



## Board of Commissioners

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April 5, 2022

RE: Written Opponent Testimony House Bill 488  
Commissioner Dick Gould, Greene County

Ohio House Civil Justice Committee,

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

HB 488 makes a number of changes to the existing statutory process by which judges may appoint outside legal counsel. As a county commissioner, I have great concerns about how this bill would eliminate existing checks and balances.

Current statute establishes a process which allows judges to come to the board of county commissioners and the county prosecutor to retain outside legal counsel. This process ensures that taxpayer resources are not spent frivolously when other legal resources, such as the county prosecutor, already exist. Should conflicts of interest exist between the judge and either the board of commissioners or county prosecutor, then there can be a process of review and discussion among the court, commissioners and the prosecutor to retain outside counsel.

HB 488 would eliminate that discussion process and allow judges to select outside legal counsel of their choosing at taxpayer expense. This eliminates needed checks and balances and puts taxpayer resources at risk.

The statutory process this legislation would largely eliminate was upheld in a 5-2 decision by the Ohio Supreme Court in *O'Diam v. Greene County Board of Commissioners*. In that case, a Greene County probate judge brought a lawsuit against the board of county commissioners to acquire different courtroom space. The judge did not utilize the statutory process in place in acquiring outside counsel but nonetheless requested the commissioners to pay the legal expense.

I ask that the committee respect the statutory protections upheld in the *O'Diam* decision and remove the judicial appointed counsel provisions from this legislation.

I thank you for your time and consideration of my testimony to protect county resources and maintain necessary checks and balances.

Sincerely,

**THE GREENE COUNTY  
BOARD OF COMMISSIONERS**

Richard D. Gould, Commissioner, CCAO Representative