

# 10 QUESTIONS

for

Amy L. Kurland

INSPECTOR GENERAL, CITY OF PHILADELPHIA

## INTERVIEW BY MARY-KATE BRESLIN

**L**ongtime Assistant U.S. Attorney Amy L. Kurland took over as the city's Inspector General in 2008. The daughter of former Chancellor Seymour Kurland was taught to give back to the community. Her goal was to make the city run more honestly and efficiently. The American Society for Public Administration has named the Office of the Inspector General as the recipient of the 2013 Public Integrity Award.

**MARY-KATE BRESLIN:** You were an Assistant U.S. Attorney for 24 years. How does that experience help in your current position?

**AMY L. KURLAND:** I've always had the luxury of doing what I think is right, which is more than representing clients as an attorney. As an AUSA, my client was the people and my job was to make sure justice was done, not to get convictions. And so I was able to exercise prosecutorial discretion in a way that I thought was fair and even-handed. I spent most of my career focusing on public corruption cases, especially in the city of Philadelphia. Unfortunately I prosecuted people in virtually every city department. So I really had a sense that the city was, as has been said for generations and generations, hopelessly corrupt and contented. I found that I was prosecuting the same kind of cases over and over – people abusing their positions, people taking money that was not due to them. So corruption had always been a big joke in Philadelphia.

Mayor Nutter was elected on a platform of restoring honesty and integrity to city government. And he contacted me. I guess I had about as much expertise as you could have on corrupt people who work for the city. So we talked about what this job would

be, because we've had an Inspector General since the 1980s, but no mayor has ever really given it support and independence. We both believed that the city ought to be policing itself.

My goal was to build the Inspector General's office into an entity that could do that, and could do it by working in partnership with criminal prosecutors, with the Board of Ethics, with the city controller, in order to

have the resources, the expertise and the independence to police the city ourselves. I agreed to take the job – I thought that it would be a good opportunity to help make the city more honest and efficient, but to work from the inside.

**You measure part of the success of your office in salary savings and recovery. Could you elaborate?**

When someone commits a crime and steals from the city, we often recover the money. In a criminal case, I'll testify in court on behalf of the city as the victim. If the defendant stole, say, \$1 million, I'll explain what \$1 million means to the city. It means we could keep the recreation centers open all summer, we could have the libraries open on Saturday, we could hire many more police officers. That type of testimony gives real meaning to what that loss is. So we get money back through restitution.

We also get money back through settlements. One of our recent focuses is on fake minority pass-throughs. The most recent case we had was Prison Health Systems, now known as Corizon. They had a \$196 million contract with the city. They told the city that they had subcontracted with a woman-owned company to supply pharmaceuticals to the prisons for 40 percent



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participation. In reality, the woman-owned company did no work and Corizon paid her more than \$400,000, 1 percent of the contract value, simply for the use of her name. Then they passed that 1 percent cost back to the city. As part of the settlement, they repaid the \$400,000, plus more. The total settlement was \$1.85 million. So that's another way that we measure recovery.

We also have a program where we make sure that city employees who've been convicted of felonies that relate to their job in some way are disqualified from receiving their pension. That's a huge savings. It can be more than \$1 million per person in what the city would pay out in pension over that person's lifetime.

We can also calculate savings from demotions and suspensions by the value

of an employee's salary during the period of suspension or for the salary reduction in the case of a demotion.

We also recover money in some cases. During an investigation involving the Revenue Department, we discovered \$3.4 million in uncashed wage tax checks from the Defense Department. The city had received them in 2005 and they were just sitting in a drawer. So we had to go back to the federal government, have them re-issue the checks and then they were cashed. So really there are many ways we save money and recover funds.

**Mayor Nutter approached you about this position. Was this type of position in your career plan?**

I was at the U.S. Attorney's office for 24 years and I fully expected that

I would stay there for the rest of my career. The Inspector General position came out of the blue, I saw it as a terrific opportunity and I jumped on it.

I was never involved in politics. I didn't know any politicians. I had never met the mayor before. I was out at my daughter's field hockey game around Thanksgiving weekend. My cell phone rang, and I didn't recognize the number so I thought, well I guess I'll answer it. And it was Mayor Nutter. And he said, "I'm calling to see if you'd be interested in applying for the job of Inspector General." I was just speechless. And I said, "Well, I really need to think about it and talk to my family."

