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Nutter moves to abolish Clerk of Quarter Sessions office

By Craig R. McCoy and Nancy Phillips

Inquirer Staff Writers

The Nutter administration is moving to draft legislation abolishing the Clerk of Quarter Sessions office, an obscure court agency dating to 1682, with a \$5 million budget, a history of poor performance - and a vacancy at the top.

"The idea that we somehow need to cling to a historical office is no longer in the best interests of the city," said Deputy Mayor Everett Gillison, Nutter's top aide for public-safety issues.

Gillison told City Council on Tuesday that the legislation would be completed within the next two weeks. Council can then vote to abolish the office.

Vivian T. Miller, the last person elected to the citywide office, resigned her \$117,991-a-year position March 31 following intense criticism of both her staff and the very need for her agency.

The clerk's office, with 110 employees, maintains court records, staffs courtrooms, and collects and invests bail money and fines in criminal cases.

City and state auditors have long faulted the office for its handling of tens of millions of dollars in bail, fines, and court fees, including delays in paying the city and state their share of those funds.

Even before Miller agreed to quit, the Philadelphia court system took over most functions of her office - an action directed by Chief Justice Ronald D. Castille of the Pennsylvania Supreme Court.

Miller's resignation was brokered and announced by Nutter, but he had stopped short of saying he would seek to eliminate the office.

The clerk's office is the second major agency to be targeted by Nutter. He has also endorsed shutting down the Bureau of Revision of Taxes, the agency that sets values for property taxes.

While Council can abolish the clerk's office, voters must approve abolishing the BRT. A

question seeking that approval is on the May 18 primary ballot.

Origins of the clerk's office coincide with the founding of the Pennsylvania colony. It became an elected position in 1838. The archaic name dates to 14th-century England, an age when justices of the peace in each county were required to meet quarterly at Epiphany, Easter, Midsummer, and Michaelmas.

Reform-oriented groups, including the Committee of Seventy and the Pennsylvania Intergovernmental Cooperation Agency (PICA), have long called for an end to the office. They have urged that it be shuttered along with other row offices, such as the register of wills and the sheriff.

Criticism of the office escalated last year after The Inquirer disclosed that fugitives owed \$1 billion in forfeited bail and that the city had made virtually no effort to collect it.

City officials quickly vowed to pursue that debt, but the collection efforts stalled when court administrators discovered that the clerk's office had no computer records of who owed what.

In his testimony to Council, Gillison said the court had outlived its functions.

"This is one of these anachronisms that need to go away," he said.

City Council members quizzed Gillison and Pamela Pryor Dembe, president judge of Common Pleas Court, about the future of the office's workers. Gillison and Dembe assured them that workers would not lose their jobs.

City Councilman Curtis Jones Jr. said he would not vote for the legislation unless it included specific language protecting the current workers.

"Trust is fine," Jones said, "but why not put it in writing?"

In a later interview, Gillison said the office's finances and functioning were being audited by Ernst & Young and Econsult Corp., a local consulting firm. He said those reviews should be complete soon.

Even while keeping the workers, Gillison said, the courts could still save money by consolidating the office's operations with others in the courts system.

In past audits, investigators found that the office sometimes failed to deposit money it collected for days, weeks - even months - and they said the agency's books were in disarray.

Dembe, in a statement this month, said court officials discovered problems in the office almost immediately after taking control.

"Even basic practices, such as opening bank statements and reconciling the accounts properly, have not been regularly maintained," Dembe wrote April 9.

The judge also decried the \$1 billion in uncollected bail, which she attributed in part to the "disarray" of records in the office.

"Much of that is uncollectible because routine and simple practices to ensure collections were never put into practice," she wrote.

Money issues aside, the office has also been criticized for mishandling key court documents and causing some defendants to remain behind bars even though judges had ordered their release.

When Nutter announced Miller's resignation, government watchdog groups welcomed the move, but urged the city to go a step further and abolish the elected position of clerk. The Committee of Seventy called on Council to do away with the post, saying it would be "absurd" to elect a new clerk to oversee an office whose functions had been absorbed by the courts.

Later Tuesday, James Eisenhower, chairman of the PICA fiscal-oversight agency, and Zachary Stalberg, executive director of the Committee of Seventy, saluted Nutter for moving to end the clerk's office.

"It's excellent that the mayor is moving to abolish the office," Stalberg said. "I hope Council will follow suit and move quickly to get rid of the office."

Without judging the merit of retaining all the office's workers, Stalberg said he was struck by the swift political support for keeping them employed.

"The court system has an obligation to the public to explain whether they need all these people, instead of moving just reflexively to protect them."

Contact staff writer Craig R. McCoy at 215-854-4821 or cmccoy@phillynews.com.

Inquirer staff writer Jeff Shields contributed to this article.

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