



# Ohio Judicial Conference

The Voice of Ohio Judges

December 5, 2023

Chairman Loychik, Vice Chairman Demetriou, Ranking Member Miller, and all honorable members of the House Armed Services and Veterans Committee, thank you for the opportunity to present testimony concerning HB 69. My name is Gary Loxley, and I serve as a judge on the Warren County Court, Lebanon, Ohio. I am submitting this testimony on behalf of the Ohio Judicial Conference, of which I am a member.

Let me start by introducing myself. I served for a total of 36 years as a member of the Ohio Army National Guard, United States Army, and United States Army Reserve, and retired as a Colonel from the United States Army Reserve Judge Advocate General's Corps in 2018. I have been a judge since May 2013, and two years later I founded the Warren County Veterans Court, a specialized veterans treatment court docket designed to rehabilitate veterans who have found their way into the criminal justice system. Since 2015, I have served as a member of a three-person committee set up to interview applicants for positions on the Warren County Veterans Service Commission; since 2018, I have chaired that committee. Before becoming a judge, I served as an Assistant Prosecuting Attorney in the Warren County Prosecutor's Office where I served as the primary legal advisor to the Warren County Veterans Service Commission from 2006-13.

My experiences as a veteran, Veterans Treatment Court judge, interviewer of nominees for the county veterans service commission, and legal advisor to the county veterans service commission have given me a hands-on, practical perspective on the purpose, selection, and effectiveness of commissioners appointed under the process set forth in Title 59 of the Ohio Revised Code. In my view, the current process of selection and removal of members of the veterans' service commission works well and needs no amendment. Therefore, I submit this testimony against proposed HB 69.

Veterans service commissions provide important and necessary services to the veteran community. Many Ohio veterans and their dependents rely on their county's veterans service commission to provide direct and indirect financial assistance for emergency food, shelter, and clothing, as well as transportation services and additional benefits provided under the commission's broader outreach mission. Veterans service commissioners set forth policies and conduct meetings to determine the extent of emergency services granted. In addition, the commissioners oversee an office of trained service officer(s) who provide advice and assistance to present and former members of

the armed forces and their eligible dependents regarding claims or benefits under both federal and state law.

In my opinion, the duties and responsibilities of the county veterans service commission require a board of commissioners who are thoughtful, proactive, innovative, caring, and compassionate concerning the current and future needs of the veteran community. As part of their outreach function, the veterans service commission may serve the veterans community in novel ways. For example, the Warren County Veterans Service Commission has been a great supporter of the Warren County Veterans Court. The commission hired a retired Air Force non-commissioned officer and former county bailiff as a part-time employee and detailed that employee exclusively to serve as the peer mentor coordinator for the court. This action has been vital to the court's success for the past eight years.

The current process gives the legal duty to appoint members to the county veterans service commission to a judge of the common pleas court. The judge is required to solicit a list of up to three individuals recommended for appointment from the appropriate veterans' service organization(s). After receiving that list, the judge then selects and appoints the board member for a five-year term. As the appointing authority, the judge has discretion on how to exercise his power to appoint the most deserving candidate. *The judge also has the authority to remove a commission member for cause and fill a vacancy.*

In my view, the conduct of the appointing authority is the key to appointing a successful and effective board of veterans' service commissioners. In other words, the judge should not blindly accept a veterans' service organization's recommendation to appoint or re-appoint a board member without conducting his own due diligence.

One way to carry out the responsibility of selecting the best candidate to serve as a member of the veterans' service commission is for the appointing authority to convene a committee of local veterans to assist. In Warren County, for example, the appointing authority has asked three county veterans to serve on a committee to assist him by interviewing nominees and candidates, and providing him with recommendations. The appointing authority is free to follow or disregard the recommendations of the committee. The committee convenes each year in November or early December to consider the nominees submitted by the appropriate veterans' organization. On more than one occasion, especially soon after the committee was established in 2015, the committee realized the veterans' organization charged with submitting nominees effectively submitted the name of only one nominee to the judge, since the other two nominees either could not or would not serve if selected. When the committee notified the judge of this deficiency, the judge then solicited more names and began the interview process anew. Over time, ineffective members of the "good ol' boys network" were replaced, and the composition and effectiveness of the board improved.

So the process in place is not only workable, but effective to the extent the common pleas court judge, as the appointing authority, takes his role seriously and devotes the time necessary to meet his responsibilities. The Ohio Supreme Court has previously provided training to new common pleas court judges on the importance of the duty to appoint and oversee members of the county veterans service commission. That training included appointment guidelines and recommended best practices.<sup>1</sup> (As an aside, I recommend the Ohio Supreme Court require similar training for all new common pleas court judges).

The proposed changes to the selection and removal provisions set forth in HB 69 would add an additional, political layer to the selection and removal process, which in my view, is unnecessary. If the purpose behind the proposed legislation is to eliminate older board members and replace them with younger board members, that procedure is already in place. Once again, the appointing authority is vested with the discretion to appoint the best candidate. The best candidate may be a younger veteran who has served in the armed forces since 9-11. On the other hand, the best candidate may be an older veteran whose experience, knowledge, reputation, and community activities surpass those of any other candidate. Certainly, the passage of time will result in a younger board, just as the previous board members from World War I, World War II, and Korea served and were replaced by younger members from the Vietnam era and after.

For the reasons noted above, I believe the proposed changes advanced in HB 69 are unnecessary. I, therefore, oppose its passage.

Thank you for considering my testimony in opposition to HB 69.

Judge Gary A. Loxley  
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<sup>1</sup> See, Appointment Guidelines & Recommended Best Practices, Veterans Service Commissions (attached)  
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