

## **Opposition Written Testimony Re: HB 488**

Written on Dec 6, 2021

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To: Chairman Hillyer, Ohio House of Representatives Civil Justice Committee,

On Wednesday, December 1, I listened to the proponent testimony hearing on HB488. I listened carefully to testimony and agree totally with the section that involves guardianship. That part of the bill is an appropriate update to the law.

The section that gives judges carte blanche to **acquire outside counsel at will and demand taxpayers pay for it does not belong in this bill.**

### *Taxpayers will pay the bill*

The section of the bill involving hiring outside counsel is a big problem. The legislation gives carte blanche to a judge to hire outside counsel of his choosing whenever he pleases for whatever reason. The taxpayers will bear the cost.

### *Weaponizing litigation*

A judge might be encouraged to weaponize this section of the bill by litigating against opponents or using it as a threat of litigation.

Individuals, organizations, corporation, nonprofits, public agencies, could be litigated against. Yes even state representatives.

### *The so-called 'Separation of Powers' argument*

Each year the county commissioners review and allocate budget for each department of the county. Departments are expected to make proposals for their anticipated needs for the year. Each department is expected to live within its budget.

Special allocations can be made.

No department, including the judiciary has the right to go to the county commissioners and demand money.

In testimony, both Grendells reference *State ex rel. O'Diam v. Greene Cty Bd. of Commissioners*.

They say the decision is unclear. It is not! Here is a relevant section.

Judges, Discretionary Powers The judicial branch has some inherent power to procure funding essential for the exercise of its functions. But the inherent authority of a court is not the right to demand money from taxpayers without constraint. Courts must comply with the statutory process for procuring outside counsel. It therefore is a mistake to look to the inherent authority of the courts without first assessing whether the statutory process is unconstitutional.

Please amend HB488 and create a clean bill. Strip out this 'carte blanche' ability of a judge to sue anybody for anything at the taxpayers expense.

Thank you for all you do for Ohio.

Dave Partington,

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