the decades, the Philadelphia Traffic Court has been
7 beset by criminal investigations, both federal and
8 state. Judges and employees have been convicted and sent
9 to prison. Reforms have been attempted, serious efforts
10 at reform, and always the corruption has returned.

11 I remember in November of 1978 I came to
12 Philadelphia to interview for a job at the U.S.
13 Attorney's Office. The interview was interrupted because
14 the jury was returning a verdict on this particular
15 Saturday morning in the case involving Louis Vignola, who
16 had been president judge of Traffic Court. Little did I
17 know back then, almost 35 years ago, that I would be
18 sitting here today talking about Traffic Court and
19 continued corruption in the processes there.

20 I am not naive about the prospects for
21 reform. I ran for judge. I was endorsed by the
22 Democratic and Republican parties. I won in both
23 primaries. This is not a political thing. This is a
24 reform that is needed desperately for the people of this
25 community.

1 Prior to turning to the specifics of the
2 legislation, I would like to address several policy
3 considerations that I believe are important to this
4 legislation.

5 First, as Representative Caltagirone
6 noted, the Traffic Court is truly a people's court. I
7 had no experience at Traffic Court prior to being
8 appointed as administrative judge. I had never even been
9 in the building before.

10 I was immediately struck by the extent to
11 which the cases greatly affect people's lives. They
12 dictate whether people get jobs, whether people keep
13 jobs, whether they can transport elderly parents to
14 medical appointments, whether they can pick up their
15 children.

16 They impact upon our servicemen and women
17 in uniform who have traffic cases and then are deployed
18 out of the country. These cases can affect people who
19 are recently released from incarceration and their
20 ability to get employment, and as I learned recently,
21 they can even affect people who are serving sentences of
22 incarceration.

23 I got a letter from an inmate serving a
24 sentence at a federal institution in Lompoc, California,
25 who was denied access to a drug treatment program because

1 of the outstanding traffic violations that he had that
2 remained unsatisfied.

3 Through a program that Traffic Court is
4 participating in in conjunction with the federal courts
5 and Temple University and the law firm of Montgomery
6 McCracken here in Philadelphia, we had an intern, a law
7 student, contact this particular individual,
8 incarcerated, to help him develop a payment plan, \$5 a
9 month, so that he can satisfy his obligation, however
10 slowly, and participate in drug treatment.

11 These cases affect everybody, and they're
12 very important and their impact on our society and
13 community cannot in any way be minimized. They affect
14 insurance rates. And probably, most importantly, they
15 have a significant impact on public safety. Our roads
16 have not gotten any safer over the years, and Traffic
17 Court plays a substantial role in that.

18 In my view, the qualifications necessary
19 to adjudicate these cases do not require a law degree.
20 However, they do require honesty, independence,
21 integrity. They require training. They require
22 supervision. To handle these types of cases, you as much
23 need a heart as you need a brain, but you need honest,
24 decent people who are handling these cases.

25 We know from past experience that elected

1 Traffic Court judges are subjected to enormous pressure
2 from political supporters to take phone calls and fix
3 cases. The accountability of these judges to their
4 political sponsors and supporters make it all but
5 impossible to provide the type of supervision necessary
6 in that environment to ensure cases are adjudicated
7 solely on their merits.

8 For that reason we believe that the
9 integrity of the system can only be achieved by employing
10 hearing officers appointed by the president judge of the
11 Municipal Court to adjudicate these matters. Employee
12 hearing officers can be more closely supervised, they can
13 be more closely trained and they can be easily fired if
14 corrupt.

15 The second consideration is that Traffic
16 Court's narrow jurisdiction, which is limited to moving
17 violations under Title 75, makes it an anomaly in the
18 Commonwealth of Pennsylvania. In every other county in
19 this Commonwealth, magisterial district judges, what we
20 call MDJs for short, with whom all of you are familiar,
21 have much broader jurisdiction. MDJs hear nontraffic
22 summary cases, minor civil matters, conduct preliminary
23 hearings in criminal cases, as well as issue search
24 warrants and arrest warrants.

25 We believe that the single purpose nature

1 of the Traffic Court lends itself to the use of
2 nonelected employee hearing officers for the first level
3 adjudication of these moving violations.

4 Third, because the jurisdiction of the
5 Municipal Court is much broader than that of the MDJs,
6 Municipal Court judges, of course, are required to have
7 law degrees. Municipal Court judges in Philadelphia try
8 civil matters and criminal cases without juries where the
9 maximum penalty for a single charge is five years of
10 imprisonment. Appeals from these convictions are heard
11 as trial de novo in the Court of Common Pleas.

12 In the other counties of Pennsylvania,
13 these cases that are heard by the Municipal Court here
14 are generally heard in the Court of Common Pleas. As a
15 court with law-trained judges performing most of the
16 functions of MDJs and more, the Municipal Court is
17 particularly well-suited to provide the necessary
18 oversight of hearing officers adjudicating traffic
19 cases. I've discussed this matter with Marsha Neifield,
20 who is the president judge, and it would be my
21 recommendation that there be a supervising judge for the
22 hearing officers so that that judge would be present on
23 the -- on premises to deal with legal questions.

24 I have often found that legal questions
25 come up, jurisdictional questions, questions regarding

1 the disposition of violations that do require law
2 training, and an on-site Municipal Court judge would be
3 extremely helpful to -- as a resource to assist the
4 hearing officers in resolving their matters.

5 It is anticipated also that Municipal
6 Court judges would hear those violations that involve
7 possible jail sentences, as these cases would be totally
8 inappropriate for hearing officers to hear.

9 Turning to the proposed legislation,
10 Senate Bill 334, of course, transfers jurisdiction for
11 Title 75 offenses to the Municipal Court, empowers the
12 president judge of the Municipal Court to employ hearing
13 officers to adjudicate these matters at the first level,
14 and phases out the current Traffic Court by transferring
15 current active judges to a temporary division of the
16 Municipal Court until their terms expire and until the
17 constitution is amended to abolish the court.

18 Adjudication appeals by the hearing
19 officers will continue to be heard de novo in the Court
20 of Common Pleas.

21 I know it's not directly addressed by the
22 legislation, I just -- and I know I'm kind of running out
23 of time here -- but I just want to very briefly touch on
24 three issues that I know have been of tremendous concern
25 to the people involved.

1 The first is the building where Traffic
2 Court is located. We have a lease there until 2024. I
3 cannot imagine why we would want to move the operations
4 of the court to another place, be it police districts or
5 the criminal justice center. Given the volume of cases
6 that are heard by the Traffic Court, the -- and the fact
7 obviously that we have a legal obligation with the lease,
8 the building is perfectly fine to continue to hear the
9 cases.

10 Secondly, with respect to the computer
11 contract, totally unbeknownst to me, we have a huge
12 computer infrastructure that deals with violations. We
13 have a system that is in place to kind of work together
14 with the Parking Authority where appropriate, and our
15 lease is -- has been made so that it is an equal period
16 of time with the Parking Authority. I also can't see any
17 reason why we would want to change that system. It is
18 enormously complex. The vendor, ACS, has done a very
19 fine job for us, and I just can't see changing that.

20 And the third matter, finally, in
21 conclusion, the third matter are the employees of the
22 Traffic Court. And I have started an ethics course --
23 we're in the second year of the ethics course now -- that
24 we teach in-house, and there is tremendous concern by
25 these folks of whether they would be losing their jobs.

1 And I am sensitive to that, and I am very concerned that
2 they are concerned because they have proven to be very
3 good, teachable people.

4 And I believe that the infrastructure --
5 it's not a large court, just slightly in excess of 100
6 employees, can work out fine to help the transition and
7 to continue on operating the traffic world as it were.

8 I have met almost all of these folks.
9 I -- from the first day that I walked in there I met with
10 them and told them that I felt that they were not the
11 problem and they were crucial to the solution. I met
12 with them before the transition was announced to the
13 press, so that they did not have to read about this
14 change. And I still continue to feel that way. They are
15 the guts of the operation, and they are needed to operate
16 this system in an appropriate way.

17 Finally and lastly, this legislation is
18 expertly crafted and very well-conceived. I believe that
19 it addresses the issue of how to best control the very
20 obvious and very blatant tendency of Traffic Court to
21 veer in the direction of corruption. I thank you for
22 listening and for your courtesy and I will certainly try
23 to answer any questions if anyone has any.

24 CHAIRMAN MARSICO: Well, thank you, Judge,
25 for your excellent testimony. The information was very

1 -- I've got to tell you, as a member of the House in
2 Dauphin County, and one of the reasons we're having this
3 hearing, is to gain more information, to gather more
4 information about the Philadelphia Traffic Court, because
5 it's the only type of court in Pennsylvania. So --
6 Dauphin doesn't have a Traffic Court, Lehigh doesn't have
7 a Traffic Court, Pittsburgh doesn't, so you touched on a
8 few things.

9 In fact, I was going to ask you -- and you
10 did touch on the contracts -- the employees, which are
11 very important to us as well, the future of those
12 contracts, the building, and also the staff.

13 HONORABLE GLAZER: The bill is common
14 sense change.

15 CHAIRMAN MARSICO: The makeup of the
16 Traffic Court and those -- those judges, their length of
17 term is for how long?

18 HONORABLE GLAZER: I believe six years.

19 CHAIRMAN MARSICO: Six years, same as an
20 MDJ?

21 HONORABLE GLAZER: Yes.

22 CHAIRMAN MARSICO: And their
23 qualifications are about the same as an MDJ, I would
24 imagine.

25 HONORABLE GLAZER: Well, I know they have

1 to complete one week of training per year to remain
2 certified, but I do not believe there is a very specific
3 educational requirement for them. I'm not aware of any.

4 CHAIRMAN MARSICO: Okay. So they're
5 elected for six years. They're nonattorneys or they
6 could be an attorney.

7 HONORABLE GLAZER: Yes.

8 CHAIRMAN MARSICO: And then -- okay. And
9 how many are there in --

10 HONORABLE GLAZER: Full complement of the
11 court is seven.

12 CHAIRMAN MARSICO: Seven.

13 HONORABLE GLAZER: Seven judges. We have
14 now one sitting judge remaining and the Court is staffed,
15 except for that one elected commissioned judge who was
16 not indicted, is staffed entirely from out-of-county
17 senior MDJs, who, by the way, are just terrific people.
18 They're just doing a great job.

19 CHAIRMAN MARSICO: How many municipal
20 judges are there, about?

21 HONORABLE GLAZER: I don't know the answer
22 to that.

23 CHAIRMAN MARSICO: How about Common
24 Pleas?

25 HONORABLE GLAZER: 20, 25, approximately.

1 CHAIRMAN MARSICO: Approximately 25.

2 HONORABLE GLAZER: Yes, I believe
3 approximately.

4 CHAIRMAN MARSICO: What about Common
5 Pleas?

6 HONORABLE GLAZER: Common Pleas is
7 slightly less than 100 in Philadelphia County.

8 CHAIRMAN MARSICO: All right. I'd like to
9 actually recognize Representative Dean who's joined us, a
10 member of the committee. I'm now going to turn it over
11 for questions with counsel or members.

12 Chairman Caltagirone.

13 CHAIRMAN CALTAGIRONE: Couple quick
14 questions, Judge.

15 The \$24 million that was collected in
16 2012, do you know how that's split? Does the state get
17 some of that, all of it, half of it?

