

Testimony of the Honorable Gary S. Glazer before the Pennsylvania House Judiciary Committee

March 22, 2013

Good morning, Committee Members. I very much appreciate the opportunity to testify this morning about this important legislation, and I commend the General Assembly for acting promptly to address the problem of corruption in the Philadelphia Traffic Court.

I have been a Judge on the Philadelphia Court of Common Pleas since my election in 1991. I am currently assigned to the Commerce Program in the Court's Civil Division. Prior to my election to the Bench, I served as an Assistant United States Attorney in Philadelphia where, among other things, I investigated and prosecuted judicial corruption in the Philadelphia Court System in the late 1980's.

In December 2011, following a series of FBI raids on the chambers, offices, homes, and businesses of Traffic Court judges and employees, the Pennsylvania Supreme Court, upon the recommendation of Chief Justice Castille, appointed me as Administrative Judge of the Traffic Court to replace Traffic Court Administrative Judge Michael Sullivan, who was one of the targets of the federal government raids. Judge Sullivan has since been indicted by a federal grand jury in January, 2013, in connection with the government's investigation of corruption at the Traffic Court. He is presently awaiting trial, along with five other judges and other individuals, including William Hird, former Director of Records at the Traffic Court. To date, three judges have pleaded guilty to the federal corruption charges.

The Supreme Court's appointment of a Common Pleas Judge to oversee the Traffic Court was unprecedented and reflected the Court's concern about the chronic nature of the corruption at the Traffic Court, as well as the Supreme Court's commitment to reforming a system that has been a perennial embarrassment to the Commonwealth of Pennsylvania.

The Traffic Court hears matters involving motor vehicle citations such as speeding, reckless driving, driving with a suspended license, or driving without proper documents. The Traffic Court does not handle parking tickets. Those are adjudicated by the Philadelphia Parking Authority through the City's Department of Revenue.

Since my appointment as Administrative Judge, I have overseen the Traffic Court's operations while maintaining a full caseload in the Commerce Program. As Administrative Judge, I also oversaw the work of Chadwick Associates in reviewing the Traffic Court's operations and worked with the firm to develop

measures restoring integrity to the Court's operations and promoting public confidence in the processes for adjudicating moving violations. The legislation you are considering today is the centerpiece of our plan to accomplish those formidable objectives.

After arriving at Traffic Court, I determined that the Court had adequate fiscal controls and that people were not stealing money as had been the problem in prior years. Indeed, with 115 employees, the Traffic Court generated in excess of \$24 million in 2012 and adjudicated over 200,000 motor vehicle citations. The problem was with the integrity of the adjudicatory process, which subsequently became known as a two-track system of justice, one for the politically connected and the other for the unwitting general public. The practice of granting special consideration to politically connected offenders does extreme violence to and makes a mockery of the concept of equal justice under the law, a key precept of the American judicial system. It undermines public confidence in the administration of justice and promotes cynicism about government among our citizenry.

The entire bench of the Traffic Court engaged in this practice and, despite my mandate to restore integrity to the Court, a federal raid that took place shortly before my appointment, and an open and active grand jury investigation, some judges nevertheless resisted my efforts, remaining loyal to their friends and political supporters who had a seemingly insatiable demand for fixing cases. The level of this demand is shocking beyond description. For example, in the spring of last year, a ward leader contacted my office to advise that he could not get in touch with a particular Traffic Court judge. He wanted my secretary to pass the message along to the judge that the ward leader's friend was appearing in front of the judge on the following day. The ward leader called again and asked if the message was passed along to the judge who was scheduled to hear the case and was told that the message was passed to the Administrative Judge of the Traffic Court. The ward leader's reaction was, "How does that help me?" In another instance, Court personnel discovered that a then-sitting judge was attempting to finalize a very favorable payment plan for his cousin who was living in Florida at the time. In support of this request, the judge, through his tipstaff, provided a forged letter, purporting to be from the cousin, requesting a payment plan. This caper was halted, once detected, and the cousin immediately paid his obligation in full. These are just two examples which I happened upon purely by chance.

