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Substitute Bill Comparative Synopsis

Sub. H.B. 488

134th General Assembly

House Civil Justice

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CORRECTED VERSION

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1399-2)
Court authority to employ legal counsel	
<p>Authorizes the court of common pleas or a division of the court to employ legal counsel at its choosing and without competitive bidding pursuant to the exception from competitive bidding for the services of an attorney under the Competitive Bidding and Exceptions Law, and certified as for other public officials as provided by law, to represent it in any matter of public business coming before the court or in the prosecution or defense of any action or proceeding in which that court's judge or official is a party or has an interest, in the judge's or official's official capacity (<i>R.C. 305.14(A) and by reference to R.C. 307.86, not in the bill</i>).</p>	<p>Authorizes the court of common pleas, a division of the court, or the county court to employ legal counsel at its choosing and without competitive bidding pursuant to the exception from competitive bidding for the services of an attorney under the Competitive Bidding and Exceptions Law, and <i>authorized</i> as for other public officials as provided by law, to do any of the following (<i>R.C. 305.14(A) and by reference to R.C. 307.86, not in the bill, and R.C. 309.09(A)</i>):</p> <ol style="list-style-type: none"> 1. Represent the court or division in any matter in which both of the following apply: <ol style="list-style-type: none"> a. The prosecuting attorney, the board of county commissioners, or both, have a conflict of interest because the matter involves a county officer or board or tax-supported public library included in continuing law as being statutorily represented by the county prosecuting attorney, or the prosecuting attorney;

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	<ul style="list-style-type: none"> b. The prosecuting attorney, the board of county commissioners, or both, fail within a reasonable time, or refuse, to make an application to the court of common pleas or county court for the employment of legal counsel despite having been requested to do so. 2. Represent the court or division in the prosecution of any action or proceeding against any county public officer or board or tax-supported public library included in continuing law as being statutorily represented by the county prosecuting attorney; 3. Seek legal advice or legal representation concerning writ of mandamus or writ of prohibition actions.
Compensation of legal counsel by order of the court	
<p>Requires that when the court of common pleas or its division employs legal counsel, as described above, the specified judge must enter upon the court's journal an order in which the compensation to be paid for the legal services must be fixed (<i>R.C. 309.09(C)(1)</i>).</p> <p>Provides that the judge who enters the compensation order must be one of the following, whichever is applicable: (1) if legal counsel is employed to represent a judge, the judge must enter the order, (2) if legal counsel is employed to represent a court official, the judge of the court or, if the court has more than one judge, the presiding judge of the court, must enter the order (<i>R.C. 309.09(C)(1) and (2)</i>).</p>	<p>Same, but also requires that when the county court employs legal counsel, as described above, the specified judge must enter upon the court's journal an order in which the compensation to be paid for the legal services must be fixed (<i>R.C. 309.09(C)(1)</i>).</p> <p>No provision.</p>
Cap on compensation of legal counsel	
<p>Provides that the hourly compensation paid for the legal services cannot exceed the highest hourly compensation paid by the board of county commissioners for an attorney other than the prosecuting attorney to represent the board or other county officials (<i>R.C. 309.09(C)</i>).</p>	<p>Same provision (<i>R.C. 309.09(C)(2)</i>).</p>

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No provision.	Provides that the total compensation paid, in any calendar year, by the court of common pleas, including all of its divisions, and by the county court for legal services described above in “ Court authority to employ legal counsel ” must not exceed the total annual compensation of the prosecuting attorney for that county (<i>R.C. 309.09(C)(2)</i>).