

Written Testimony

December 6, 2021

Dear Chairman Hillyer, Ohio House of Representatives Civil Justice Committee,

I am writing to express my concerns about HB 488, a bill currently pending before the House Committee on Civil Justice. This bill contains two unrelated parts – one seeking to make changes to the Guardianship Law and the other designed to give judges the power to hire outside counsel to provide legal services to the judge or to court employees (ORC §§ 305.14, 309.09, 309.10, and 2303.201(E)(1)). It is the part of the bill pertaining to the judicial power to hire outside counsel that concerns me.

It is apparent to all of us who follow government in Geauga County that this bill, sponsored by Rep. Diane Grendell, who also is the Vice Chair of the Civil Justice Committee, is designed to address a problem that benefits only one judge in the state. This judge is also the husband of Representative Grendell and, in fact, was permitted by this committee to speak in favor of this bill at the Civil Justice Committee meeting held on December 1st.

Judge Grendell and members of his staff are currently involved in at least four legal matters, both civil and criminal, all of which require the hiring of legal counsel, mostly at taxpayer expense. As I understand it, the law currently and appropriately provides that when a judge must hire outside counsel, the attorneys hired and the amount of the expenditure are subject to oversight by the county commissioners and the prosecutor. But Judge Grendell is at odds with the Geauga County Commissioners and the County Prosecutor, and he wants the unilateral power to spend our taxpayer dollars on outside counsel at will and without oversight. That is unacceptable.

The provisions of HB 488 that would give judges the unilateral power to hire outside counsel are a single county issue written by the judge who will directly benefit from the legislation, or by his wife. This bill appears to be written for the express purpose of allowing Judge Grendell to circumvent safeguards that protect public tax dollars from waste. It is the worst kind of judicial overreach, an attempt by a judge to interfere with the proper functioning of the executive and legislative branches of county government.

Please remove the language in this bill that would allow judges unilateral decision making on hiring outside counsel with rates determined in essence, by that judge to represent themselves. This is not a separation of powers bill. The language in this bill provides unprecedented power to one branch of government only and, in my opinion, will result in both expensive lawsuits paid to be paid for by our taxpayers,

Make this a clean bill about the necessary, appropriate updates about guardianship in the state of Ohio.

Thank you,

Respectfully,



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