



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Shannon Francis, Chair
And Members of the House Committee on Transportation and Public
Safety Budget

FROM: Joseph Molina
On behalf of the Kansas Bar Association

**RE: HB 2363 - Authorizing the appointed counsel rate paid by the board of
indigents' defense services to be higher than \$80 per hour.**

DATE: March 22, 2021

Chairman Francis and members of the House Committee on Transportation and Public Safety Budget my name is Joseph Molina and I provide this testimony on behalf of the Kansas Bar Association in **SUPPORT** of **HB 2363** - Authorizing the appointed counsel rate paid by the board of indigents' defense services to be higher than \$80 per hour.

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 many issues facing BIDS is the low rate of pay for appointed counsel. At present KSA 22-4507 states that "Such attorney shall be compensated at the rate of \$80 per hour...". However, this rate was lowered for several years due to budget shortfalls. HB 2363 would simply make this \$80 hourly rate a guarantee minimum for assigned counsel.

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 2363 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 all efforts to ease these issues because a well-resourced Public Defense System protects a defendant's rights under the Sixth Amendment, but it will also save taxpayer funding due to more efficient court processes.

It is for these reasons the KBA supports the efforts by Kansas Board of Indigent Defense Services to improve their offices and services to Kansans.

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. www.ksbar.org