

**TESTIMONY BEFORE THE PENNSYLVANIA SENATE SPECIAL COMMITTEE ON SENATE ADDRESS**

**November 9, 2015**

**District Attorney David Heckler, Bucks County**

**District Attorney John Adams, Berks County**

**District Attorney Lisa Lazzari-Strasiser, Somerset County**

Good Afternoon, and thank you for inviting us to speak with you. We very much appreciate the confidence you have in us to speak to you today about very serious issues regarding the Attorney General. This is a bipartisan undertaking, and we too are a bipartisan panel.

At the outset, we want to be clear that we are here neither to pass judgment on the ultimate question before you regarding the Attorney General nor to even recommend how you should go about considering the different facts you will hear. Instead, we want simply to be factual and to provide you with the information that you need.

You have asked us to address two issues. First, you have asked us to discuss the process by which we refer cases to the Attorney General's Office when there is an actual or apparent conflict of interest. By way of background, the Commonwealth Attorney's Act provides a procedure for referring such cases to the Attorney General's Office, and the Office then determines whether to accept the referral. We have heard from some of our colleagues that the Office has taken a more narrow interpretation of what constitutes a conflict of interest. There is nothing untoward or unethical about these determinations, which are typically made by staff. They are interpretations of the law, no doubt made in good faith. But the decisions have left some of our colleagues in situations where their offices must handle a case that, in their opinion, is better suited to be handled by a different office. We believe there is a legislative solution, which should be incorporated in any bill to reauthorize the Commonwealth Attorney's Act, that would allow for referral to a neighboring county or other county when referral to the Attorney General's Office is declined.

Second, you have also asked us to discuss what we as elected district attorneys do professionally that, in our determination, requires a law license. We hope to provide you the specific details about the tasks and obligations of our jobs that we believe require a law license, and by contrast what would not require a license. We represent different counties of different sizes with different issues. Therefore, we will speak from our perspective as elected district attorneys of our own counties and offer our thoughts as they would pertain to our own practice of law. Ultimately, we leave it to you to make any determinations and conclusions based on what you hear from us and others.

At the end of today, we hope that we will have been helpful in providing the information you need. That is our only interest here. We thank you again for the confidence you have placed in us in asking us to speak with you today.