18 HONORABLE GLAZER: Yes. I do have those
19 numbers here.

20 CHAIRMAN CALTAGIRONE: While you're
21 looking, Judge, the reason I ask that, I know that the
22 operation of the judiciary gets a little dicey at times
23 with the budget in Harrisburg, and I know having worked
24 with courts over many of these years and trying to get
25 adequate funding for the courts to keep them stabilized

1 is always a dance that we have to do come June.

2 I'm looking for a dedicated source of
3 funding and it probably is going to have to be a
4 constitutional and statutory combination in talking with
5 the Chief Justice to finally come to some conclusion as
6 to the adequate stabilized funding for the court. That's
7 why I was curious about the 24 million, and in follow-up
8 to that, Chairman Marsico wanted me to find out, was
9 there an increase in the following year, since you have
10 taken over the operation of the courts, has that
11 increased?

12 HONORABLE GLAZER: There has been a slight
13 increase in the issuance of tickets by the Philadelphia
14 police and a slight increase in the revenue. The
15 issuance of tickets has dropped dramatically in
16 Philadelphia, huge number. Maybe 150,000 less tickets
17 are written per year than in the '90s or the late --
18 early 2000.

19 We have met with the mayor. We have met
20 with the police commissioner. We are attempting to move
21 to a system of -- like the state police use, issuing E
22 citations. It's something we're always working on,
23 always thinking about. It's always a very dicey issue,
24 as I'm sure you can imagine, but as I said before, it's
25 not because driving has gotten safer.

1 CHAIRMAN CALTAGIRONE: The reason why I
2 ask about that 24 million, I wrote the original
3 legislation many years ago for court computerization, and
4 when you mentioned about the computerization part that
5 you have here, you know, you don't want to tinker with
6 what's working and that's a very, very expensive
7 proposition when it comes to computer operations.

8 HONORABLE GLAZER: Absolutely.

9 CHAIRMAN CALTAGIRONE: And I think some of
10 that money that you alluded to in your testimony, the 24
11 million, a piece of that I know probably goes to help
12 cover that operation of the computerization.

13 HONORABLE GLAZER: Yes, I have the figures
14 here. I'm reading from an annual report. In 2012 the
15 court collected a total of \$24.1 million in revenue. The
16 state received 9.9 million. The city received
17 approximately 7.4 million. Xerox received 1.8 million.
18 The Philadelphia Parking Authority received 1.1 million.
19 And the court disbursed approximately 3.9 million to the
20 First Judicial District.

21 CHAIRMAN CALTAGIRONE: I know we're here
22 about the judges and the system and I honestly believe
23 that some change is going to take place, it's going to
24 have to take place. How that is going to eventually play
25 out with the legislation and the constitutional change

1 that's going to be required is yet to be seen, but I want
2 to compliment you and the employees that have done an
3 exceptional job.

4 Many times the rank-and-file employees
5 aren't recognized for the hard work that they do --
6 honest, loyal, dedicated -- and when somebody at the top
7 gets blemished for whatever reason, you look at all the
8 other employees and they say, you know, that's not us.

9 HONORABLE GLAZER: They have been
10 startlingly candid with me. The impact of dealing with a
11 sometimes difficult population, the comments that are
12 made to them, the abuse that they have to take, both in
13 the court and out. It's a very tough job that they do
14 and I have gotten to know them and I believe they are
15 incredibly decent people. I really do. I really do.

16 CHAIRMAN CALTAGIRONE: Thank you, Judge.
17 Thank you, Mr. Chairman.

18 CHAIRMAN MARSICO: Thank you.
19 Representative Grell.

20 REPRESENTATIVE GRELL: Thank you. Thanks,
21 Judge, for your testimony.

22 I especially appreciate you bringing up
23 the three items at the end of your testimony, because
24 they would obviously be of concern to us as well.

25 Is there any suggestion or concern on your

1 part that either the lease, the contract, or the employee
2 pool is or was the subject of this favoritism and
3 political corruption that caused the other problems with
4 the court or were they competitively bid and they're
5 good, solid relationships?

6 HONORABLE GLAZER: I was not involved in
7 the real estate lease. That, I believe, was Judge Alex
8 BonavitaCola was involved with that. I was involved with
9 the actual negotiation of the computer lease. When I
10 arrived in December of 2011, the lease had I think -- had
11 already expired or was going to expire. I had to make a
12 judgment call in terms of how are we best going to
13 continue the operations of this place, and I -- it was my
14 responsibility that I decided that this firm had done
15 work for the court since I believe 1991. They had been
16 working with the Philadelphia Parking Authority. They
17 have provided excellent service to us. And under all of
18 the circumstances I decided to stay with them because I
19 thought it was the right thing to do. And I still do
20 think that.

21 So we signed a lease of equal length with
22 the Parking Authority and Traffic Court. We're both on a
23 seven-year lease. It contains many provisions. They are
24 constantly tinkering with the system to upgrade it and
25 work with us. They have even been involved in some

1 charitable work that the Court is doing in terms of
2 contributing unused or formerly used computers to
3 Philadelphia schools. They have responded to my request
4 to do that. So I'm on board with them, I guess, is what
5 I'm saying.

6 REPRESENTATIVE GRELL: Was the building
7 lease or any of the employee relationships, were they the
8 subject of anything that the Chadwick report looked
9 into?

10 HONORABLE GLAZER: Yes.

11 REPRESENTATIVE GRELL: And were there
12 findings or concerns that would be concerning to us if we
13 reviewed that report?

14 HONORABLE GLAZER: With the -- with
15 respect to the lease, no. With respect to the employees,
16 there were, as I mentioned, some employees who were
17 active participants in the special consideration,
18 transmission of requests to the judges.

19 Some have done that special consideration
20 requests on behalf of family members. There were some
21 people that I had to terminate. There were some people
22 who have cooperated extensively with the Chadwick
23 investigation and people were told that if you are candid
24 and cooperate with us, we will -- we're not looking to
25 hurt you job-wise, so was there some, yes, absolutely,

1 but you know, we're making -- I feel that we're making
2 tremendous progress, frankly.

3 REPRESENTATIVE GRELL: I guess the bottom
4 line of my question is, are you vouching for, basically,
5 the work force there?

6 HONORABLE GLAZER: Yes, I am. Yes, I am.
7 Absolutely. Absolutely.

8 REPRESENTATIVE GRELL: Okay. Thank you.
9 Thanks, Mr. Chairman.

10 CHAIRMAN MARSICO: Before I recognize
11 Representative Hackett for questions, I want to
12 acknowledge the attendance of Representative Dean,
13 Philadelphia County; Representative Thomas, Philadelphia
14 County; Representative Waters, Philadelphia County.
15 Thank you for being here. We look forward to your
16 testimony later.

17 Representative Hackett.

18 Representative Cohen is here. I'm sorry.

19 Representative Hackett.

20 MR. HACKETT: Thank you, Mr. Chairman.

21 Your Honor, thank you very much for
22 appearing in front of us today for this hearing. I'm
23 sure it's the first of many hearings, as we move forward,
24 of the situations that are at hand.

25 I took specific notice during your

1 testimony to page 3 and I'm actually grateful for a
2 sentence and I'll repeat it: So some of the employees
3 had been persuaded that it was permissible to take phone
4 calls and do favors on cases so long as no money was
5 exchanged.

6 I guess I would thank you for that
7 definition. That's what it seems like, for bribery. It
8 seems like that's kind of the way it's going, and I think
9 you're educating the public just by that line. Many
10 citizens out there, that definition is not too clearly
11 defined.

12 In the instance where maybe an issuing
13 authority or the law enforcement officer is negotiating
14 with the offender prior to one of the Traffic Court
15 hearings, I guess in your opinion, and I would understand
16 if you don't want to deliver that opinion here today,
17 maybe we can talk about that later, but would that seem
18 also to fall under the same guidelines as the rest of the
19 paragraph?

20 HONORABLE GLAZER: As long as someone is
21 getting a benefit or an opportunity that is available to
22 everybody with no outside interference, that happens.
23 Cases are plea bargained; cases are negotiated all the
24 time. So I have no problem with that.

25 The problem comes in when there's a phone

1 call that's made and says, This person deserves more than
2 anybody else. That's the problem. But the normal
3 routine and the give-and-take in the courtroom, that's
4 just what happens.

5 MR. HACKETT: Your Honor, thank you.
6 Thank you very much for clearing that up. I really
7 appreciate that.

8 CHAIRMAN MARSICO: Representative Brown,
9 questions?

10 REPRESENTATIVE LOWERY BROWN: Yes. Thank
11 you. Good morning.

12 HONORABLE GLAZER: Good morning.

13 REPRESENTATIVE LOWERY BROWN: I'm trying
14 to get a sense of a timeline. You arrived at the
15 Philadelphia Traffic Court in what year?

16 HONORABLE GLAZER: 2011. December 19th
17 actually.

18 REPRESENTATIVE LOWERY BROWN: And in your
19 testimony you mentioned that a ward leader had called and
20 you received the call.

21 HONORABLE GLAZER: Yes.

22 REPRESENTATIVE LOWERY BROWN: And it was
23 an inappropriate request.

24 HONORABLE GLAZER: Yes.

25 REPRESENTATIVE LOWERY BROWN: What year

1 was that?

2 HONORABLE GLAZER: That was 2012.

3 REPRESENTATIVE LOWERY BROWN: 2012.

4 HONORABLE GLAZER: Yes.

5 REPRESENTATIVE LOWERY BROWN: At that
6 time, was there any corrective action written that was
7 given to the particular judge that he was requesting that
8 favor from or that action from and their staff?

9 HONORABLE GLAZER: That judge had been
10 spoken to previously and I don't know how to put this
11 delicately, but that judge had been advised of certain
12 problems unrelated to this, so this judge was not
13 apprised of this particular matter by me or by -- at
14 least by me. So no, specifically.

15 REPRESENTATIVE LOWERY BROWN: And nor was
16 the judge's staff made aware that this was inappropriate
17 and they should cease and dismiss any action like this?

18 HONORABLE GLAZER: The judge's staff,
19 actually just yesterday one of the judge's staff
20 participated in our ethics program and we had them last
21 year as well, so people are aware of this.

22 We have classes of ten employees, each
23 court staff, everyone, to attend and participate in this
24 program.

25 REPRESENTATIVE LOWERY BROWN: Could you

1 just talk a little bit more about the ethics training,
2 when it started? You arrived in December of 2011 and
3 when did you first start to initiate some type of
4 training with the staff?

5 HONORABLE GLAZER: I believe the training
6 started about February and we are doing it in-house.

7 REPRESENTATIVE LOWERY BROWN: I'm sorry,
8 February of this year?

9 HONORABLE GLAZER: I'm sorry, February of
10 2012.

11 REPRESENTATIVE LOWERY BROWN: 2012.

12 HONORABLE GLAZER: 2012. We do it
13 in-house. There's no one hired to do it.

14 I actually felt that it was appropriate
15 because my secretary has been a long-time employee, has a
16 huge amount of experience in fielding telephone calls and
17 dealing with pro se litigants, lawyers, parties to cases,
18 that we put together a series of scenarios, factual
19 scenarios, and we would meet with the employees --
20 actually it was my secretary and my law clerk -- would
21 meet with the employees and get their reactions and
22 explain to them what -- you know, how would you deal with
23 this, why would you deal with this?

