

# State court could take over two row offices

By: PETER HALL Bucks County Courier Times

The state court system would take control of two county offices that manage civil and criminal court filings under a plan being considered by the state Supreme Court, Chief Justice Ronald D. Castille said.

The prothonotary and clerk of courts, which are elected row offices in most Pennsylvania counties including Bucks and Montgomery, are likely to be the focus of the high court's statewide initiative to integrate county court offices into the Unified Judicial System, Castille said in an interview earlier this month.

Local officials are divided on the possibility of the offices being controlled by the state. While some say the election of court officials gives voters important control over the offices, others say the benefits of more efficient courts and greater uniformity between counties outweigh the loss of local control.

"Obviously, I believe the prothonotary and the clerk's offices are run in an efficient manner and I don't know what the state would do better," said Bucks County Prothonotary Patricia Bachtel, who said she would oppose any change.

But Bucks County Court Administrator Douglas Paul said the relationship between his office, which is run by the state, and the other court offices sometimes involves delicate negotiations.

"I think some things would be done better and more easily if they were under our direct supervision," Paul said.

Castille said that although the plan has not been formally floated, state government leaders appear receptive.

"They see the logic, but the funding is the sticking point," Castille said.

The financial impact of the plan might also be a cause for resistance from county officials. The prothonotary's office and clerk of court's office make money for Bucks County, with each generating more in filing fees than they cost to operate. If the state takes over those offices, it's likely the counties would lose at least some of their share of the money, Castille said.

"If they went ahead and did that, it's more of a burden on the county," said Bucks County Chief Operating Officer Brian Hessenthaler. "It helps their budget out, but what's it doing to the county?"

The prothonotary's office and clerk of court's office are projected to contribute nearly \$1.4 million to the county's coffers in 2010, Hessenthaler said.

In Montgomery County, the two offices are projected to contribute more than \$4.6 million to the county this year. Court employees said the difference in revenue between the counties is likely because of a larger volume of cases and higher filing fees in Montgomery.

The Supreme Court's plan would be a step toward complying with the court's own 1996 decision in a lawsuit by the County Commissioners Association of Pennsylvania that the state is responsible to pay for the operation of county courts. Despite that decision, most county court offices remain the financial responsibility of the county government and taxpayers.

Castille said the Supreme Court hired the Philadelphia economic consulting firm Econsult to study how the court could implement the recommendations of a report prepared by former Justice Frank J. Montemuro Jr. on how to go about creating a Unified Judicial System.

The study lays out a range of scenarios that include taking in only criminal court clerks and prothonotaries at a cost of about \$8 million a year to the absorption of all court-related county offices including registers of wills, orphans court clerks, criminal court clerks and prothonotaries at a cost of \$1.2 billion a year.

Castille said the court is likely to focus on the criminal court clerks and prothonotaries, but it's undecided whether only the heads of those offices or the entire staff of the offices would become state employees.

"Those two positions are really court-related positions of a pretty critical nature because they control the flow of cases," Castille said.

State control of the offices would give the Supreme Court greater oversight of the county courts and a give the high court more assurance that the offices are being run professionally.

"That's not to say that those offices aren't professional, but it's an anachronism to elect them. They don't serve as a watchdog," Castille said.

Although the vast majority of court offices are competently run, Castille said, electing court managers introduces the possibility that someone who is not qualified to do the job could be elected. As an example, he pointed to the Supreme Court's order abolishing Philadelphia's office of the clerk of quarter sessions, a row office serving the city's criminal courts, after revelations that it had been mismanaged.

As a more extreme example, Castille pointed to the courthouse scandal in Luzerne County, where three former judges and the court administrator were charged in a federal corruption probe and the prothonotary resigned after striking a deal to cooperate with investigators to avoid prosecution.

"We need someone who is our eyes in the counties," Castille said.

Steve MacNett, general counsel for the state Senate Republican caucus, said legislators are aware of the court's plan. He said he expects the General Assembly's involvement to be limited to financial aspects of the plan like transferring county employees to the state payroll and retirement system.

However, MacNett said, the court's plan will likely require legislation to address the fact that the prothonotaries and clerks are elected offices required by the county code and Pennsylvania Constitution.

While Bucks County Republican Party vice Chairwoman Patricia K. Poprik said she doesn't want to see the offices centralized and worries local residents would lose the convenience of their services, Bucks County Democratic Party Chairman John F. Cordisco said state control of the county offices would be a positive change.

"I think conceptually, it makes sense," said Cordisco, who is a lawyer.

He said unification of the court system would eliminate local idiosyncrasies and, "from an attorney's perspective, many lawyers would welcome that change."

Cordisco said he doesn't believe the voters derive any significant benefit from selecting court administrators.

"Other than those particular offices having been, in the past, a haven for patronage, I don't think the public will be shortchanged in any way by having those two offices placed under the jurisdiction of the state courts," Cordisco said.

Bucks County Commissioner Chairman Charley Martin said he doesn't believe the county will see any real benefit from the state taking over just two offices.

"If they're going to cherry pick one or two positions, I don't see how that would provide an advantage," Martin said.

He said he would prefer to see the Supreme Court take steps to follow through on Montemuro's report in its entirety.

Martin said he's not optimistic that the plan will actually get off the ground.

"Given the time elapsed since the order came down and the minimal progress that has been made, it's hard to be optimistic that any further progress is going to occur," he said.

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