

**TESTIMONY OF KATHLEEN WILKINSON  
CHANCELLOR, PHILADELPHIA BAR ASSOCIATION  
BEFORE PA HOUSE JUDICIARY COMMITTEE  
REGARDING SB 333 AND SB 334**

Friday, March 22, 2013  
Philadelphia, PA

Good morning, Chairman Marsico, Chairman Caltagirone and members of the House Judiciary Committee. I am Kathleen Wilkinson, partner at the Philadelphia law firm of Wilson Elser Moskowitz Edelman & Dicker LLP and Chancellor of the Philadelphia Bar Association. On behalf of the members of the oldest association of lawyers in the United States, welcome to our bar home.

The Philadelphia Bar Association has a long history of advocating for a high quality judiciary that wisely interprets and fairly applies the laws you enact.

This Association applauds the General Assembly for taking a strong interest in the integrity of our courts and in the quality of justice afforded to our citizens.

The First Judicial District encompassing the City of Philadelphia is unique among the judicial districts in this Commonwealth in having a stand-alone Traffic Court, separate from other divisions of the court system. Regrettably, recent investigations and indictments have cast a harsh light on Philadelphia Traffic Court.

The Chadwick Report, Commissioned by the Pennsylvania Supreme Court, revealed a Traffic Court steeped in the culture of corruption, where the granting of favors to friends, family members and business associates of politicians and the judges themselves was the order of the day. The Report observed that "The cumulative effect of these practices resulted in a court with two tracks of justice – one for the connected and another for the unwitting general public."

Respect for the rule of law is essential to maintaining a stable democratic society. In his famous speech "The Sword and The Robe," the late Supreme Court Justice Thurgood Marshall, speaking of the judiciary, said, "We must never forget that the only real source of power that we as judges can tap is the respect of the people. We will command that respect only as long as we strive for neutrality."

We who are assembled here today may not agree on the details of reform, but we agree on the same goal: to restore fairness and integrity to our judicial system, and in so doing, to restore the public's respect for our courts.

Philadelphia Traffic Court is often referred to as being part of the "minor judiciary." Yet the decisions made by the judges of Traffic Court can be anything but minor to the thousands of people who appear in Traffic Court each year. Decisions made by Traffic Court judges can result in higher insurance premiums, canceled insurance coverage, the loss of driving privileges and even incarceration. The stakes are high. The loss of a driver's license can result in the loss

of a job if alternate means of transportation are unavailable. The inability to drive can also preclude a person from obtaining needed medical care.

With such high stakes, it is troubling that under the current system, Traffic Court judges who are required to interpret and apply the laws of this Commonwealth are not required to be lawyers.

Our citizens have important statutory and constitutional rights that must be protected. When most people think of such rights, they imagine serious felony cases. However, as I have stated, people also have important rights at stake in traffic offenses. Thus, it is essential that Traffic Court judges follow all statutes and apply the law properly and fairly. The Philadelphia Bar Association believes the best way to ensure this is to require that judges hearing traffic matters be lawyers licensed to practice in Pennsylvania and in good standing with the Disciplinary Board.

Most of our citizens will never see the inside of a courtroom for a complicated contract dispute or a felony case. But many citizens will receive a parking ticket, a speeding ticket or have a problem with a driver's license that must be resolved in court. The Philadelphia Bar Association believes that all of our citizens deserve to have confidence in the judiciary and to have their cases heard by a judge trained in the law and bound by the ethical requirements of our disciplinary authorities.

Thank you for the opportunity to address the Committee on this issue of vital importance to our lawyer members and our community.