

Chairman Eklund, Vice-Chair Manning, and members of the committee,

I am providing this testimony to you today as the President of the Hardin County Bar Association regarding S.B. 312. We are a membership of approximately 25. At the January 2020 meeting of the Hardin County Bar Association, the membership was presented with and voted to support the concept of a realignment and redistribution of our Common Pleas Courts. Currently, Hardin County has two Common Pleas Judges—a General Division which oversees all adult felony criminal matters, civil matters, divorce and attendant proceedings, dissolution of marriage, legal separation and annulment matters, civil protection orders, and a Probate/Juvenile Division which oversees all matters related to Juvenile Court laws, including Dependency/Neglect/Abuse matters, parentage proceeds under the Parentage Law that are not under the jurisdiction of the General Division, and Probate matters. The Bar Association heard a brief recitation regarding a single proposed option, and approved support of the broad concept to bring all of the Domestic/Family Related issues—excepting the Probate Division—under one Judge and the remainder—Civil, Criminal and Probate—under the jurisdiction of another Judge.

I became aware of the request for testimony this week and circulated the bill analysis and full bill to the membership. Unfortunately, our regularly scheduled meeting is tomorrow, so I have only heard feedback from a few members. The membership generally expressed that it was the first time it had heard any further details about the status of the proposal since January. Further, that feedback has voiced major concerns about the structure of the current bill. The membership is very concerned that the Judge elected in November 2020 to serve a six year term as the Juvenile/Probate division judge will automatically be appointed to the duties of the General Division judge and no longer serve in the capacity to which he was elected by the people of Hardin County, except for the Probate duties. The Bar Association would note that matters related to Probate constitute a small percentage of the current Probate Division Judge's duties. This is particularly troubling to the membership because the people of Hardin County will not have a direct say in who the Judge who oversees our Criminal and Civil Divisions is until the 2026 election. Members of the Bar have suggested that both Judgeships should be put to the electorate of the citizens of Hardin County.

While the Bar Association is supportive of our current Judges it is the position of the membership that I have heard from that the people of Hardin County should have the opportunity to knowingly elect the Judges it chooses to their positions and divisions. As the current Probate Division Judge is running unopposed on the ballot for the November 2020 election, without knowledge that this major structural change would be proposed, the legal community of Hardin County was without the opportunity to mount an opposition or alternative. The citizenry of Hardin County is also voting without knowledge of what the positions duty will entail. The current General Division Judge is unable to run for re-election at the end of his term in 2022 due to age restrictions. I am aware of multiple members of our County Bar who have expressed an interest in running for that position, only to learn that such a position and election is being interfered with by legislative tinkering.

In close, I would note that the membership supports a restructuring of the Courts and their jurisdiction but has strong concerns about the proposed timeline and potential usurpation of the citizenry's input and the electoral process. Thank you for your time and attention.

Siobhonne K. Ward
President, Hardin County Bar Association
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