24 And we would have specific references to
25 code of conduct, ethical conduct, just to make people

1 aware of these problems, because a lot of folks didn't
2 know that. Their training had been through judges that
3 were involved in the corrupt practices, so they didn't
4 know that these things were wrong. It may seem now that,
5 you know, gee, it's so obvious anybody would know that,
6 but they didn't know that.

7 And it's made a difference. I must tell
8 you, it's made a difference. People ask questions now.
9 They're not afraid to come to my office and say, you
10 know, this happened, you know, what should we do? It
11 happens frequently enough that I believe it's making a
12 difference.

13 REPRESENTATIVE LOWERY BROWN: Did you
14 implement a whistle-blower policy?

15 HONORABLE GLAZER: We are in the process
16 of doing a compliance program where we will ensure that
17 the employees will have someone that they can speak with
18 confidentially in bringing things, issues to our
19 attention. We don't have a formal whistle-blowing
20 program, but I have made clear that if people need to
21 speak with me, I'm -- no one is going to get penalized
22 for talking to me about things.

23 There is still a general reluctance to do
24 that. People don't want to snitch. They don't want to
25 be considered, you know, rats by the employees. You

1 know, that's not going to turn around instantaneously,
2 but people are aware. I know they're aware. I know
3 they're aware.

4 REPRESENTATIVE LOWERY BROWN: Since you
5 have implemented the policies and actually conducted some
6 ethics training, you said some folks have contacted you
7 and asked you if things were inappropriate.

8 HONORABLE GLAZER: Right.

9 REPRESENTATIVE LOWERY BROWN: Has it been
10 a large number or a small number of contacts?

11 HONORABLE GLAZER: I would say a medium
12 number. I mean, people are not streaming in all the
13 time, but I know that when I have these classes and -- I
14 didn't participate in them last year only because I felt
15 that I wanted people to get to know me and that the
16 circumstances of my arrival might intimidate some people,
17 so I had them deal through my secretary and law clerk,
18 and they were fine. Everybody was fine with that.

19 We had to get to know one another.

20 REPRESENTATIVE LOWERY BROWN: The reason
21 why I'm asking this series of questions, because when
22 most of the requests would come in from the community or
23 from politicals or whatever, for the judges, it would get
24 to the staff first.

25 HONORABLE GLAZER: Yes.

1 REPRESENTATIVE LOWERY BROWN: So I was
2 just wondering, after you've implemented the new policies
3 and implemented ethics training, did you see a decrease
4 in inappropriate behavior in the courts?

5 THE WITNESS: You know, people are not
6 going to do things in front of me, and -- so I don't sit
7 in the courtrooms to see what's going on. I mean, there
8 has to be a certain degree of trust here. I believe that
9 the employees are sufficiently sensitized to these
10 problems that there is a reduction of requests. I know
11 that the judges are all from different counties and I
12 have met with them and spoke with them and I think we're
13 all on the same page. I don't have unrealistic
14 expectations, but I do believe that the staff, once they
15 are schooled on appropriate behavior, that a lot of the
16 problems will disappear, but I can't control the judges.
17 That's why I'm very much in favor of this bill.

18 REPRESENTATIVE LOWERY BROWN: And I have
19 one last question and thank you for indulging me.

20 HONORABLE GLAZER: Sure, absolutely.

21 REPRESENTATIVE LOWERY BROWN: In your
22 testimony, the one key question that Representative
23 Hackett had said that he was grateful that you had put in
24 there, because it educated the public, and that was about
25 this persuasion from judges to staff.

1 Could you explain an incidence of how a
2 judge would have persuaded their staff to do this?

3 HONORABLE GLAZER: Well, typically, as I
4 understand how it worked -- and this is what the
5 employees have said -- how I understood it worked is that
6 a request for consideration would come in to the Court.
7 There was a person -- and these by the way are
8 allegations that have been unproven in a court of law,
9 everyone is presumed innocent -- but the allegations are
10 that these requests would come in from a particular
11 person. They would be transmitted to the Court staff and
12 the Court staff would submit them to the judge.

13 The employees felt compelled that they had
14 to participate in this program because their jobs
15 depended on their ability to serve this collateral
16 purpose of delivering these requests. They didn't feel
17 that they could stand up and say, I'm not doing that
18 because it's illegal.

19 So there was a compulsion on their part to
20 participate in the process or lose their job.

21 REPRESENTATIVE LOWERY BROWN: So they
22 admitted that they knew that it was inappropriate and
23 they participated anyway?

24 HONORABLE GLAZER: Yes. Yes. Yes. It
25 was just that the atmosphere fostered that type of

1 behavior and there were no consequences for participating
2 in, you know, illegal conduct.

3 REPRESENTATIVE LOWERY BROWN: Thank you.

4 CHAIRMAN MARSICO: Representative Dean,
5 questions?

6 REPRESENTATIVE DEAN: Good morning,
7 Judge. Thank you very much for your testimony.

8 HONORABLE GLAZER: Good morning. You're
9 welcome.

10 REPRESENTATIVE DEAN: I wanted to
11 compliment you, because I think you took on a challenging
12 appointment and you present to us today the
13 thoughtfulness and the decency that you brought to us.

14 So it's so easy for us, and as you point
15 out, over 35 years, my whole adult lifetime, we've heard
16 of this problem, the ongoing corruption, alleged
17 corruption within this system. And what I think doesn't
18 get enough play is the narrative that you pointed out so
19 beautifully today, the humanity of the employees there
20 and the people who are coming in who are affected by the
21 system. And I think that's such an important part of the
22 story and I really appreciate and thank you for so wisely
23 talking about that. It's a really important part. We
24 could just think this is just about fixing tickets and
25 it's not. It's about a lot of people and their lives and

1 the decency of their lives.

2 A couple quick questions on the bill, and
3 I know some of this is not yet determined. So, for
4 example, if we have 25 -- in the structure, 25 Municipal
5 Court judges and then we have an unknown, yet, number of
6 hearing officers, do you have an idea of how many hearing
7 officers we'd need, hearing examiners?

8 HONORABLE GLAZER: I was thinking about
9 that on the way over here. I don't really know. I would
10 think maybe an amount equal to the number of judges might
11 be --

12 REPRESENTATIVE DEAN: 25 or the existing
13 Traffic Court --

14 HONORABLE GLAZER: The existing Traffic
15 Court. I also think that, as I've said, there may be a
16 need for more Municipal Court judges. Not a huge number,
17 but I think there will be an increase in the caseload,
18 although it won't be a monstrosity.

19 REPRESENTATIVE DEAN: If we had, say,
20 seven or more hearing examiners, what would your
21 recommendation be for training? As you said, you don't
22 believe they need to have a law degree. I agree with you
23 on that. What training would you want them to have?

24 HONORABLE GLAZER: Well, I think they
25 would need, obviously, training in ethics. They would

1 need training in the motor vehicle code which can be
2 quite complicated. They would need training in court
3 procedures. They would need training on demeanor,
4 behavior, how people act in court. They would need just
5 kind of a general training of the Court's system, how it
6 works, how cases are appealed, but I think it's all
7 doable.

8 You know, there's an excellent MDJ
9 education program that I went to last year in
10 Harrisburg. There are people that can do this. This is
11 doable. We can do this.

12 REPRESENTATIVE DEAN: And would you
13 anticipate ongoing training, kind of like lawyers do,
14 continuing legal ed?

15 HONORABLE GLAZER: Yes. Absolutely. No
16 question about that.

17 REPRESENTATIVE DEAN: And any kind of
18 examination, at least an initial examination?

19 HONORABLE GLAZER: Yes. Yes. Yes.

20 REPRESENTATIVE DEAN: As you point out,
21 one of the safeguards in this new structure would be that
22 they would be not elected.

23 HONORABLE GLAZER: Correct.

24 REPRESENTATIVE DEAN: So that they would
25 be subject to firing. They would, however, be appointed.

1 HONORABLE GLAZER: Yes.

2 REPRESENTATIVE DEAN: Does that concern
3 you at all?

4 HONORABLE GLAZER: I got my job through
5 politics. I am not anti-politics. I know that politics
6 is part of our lives. You know, it just is.

7 But I don't equate politics with
8 corruption. I think that if we find good people, decent
9 men and women who will be able to do this job, that it
10 can work. It can work. It's not perfect, but, you know,
11 it's better than what we had.

12 REPRESENTATIVE DEAN: And are there any
13 other hopes or wishes that you would build into this
14 legislation or any legislation that has to do with the
15 issue of the Traffic Court?

16 HONORABLE GLAZER: Not that I can think of
17 right this minute, but I'm sure something will come to
18 me.

19 REPRESENTATIVE DEAN: Again, thank you
20 very much for your testimony.

21 HONORABLE GLAZER: Thank you.

22 CHAIRMAN MARSICO: Counsel Kane.

23 MR. KANE: Thank you, Mr. Chairman. Just
24 one quick question, kind of a bottom-line question.

25 Judge, you've strongly endorsed the

1 constitutional change to eliminate the Traffic Court, and
2 I kind of want to ask the flip side of that.

3 Do you think that if this were to fail,
4 this effort were to fail now, and that Traffic Court
5 remained as a constitutional court, do you see in the
6 long term any way to reform the system or would you think
7 that it's going to gravitate back -- obviously now with a
8 lot of publicity, indictments, whatever, I'm sure, and
9 the changes that you've made -- but in the long term, do
10 you see any way of redeeming the current system within
11 the current constitution structure?

12 HONORABLE GLAZER: There are two types of
13 corruption. There is the external corruption where the
14 calls are made, contacts are made, and then there is the
15 internal corruption that has been receptive to acting on
16 those requests.

17 You know, I love the city. It's not my
18 hometown but it's my adopted city and I adore it here,
19 but there is a long-standing ethos in this Traffic Court
20 of corruption, and I don't know how you're going to get
21 rid of that unless you drastically change this system. I
22 just can't see it changing.

23 I spoke with -- with a wonderful employee
24 of the Court and I said to him, you know, if I leave
25 here, how long do you think it will take for it to get

1 back to the way it was? I said, What do you think, an
2 hour maybe? He said, No, I would say about 15 minutes.
3 And he was serious. He was not kidding. So we can do
4 this change.

5 CHAIRMAN MARSICO: Okay. I also want to
6 compliment you for the job you've been doing with this,
7 your leadership and your guidance.

8 HONORABLE GLAZER: Thank you.

9 CHAIRMAN MARSICO: Your recommendations to
10 the Committee, to the people of Pennsylvania and
11 Philadelphia, so we thank you for your time, your
12 testimony, and it's good to see you, good to meet you.

13 HONORABLE GLAZER: My pleasure. You know,
14 it was my greatest fear that when I took this over that
15 all reform would just kind of die. To be sitting here
16 today in front of you is more gratifying than you can
17 ever imagine. It makes it all worth it. So I thank you
18 and I wish you well in your work and thank you very much.

19 CHAIRMAN MARSICO: Thank you for your
20 service.

21 HONORABLE GLAZER: Thank you.

22 CHAIRMAN MARSICO: Next on the agenda is
23 our host, hostess, Chancellor Kathleen Wilkinson,
24 Philadelphia Bar Association.

