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State Representative, 22<sup>nd</sup> House District

Chairman Lang, Vice Chairman Plummer, and members of the House Criminal Justice Committee, Representative Leland and I stand before you today with the distinct honor and privilege of providing sponsor testimony on House Bill 5. As many of you may know, Representative Leland and I are very passionate about indigent defense and the importance that defense attorneys play in protecting our very civil liberties, many of which are contained in the 5<sup>th</sup> Amendment, the 6<sup>th</sup> Amendment, and the 8<sup>th</sup> Amendment.

In 1963, the U.S. Supreme Court in *Gideon v Wainwright* held that the 6<sup>th</sup> Amendment right to counsel is a fundamental right applied to the states via the 14<sup>th</sup> Amendment due process clause. One of our country's greatest principles states that even those who cannot afford an attorney or provide their own defense will be appointed a competent lawyer to help aid in their defense.

In Ohio, many counties are serviced by agencies known as the Ohio Public Defender's Office. These counties operate with public defenders that have a vast case load. Many times, a law school graduate's first job is with the Public Defender's Office. While the Public Defender's Office provides immeasurable benefits such as knowing that you are aiding our country in one of its greatest pillars of legal justice, the benefits and pay are unfortunately lacking. Working for a Public Defender's Office does not seem like a reasonable measure given the high cost of legal education.

Too often, Public Defender's Offices are staffed with young attorneys for a short period of time and cannot pay the same rate as private practices or working for the Prosecutor.

House Bill 5 provides some relief to those seeking to uphold our 6<sup>th</sup> Amendment right to legal counsel. House Bill 5 provides a framework in which a young attorney can work for the Public Defender's Office while still receiving a benefit to offset the cost of legal education. The financial benefits are as follows:

- Up to \$50,000 (full-time) or \$25,000 (part-time) for initial three-year contract
- Up to \$35,000 (full-time) or \$17,500 (part-time) for additional fourth and fifth year commitments

House Bill 5 will have a service commitment however, with the following criteria:

- Minimum three-year service commitment
- Optional fourth and fifth year service commitments
- Full-time (40 hours per week) or Part-time (20-39 hours per week) options

House Bill 5 also requires no tax liabilities for those that partake in the program and defines the application requirements should an attorney wish to partake in the program:

- U.S. Citizen (U.S. born or naturalized), U.S. national or lawful permanent resident
- Licensed to practice on the State of Ohio
- Unpaid government or commercial loans for school tuition, reasonable education expenses and reasonable living expense, segregated from all other debts
  - Not consolidated with other non-qualifying debt

In addition to the requirements, Representative Leland and I would like to add a point of clarity. The Public Defender Loan Repayment Program is not for rural areas only. The program can be utilized in counties that are determined to be a “shortage area.” However, most underserved areas happen to be rural counties, but the bill does not explicitly limit it to such.

However, coming from rural eastern Ohio, I have often seen the challenges our local Public Defender’s Office has had in keeping young attorneys to stay with the office. It is our belief that House Bill 5 will help end the brain drain that occurs in particular areas of the state, while upholding the constitutional demands under *Gideon v Wainwright* and ultimately, provide good indigent defense services by attracting top talent for these jobs.

Representative Leland and I believe it is also important to note that House Bill 5 is designed in a very similar fashion to those loan repayment programs created for many medical professions such as doctors and dentists, encouraging folks to help aid underserved areas while paying off a large debt.

By passing House Bill 5, we will enable and empower Public Defender’s Offices the ability to hire competent staff who are willing to not lonely learn the rule of serving the community at large through indigent defense, but most importantly keeping that talent for a period of years.

Chairman Lang, Vice Chairman Plummer, and members of the House Criminal Justice Committee, Representative Leland and I thank you again for the opportunity to testify on House Bill 5, and I will be glad to answer any questions that you may have.