



**MONTGOMERY COUNTY  
ADMINISTRATION BUILDING**

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Ohio House Civil Justice Committee  
Written Opponent Testimony  
Debbie Lieberman, Montgomery County Commissioner

April 5, 2022

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to submit written opposition testimony regarding House Bill 488.

House Bill 488 would make a number of changes to the statutory process by which judges may acquire outside legal counsel. Many county commissioners, including myself, have significant concerns about how these changes would eliminate existing statutory checks and balances in the process of acquiring outside legal counsel at taxpayer expense.

The current process, which allows for judges to bring requests for outside legal counsel to county commissioners and the county prosecutor, was recently upheld by the Ohio Supreme Court in a 5-2 ruling in *O'Diam v. Greene County Board of Commissioners*. Eliminating this statutory requirement would effectively overturn *O'Diam* and discourage cooperation between the executive, legislative and judicial branches of local government.

The involvement of county commissioners helps ensure that when outside legal counsel is hired, it is done so in a fiscally responsible manner. The elimination of the county commissioners from this process removes this important safeguard to taxpayer resources. Ultimately, this will likely result in unnecessary costs to taxpayers.

HB 488 also contains many noncontroversial updates to Ohio's guardianship laws. The provisions regarding judicial appointed counsel should be removed from this broader legislation and debated independently.

I thank you for your consideration of my testimony.

Sincerely,

Debbie Lieberman  
Montgomery County Commissioner