



April 26, 2023

VIA EMAIL: Shelley Watson, Secretary ([shewatson@pa.gov](mailto:shewatson@pa.gov))

The Honorable Austin Davis  
Lieutenant Governor of Pennsylvania  
Chair, Pennsylvania Board of Pardons  
333 Market Street, 15th Floor  
Harrisburg, PA 17126

Re: Recommendation of PBA On Pennsylvania Pardon Process

Dear Lt. Governor Davis:

On behalf of the Pennsylvania Bar Association and its over 20,000 members drawn from every county in the Commonwealth, let me begin by welcoming you to your new duties as Lieutenant Governor and sending you best wishes for health, wisdom, energy and success.

I write to you in your capacity as Chair of the Pennsylvania Board of Pardons (BOP). The purpose of this letter is to make sure that you, your colleagues on the BOP, and its Secretary are aware of the Recommendation that our Association adopted in November 2021. Our Recommendation called on the BOP and the Governor “to cease requesting, investigating, or considering outstanding fines, court costs, and/or fees” when reviewing “an application for executive clemency by individuals” who do not have “the ability to pay and, in particular, making the full payment thereof a condition precedent to obtaining a Merit Review hearing on such applications.”

This PBA Recommendation was conveyed to your predecessor, Lt. Gov. Fetterman and Secretary Flood, by letter dated November 22, 2021, by my predecessor Kathleen D. Wilkinson. She summarized our position perfectly when she wrote,

[W]e seek the commitment that the Board will always perform its duties in ways that will not prejudice anyone because of their poverty. Put simply, indigency should never be used to slow, restrict, condition, or deny any person the ability to present their case to any tribunal that has the power to “do justice” in our Commonwealth.

As the new Chair of the Board of Pardons, the PBA wants to bring our 2021 Recommendation to your attention in the hope that the Board’s future procedures will be changed to be more in line with our Recommendation.

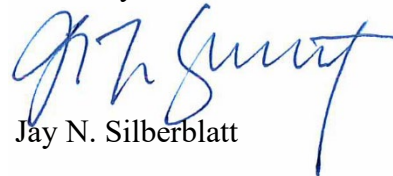
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It makes little sense to penalize the poor and the incarcerated for not having enough money to pay off old court costs that they were most likely unable to pay at the time they were incurred and which the courts themselves have been unable to collect since. The individuals who are seeking relief from the Board of Pardons have fully “repaid their debts to society.” Nonetheless, the Board’s policy is preventing them from returning to society and pursuing their potential, simply because of their poverty.

Once again, as President Wilkinson did before me, on behalf of our whole Association, I thank you for your consideration of our Recommendation “and the single voice of so many with which it is presented to you.”

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay N. Silberblatt". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jay N. Silberblatt

JNS/dkt

Encls:

Recommendation of the PA Bar Association adopted November 19, 2021

Cover letter of PBA President Kathleen D. Wilkinson dated November 22, 2021

cc: (w/encls)

Honorable Michelle Henry, Attorney General

Honorable Harris Gubernick

Honorable John P. Williams, MD

Honorable Marsha H. Grayson