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Pennsylvania takeover of row offices studied

By Rich Cholodofsky
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Elected officials who oversee court records in Pennsylvania counties could become a thing of the past under a plan being considered by the state Supreme Court.

The court has commissioned a study to determine if and how the state should take over court recordkeeping offices -- the clerk of courts, prothonotary and register of wills.

It's a plan that has been bandied about for more than a decade, part of a stalled effort to have all court and court-related functions turned over to state control, which would cover operating costs for the offices.

Although the effort has become mired in concerns over cost and implementation, the Supreme Court has slowly moved to transfer certain functions from county to state control.

In the past decade, the state assumed control of court administration offices that previously had been controlled and paid for by counties.

A potential row-office switch would be the next phase.

"Nothing and everything is on the table," said Tom Darr, deputy state court administrator. "It just makes sense to have the clerk of courts, prothonotary and register of wills. They are part of the court system."

The options

Econsult Corp. of Philadelphia is studying two options for the state to take over row offices in all counties. The state could:

- Assume control of all positions, eliminate the elected positions and direct each county's president judge to appoint a director of court records to oversee the offices.
- Switch office heads and deputies into state employees, with office staff remaining on county payrolls.

A state takeover of the office functions would abide by a 1996 ruling of the state Supreme Court that stemmed from a lawsuit filed in 1987 by Allegheny County.

The court concluded it is the state's responsibility to pay to operate the judicial system. Former Justice Frank J. Montemuro Jr. issued a report outlining how the state could comply.

More than a decade later, only court administration functions have been transferred.

The state's financial struggles have hit the court system. Chief Justice Ronald Castille this month asked Gov. Ed Rendell to delay filling court vacancies in an effort to save money.

Westmoreland County President Judge John Blahovec said a state takeover of the offices would work, but he doubts it will ever happen.

"Where's the money coming from? They can't meet their own basic obligations, so how can they meet another? The state can't pay for anything. I'll believe it when I see it," Blahovec said.

Moneymakers

Row offices generally make money for counties, producing revenue from court filings.

Counties split the proceeds with the state and use their portion of the money for operating costs.

Most offices make a profit.

Allegheny County's offices earned nearly \$2 million in 2009. Washington and Indiana counties made about \$500,000. Fayette County generated \$150,000 last year. Westmoreland generated about \$100,000, while Armstrong County offices broke even last year.

"If they choose to just take the elected officials and all the fees, it's not a fair trade-off. The transfer of the entire system to the state level restores the balance," said Doug Hill, executive director of the County Commissioners Association of Pennsylvania

County commissioners have lobbied for the state to take over all court operations. The Supreme Court heard arguments in December, when the commissioners' association asked that the plan be implemented more quickly.

The association endorses implementing the Montemuro report in its entirety, Hill said.

"We haven't seen any proposals, but we've asked our solicitor's office to look at it and give us some feedback," said Kevin Evanto, spokesman for Allegheny County Executive Dan Onorato, about the changes being considered.

Allegheny County, as part of its home-rule system of government, already has consolidated its court row offices, eliminated elected positions and hired an administrator to oversee recordkeeping.

Any move to eliminate elected row offices throughout the state would require action from the Legislature, according to Darr.

Earl Keim, who has been register of wills in Westmoreland County for 30 years, opposes any state takeover of his office.

"It creates a larger bureaucracy and a bureaucracy that is not responsive," he said. "If you're going to consolidate those jobs, you are going to create a king," Keim said.

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