I found the staff at Traffic Court to be incredibly decent but highly demoralized. Many had been used as pawns by the judges, while some had never been involved in the corruption. Employees were skeptical

and cynical about the prospect for change given that periodic prosecutions, house cleanings and publicity had no substantial impact on the integrity of how cases were adjudicated. Some employees had been persuaded that it was permissible to take phone calls and do favors on cases so long as no money was exchanged. That theory was eliminated when the charges in the current federal indictment alleged that the ticket fixing was a scheme to defraud the Commonwealth of Pennsylvania and the City of Philadelphia of funds due from motor vehicle violations. Bribery is not necessary to bring federal criminal charges in the face of a scheme to defraud governmental entities of funds.

It is widely accepted that an organization's culture and values flow from the top. "Tone at the top" is the single most important factor in defining an organization's ethical culture. In Traffic Court, the practice of taking calls and fixing cases for the politically connected started at the very top. Previous Administrative Judges and all of the elected judges condoned it and participated in it. Consequently, court employees, whose jobs depended on the good graces of the elected judges and their political sponsors, accepted the practice and participated in implementing it. Numerous employees also availed themselves of the benefits of working for a court where the politically connected were granted preferential treatment. As the Chadwick Report described, the acquittal rate for Traffic Court employees and their families was 85%, compared with an acquittal rate of 26% for the general public.

This corruption was not recent in origin. Over the decades, the Philadelphia Traffic Court has been plagued by criminal investigations by federal and state prosecutors; judges and employees have been convicted and sent to prison; reforms have been attempted; and always the corruption has returned.

While not being naïve about the prospects for reform, we believe that the measures in the pending legislation are critical to assisting the First Judicial District in ending this corruption, once and for all.

Prior to turning to the specifics of the legislation, I would like to address several policy considerations that underlie the proposed structure.

First, the Traffic Court is truly a people's court. Although I had no prior experience with the Court, I was immediately struck by the extent to which the cases, even relatively minor ones, greatly affect people's lives. They dictate whether people get jobs or keep jobs, whether they can transport elderly parents or pick up their children. They affect insurance rates and have a significant impact on public safety. In my opinion, the qualifications necessary to adjudicate these cases do not include a law degree. However,

they do include independence and integrity. We know from past experience that elected Traffic Court judges are subjected to enormous pressure from their political supporters to take phone calls and fix cases. The accountability of these judges to their political sponsors and supporters makes it all but impossible to provide the type of supervision necessary to ensure that cases are adjudicated solely on their merits, on the basis of evidence presented in open court. For that reason, we believe that integrity can only be achieved by employing hearing officers appointed by the President Judge of the Municipal Court to adjudicate these matters. Employee hearing officers can be more closely supervised and better insulated from the outside political forces that have proven so hungry to fix traffic cases.

The second policy consideration is that the Traffic Court's narrow jurisdiction, which is limited to moving violations under Title 75, makes it an anomaly in Pennsylvania. Magisterial district judges (MDJ's) with whom you are all familiar have much broader jurisdiction. MDJ's also hear non-traffic summary cases, minor civil matters and conduct preliminary hearings in criminal cases, as well as issue search warrants and arrest warrants. We believe that the single purpose nature of the Traffic Court's jurisdiction lends itself to the use of hearing officers for the first level adjudication of traffic cases.

Third, because the jurisdiction of the Philadelphia Municipal Court is much broader than that of MDJ's, Municipal Court judges are required to have law degrees. Municipal Court judges try criminal cases without juries in cases where the maximum penalty for a single charge is five years of imprisonment. Appeals from these convictions are heard as de novo trials in Common Pleas Court. In most other judicial districts, these cases are tried directly in Common Pleas Court. As a Court with law-trained judges performing many of the functions of MDJ's, the Municipal Court is particularly well suited to providing the necessary oversight of hearing officers adjudicating traffic cases. It is anticipated that Municipal Court Judges will hear violations that involve possible jail sentences, as these cases would not be appropriate for disposition by hearing officers.

Turning to the proposed legislation, Senate Bill 334 transfers jurisdiction for Title 75 offenses to the Municipal Court, empowers the President Judge of the Municipal Court to employ hearing officers to adjudicate these matters at the first level, and phases out the current Traffic Court by transferring current active Traffic Court judges to a temporary Traffic Division of the Municipal Court until their terms expire and the Constitution is amended to abolish the Traffic Court. Appeals from adjudications by the hearing officers will continue to be heard de novo in the Court of Common Pleas.

We feel that this legislation addresses the issue of how best to control the historic tendency of Traffic Court to veer in the direction of corruption.

I would be pleased to answer any questions.

