



Administrative Office  
700 SW Jackson St, Suite 500  
Topeka, KS 66603-3758  
Heather Cessna, Director

KANSAS STATE BOARD OF INDIGENTS' DEFENSE SERVICES

Phone: 785-296-6631  
Fax: 785-291-3082  
[www.ksbids.gov](http://www.ksbids.gov)  
Laura Kelly, Governor

Senate Committee on Government Efficiency  
Hearing on SB 99

February 12, 2025

Opponent Testimony of  
Heather Cessna, Executive Director  
Kansas State Board of Indigents' Defense Services

Chair Erickson, Vice-Chair Murphy, Members of the Committee and Legislative Staff,

Thank you for the opportunity to testify in opposition to SB 99, which proposes to delete badly needed attorney positions and interfere with BIDS' ability to meet our state's constitutional requirement to provide counsel to every indigent individual charged with a felony in Kansas.

**Recruitment of Attorneys Necessarily Requires a Year-Long Investment**

Recruiting and retaining qualified attorneys and support staff has been my top priority since becoming the Executive Director of the Kansas State Board of Indigents' Defense Services in 2019. After years of setbacks, my leadership team and I have finally found some success in hiring law students in the fall of their last year of law school, preceding graduation, to work in BIDS' offices.

This early hiring process is necessary to find candidates to fill our attorney positions due to the highly competitive nature of legal profession and the severe shortages of graduating law students available to accept attorney positions throughout the state.

This process requires offering jobs to graduating law school graduates in the third year of law school, getting their commitment to start in those positions the following fall,

and then holding those positions while they graduate, take the bar exam, and receive their license to practice.

BIDS utilizes the one-time cost savings from those positions while holding those positions to pay for its paid internship program, which is a direct pipeline for hiring soon-to-be law school graduates, and for anticipated shortfalls in other funding areas such as in our assigned counsel program, our experts program, and our capital defense program, as well as other one-time agency needs, thereby avoiding additional supplemental budget requests in those areas.

### **This Attorney Recruitment Process Is a Proven Success**

I am proud that our recruitment efforts for FY 2026 have resulted in 13 law student attorney hires who will graduate law school this May, sit for the Kansas bar exam in July, and start their legal careers with BIDS shortly thereafter.

These attorneys come from our local law schools at KU and Washburn, but also from regionally and nationally recognized law schools, including UMKC, University of Arkansas School of Law, University of Iowa School of Law, University of Oklahoma College of Law, University of Cincinnati College of Law, and University of Michigan Law School. They have accepted positions as Public Defenders in BIDS' offices in Independence, Pittsburg, Salina, Wichita, Topeka, Kansas City, and Olathe.

The chart below shows each position and the law school from which we hired the new attorney.

<b>New Attorneys hired by BIDS</b>			
<b>BIDS office and counties served</b>	<b>Law School</b>	<b>Bar Exam Date</b>	<b>Approx. Start Date</b>
Independence (Montgomery; Chautauqua; Allen; Neosho; Wilson; Woodson)	University of Oklahoma College of Law	July 2025	August 2025
Pittsburg (Crawford; Labette; Cherokee)	University of Arkansas School of Law	July 2025	August 2025
Pittsburg (Crawford; Labette; Cherokee)	University of Michigan School of Law	July 2025	August 2025

Salina (Saline; Ottawa)	University of Arkansas School of Law	July 2025	August 2025
Wichita (Sedgwick)	Washburn University School of Law	July 2025	August 2025
Topeka (Shawnee)	University of Iowa College of Law	July 2025	August 2025
Topeka (Shawnee)	University of Kansas School of Law	July 2025	August 2025
Topeka (Shawnee)	Washburn University School of Law	July 2025	August 2025
Kansas City (Wyandotte)	University of Kansas School of Law	July 2025	August 2025
Olathe (Johnson)	University of Cincinnati College of Law	July 2025	August 2025
Olathe (Johnson)	University of Kansas School of Law	July 2025	August 2025
Olathe (Johnson)	University of Kansas School of Law	July 2025	August 2025
Olathe (Johnson)	University of Missouri-Kansas City School of Law	July 2025	August 2025

### The Proposed Lapse of FTEs and Funding in SB 99 Would Devastate BIDS' Recruitment Efforts and Lead to Further Attorney Shortages

As the Rural Justice Initiative Report stated in December 2024, there are extensive shortages of attorneys across the state.<sup>1</sup> Those shortages are even more acute for criminal defense counsel.

With our Kansas law schools' graduating classes shrinking, BIDS has worked hard to expand recruiting efforts to law schools outside the state to find qualified new law graduates. This has included investing in a state-wide public defender internship program, building relationships with law schools, and establishing in-state and national recruitment pipelines.

SB 99 would eliminate positions that have already been offered and accepted by law students, leaving these 13 students without a job after graduation. A rescission of our promise to hire these law students would remove our ability to assure students and law

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<sup>1</sup> <https://kscourts.gov/KSCourts/media/KsCourts/court%20administration/Rural-Justice-Initiative/Kansas-Rural-Justice-Initiative-Committee-Final-Report.pdf>

schools that offers made and accepted will be honored by our agency, and would erase the progress we have fought so hard to make.

As the public defense agency for the state of Kansas, more than half of BIDS' employees are attorneys who serve as frontline trial-level or appellate-level defenders or their direct supervisors, ensuring Kansans' constitutional right to counsel when accused of a felony. Our state cannot meet its constitutional obligations without these positions and the attorneys we have searched for and hired to fill them.

### **BIDS Is Asking For a Modification of SB 99**

Because of the difficulty of hiring attorney positions, the elongated timeframe that recruitment effort requires due to attorney shortages, and the investments that BIDS has already made in positions that may be eliminated under SB 99 as currently written, BIDS is respectfully asking the committee to consider amending this proposal to either explicitly except out BIDS from the requirements under SB 99 due to the constitutionally required nature of its work and the necessity of having sufficient staffing required to do that work, or excepting out attorney and public defender positions from the requirements of this bill.

As always, if you have any further questions, please do not hesitate to contact us. Thank you for your time and consideration.

/s/ Heather Cessna

Heather Cessna  
Executive Director  
Kansas State Board of Indigents' Defense Services