

**First Judicial District of Pennsylvania**  
OFFICE OF THE DISTRICT COURT ADMINISTRATOR



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April 22, 2014

Honorable Stewart J. Greenleaf  
Senate of Pennsylvania  
Chair, Senate Judiciary Committee  
Senate Box 203012  
Harrisburg PA 17120-3012

Dear Chairman Greenleaf:

I am actively seeking your committee support for Senate Bill 1215. I, Joseph H. Evers, have been active as the Prothonotary of Philadelphia for 18 years and the Clerk of Courts for four. In May 2013, I was appointed by the Pennsylvania Supreme Court as the District Court Administrator for the First Judicial District. Although I have assumed a number of responsibilities in my new capacity, it should be noted that I remain the Clerk of Courts and the Prothonotary, now the combined position of the Deputy of Judicial Records, until the position is filled.

Historically, the judiciary consistently supported the elected clerks and prothonotaries. By making the prothonotaries and clerks appointed officials under the authority of the president judge, I firmly believe that our joint efforts will strengthen our collaboration and support the mission of the ministerial offices; to serve the courts. The elected officials are guided by PA statute and do not hold policy-making positions. Therefore, in support of Senate Bill 1215, we are not depriving citizens of important constitutional protections; rather, we are improving the efficiency of the governing bodies that protect their inalienable rights.

Senate Bill 1215 simply eliminates the current statutory duties of the clerk and the prothonotary, creates a new position in each county—Director of Judicial Records—and, provides the new offices the statutory authority that was previously assigned to the clerk and prothonotary. The transfer will be funded from the county court cost reimbursement grant; the \$70,000 per judge grant that is paid, annually, to each county. The Administrative Office of Pennsylvania Courts (AOPC) will be deducting the estimated salary and benefits costs of the transferred employees from the amount appropriated for the county cost grant. The remaining funds in the grant will then be distributed to the counties. In the event AOPC overestimates the amount necessary to pay salary and benefits during the year, the Act authorizes the AOPC to distribute this surplus to the counties in a supplemental disbursement. Thus the transfer should remain revenue-neutral to the counties, as well as the state. The salaries and benefits that will no longer be needed to pay state-level employees balance what is lost in a diminished reimbursement grant. The county will pay all other expenses of the judicial records offices, as is practice with all other court offices.

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Philadelphia is a prime example of the differences between an elected row office and an appointed officer under the authority of the president judge. For many years, the Clerk of Quarter Sessions, the elected row office, failed to cooperate with the judiciary and its justice partners. The court's ability to rely on the services and information of the Clerk deteriorated to a level that ultimately resulted in the need to reassign critical functions associated with the Clerk of Quarter Sessions to court administrative staff. Delays in processing cases and in properly handling the large amounts of bail money and other funds for which the office is responsible resulted in delays in administration of justice and the potential loss of much needed fiscal resources. In stark contrast, the Prothonotary, operating under the authority of the president judge, has continuously worked in full cooperation with the judiciary and its partners, resulting in technical and administrative innovations that serve the public and the bar and produce ongoing budgetary savings. The differences between these two offices clearly demonstrated the dangers of the elected system and the benefits of having the president judge control the operation of the filing office. The fact that the city and the court recognized the need to change the elected office into an appointed one, along with the tremendous improvement in the operation of that office, is proof of the positive changes that can occur under a more cohesive management structure.

There is certainly something to be said about the larger counties who have adopted the practice of eliminating elected clerks and prothonotaries. Philadelphia, Allegheny, Delaware, Luzerne, and Northampton Counties are not restricting the voices of the people in local government by adopting home rule charters that make these offices appointed rather than elected. Those who have followed suit believe we are creating a government entity that is transparent, efficient, and better prepared to serve its people.

For the aforementioned reasons, I ask that you, as well as the Senate Judiciary Committee, join me in support of Senate Bill 1215.

Respectfully submitted,

Joseph H. Evers