

TABITHA D.R. OWEN  
Smith County Attorney

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RE: Proponent Testimony SB 214

To: Chairman Billinger and members of the Senate Ways and Means Committee

From: Tabitha Owen, Smith County Attorney and President of the Kansas County and District Attorneys Association

Chairman Billinger and Members of the Committee,

It is my pleasure to provide proponent testimony for SB 214 on behalf of myself and the Kansas County and District Attorney's Association.

As you have likely learned by now, Kansas is facing a lawyer shortage, particularly in rural areas. Many rural counties have fewer than 2 practicing attorneys in their communities. This legislation is an excellent start to recruiting more rural attorneys and we fully support those efforts.

I have been the Smith County Attorney for over 12 years, I also serve as the county counselor for Smith County, the city attorney for the City of Smith Center, and as one of co-counsel to the USD 237 school board. There are only two other licensed attorneys in living in Smith County. The other counties in my judicial district are in similar situations. There is a very high demand for legal services in rural Kansas and not nearly enough lawyers to meet the demand.

We face a significant barrier for court appointed criminal defense attorneys. For high level felony cases, the qualified attorneys on our appointment list drive more than an hour, often 2+ hours, to handle those cases. This results in higher court appointed attorney fees (often paid by the State and Counties) in cases where the fees are already exceptionally high given the nature of the case and representation. So, while this bill will have a cost, if it works, it should also start to reduce some of the BIDS and court appointed fees, if for mileage alone, that we are bearing.

There are a few areas of this legislation that I would like to suggest the committee consider increasing the incentive;

- 1) Could there be additional financial incentive for particularly rural areas? For example, an additional amount each year for living and serving a county with less than 10,000 population or less than 5 attorneys.

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- 2) Could there be an additional financial incentive for rural attorneys who do public service work? For example, an additional amount each year for lawyers who work as county attorney or counselor, city attorney or counselor, school board attorneys, Kansas legal services attorneys, and attorneys who take more than 50% of their case load from court appointed cases.

Over the last few years, I have made an effort to speak with Kansas's federal representatives and encourage them to more vocally support the federal public service loan forgiveness program. I would like to take the opportunity to encourage you to do the same. This will cost you nothing and will help to show the public at large that people who are recipients of public service loan forgiveness provide critical services to their communities, these people include; law enforcement, firefighters, emergency medical responders, teachers, municipal government workers like street maintenance and waste collectors (to name very few). "Loan forgiveness" has gotten such an undeserved negative reputation. I believe in order for this program to be successful we need legislators to promote it as valuable and its recipients as deserving.

Thank you for taking the time to read my testimony. I appreciate your service to our great State and to your efforts to help rural Kansans. If you have any questions please don't hesitate to reach out to me as I am happy to help.