

Written Testimony Opposing Portions of HB 488

March 7, 2022

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

I am very happy to see that Ohio's outdated guardianship law is being modernized, and I fully support the guardianship law changes proposed in the bill.

Unfortunately, HB 488 is not a clean bill, and it is not made clean by any of the proposed amendments that the Civil Justice Committee is considering today. Attempting to hitch a ride on the much-needed bill to modernize guardianship law is a strange, unrelated creature that threatens to drain our precious public funds by giving Ohio judges carte blanche to spend taxpayer dollars on outside counsel with no oversight.

While provisions related to judges hiring outside counsel are being touted as a separation of powers issue, they will actually create a risk of waste of public money and judicial abuse of power. Current law ensures that judges receive outside legal counsel when necessary, but provides checks and balances so that judges do not overspend or hire counsel unnecessarily. There is no need to change current law.

Two of the proposed amendments to HB 488 that you are considering actually expand the judicial power to hire outside counsel beyond the original bill. One opens the door to conflicts among judges by creating a total spending cap for outside counsel compensation for all the judges in a county. What happens to a judge with legitimate needs after the cap has been reached?

None of the proposed amendments makes HB 488 a clean bill to update guardianship law. Please support the amendment of HB 488 to make it a completely clean bill that does not include any extraneous provisions, including those related to the hiring of outside counsel for judges.

If the Legislature feels that changes are needed in the laws related to funding legal representation for judges and other court personnel, this matter should be taken up in a separate bill so that it can be fully considered apart from the unrelated modernization of guardianship law. Don't let this strange money-sucking creature hitch a ride!

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