We were living in the suburbs, and I knew the main issue would be that we had to move into the city. My husband, Bob Drake, said "What is there to think

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about. We'll move downtown. It will be fun."

### **How big is the staff at your office?**

When I came here, there were three investigators. And we are now an office of 20. I brought with me my first deputy, Kathy McAfee. She was an FBI agent and we worked together for 20-some years. We have a unique partnership.

Our office is incredibly diverse. We have people who are experienced investigators from private industry. We have retired FBI agents. We have a former investigative reporter. We have several great lawyers and a former paralegal. We have former probation officers and a prison investigator. And we have two police detectives. And our office comprises more than 60 percent women and minority employees. But most importantly, the people who work here are committed to our mission. They want to make the city a better place.

### **Since your family has moved into this city, what are some Philadelphia pastimes you enjoy the most?**

Well unfortunately, we go out to eat too often. There are a million good restaurants in the city and we can walk to many of them. We take advantage of everything, the museums, theater and movies; we go to the Mummers parade and are regulars at the dog parks. Most importantly, we spend a lot of time at Citizens Bank Park rooting for the Phillies.

I love that I've traded my commute from the suburbs for a 15-minute walk to work and my car for a scooter.

I'm a member of the University Barge Club and row on the Schuylkill most mornings. I get to see the city from a whole different perspective. When I'm on the river and see the sun come up over the city, I can't believe the resources we have and that we sometimes take for granted.

### **How can the Philadelphia Bar Association support the goals of the office of the Inspector General?**

The Bar Association has a big and powerful voice. And we need allies.



Right now, there is a bill before City Council to make the Inspector General's office a permanent and truly independent part of government. Because my office was created by executive order, it could be dissolved by a stroke of the pen. A new mayor could reduce the budget or eliminate the office altogether. So the only way to make the IG's office permanent is through a charter change. Councilman Kenney has introduced a bill to change the charter. If City Council passes it, it would go on the ballot in May and the voters would decide.

But we need the support of the legal community – I've spoken at a couple different Bar Association events, and I think the support is out there. But that

support must be expressed – it has to be vocal support.

I think that the Inspector General's office should be permanent and I think it ought to be separated from politics. Mayor Nutter is completely hands-off, and only asks that we do whatever we think is right, but there's no telling that a new mayor would be the same. So this charter change is something that we've been working hard on for quite a while, and I'm hoping that the community will come out in support of it.

As a general matter, most of our cases come from tips, either from city employees or people out in the community, and we've had several cases that started from lawyers sending us information.

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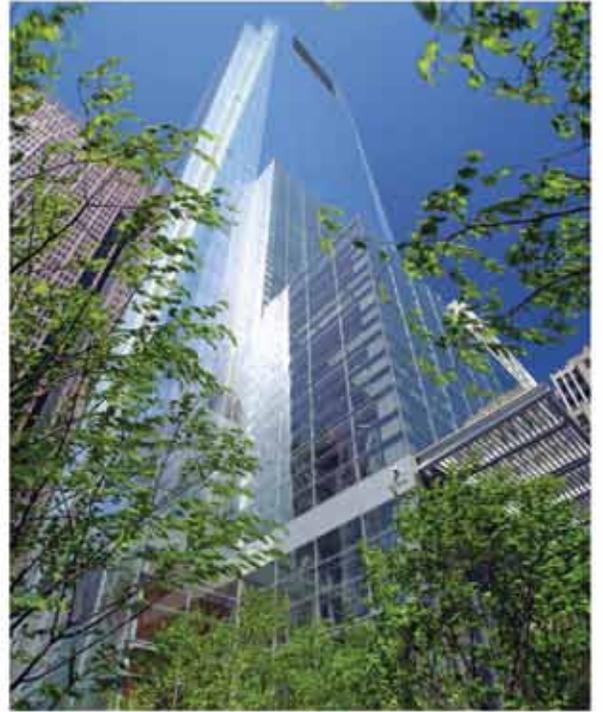


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**Is there a particular individual who has mentored you or has had significant influence on you professionally?**

That's a hard one, because I've had many mentors in many different areas. Of course, from the beginning my dad (Seymour Kurland) has been my mentor. When he was the city solicitor and the Bar Association Chancellor (in 1987), he was as happy and fulfilled as could be. I always knew I wanted to be in public service and my parents always taught us that you have to give back to the community. If you're fortunate enough to go to college and to law school, you owe a debt to the community and you have to give back. I was just raised that way, which I think has sort of kept me in the public sector really, forever.

