

Senate Judiciary Committee
Proponent Testimony
Ohio Senate Bill 182

Dear Chairman Manning, Ranking Member Cecil Thomas, and members of the Senate Judiciary Committee:

My name is Robert Triozzi and I am a resident of Cuyahoga County. I am a former Judge of the Cleveland Municipal Court where I had direct experience presiding over bail hearings at the Court. I also previously served as the Director of Law and Chief Prosecutor for the City of Cleveland and the Director of Law for Cuyahoga County with direct involvement in criminal justice issues including bail reform. I am presently the Executive Director of the Criminal Justice Center at Cleveland Marshall College of Law where I teach courses related to criminal justice and supervise the new established Pretrial Justice Clinic now offered to our students in our experiential law program.

The aim of the Pretrial Justice Clinic is not just to provide our students with meaningful legal experience in the courtroom, but to specifically contribute our efforts toward a significant and growing need in the criminal justice system – the need for effective legal representation for indigent defendants at this early but pivotal stage in the criminal justice process. I often ask my colleagues “What would tomorrow look like if one of our own kids got arrested tonight?” The answer for all of us is always the same – we would hire a lawyer immediately and that lawyer would be engaged in a full-court press to get our child out of jail when he or she appeared in municipal court (hopefully) that next morning. It is all too obvious that most of the defendants joining my child on that first appearance docket likely do not have that same ability to hire a lawyer to advocate on their behalf. This inequity at the outset of the process no doubt contributes significantly to many of the other disparate results in the system that directly flow from the decisions made at the first appearance docket.

As a former judge, I know that level of advocacy makes a difference. Every decision a judge makes depends on the available information brought before that judge for his or her consideration. Advocacy is what adds balance to the system. Advocacy is what humanizes the individual standing before the Court and advocacy is what more fully informs the neutral decision-maker in the effort to reach a fair and just result.

Requiring defense counsel at initial hearings is a critical component of this legislation and is an essential element to eliminating some of the inequities in the present system. Unlike many municipal courts in Ohio, the City of Cleveland is fortunate to have the Cuyahoga County Public Defender engaged in the process and the students in our Pretrial Justice Clinic have been able to assist the Public Defender in enhancing the level advocacy for indigent defendants as their cases transfer jurisdictions over to the County. Still, the challenges to effective representation are many which makes indigent defense at this early stage so necessary. Our students in the Pretrial Justice Clinic were in Court nearly every day this past semester. Most have recently graduated and presently preparing for the bar exam. I have no doubt that each of them emphatically supports this legislation. One Student, Kailey Leary, is now a rising third-year student and welcomes the opportunity to share some her observations from her Clinic experiences in support of many of the elements important this needed legislation addresses.