



**Representative John M. Rogers**  
**60<sup>th</sup> House District**  
**Representative Jeffery Rezabek**  
**43<sup>rd</sup> House District**

**Sponsor Testimony on HB 232**

Chairman Schaffer, Vice Chair Scherer, and members of the House Ways and Means Committee. Thank you for allowing me and my colleague, Representative Rezabek, to offer sponsor testimony today on House Bill 232. This legislation will allow for a deduction for lawyers or law firms that engage in pro bono work and provide legal services for an indigent client or through a legal aide entity in civil matters.

When we join in the singing our National Anthem it is with reverence. When reciting the Pledge of Allegiance, we do so with sincerity and pride. We ask that you take a moment and consider the last words of the Pledge we recite, “**and justice for all.**”

Our Nation takes great pride in its legal system and the protections afforded its citizenry. Public policy dictates that certain rights are fundamental and cannot be trampled upon. Rights such as those involving criminal justice are guaranteed either by the United States Constitution or the common law. A criminal defendants’ rights to an attorney are found in the Sixth Amendment requiring the “assistance of counsel” for the accused in “all criminal prosecutions.” This Amendment requires that defendants must be represented by an attorney at trial. It was not until the 1963 Supreme Court case of *Gideon v. Wainwright* however, that the law established the right to free legal representation for any criminal

defendant facing the possibility of incarceration and unable to afford an attorney.

Defendants or plaintiffs in civil matters however do not have similar guarantees of representation because the all-powerful state is not threatening their liberty. While individuals facing harassment, divorce, wrongful evictions and terminations, foreclosure, consumer law violations and other wrongs may seek legal counsel, they often lack financial wherewithal to do so. It follows that many plaintiffs who are wronged, may lose winnable cases because they lack counsel. In particular, domestic relations matters often include a party, frequently with children, who may have no way out of an abusive relationship or marriage. For many, the only recourse is seeking assistance from a legal aid organization. And, as a result, these parties often remain without relief from very difficult and possibly dangerous situation.

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The main funding sources for legal aid organizations in Ohio are federal funds and those generated by interest bearing attorney/client trust accounts (IOLTA/IOTA). These funds are distributed by the Legal Service Corporation (LSC). Client trust accounts are mandatory and were established to prohibit the commingling of client funds of law firms or lawyers. Unfortunately, the downturn in the economy beginning in 2007 and the low interest rates that have followed resulted in a six year decline in fund revenue approximating 90 percent. In 2007, the amount of financial assistance available in Ohio was \$22.3 million and only \$3.8 million in 2013. At the same time, claimants eligible for legal aid increased from 1.98 million in 2009 to 2.28 million in 2013. Indeed, the need for legal aid continues to rise.

In order to encourage attorneys to represent poor clients, the Ohio Supreme Court now offers limited CLE credit for *pro bono* work. This credit however seldom reflects the true amount of time and cost of the services attorneys provide. Legal Aid organizations continue to assist

Ohioans in need. In 2014, the Legal Aid Society of Cleveland helped more than 20,000 people through more than 8000 cases. Its active representation prevented 99% of evictions, increased safety in 99% of cases involving security issues, and secured health insurance for 98% of clients in need. Client assets and income were increased and debt was reduced by a combined \$18 million. But because of limited resources, Cleveland's Legal Aid Society had to turn away more than half of the low income individuals seeking help with important legal matters. According to our best collective wisdom, approximately 75% of Ohioans who found themselves in often desperate circumstances were denied access to justice. We can and must do better!

Tax expenditure policy is often used as a tool to foster economic growth, job growth, investment, research and development. Indeed, the economic effect for the 20,000 individuals helped by the Legal Aid Society of Cleveland in 2014 was estimated to be \$18 million.

With the legal needs for our less fortunate constituents ever increasing as funding of legal aid diminishes, we hope to help. The legislation as proposed will help Ohio citizens who lack "Access to Justice." **This bill will enable lawyers or law firms who provide *pro bono* legal services to poorer clients, a deduction for the legal work provided when they provide legal services through a legal aid entity.** We have specified a \$10,000 limit as to the amount of an annual deduction and included a sunset clause with hopes that our economy improves within the next 6 years

We respectfully ask for your support with this important and necessary legislation. If enacted, it could make all the difference in the lives of our constituents who require civil representation in extremely difficult and important times in their lives. Let us not only recite the words together, but truly offer what we pledge when we say "**and justice for all.**"

Thank you for your consideration, and we look forward to answering any questions you may have.