25 Thanks again for your hospitality.

1 CHANCELLOR WILKINSON: You're very
2 welcome. Usually, I'm standing up there, but today I'm
3 down here, which is fine with me.

4 Good morning, Chairman Marsico, Chairman
5 Caltagirone. I apologize for the pronunciation. And
6 Members of the House Judiciary Committee. I am Kathleen
7 Wilkinson, a partner at the Philadelphia law firm of
8 Wilson, Elser, Moskowitz, Edelman & Dicker, and I am the
9 chancellor of the Philadelphia Bar Association, the first
10 and the oldest association of lawyers in the United
11 States.

12 On behalf of the members, I thank you and
13 welcome you to our bar home. The Philadelphia Bar
14 Association has a long history of advocating for high
15 quality judiciary that wisely interprets and fairly
16 applies the laws that you enact.

17 The Association applauds the General
18 Assembly for taking such a strong interest in the
19 integrity of our courts and in the quality of justice
20 afforded to our citizens.

21 The First Judicial District encompassing
22 the City of Philadelphia is unique among the judicial
23 districts in this Commonwealth, in that we have a stand-
24 alone Traffic Court, separate from other divisions of the
25 Court of Common Pleas and of the court system.

1 Regrettably, recent investigations and
2 indictments have cast a harsh light on Philadelphia
3 Traffic Court. The Chadwick report, commissioned by the
4 Pennsylvania Supreme Court, revealed a Traffic Court
5 steeped in the culture of corruption, where the granting
6 of favors to friends, family members, and business
7 associates of politicians and the judges themselves was
8 the order of the day. The report observed that, quote,
9 The cumulative effect of these practices resulted in a
10 court where two tracks of justice, one for the connected
11 and another for the unwitting general public.

12 Respect for the rule of law is essential
13 to maintaining a stable democratic society. In his
14 famous speech, *The Sword and the Rope*, the late Supreme
15 Court Justice Thurgood Marshall, speaking for the
16 judiciary said, quote, We must never forget that the only
17 resource -- the only real source of power that we as
18 judges can tap is the respect of the people, end of
19 quote.

20 He further stated, We will command that
21 respect only as long as we strive for neutrality, end of
22 quote.

23 We who are assembled here today may not
24 agree on all of the details of reform, but we agree on
25 the same goal, to restore fairness and integrity to our

1 judicial system, and in so doing, to restore the public's
2 respect for our courts.

3 Philadelphia Traffic Court is often
4 referred to as being part of the minor judiciary, yet the
5 decisions made by the judges of Traffic Court can be
6 anything but minor to the thousands of people who
7 appeared in Traffic Court each year. Decisions made by
8 Traffic Court judges can result in higher insurance
9 premiums, canceled insurance coverage and the loss of
10 driving privileges and even incarceration.

11 The stakes are high. The loss of a
12 driver's license can result in the loss of a job if
13 alternative means of transportation aren't available.
14 The inability to drive can also preclude a person from
15 obtaining needed medical care. With such high stakes, it
16 is troubling that under the current system Traffic Court
17 judges who are required to interpret the laws and to
18 apply the laws of this Commonwealth are not required to
19 be lawyers.

20 Our citizens have important statutory and
21 constitutional rights that must be protected. When most
22 people think of such rights, they imagine serious felony
23 cases. However, as I have stated, people also have
24 important rights that are at stake in traffic offenses;
25 thus it is essential that Traffic Court judges follow all

1 statutes and apply all laws properly and fairly.

2 The Philadelphia Bar Association believes
3 that the best way to ensure this is to require that the
4 judges hearing traffic matters be lawyers, licensed to
5 practice in Pennsylvania, and in good standing with the
6 disciplinary board.

7 Most of our citizens will never see the
8 inside of a courtroom for a complicated contract dispute
9 or a felony case, but many citizens will receive a
10 parking ticket, a speeding ticket, or have a problem with
11 a driver's license that must be resolved in court. The
12 Philadelphia Bar Association believes that all of our
13 citizens deserve to have confidence in the judiciary and
14 to have their cases heard by a judge trained in the law
15 and bound by the ethical requirements by our disciplinary
16 authorities.

17 Thank you for allowing me the opportunity
18 to address this Committee on this issue of vital
19 importance to our lawyer members, as well as to our
20 community.

21 Thank you very much.

22 CHAIRMAN MARSICO: Well, thank you very
23 much for your testimony. I guess the question is
24 regarding the Senate Bill 333 and 334; do you support
25 those bills?

1 CHANCELLOR WILKINSON: We support the idea
2 of transferring judges to Municipal Court. However, we
3 believe that such judges, future judges, should be
4 required to be lawyers. We do think that that is a good
5 idea and the reason we support that idea that they be
6 lawyers and be under the jurisdiction of the Municipal
7 Court is twofold.

8 Number one, they would be supervised by
9 Judge Neifield, the president judge, so there would be a
10 level of supervision.

11 And number two, by being lawyers, they are
12 subject to two sets of rules: The Pennsylvania rules
13 that govern lawyers for professional conduct that are
14 enforced by the State Supreme Court and they also would
15 be subject to the judicial conduct code, so in that
16 regard we support that idea.

17 The other details, as I said, we're not
18 specifically commenting on, and we're commenting
19 particularly with regard to Philadelphia Traffic Court
20 only.

21 CHAIRMAN MARSICO: Correct.

22 Any questions? Representative Hackett.

23 REPRESENTATIVE HACKETT: Thank you,
24 Mr. Chairman. Thank you very much for testifying here
25 today and welcoming us into your building. Thank you

1 very much.

2 Page 2 of your testimony, I would have to
3 disagree with you. I'm from Delaware County, 26 years in
4 law enforcement, and as far as I recall, minor traffic
5 offenses that came forward within the courts or traffic
6 courts it would be -- I always understood it would be a
7 judge of your peers, so -- and I worked in Baltimore
8 County, too, over the years, and that would be in evening
9 they would have Joe the Plumber that would be a plumber
10 during the course of the day, he would come in at night
11 and hear traffic things.

12 It's supposed to be, you know, a judge of
13 your peers. And keep in mind that we always had -- you
14 know, you could always bring it to the next level. You
15 could always appeal it and have a trial de novo. I just
16 thought it was better for the citizens of Pennsylvania to
17 have those minor offenses brought in front of an
18 individual that is not necessarily a lawyer, and I can
19 tell you in Delaware County we have fantastic supervision
20 through our president judge that oversees this.

21 Again, I just think -- I would not like to
22 see it monopolized into where that position of the minor
23 traffic offenses would be in the hands of just attorneys,
24 and that would just be a comment, maybe too early in this
25 whole process to get into that, but I just thought I had

1 to throw it out there.

2 Thank you very much.

3 CHANCELLOR WILKINSON: If you would like
4 me to comment briefly?

5 REPRESENTATIVE HACKETT: Yes.

6 CHANCELLOR WILKINSON: Again, I'm limiting
7 my comments specifically to the Philadelphia Traffic
8 Court situation, and the other bit of information that I
9 would impart to you is that the Philadelphia Bar
10 Association has a judicial commission which vets all
11 candidates for Municipal Court as well as Common Pleas
12 Court. Those candidates are required to be lawyers.
13 Candidates for Court of Common Pleas, candidates for
14 Municipal Court.

15 So if Traffic Court judges were required
16 to be lawyers, then under the jurisdiction of the
17 Municipal Court, then they would be required to be vetted
18 by our Judicial Commission, which would be another set of
19 eyes and ears and would be subject to a full
20 investigation before we would give whether they are
21 recommended or not recommended ratings as candidates.

22 So again, I'm speaking from also that
23 vantage point and speaking only about Philadelphia
24 Traffic Court.

25 CHAIRMAN MARSICO: Representative Dean,

1 question?

2 REPRESENTATIVE DEAN: Thank you,
3 Mr. Chairman. Thank you, Chancellor, for your testimony
4 today and for hosting us here.

5 I wanted to ask you under this bill, and I
6 know you're speaking only about Traffic Court, but under
7 this bill, Senate Bill 334, it would have this two-tiered
8 structure as you just heard, and it would have the set of
9 appointed hearing examiners appointed by the president
10 judge of the Municipal Court, maybe seven or more hearing
11 officers. Are you in support of that layering and
12 appointment of those who would be nonlawyers; would you
13 support the hearing examiners?

14 CHANCELLOR WILKINSON: We haven't taken a
15 position on that because we do feel very strongly about
16 the requirement of being lawyers. However, we do agree
17 that supervision absolutely is required. Right now Judge
18 Neifield is not supervising that aspect of the court, so
19 there is as I -- as I understand it and as I heard Judge
20 Glazer's testimony, there really isn't that level of
21 supervision right now, so it would be obviously an
22 excellent thing to have them supervised by a judge.

23 REPRESENTATIVE DEAN: And I appreciate
24 what you're saying, the supervision is going to be
25 critical. In terms of the MDJs currently, they are not

1 required to be lawyers, correct?

2 CHANCELLOR WILKINSON: I'm addressing only
3 Traffic Court in Philadelphia. I'm not weighing in on
4 issues that may affect judges in the counties.

5 REPRESENTATIVE DEAN: I was just doing it
6 by way of comparison, and I understand in terms of your
7 role as chancellor, you're not willing to make a
8 statement.

9 Maybe I'll just do this by way of comment,
10 because I really think and know that our system that is
11 comparable because the MDJs are listening to and hearing
12 very important matters and very diverse matters, not
13 limited to the vehicle code. And they are not required
14 to be lawyers, and I think it actually is a pretty wise
15 system to be able to have something of a people's court
16 and there is a superior set of chances to check it and
17 appeal beyond that level.

18 And I'd also -- I'm always mindful of the
19 fact that our own U.S. Supreme Court does not require
20 that the members be judges. I always think it would be
21 really refreshing if we would consider appointing to the
22 Supreme Court someone who is not a judge -- excuse me,
23 who is not a lawyer, because it isn't just lawyers who
24 can uphold ethics. We've seen the failure -- I'm a
25 lawyer myself, so I'm taking a shot at my own

1 profession -- but I just think that if you make some
2 comparisons between what the MDJs do, what the framers of
3 our own constitution thought, about how we should
4 diversify those who administer justice, I think this
5 structure under the bill looks pretty wise to me.

6 CHANCELLOR WILKINSON: I'm not going to
7 comment specifically, but I would add that speaking again
8 from the standpoint of being a Philadelphia lawyer and
9 the Chancellor of the Philadelphia Bar Association, to
10 the public, the name Traffic Court Judge, in their mind,
11 means a judge at the same level as a Court of Common
12 Pleas Judge, which in Philadelphia, who are required to
13 be lawyers.

14 That's another public perception issue
15 with the term Traffic Court Judge.

16 REPRESENTATIVE DEAN: I very much
17 appreciate your comments. Thank you, Chancellor.

18 CHANCELLOR WILKINSON: Thank you.

19 CHAIRMAN MARSICO: Any other questions?
20 Seeing none, thank you very much for your testimony.

21 CHANCELLOR WILKINSON: You're very
22 welcome. Enjoy the rest of your day.

23 CHAIRMAN MARSICO: Thank you.

24 Our next witness is Ed McCann from the --
25 he's the First Assistant District Attorney in the

1 Philadelphia District Attorney's Office.

2 Welcome.

3 MR. McCANN: Thank you, Chairman Marsico
4 and Chairman Caltagirone. I appreciate this invitation.
5 And thank you for having me and all the other members of
6 the House Judiciary Committee as well.

