



**KANSAS BAR
ASSOCIATION**

TO: **The Honorable Fred Patton, Chair**
 And Members of the House Judiciary Committee

FROM: **Joseph Molina**
 On behalf of the Kansas Bar Association

RE: **HB 2351 - Authorizing the appointed counsel rate paid by the board of indigents'**
 defense services to be higher than \$80 per hour.

DATE: **February 13, 2023**

Chairman Patton and members of the House Judiciary Committee, my name is Joseph Molina and I provide this testimony on behalf of the Kansas Bar Association in **SUPPORT** of **HB 2351** – increasing the maximum rate paid to appointed counsel for indigent persons.

The KBA appreciates this committee providing time to hear from Heather Cessna, Executive Director of BIDS. Mrs. Cessna previously met with the KBA to express her concern that the Kansas public defense system is suffering from high caseloads, staff shortages and limited resources. She shared with the KBA their request to confront these issues. One of the requests was to increase the hourly rate paid to assigned counsel by amending KSA 22-4507.

Until recently KSA 22-4507 provided “Such attorney shall be compensated at the rate of \$80 per hour...”. This hourly rate was increased last session to \$120 through a budget proviso. The KBA would urge this committee to codify this rate into KSA 22-4507.

As reference, a 2017 Kansas Bar Association publication “Economics of Law” found that the rate average rate for a private attorney in Kansas was \$225.00 per hour. See;
<https://cdn.ymaws.com/www.ksbar.org/resource/collection/D6AEF056-5088-4555-B207-2685976B9173/2017EconomicSurvey.pdf>

HB 2351 still allows a judge to negotiate a lower that rate for attorneys who voluntarily accept appointments and the BIDS Board still has the authority to set the rate via contract.

The KBA supports the efforts by Kansas Board of Indigent Defense Services to improve their offices and services to Kansans. HB 2351 is just one example of improvements that can be made to assist with the many funding issues facing BIDS.

Thank you for your time and attention. I am happy to stand for questions when appropriate.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals.

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