I was hired by Ed Dennis, who really took a chance on me. And I am forever grateful for that. Jim Rohn, who was the First Assistant, took me under his wing. In those days, the brand new lawyers prosecuted simple hand-to-hand drug cases. Jim had a corruption case and asked me to help him. After about a month of walking me through the steps of investigation, research, dealing with difficult witnesses and putting the case together, he backed off and it became my case. It was really unheard of in those days for a young lawyer to handle a complex case, but he had confidence in me and helped me along. I think the best way to mentor people is to show them the right way to do things and then continue to be an advisor, but let them make their own mistakes and gain their own experience. Mike Stiles, who was also a U.S. Attorney, was exactly like that. He just had confidence that I would do the right thing, let me run with it, but was there for support and encouragement as well.

At my age, it's rare to find a new mentor. But as IG, running an office, managing a budget and supporting a staff was new to me. My husband Bob Drake, who is an employment lawyer, patiently and expertly guided me through the ins and outs of managing an office and maintaining a staff.

**How do you respond to criticism, either of your office or in general?**

We do get criticized in the media, and I can't respond. We get criticized about why we aren't looking into something. I can't comment on any investigation or even acknowledge whether or not we have an investigation let alone how or if it's progressing. The reason for that is basically confidentiality. While we have a lot of cases where people are prosecuted or terminated, we also have a lot of cases where people are exonerated. We get unfounded

complaints that could really damage someone's reputation if made public. So I don't talk about anything. So that's the easy way to handle that type of criticism.

People generally don't like being called into the IG's office and city supervisors sometimes are unhappy when employees under their command do something wrong. So, sometimes I get complaints that my investigators were overbearing or intrusive.



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My investigators are out on the street all the time talking to everyone from a guy who collects the trash to a lawyer for the state of Pennsylvania or a CEO of a multi-national company. They are well trained and extremely competent. I trust that they are doing the right thing and I support them 100 percent. My response to these complaints is that my investigators are hardworking and dedicated and that they're doing their job.

### **Are you still teaching trial advocacy at Rutgers Law?**

You know, my job with Rutgers has been very long-term. I have kind of a unique combination of being a trial lawyer, being a criminal lawyer and having kind of an expertise in public corruption. So that brought me to the FBI to teach a graduating class about how to testify at trial. At Rutgers I teach trial advocacy. I've done some international teaching because of those three areas that go

together. I was recently in the Congo teaching a class on how to establish and run an Inspector General's office, which was fascinating. I also spent some time in Bosnia when I was at the U.S. Attorney's Office, doing the same kind of thing. The combination of trial advocacy, criminal practice and public corruption, put those three together.

### **How do you view your role as Inspector General with regard to the Philadelphia community and residents in Philadelphia?**

Well, as I've said, I'm a lifelong Philadelphia area resident and I love the city. My parents are first generation Philadelphians, and I feel a real connection to the city, which is why I'm in this job to begin with.

But our goal is to make the city operate more honestly and with integrity. And that's the right thing to do, but it's more than a moral issue. If the city operates honestly and with

integrity, more businesses will come to the city, more people will want to live in the city, more visitors will come to the city. The city will grow and become a more vibrant place.

I think that is happening. We deal with a lot of quality-of-life issues. People care about their trash getting picked up and potholes being filled. They want to operate businesses without being shaken down for city services that they're entitled to because they pay their taxes. They want a fair chance to get city contracts. The day-to-day way of life is what matters to people. And we're trying to make that better and just make the city a better place to live and work and visit. ■

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*Mary-Kate Breslin (marykatebreslin39@gmail.com) is a judicial clerk to Philadelphia Court of Common Pleas Judge Albert J. Snite Jr.*



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