7 My name is Ed McCann. I'm the First
8 Assistant District Attorney in the Philadelphia District
9 Attorney's Office and I appreciate this opportunity to
10 speak to you about Senate Bills 333 and 334.

11 Before I begin my testimony, I do want to
12 thank the Committee for all its work, tremendous work on
13 behalf of law enforcement and victims. We sincerely
14 appreciate all your efforts and the work you do with us
15 to craft important pieces of legislation that make
16 Pennsylvania safer and we really appreciate that.

17 With regard to the issue of Traffic Court,
18 at the outset, we appreciate the intent behind this
19 legislation. The recent criminal indictments of judges
20 sitting in Philadelphia Traffic Court was shocking and
21 disheartening, as Chairman Caltagirone said and Judge
22 Glazer, this court is the people's court. It's a court
23 designed to serve the people of the city of
24 Philadelphia. Instead the shocking conduct displayed by
25 these judges undermine the credibility of the justice

1 system as a whole and was an embarrassment to the city.

2 For years these judges operated outside of
3 the law. This behavior was so pervasive and widespread
4 that one could only safely say it was systematic. And
5 there is no way to restore a sense of fairness and
6 decorum to the current system and that is precisely why
7 this legislation is so vitally important.

8 In addition the taint of this Traffic
9 Court scandal may unfortunately affect public perception
10 of the entire court system, so I applaud the Senate and
11 this committee for acting swiftly to fix this problem.

12 This legislation will help to ensure that
13 we are never again faced with this appalling situation.
14 It will require Philadelphia's Municipal Court to absorb
15 the duties and responsibilities of Traffic Court and this
16 will increase the expertise and qualifications of the
17 judiciary handling these cases, and more importantly the
18 amount of oversight and supervision of the operations.

19 However, our greatest concern -- and
20 Representative Dean just mentioned this and Chairman
21 Caltagirone mentioned this as well -- and that is that
22 it's no secret that at this point the Philadelphia
23 judicial system is already operating at or beyond its
24 capacity, and we've continually worked with the First
25 Judicial District and in particular Municipal Court and

1 Municipal Court operations in an attempt to ease this
2 already overburdened system. And we've incorporated
3 several alternative programs and treatment courts to
4 dispose of less serious cases in a fair and efficient
5 matter, and initiatives have been in place to get cases
6 to trial more quickly to the benefits of both victims and
7 defendants, so in order for Municipal Court to absorb
8 this significant responsibility, additional resources
9 will be necessary. This cannot be an unfunded mandate.

10 The Municipal Court will likely require
11 additional judges to hear these cases. Otherwise, we
12 will be reallocating our scarce criminal justice dollars
13 and it will be a trickle down effect that could slow the
14 pace by which other cases are heard in Municipal Court,
15 and finally the Municipal Court also needs the
16 appropriate authority to properly administer and oversee
17 Traffic Court, including the ability to make personnel,
18 management, and expenditure decisions.

19 I really appreciate the invitation and
20 your time today and I'm happy to answer any questions
21 anybody may have for me.

22 CHAIRMAN MARSICO: Any questions?
23 Representative Hackett.

24 REPRESENTATIVE HACKETT: Sir, again, thank
25 you for testifying here today.

1 Was the office of the district attorney
2 involved in any of this investigation at all over all
3 these years?

4 MR. McCANN: No, sir. We don't have a
5 presence in the Traffic Court. As you noted in the last
6 witness's testimony, the only time we get involved is
7 when cases get appealed to the Court of Common Pleas of
8 people that are convicted in Traffic Court, so no, we
9 were not involved in the investigation.

10 REPRESENTATIVE HACKETT: Thank you.

11 CHAIRMAN MARSICO: Any other questions?
12 Representative Dean.

13 REPRESENTATIVE DEAN: Thank you for your
14 testimony.

15 In terms of this -- what's going on now
16 and I see your grave warning that this can't be
17 unfunded. To absorb this level of caseload is going to
18 be difficult. So in terms of Senate Bill 334, did you or
19 the district attorney's office have any recommendations
20 or were you part of the crafting of the legislation and
21 what are your thoughts on the legislation?

22 MR. McCANN: No. We were certainly kept
23 in the loop about it. I would defer really to Judge
24 Neifield in terms of the resources that the Municipal
25 Court would say they need.

1 I agree with Judge Glazer that, you know,
2 I don't think you're talking about adding a significant
3 number of judges, but I do believe that there may be
4 additional judges needed.

5 There's already kind of a similar
6 framework in place in that the Municipal Court appoints
7 magistrates that do the preliminary arraignments and also
8 trial commissioners are appointed by the Municipal Court,
9 so that's not something that's outside what's already
10 going on in sort of an analogous circumstance, so I think
11 that it's certainly a framework that could be
12 successfully implemented.

13 In terms of the resources, I would defer
14 to the Court itself to tell this Committee and others
15 exactly what would be needed. I just definitely wanted
16 to bring that out as you brought out earlier that there
17 are going to be additional resources necessary.

18 REPRESENTATIVE DEAN: And currently do you
19 have anything anecdotally that you would tell us about
20 how the system is operating from your office's point of
21 view?

22 MR. McCANN: Well, we've really done a lot
23 of work in the last three years and we've talked to
24 members of your Committee about it previously in terms of
25 diverting a lot of nonviolent, less serious offenses from

1 the court system. Literally, thousands of cases a year
2 are getting disposed in this manner that weren't before
3 through programs that were created in conjunction with
4 Municipal Court by our office. One called the
5 Accelerated Misdemeanor Program and another program where
6 cases with defendants getting arrested with possession of
7 small amounts of marijuana are getting diverted from the
8 court system. It's really literally thousands of cases a
9 year; over 5,000 cases a year between those two programs
10 that used to go through the court system that are no
11 longer going through the court system.

12 REPRESENTATIVE DEAN: Would that be what
13 are called problem-solving courts?

14 MR. McCANN: Correct. And there's a drug
15 treatment court, a DUI treatment court. There's a lot of
16 robust types of these courts that were created by the
17 First Judicial District in conjunction with our office to
18 deal with these less serious matters.

19 REPRESENTATIVE DEAN: We've heard in
20 Harrisburg about the effectiveness of the problem-solving
21 courts and I think -- and it's of course up to president
22 judges to implement them, to put them into play, so I
23 just hope our legislature gives all the support and
24 resources necessary to fund those kinds of smart courts.

25 MR. McCANN: I appreciate that.

1 REPRESENTATIVE DEAN: Thanks.

2 CHAIRMAN MARSICO: Any other questions?

3 Actually, we did have a hearing the last
4 session about essentially problem-solving courts and this
5 committee does support those. However, there is an issue
6 with funding and we'd like to address that as well in the
7 future, but they are very important to the judiciary, to
8 this Committee, and to the DA's office.

9 MR. McCANN: Absolutely.

10 CHAIRMAN MARSICO: Once again, thank you
11 for your excellent testimony and your service to the
12 people of Philadelphia.

13 MR. McCANN: Thank you, Mr. Chairman. I
14 appreciate it.

15 CHAIRMAN MARSICO: Let's go to our good
16 friend Lynn Marks, who is next. Lynn is the executive
17 director of the Pennsylvanians for Modern Courts and
18 she's going to be accompanied with Suzanne Almeida.

19 Welcome and begin when you want.

20 MS. MARKS: I'm Lynn Marks. I'm the
21 executive director of Pennsylvanians for Modern Courts
22 and PMC Action, which are statewide, nonpartisan,
23 nonprofit court reform organizations which are working to
24 ensure that all Pennsylvanians can come to our courts
25 with confidence that they will be heard by the most

1 qualified, fair, and impartial judges, and as you know,
2 I'm joined by our program director, Suzanne Almeida.

3 Thank you for inviting us to provide this
4 testimony and I also want to say thanks to Senator
5 Pileggi for his leadership and a special shout-out to
6 Judge Glazer for all that he's done so far.

7 You all know too well how these recent
8 indictments of so many of the Traffic Court judges has
9 really put a cloud over the court system here.
10 Unfortunately, it's also made national and even
11 international news, and this is just not the kind of news
12 that we want here in Philadelphia.

13 As others have said, and we just can't
14 overemphasize that, although Philadelphia Traffic Courts
15 are a part of the, quote, minor judiciary, they really
16 have a huge impact on people's lives and some of you know
17 that because of your work certainly in the court system
18 and in your knowledge of the magisterial district judges'
19 system.

20 People's courts -- I mean, most people who
21 come before the court system come before these so-called
22 people's courts, so I mean, you can make an argument that
23 these courts have an even greater responsibility to
24 function with the highest standards of ethical behavior,
25 and it's clear that our Traffic Court has not done that.

1 Although no system is perfect, we believe
2 that the proposed Senate Bills will help move the healing
3 process forward and that they are an important step on
4 the long road to restoring confidence in our courts.

5 A transition away from independent Traffic
6 Court is not without precedent in Pennsylvania. As you
7 know, the -- Pittsburgh in the early 2000s transferred
8 the adjudication of moving violations from an independent
9 Traffic Court to their magisterial district judge system,
10 and although the resulting structure is different than
11 the proposal before you, we can look to Pittsburgh for
12 lessons on how to best accomplish this transition.

13 We see several advantages to these
14 restructuring proposals. First, the use of hearing
15 officers, whether they're lawyers or not lawyers, rather
16 than elected judges, to hear moving violations allows for
17 greater oversight of the process and the adjudicators,
18 and as you heard so well from Judge Glazer, when they are
19 court employees doing this, they may be fired or
20 disciplined at any time.

21 Giving the president judge or a
22 supervisory judge at the Municipal Court the supervisory
23 powers to closely monitor the hearing officers' behavior
24 and take swift, appropriate action, if appropriate, we
25 think is the way to go for the initial part in the new

1 system.

2 Second, changing the structure of Traffic
3 Court will help assure the public that real action is
4 being taken. We heard earlier that under the leadership
5 of Judge Glazer that he has instituted a number of
6 internal reforms, such as ethics training. But the
7 public really has very little awareness of these, so
8 there's really often an attitude that corruption is
9 inevitable and that elected officials and reform groups
10 like ours really talk the talk and fail to implement
11 solutions, and this would be a really good signal to the
12 people of Philadelphia and Pennsylvania that it is --
13 that visible reforms can be made, that restructuring
14 Traffic Court in this way really could increase
15 accountability of those individuals who are tasked with
16 adjudicating moving violations, and that will be a
17 visible reform to show that there can be increased
18 accountability.

19 Of course, this restructuring of the Court
20 cannot be solely a public relations move. The reforms
21 must be implemented or this will simply be seen as
22 putting a Band-Aid over a gaping wound. Public
23 confidence in the courts is critical.

24 And finally, removing elected judges from
25 deciding moving violations, we believe will help remove

1 the specter of, kind of, quote, that votes for ticket
2 dismissals and favoritism from the courtroom.

3 As you all know during the 2011 campaign
4 for Traffic Court, one of the candidates was recorded
5 telling a group of potential voters that they would need
6 him in Traffic Court, and of course we don't know for
7 sure whether any of this implied promise to those voters
8 came about, but a system of elections for these
9 particular kinds of judges lends itself to similar
10 scenarios.

