



Tuscarawas County Public Defender's Office

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House Committee on Criminal Justice
HB 150 Proponent Testimony
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Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland and Members of the House Criminal Justice Committee, my name is Nicole Stephan and I am the Deputy Director of the Tuscarawas County Public Defender's Office. Thank you for the opportunity to provide this written testimony as a proponent for HB 150.

I would like to share with you several areas that rural and underserved counties such as Tuscarawas County face when trying to operate an effective and efficient Public Defender's Office and how House Bill 150 will help solve some of the issues encountered while trying to do so.

There are several areas in which I believe House Bill 150 will play a large role in helping to address some of the issues:

1. Difficulty in recruiting Assistant Public Defenders

In small, rural areas such as Tuscarawas County, it is difficult to recruit attorneys, especially young, fresh out of law school attorneys, to come to the area unless the

attorney is already from the area. There is not much to entice someone to move to the area. If there is a position open for an assistant public defender, it is my belief that a young attorney, facing mounting debt, would be more likely to explore the opportunity to move to Tuscarawas County, or other small rural counties, if there was a program in place such as the one HB 150 proposes. The last time an assistant public defender was hired in my office, we had posted the job listing across the state of Ohio with all the law schools as well as through the Ohio Association of Criminal Defense Lawyers and the Ohio Public Defender and only three people applied for the position.

2. High Turnover Rates in Public Defender Offices

In the Tuscarawas County Public Defender's Office, there has been a high turnover rate. The last four attorneys that were employed and left worked in the office an average of 2.5 years, with one working only 9 months and one leaving to go to a prosecutor's office. The reason each attorney left the office was for a higher paying position. HB 150 would help secure attorneys that would stay for a longer period with the office and in turn, would benefit the clients as there would not be a constant rotation of attorneys who would have to be trained.

This constant turnover impacts the clients which in turn creates a negative attitude toward public defenders. With a high turnover rate, clients are constantly being juggled between attorneys who are covering the cases of a recently departed attorney as well as their own cases. This means the covering attorney may not be familiar with the client and the client's case and will not have built a rapport with

the client. Also, the level of confidence the client has in the attorney, and as an extension the entire office, will decrease, especially when the client does not know who the attorney is that is representing him/her. The new attorney that is hired may be far less experienced than the attorney that just left the position also creating a lower level of confidence the client has in the representation. Plus, every time a new attorney is hired, there is a probationary period the attorney goes through as well as the training and learning the way the court functions, all at a cost to the office. This turnover also causes interruptions in cases for the courts, victims, and witnesses and delayed or denied justice for defendants.

3. Desire of individuals who want to work in the field of public defense.

Many law students may consider and wish to work in the field of public defense but educational costs prevent them from doing so after graduating from law school. Salaries in public defender offices have historically been lower than salaries of someone who would be employed in a large law firm. Public defenders only practice criminal law, becoming almost an expert in the field as opposed to other attorneys who may dabble in criminal law in addition to other areas. Also, some public defenders, who truly want to help, may have an outside practice to help compensate their income because of the amount of student loan debt.

The benefit that HB 150 would have for many of these prospective public defenders is that a large portion of their student loans would be paid for through the Ohio Public Defender State Loan Repayment Program. Knowing that the

financial burden of student loan debt could be forgiven would encourage more people to work in the field of public defense.

The most recent attorney hired in my office has a wife and four children along with the student loan debt he incurred from law school. Knowing that this program could potentially benefit him if enacted, he took the position with our office. He has been a valuable asset and knowing that the economic burden could be relieved, he would continue to be an asset as he would be more inclined to stay than leave for a higher paying position.

The program that HB 150 will create will greatly help with the difficulties facing many small, rural public defender offices. In the long run, the program will give clients more confidence in their attorney as the attorney will stay with the office for a longer period of time, gaining valuable experience. In turn, the integrity of the representation will be better and clients will feel that their Sixth Amendment right to counsel has truly been fulfilled.

Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland, and Members of the House Criminal Justice Committee, thank you again for the opportunity to provide proponent testimony on House Bill 150.