



STRONGER COUNTIES. STRONGER OHIO.

209 East State Street, Columbus, Ohio 43215-4309

Phone: 614-221-5627 • Fax: 614-221-6986

Toll Free: 888-757-1904 • www.ccao.org

Cheryl Subler, Executive Director

Ohio House Civil Justice Committee
House Bill 488 – Opposition Testimony
John Leutz, CCAO Assistant Director

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Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide testimony this afternoon on House Bill 488.

Among other provisions, the House Bill 488 makes significant changes to the statutory process by which judges can acquire outside legal counsel. CCAO is strongly opposed to changes regarding outside judicial legal counsel and requests their removal from the bill.

HB 488 also contains many revisions to Ohio's guardianship laws. CCAO takes no position on the guardianship-related provisions of the bill.

CCAO's opposition stems from the bill's efforts to overturn existing statutory provisions which require judges to work with county commissioners and the county prosecutor to retain outside legal counsel. These provisions serve as a necessary check and balance to protect taxpayer resources.

The Ohio Supreme Court, in a 5-2 ruling in *O'Diam v. Greene County Board of Commissioners*, upheld these protections. In this case, a Greene County probate judge retained outside legal counsel to bring a lawsuit against the board of county commissioners in order to acquire additional courtroom space. The judge did not follow the existing statutory process to acquire outside counsel which would require involvement from the board of commissioners and county prosecutor, yet requested the commissioners pay the resulting legal expenses.

As the Court stated in its majority opinion, "Judges cannot simply demand that the taxpayers pay for their every wish without complying with the lawful processes set forth by the General Assembly."

HB 488 would effectively overturn the Court's decision in *O'Diam*. CCAO's position is that judges should only be able to hire their own legal counsel if the prosecutor, the commissioners, or both have a conflict of interest or are refusing the judge's request. The current statutory process allows for review and discussion among the court, commissioners and prosecutor. HB 488 would eliminate this check and balance and will likely result in unnecessary costs to taxpayers.



Thank you for your consideration of my testimony. I am happy to answer any questions you may have for me.