11 I don't think I have to tell you, but the
12 job of someone who rules on moving violations is totally
13 different from your role of legislators. You make laws.
14 You make policies. You have constituencies. You have
15 your platform and that's why we vote for you or don't
16 vote for you. It's really different from somebody who is
17 going to decide on individual cases of somebody about
18 whether or not they ran a red light.

19 And if you didn't read the two pieces in
20 the Philadelphia Daily News this week, I really recommend
21 that they be part of your bedside reading.

22 We have about two pages of questions that
23 we have about the legislation which we divided into
24 logistics and procedures. Since I know you're running
25 late, I won't go through those now. Judge Glazer hit on

1 some of them and you can have a look, but I just wanted
2 to put out two things. We were also concerned about the
3 financial implications of the restructuring. I was at
4 the House Appropriations Committee when you had the
5 judiciary there, and at that point I know that it was
6 still unclear at this point and I know you particularly,
7 Chairman Caltagirone, have been really a leader in terms
8 of making sure that the courts are funded properly, so
9 that's something which I think really has to be addressed
10 about what are the implications for a revised Municipal
11 Court and whether they'll need more funding.

12 Another thing which I know Judge Glazer
13 mentioned but I just felt like we really have to mention
14 it is that -- our concern about the approximately 115
15 current employees there and the ones who have done good
16 work, and I don't know what the implications are for any
17 kind of collective bargaining contracts, but I guess that
18 is something which would have to be looked at, so we're
19 concerned about that, but obviously for the reform to
20 have any lasting impact, the newly created traffic
21 division of Municipal Court must be staffed by good,
22 honest, hardworking employees and I assume that many of
23 those will be ones who are already working over in the
24 Traffic Court at this point.

25 Let's see. I'm going to skip over a lot.

1 We can't make the mistake of believing
2 that simply because Traffic Court undergoes a complete
3 structural change that our work is done. The biggest
4 problem that we see in Traffic Court is the culture of
5 favoritism that surrounds the everyday workings of the
6 court, coupled with a culture of entitlement that is
7 prevalent among connected Philadelphians. The culture of
8 entitlement, the culture of favoritism. Not to mention a
9 ho-hum attitudes of others.

10 People have told us when this scandal
11 broke that they feel like suckers for paying tickets in
12 the first place. I mean, that's crazy. That's wrong.
13 That should not be part of our system.

14 Unfortunately, this problem cannot be
15 addressed solely through structural changes that are
16 proposed here, that more must be done, and we just wanted
17 to throw out a few suggestions.

18 We think that all hearing officers and
19 court staff should be required to partake in rigorous and
20 continual ethics training. Ideally, these trainings
21 would have a dual purpose of reminding court staff of
22 their ethical obligations, but also provide a forum for
23 open and honest discussion of any ethical pitfalls.

24 We also think that they should be subject
25 to regular employee evaluations so that early

1 identification of problems can allow the court leadership
2 to maintain strict control over the adjudication process.

3 This is something which Representative
4 Hackett mentioned a little before, that we think the
5 First Judicial District in conjunction with state court
6 officials, with legislators such as you, should -- and
7 we'd be glad to work with you, is we really think there
8 should be a public education campaign about the value of
9 courts, the proper role of judges.

10 We were appalled when employees said that
11 they thought that just because no money changed hands
12 that that wasn't a problem. That's clearly a problem,
13 and so there really has to be a public education campaign
14 on that.

15 One more thing. A complaints process
16 should be set up within the traffic division. I know
17 Representative Lowery Brown mentioned whistle blowers.
18 There needs to be some kind of strict complaint process,
19 and since the hearing officers are not judges, the
20 Judicial Conduct Board would not be the appropriate venue
21 for complaints, and so even though there's an appeals
22 process for the underlying tickets, that's not -- that
23 won't necessarily address any instances of hearing
24 officer misconduct.

25 Hearing officers who are lawyers, because

1 as of now it doesn't say whether you'd have to be a
2 lawyer or not, we think should not be allowed to maintain
3 a private law practice while they are employed in the
4 traffic division. If the money is not enough for them,
5 let them find another job. Although, quite frankly,
6 \$91,000 plus benefits sounds pretty good to a public
7 interest lawyer like me. It really should not be a
8 stepping stone for further office, such as running for a
9 judge.

10 In conclusion, unfortunately there's no
11 silver bullet for achieving lasting and meaningful
12 reform, and although we think that these are crucial
13 steps, the City's work is far from over, and for real
14 reform to happen there must be an ongoing dialogue among
15 the public, community leaders, you as legislators,
16 judges, about issues facing our courts, and we have begun
17 this today. Our community deserves this.

18 Thank you again for inviting us to
19 testify.

20 CHAIRMAN MARSICO: Questions? Counsel
21 Kane.

22 MR. KANE: Thank you, Miss Marks. I just
23 had one question.

24 The hearing examiners, we heard Judge
25 Glazer talk about they'd be under the supervision and

1 there would be accountability and responsibilities as a
2 result of that, but I'm just wondering if Pennsylvanians
3 for Modern Courts has given any thought as to whether
4 there might be advantages or disadvantages if hearing
5 examiners were civil servants as opposed to appointees.

6 MS. MARKS: We -- actually we haven't.
7 That is something we should think about. I don't want to
8 really think about it right now. I think the important
9 part is whether they're at-will employees or civil
10 service that there be strict training ethics and
11 substantive training and that there would be some kind of
12 complaints process. I think those are the most important
13 parts. So that they know there are consequences if they
14 get a call asking for some kind of favoritism.

15 CHAIRMAN MARSICO: Representative Brown,
16 questions?

17 REPRESENTATIVE LOWERY BROWN: Thank you so
18 much for your commitment to making sure that we're just
19 in a body of the courts. I appreciate both of you being
20 here.

21 And I appreciate that you also pulled out
22 a couple of things that were on my mind, and one thing I
23 just keep thinking about is the culture of Traffic Court
24 and the culture of the city of Philadelphia. And I don't
25 want every person that has done something inappropriate

1 demonized, because some people just didn't know, because
2 if we don't do a public campaign to educate the
3 community, and I'm so glad that you brought that out, you
4 know, how would the average citizen know, who's not
5 involved in the court, who's not a lawyer or an attorney,
6 all they know is the way their father did it and their
7 grandfather did it, and that just seemed to be the right
8 way, and some people even wanted to become committeemen
9 or ward leaders just because they wanted to be able to
10 help their community navigate through a system where
11 sometimes people were just left out, and that happens in
12 a lot of the smaller, you know, disadvantaged
13 communities. Sometimes there's no proper way to get
14 justice.

15 So I just want to thank you for talking
16 about that culture and not demonizing everyone for what
17 they've done. Thank you.

18 MS. MARKS: Thank you. You said it more
19 eloquently than we did, but we're certainly on your page
20 and we look forward to working with you and your office.

21 CHAIRMAN MARSICO: Any other questions?
22 Well, thank you very much. Your questions that you had,
23 your recommendations, we'll go back and consider those.
24 They're an excellent set of questions and recommendations
25 you had regarding the contracts and also the procedures.

1 MS. MARKS: Yes, we just thought we had --
2 you know, we wanted to talk generally but you know, we
3 really did have -- I mean, you know, since you're there
4 making the laws, we had a lot of particular issues with
5 these laws and there seemed to be -- I mean, with these
6 proposals, and there seemed to be a bunch of open
7 questions that we understand there are discussions going
8 on now, but I think that they need to be finalized, and
9 as soon as possible, because everybody knows that there's
10 an election coming up and an awful lot of people, you
11 know, are starting to wage campaigns.

12 CHAIRMAN MARSICO: Thank you very much.

13 Next, we have our colleagues from the
14 Philadelphia County who want to give testimony, and
15 welcome Representative Waters, Representative Cohen,
16 Representative Thomas, and Representative McGeehan, and
17 you're certainly welcome to join the panel.

18 We have Representative Waters as the first
19 testifier, a former member of the committee, by the way,
20 for a long time.

21 REPRESENTATIVE WATERS: And I enjoyed
22 being on this committee. It's a great committee.

23 I must say I want to thank you, Chairman
24 Marsico, Chairman Caltagirone, and Members of this
25 Committee, for allowing me to come and testify along with

1 my colleagues about a very serious matter that is facing
2 Philadelphia. I just want to say, too, when I parked my
3 vehicle, I believe my meter expires at 12:00.

4 CHAIRMAN MARSICO: In five minutes.

5 REPRESENTATIVE WATERS: In five minutes.
6 So I don't want to get a ticket. No pun intended here.

7 But anyway, the -- I speak not just for
8 me, of course, but I have been elected to serve
9 constituents in the Philadelphia, Delaware County, and as
10 legislators we vote on stuff that affects Pennsylvania as
11 a whole.

12 This particular matter right here before
13 us is more circled around the region of Philadelphia. As
14 we know, people who get moving violations are not just
15 people in Philadelphia. People who come through
16 Philadelphia, if they don't obey our rules and
17 regulations that we have in place, they may have to visit
18 Traffic Court, too.

19 The matter -- the matter before us is of
20 the utmost consideration. I have said this because a
21 decision to abolish the Philadelphia Traffic Court, which
22 would eliminate the Court from the state constitution and
23 transfer its responsibilities to the Philadelphia
24 Municipal Court would undoubtedly have deep implications
25 as relates to the democracy as we have procured here in

1 Philadelphia.

2 It is my belief that the Philadelphia
3 Traffic Court is an entity worth protecting and I believe
4 this would -- for three reasons: Citizens deserve to
5 elect their judges, the Municipal Court docket is already
6 full, and the court should be fixed, not destroyed. This
7 is my opinion.

8 Citizens deserve, in a democracy, to elect
9 their judges. Most everyone recognizes that the three
10 branches of government, those being the legislative
11 branch, the executive, and the judiciary branches, but in
12 a democracy which predicates itself on being for the
13 people and by the people, citizens must have their place.

14 Two, and that's in my -- I just want to
15 introduce a fourth branch of government, so to speak. I
16 am of the opinion that government works best when it is
17 closest to the people and if a person vote is his voice
18 or her voice in government. To abolish the Traffic Court
19 would be to take away one of the opportunities for the
20 people of Philadelphia to have a voice in who makes up
21 their judiciary.

22 Quite frankly, there is nothing more
23 democratic than an election. There is no denying that
24 the antics of some of the -- some of the Traffic Court
25 judges in recent times have been vile, disgusting, and

1 embarrassment to the city of Philadelphia and the
2 Commonwealth at large, but citizens are fully capable of
3 learning from previous elections and demanding that
4 elected officials uphold the standard of integrity that
5 is expected of this esteemed bench.

6 The Municipal Court docket is already
7 full. In theory, sending more court violations to the
8 Municipal Court is an easy fix to a serious problem, but
9 in reality this solution would cause more problems for
10 the city.

11 When the Traffic Court was created, its
12 purpose was to relieve the higher court of fact-finding
13 duties that are oftentimes consuming and frivolous but
14 vital to determining just verdicts. Adding the volume of
15 cases to the Traffic Court currently -- that the Traffic
16 Court currently handles to the Municipal Court would
17 further add to the backlog and create a logjam that
18 inconveniences all parties involved. Of course, that
19 would be people coming before Traffic Court or other
20 offenses, too.

