

Chairman Hambley, Vice-Chair Patton, and members of the committee,

I am providing this testimony to you today as the President of the Hardin County Bar Association regarding H.B. 637. We are a membership of approximately 25. At the January 2020 meeting of the Hardin County Bar Association, the membership was presented with and voted to support the concept of a realignment and redistribution of our Common Pleas Courts. Currently, Hardin County has two Common Pleas Judges—a General Division which oversees all adult felony criminal matters, civil matters, divorce and attendant proceedings, dissolution of marriage, legal separation and annulment matters, civil protection orders, and a Probate/Juvenile Division which oversees all matters related to Juvenile Court laws, including Dependency/Neglect/Abuse matters, parentage proceedings under the Parentage Law that are not under the jurisdiction of the General Division, and Probate matters. The Bar Association heard a brief recitation regarding a single proposed option, and approved support of the broad concept to bring all of the Domestic/Family Related issues—excepting the Probate Division—under one Judge and the remainder—Civil, Criminal and Probate—under the jurisdiction of another Judge.

Prior to the Senate hearing on the companion legislation, my testimony was sought by Senator McColley's office. At that time, I circulated the bill analysis and full bill to the membership. In the days that followed, I received feedback from about half of the membership. All of the feedback that I received voiced major concerns about the structure of the current bill—in particular the mechanism for the replacement of our current Common Pleas General Division Judge. The membership is very concerned that the Judge elected in November 2020 to serve a six-year term as the Juvenile/Probate division judge will automatically be appointed to the duties of the General Division judge and no longer serve in the capacity to which he was elected by the people of Hardin County, except for the Probate duties. The Bar Association would note that matters related to Probate constitute a small percentage of the current Probate/Juvenile Division Judge's duties. This is particularly troubling to the membership because the people of Hardin County will not have a direct say in who the Judge overseeing our Criminal and Civil Divisions is until the 2026 election. Members of the Bar have suggested that both Judgeships should be put to the electorate of the citizens of Hardin County.

While the Bar Association is supportive of our current Judges it is the position of the membership that I have heard from that the people of Hardin County should have the opportunity to knowingly elect the Judges it chooses to their positions and divisions. As you may know, the current Probate/Juvenile Division Judge ran unopposed on the ballot for the November 2020 election; without knowledge that this major structural change would be proposed, the legal community of Hardin County was without the opportunity to mount an opposition or alternative. The citizenry of Hardin County also voted without knowledge of what the position's ultimate duty would be. The current General Division Judge is unable to run for re-election at the end of his term in 2022 due to age restrictions. I am aware of multiple members of our County Bar who have expressed an interest in running for that position, only to learn that such a position and election is being interfered with by legislative tinkering. I appreciate that the current legislation seeks to avoid a special election, in large part due to the financial aspect of such an endeavor; however, no price should be too high to allow the will of the people to be heard.

In addition to the members of the Bar Association, I have also received feedback from members of the community who are not part of the legal process. Recently, a profile of Judge Christopher, the current Probate/Juvenile Division Judge, and the pending legislation was printed in our local newspaper. As Representative Cross can certainly attest, we live in a small community where it often seems that everyone knows everyone. As someone known to work in the legal community, I have been approached

by over a dozen citizens who expressed concern about the same issue. These citizens were surprised to learn that Judge Christopher would not serve his full six-year term as the Judge overseeing the Juvenile/Probate Court but would automatically switch to the General Criminal/Civil Division by legislative fiat. Those citizens did not like that their individual voices were not being considered through the ballot box. In addition, most of the citizens who approached me were further expressed concern because they feel Judge Christopher is making progress with his current treatment court programs, and they believe he is uniquely suited for that position.

In close, I would note that the membership supports a restructuring of the Courts and their jurisdiction but has strong concerns about the proposed timeline and potential usurpation of the citizenry's input and the electoral process. I have not heard any negative feedback regarding the concept of realigning the jurisdiction of the Court's just the mechanism for how the Judge of each will be determined. I appreciate that there are multiple ways to go about accomplishing such a goal and would encourage this body to ensure that the voice of the people of Hardin County is heard. Thank you for your time and attention.

Siobhonne K. Ward
President, Hardin County Bar Association
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