21 The Traffic Court, as it stands, is built
22 forward to provide expediency and convenience without
23 corruption. Extending hours for seven judges make for
24 efficient service. The types of offenses coming to the
25 Traffic Court, while illegal, but are not the types of

1 offenses that merit months of deliberation or intensive
2 waiting. I have heard complaints from constituents who
3 have experienced long waits, both on the phone and in
4 person, in dealing with the Municipal Courts as is, and
5 this is not a put-down. The courts are really --
6 especially in the Philadelphia area -- are overburdened.

7 It is clear that a separate court to
8 handle traffic violations would be beneficial to the City
9 of Philadelphia and to the people who come -- have to
10 come here for their -- their judicial matters.

11 The court should be fixed, not destroyed.
12 The old saying is Don't toss the baby out with the bath
13 water. I cannot think of a more appropriate saying to
14 apply to this situation. At this point we have
15 established that the Traffic Court gives citizens a place
16 to elect judges, an allowance that is important to
17 procuring the democracy here in Philadelphia. The
18 Traffic Court does exactly what it is supposed to do,
19 which is to relieve the higher courts of frivolous time-
20 consuming duties that would further add to the backlog of
21 cases. And Traffic Court offers convenience at a time
22 when efficiency is the issue at hand. But efficiency is
23 important to all citizens, employees, and other officials
24 alike.

25 The issue at hand is not whether the

1 Traffic Court is at its best should exist, rather the
2 real question is whether or not the Commonwealth should
3 allow this kind of court to continue operating, given the
4 recent findings of corruption, collusion, and
5 conspiracy. Essentially, the reputation, respectability,
6 and overall faith in Traffic Court have hit rock bottom
7 in recent months. These findings truly have regulated
8 the Court to its worse state. But dismantling the court
9 now would truly be tossing the baby out with the bath
10 water.

11 Instead of abolishing the Traffic Court, a
12 move that would show a complete lack of faith in the
13 Philadelphia electorate, we should be thinking of ways to
14 improve the Court and put protections in place to ensure
15 that future scandals do not occur. It is truly
16 unfortunate that Traffic Court judges chose to make the
17 choices they made, but the Court itself is still vital in
18 that it provides a lower level of jurisdiction to handle
19 a large volume of cases that have no business taking up
20 time, space, or energy in the Municipal Courts.

21 I just want to say that Rep. Thomas is
22 going to speak following me, I believe, and he has a bill
23 that I -- I support and I will let him go into the
24 details of the bill as I know he will, but Philadelphia
25 is the most populous city in this Commonwealth. Five

1 times more populous than the next largest. We have to
2 explore every avenue when attempting to make the judicial
3 system fair, convenient, and efficient.

4 The Traffic Court may be at its lowest
5 place right now and this is due to the poor choices of a
6 few, but there is no denying that it exists and is
7 beneficial to the city, and I'll -- I just want to close
8 with that, and I heard something that Representative
9 Hackett said that kind of summarizes what we're talking
10 about right here is about people being judged by their
11 peers. I believe that's very important. If we don't
12 have people being judged by their peers, then we might as
13 well just eliminate the jury system, too, because that is
14 the purpose of why they have a jury system that says a
15 jury of their peers. They don't have to be lawyers.
16 They don't have to have no special education. They just
17 have to be people who are like-minded and vetted to make
18 sure that they can render a fair verdict.

19 So I just want to end with that, and I do
20 have to leave soon. I think I might have a couple more
21 minutes if anybody has any questions to ask me before I
22 leave.

23 CHAIRMAN MARSICO: Why don't we go to
24 Representative Thomas if that's okay.

25 REPRESENTATIVE WATERS: That's fine with

1 me.

2 CHAIRMAN MARSICO: Thanks.

3 REPRESENTATIVE THOMAS: Thank you,
4 Mr. Chair. Let me thank Democratic Chair Caltagirone and
5 let me thank the members of this committee.

6 In the interest of time, because I know
7 that our colleague, Representative Cohen and maybe
8 Representative McGeehan have some concerns, but -- so
9 rather than give a full testimony, I'd like to just kind
10 of highlight some points and then make some
11 recommendations.

12 Number one, in reference to Senate Bill
13 333 and 334, number one, it will require transformation
14 of the Court in two legislative terms in addition to
15 referendum. Two legislative terms in addition to a
16 referendum. We can't predict what the next legislative
17 term will look like. If it passes this term, it will
18 have to go through another term, so at the earliest the
19 people of Philadelphia County and Commonwealth of
20 Pennsylvania will not see real transformation as outlined
21 in Senate Bill 333 and 334 at least until 2017.

22 Secondly, implying that the only people
23 who can adjudicate matters in Traffic Court must be a
24 lawyer, must be members of the Bar, and as some of you
25 know, becoming a lawyer is tough, but then also you've

1 got to be a member of the Bar. I think that the biggest
2 problem with the current system is two prongs: One, all
3 you have to do is win an election. Under current law you
4 don't need to have a high school diploma in order to
5 become a Traffic Court judge. So part of the problem is
6 raising the standards of the people that sit.

7 Number two, under the current system, we
8 ask laypeople to, one, become finders of fact, issue
9 conclusions of law, and impose punishment, where they are
10 not able to fix or enter into some kind of scheme. And
11 so it's difficult to ask laypeople to do all of that and
12 not run into these kinds of problems, whether one party
13 or another. And the Senate Bill 333 and 334 would not
14 resolve that issue.

15 Representative Waters made it very clear,
16 we need additional judges in Municipal Court as it is.
17 It is -- it's overloaded. And if you have to transfer
18 over 20- to 30,000 cases that come through Traffic Court
19 over to Municipal Court, we would just destroy that
20 system at Municipal Court, because it's going to require
21 additional funding, additional training, and additional
22 responsibilities that would just kind of drag things out.

23 Under current law there is no requirement
24 for continuing education or ethics training, as each and
25 every one of you know, that we have to go through some

1 training a few times during the year. There is no --
2 Judge Glazer mentioned that he has some internal ethics
3 training going on, but it should be a standard of care
4 within the court system.

5 And last, my problem with 333 and 334 is
6 that it imposes conditions on Philadelphia County that is
7 360 degrees different from what goes on in other parts of
8 Pennsylvania. If we had a unified judicial system in
9 Pennsylvania, and I know you remember our colleagues from
10 Montgomery County who has always tried to push for a
11 unified system in Pennsylvania, we don't have it, and we
12 have MDJs and we still have justices of the peace, who
13 are finders of fact, provide conclusions of law and
14 impose punishment and are not lawyers, and are
15 definitely, if they are lawyers, they're not members of
16 the Pennsylvania Bar, they might be a member of another
17 bar, but not of the Pennsylvania Bar, so to impose those
18 conditions on Philadelphia County without pursuant to a
19 unified system, I think would be problematic. And so by
20 way of recommendations, I have introduced House Bill
21 1025, which raises the standards of people who work in
22 that system, do away with the Traffic Court judges,
23 implement Traffic Court examiners.

24 You know under our civil and criminal
25 justice systems, we have masters in domestic relations,

1 we have bail commissioners on the criminal side, and so
2 we have mediaries that are able to act as finders of
3 fact, but require conclusions of law, and imposition of
4 punishment, leave that to somebody else who is familiar
5 with the law, so continue the supervisor and
6 administrative oversight, keep the building where it is,
7 keep the institution in place, raise the bar of
8 conditions, got to have a high school diploma, should
9 have a degree. We should also require people who want to
10 become Traffic Court judges, pay your tickets. We should
11 not have a situation where you run to become a judge and
12 you owe over \$7,000 in back tickets. That's almost an
13 invitation to fixing.

14 And I remember -- made me think about a
15 former Rep that retired and ran for Traffic Court Judge,
16 and I think the media caught up with him the Sunday
17 before the election and asked him about his license and
18 about some tickets, and the culture was so bad that he
19 looked at the report and said, Well, that's why I'm
20 running for Traffic Court, so I can help people like
21 myself, so there was -- so there's this culture here that
22 is not good, and so I think that we can overhaul,
23 maximize, get in the kind of system that we need, but not
24 under the four corners of 333 and 334, so I ask you to
25 take a look at 1025. It will make sure that you pay your

1 tickets before you even think about running for Traffic
2 Court, and make sure that you get the training, that
3 there's continuing education and some of the other
4 concerns that came out.

5 But let me close this. I stand with the
6 Chairs, Members of this Committee, Members of the State
7 Supreme Court, and people across Philadelphia and the
8 Commonwealth that is ashamed, ashamed at what has
9 happened, what has happened in our -- in this system,
10 this Traffic Court system, and I'm excited because I
11 think for the first time we will reform and overhaul this
12 system in a way that we do not have to revisit some of
13 the issues that was identified in the Chadwick &
14 Associates report.

15 And so I thank you for stepping up and I
16 thank Senator Pileggi for introducing his bills, because
17 without those two bills we might not have this
18 conversation, so I want to thank the Senator and thank my
19 Chairman and thank each and every one of you for starting
20 this conversation, and let's try to resolve the
21 conversation before November.

22 We have 40 people in -- here in
23 Philadelphia running for Traffic Court. I don't know all
24 40 of them, but I know most of them are not lawyers and I
25 know none of them are members of the Pennsylvania Bar.

1 They're spending money. They're out there running and I
2 don't -- and I don't think we want them to get to
3 November. If we go with the Senate Bill 333 and 334,
4 they could spend a lot of money and get to November and
5 there's no door there, because there's no provisions
6 within either one of the Senate bills that will allow for
7 any of these people, no matter how good or how bad they
8 are, for having an opportunity to serve in this system,
9 so I'm hoping that we exercise speed, expeditiously, in
10 bringing about the kind of reform that we can all
11 appreciate. Thank you.

12 CHAIRMAN MARSICO: Representative Cohen.

13 REPRESENTATIVE COHEN: Thank you,
14 Mr. Chairman, Chairman Marsico, Chairman Caltagirone,
15 Members of the Judiciary Committee. It's my pleasure to
16 be here today. I'd like to give testimony placing the
17 problems in a different context than they've usually been
18 in.

19 First, Philadelphia has much too much
20 traffic to be easily manageable by many people. It took
21 me over 40 minutes to get here from my house, which is
22 only a little over 10 miles from here. I can easily --
23 often when the traffic is bad enough -- I can get to the
24 Reading exit of the turnpike faster than I can get from
25 my house in Northeast Philadelphia down to Center City.

1 It is a very difficult situation.

2 Philadelphia is the largest population
3 city of the Commonwealth. We have 1.5 million plus
4 people living here, plus there are hundreds of thousands
5 of people here on a daily basis every day working,
6 shopping, or visiting. Thus there are well over two
7 million people in Philadelphia on any given day and they
8 are crammed into the second smallest geographical county
9 in the state. Only Juniata County is slightly smaller
10 physically than Philadelphia.

11 Despite the relative smallness of its
12 size, Philadelphia has far more miles of road, far more
13 traffic lights, far more one-way streets, far more No
14 Parking signs, and most importantly, far more police
15 enforcement, than any other county in the state.

16 We have 6,500 police in Philadelphia. The
17 state police, by contrast, is somewhere around 4,000
18 state policemen. So there are many more possibilities
19 for violation in Philadelphia and there's much more
20 enforcement in Philadelphia because of the large numbers
21 of police.

22 Now, the total caseload of the
23 Philadelphia Traffic Court is considerably greater than
24 the total caseload of the Municipal Court. There's
25 something like 1,250,000 -- I'm sure you could get the

1 exact figure -- Traffic Court cases a year, and there are
2 roughly one million cases before the Municipal Court.

3 Now, the more -- the more we want to
4 strengthen the process here and make sure that nobody is
5 getting away with anything, the longer the trials are
6 going to be.

7 I assume that one reason the alleged
8 corruption flourished to the degree it did was among
9 other things it speeded up procedures just to throw out
10 cases, and if we're not going to do that anymore, and we
11 should not do that anymore, then that's going to require
12 more judges, more time.

13 Now, why shouldn't we have more Municipal
14 Court judges? Well, among the -- Municipal Court judges
15 get paid about \$160,000 a year. Traffic Court judges get
16 paid \$90,000 a year. If we're going to have five more
17 Municipal Court judges, that's going to cost a lot more
18 than five Traffic Court judges are. Plus Municipal Court
19 judges get -- are much better staffed than Traffic Court
20 judges and that would be additional costs.

21 Now, on rare occasion I've represented
22 constituents pro bono before the Traffic Court and the
23 Parking Authority, and I found that Traffic Court and the
24 Parking Authority has its own system of hearing
25 examiners, and I have found that the Traffic Court

1 judges, you know, are more open to evidence and less
2 likely to set impossible standards than the Parking
3 Authority hearing examiners. I've had impossible demands
4 for evidence made of me and my clients by the hearing
5 examiners. They demand so much evidence it's impossible
6 to prove. Their attitude is guilty until proven
7 innocent. And they raise a lot of money that way by
8 creating a very difficult burden for defendants to
9 overcome, but I think that kind of thing just feeds
10 cynicism and I believe there ought to be -- you know, the
11 principle of innocent until proven guilty ought to apply
12 in Traffic Court cases and that would best be done if we
13 had attorneys who will understand the concept of innocent
14 until proven guilty hearing the cases.

15 I agree with Judge Glazer that the Traffic
16 Court should be kept physically separate from the
17 Municipal Court, and that the Traffic Court should remain
18 permanently under the supervision of the Municipal
19 Court. It makes an awful lot of sense to have an
20 experienced person like Judge Glazer supervising the
21 system and it would make sense in the future after Judge
22 Glazer leaves.

23 I do not believe, however, that the
24 election process is inherently corrupting or that the
25 inevitable result of the election process is the election

1 of corrupt Traffic Court judges or corrupt any other
2 official.

3 I would strongly favor a violation
4 prevention educational program run out of the Traffic
5 Court. The Municipal Court has pioneered linkage between
6 judicial functions and social service and public
7 education functions. They have received awards from the
8 Bar Association and other sources because of their
9 leadership in seeking to prevent crimes in the future
10 from being committed and I think that that approach is
11 even more applicable to the Traffic Court where we're not
12 dealing at all with hardened criminals, we're dealing
13 with very few exceptions with just average, generally
14 law-abiding citizens, and I think the Municipal Court has
15 gained a strong sense of public purpose by being involved
16 in the public education and human services field.

17 I think it's important to keep in mind
18 that the Traffic Court was a reform of the 1967-1968
19 Constitutional Convention pushed by then District
20 Attorney Arlen Specter, in the aftermath of scandals of
21 the magisterial and constable systems in Philadelphia.
22 The magistrates and constables were abolished, I can be
23 corrected if I'm wrong, but I believe Philadelphia is the
24 only place in the state that has no Magisterial District
25 Judges and no elected constables.

1 And the Municipal Court for which a law
2 degree is required, and the Traffic Court for which no
3 degree of any kind is required were substituted instead
4 for the magisterial system that generally exists in this
5 Commonwealth.

6 I agree with Judge Glazer that a law
7 degree is not required to do the job of the Traffic Court
8 Judge, but I agree with the Bar Association that lawyers
9 would do a better job representing, respecting
10 constitutional rights, and understanding the concepts of
11 innocence until proven guilty and burden of proof.

12 I would recommend that the one current
13 judge not under indictment, who happens to be my
14 constituent and a friend of mine, Judge Christine Solomon
15 and any of the indicted judges who are acquitted,
16 continue as Traffic Court judges under the supervision of
17 the Municipal Court.

18 I would also recommend that the 2013
19 elections go on as scheduled and that the winners be
20 recognized as judges. There undoubtedly will be extended
21 litigation by the winners if their nominations or
22 elections are not recognized. I think that is a cost
23 that we do not need to spend.

24 I would recommend that all judges elected
25 after 2013 be attorneys and that we require that. I

1 think having attorneys on the courts beyond competence in
2 individual cases makes clear that the Traffic Court is a
3 legal system and not a system of granting favors. The
4 creation of the legal environment is vital to preventing
5 corruption.

6 I favor continued elections; however, I am
7 frustrated and irritated by the ever-shrinking number of
8 elected officials in Philadelphia. Philadelphia uniquely
9 has no township government and no elected school board.
10 Nor does Philadelphia have an elected coroner or elected
11 clerk of courts, elected tax collectors, elected jury
12 commissioners, and as we said before, elected district
13 judges or elected constables.

14 The idea that the way to stop corruption
15 is to abolish the office has been applied far more in
16 Philadelphia than in any other county in this state. In
17 the surrounding areas of Philadelphia, when there is a
18 case of corruption, there is not an immediate call to
19 abolish the office. There's a call to get better-
20 qualified candidates in the office. It is considered a
21 political matter; it is not considered a matter of let's
22 abolish the office. We have tried that solution in
23 Philadelphia again and again and we are at the point
24 where -- where the vast majority of elected officials in
25 Philadelphia are now judges and -- you know -- and there

1 are calls, as we all know, for merit selection of
2 judges. Let's abolish judicial elections. There are
3 calls for fewer city councilmen; there are calls for
4 abolishing this or that county office.

5 We could wind up with a situation, if we
6 listen to every possible reform where there are visually
7 no elected offices in Philadelphia and this testimony to
8 some degree is push-back against that trend.

9 More than the government of any other
10 county in this Commonwealth, Philadelphia is bureaucracy
11 driven. This is not a healthy situation. There is not
12 the give-and-take of the political process in -- in
13 government in Philadelphia to the same extent there is in
14 government around this Commonwealth.

15 Nevertheless, despite the solution, quote,
16 unquote, of abolishing elective officers, there is more
17 than enough corruption among all the appointed people who
18 have come up through the bureaucracy, generally through
19 civil service tests, not always, for Philadelphia's army
20 of more than 500 federal, state, and local prosecutors to
21 keep very busy on.

22 Philadelphia's elective offices are now
23 numerically dominated by judges. We certainly should
24 better elect Traffic Court Judges, but I think we should
25 continue the elections process.

1 Now, the elections process could be in the
2 hands, if you split Philadelphia up into seven Traffic
3 Court Districts or some other number of Traffic Court
4 Districts, right now there's a certain element of a
5 lottery because it means the elections are citywide and
6 the candidates are not known citywide, if they were
7 known by -- if the system was run by districts there
8 would be much less an element of a lottery there and
9 people would be better known in their communities. I
10 would think that would be a worthwhile reform.

11 But in essence, I strongly echo the
12 statement of Ron Waters that we ought to continue to have
13 elections. The solution of abolishing elections has been
14 repeatedly tried in Philadelphia. It has not produced
15 the results. We do not have perfect schools because we
16 do not have elected school boards. We do not have
17 perfect court administrations because we do not have an
18 elected clerk of courts. We do not have a perfect
19 coroner's office because we do not have an elected
20 coroner. The solution has been tried repeatedly before.
21 It always proves disappointing and I think we ought to
22 stick with an elective system.

23 Representative Thomas has suggested that
24 perhaps the powers of the officials be changed. I think
25 that is certainly a reasonable idea that deserves serious

1 consideration. I'd be glad to answer any questions.

2 CHAIRMAN MARSICO: Well, thank you very
3 much for your -- all of you, delegation from
4 Philadelphia, for your suggestions. You raise some very
5 good points, things for us to consider, think about, as
6 we go back to Harrisburg.

7 So I just wanted to say thank you. I
8 don't think we have any questions. The Members didn't
9 indicate they had any questions.

10 I'm sorry, Joe Hackett?

11 REPRESENTATIVE HACKETT: No questions,
12 Chairman, just a statement at the end.

13 CHAIRMAN MARSICO: Go ahead.

14 REPRESENTATIVE HACKETT: Thank you,
15 Mr. Chairman.

16 And I thank both chairmen for putting the
17 hearing today and staff and for all the testifiers here
18 today. I gained a lot of knowledge today from both
19 sides, and what I take away, though, from this hearing is
20 that apparently the penalty for corruption is not strong
21 enough to deter the problem, and I'll leave it at that
22 and hopefully we'll continue on. I'm sure we'll have
23 many other hearings.

24 Thank you.

25 CHAIRMAN MARSICO: Representative Thomas.

1 REPRESENTATIVE THOMAS: Mr. Chair, as you
2 know, this is my home and I just want to thank all of
3 you, to come into one of the best counties in the
4 Commonwealth of Pennsylvania, second only to the one
5 where you come from, and to this good place here, the
6 Philadelphia Bar Association.

7 CHAIRMAN MARSICO: Well, thank you for
8 saying that. We're certainly glad you could be here.
9 Thanks to all the testifiers today. You raised, like I
10 said before, some very good questions and points and we
11 will consider this bill sometime in May so everyone
12 knows, so -- probably the first week in May.

13 MR. DAVIS: Statements?

14 CHAIRMAN MARSICO: Yes, I'm sorry.

15 I did want to say that we do have some
16 written testimony that's been submitted. First from
17 Zachary Stalberg, President and CEO of Committee of
18 Seventy. And Inja Coates, Community Activist, Candidate
19 for Traffic -- Philadelphia Traffic Court Judge.

20 And do you have a --

21 MR. DAVIS: Yes, my name is Bobby Davis.
22 I'm president of Local 696 and I represent the members
23 down at Traffic Court.

24 CHAIRMAN MARSICO: Do you want to come up
25 to the mic. Just briefly submit your testimony.

1 MR. DAVIS: My name is Bobby Davis and I
2 represent the members down at Traffic Court and I just
3 want to make sure that some of their issues and concerns
4 are made a matter of record. I just found out about
5 these hearings yesterday. I did try to get on the
6 agenda, but I was told that it was already packed up and
7 they was on their way here to Philadelphia, so basically
8 I just wanted to make sure that they're heard.

9 CHAIRMAN MARSICO: Well, your testimony
10 will be considered and thank you for bringing it to us.

11 MR. DAVIS: Thank you.

12 CHAIRMAN MARSICO: This concludes the
13 hearing and, once again, thank everyone for being here.

14 (The hearing concluded at 12:21 p.m.)
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CERTIFICATION

I, KATHLEEN MCHUGH, a Registered Professional Reporter and Commissioner of Deeds, hereby certify that the foregoing is a true and accurate transcript of the hearing of said witness(es) who was first duly sworn on the date and place herein before set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this hearing was taken; and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

KATHLEEN MCHUGH
Registered Professional Reporter
and Commissioner of Deeds