

- Judges' salaries consume large portion of GRF budget
- Court service expansions shelved, at least for the moment

Judiciary / Supreme Court

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ROLE

The Supreme Court of Ohio is established by Article IV, Section 1 of the Ohio Constitution, which provides that: "The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas and divisions thereof, and such other courts inferior to the supreme court as may from time to time be established by law." The court is comprised of a Chief Justice and six justices who are elected in even numbered years to six-year terms. The court has the final say on the interpretation of both the Constitution of the State of Ohio and Ohio law. The majority of the cases heard by the court are appeals from the state's twelve district courts of appeals. The court can also hear appeals involving contested elections. The court hears appeals as a matter of right, from cases involving questions arising under the United States Constitution or the Ohio Constitution, and cases in which the death penalty was imposed. The court also hears appeals in cases in which the courts of appeals have rendered conflicting opinions and appeals from the Board of Tax Appeals and the Public Utilities Commission. The court has original jurisdiction for certain special remedies that permit a person to file an action directly in the Supreme Court of Ohio. These are the writs of habeas corpus, mandamus, procedendo, prohibition, and quo warranto.

The court also: (1) adopts rules governing practice and procedure in Ohio's courts, which become effective unless both houses of the General Assembly adopt a concurrent resolution of disapproval, (2) exercises general superintendence over all state courts through its rule-making authority, and (3) is responsible for the admission of attorneys to the practice of law in Ohio. It also has authority for the discipline of judges and attorneys for violation of their respective codes of conduct. Additionally, the court has responsibility for complaints alleging the unauthorized practice of law.

Agency In Brief					
Number of Employees	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2002	2003	2002	2003	
207	\$102.4 million	\$108.1 million	\$97.5 million	\$103.1 million	Am. Sub. H.B. 94

OVERVIEW

The Judiciary/Supreme Court's (JSC) FY 2002-2003 biennial budget totals \$210.5 million, over 95 percent of which is financed by the state's GRF and is used primarily to pay the state's share of the salaries and benefits of the chief justice and justices of the Supreme Court of Ohio, and judges of the courts of appeals, courts of common pleas, municipal courts, and county courts. The budget also provides

funding for the operation of the Supreme Court of Ohio and the courts of appeals, including staff salaries and fringe benefits.

The level of GRF support provided in the FY 2002-2003 biennial budget is around \$6 million less than what the court had requested in each of FYs 2002 and 2003. A portion of the court's request for additional GRF funding reflected anticipated raises in judicial salaries stemming from Sub. H.B. 712 of the 123rd General Assembly, which will increase the state contribution to judicial salaries by approximately three percent in each of FYs 2002 and 2003. As a result of receiving a lower than requested level of annual GRF support and the need that it first meet the state's obligation to contribute to the annual compensation paid to judges, the court has had to revisit and trim back planned expenditures. One notable byproduct of that process was the decision that, at least for the moment, judicial staff would not receive across-the-board increases in annual compensation. Library operations will also be cut by approximately 25 percent.

Prior to FY 1998, The Judiciary and the Supreme Court of Ohio operated under separate budget structures; although the reality was that the court in effect had control of and managed the Judiciary's budget. The Judiciary is not a state entity, but a collection of accounts that are administered by personnel of the court. Amended Substitute House Bill 215 of the 122nd General Assembly, the main appropriations bill covering FYs 1998 and 1999, merged the two separate budget structures into a single "agency" budget known as The Judiciary/Supreme Court. This merger was undertaken in order to ease the court's administrative burdens. At the court's request, the FY 2002-2003 biennial budget further realigns roughly a half-dozen of its existing line items so that the state's accounting system more accurately reflects the merged budgetary structure.

BUDGET ISSUES


COURT SERVICES

The court had intended to devote about 4 percent of its FY 2002-2003 biennial budget to court services, including a program currently in place called "Project 2005," which seeks to help all of the courts of common pleas establish dispute resolution programs by the year 2005. Funding for dispute resolution consultant contracts and program subsidies was to have been drawn from the court's main GRF operating line item 005-321. As a result of the fiscal constraints created by the FY 2002-2003 budget, the court does not plan at this time to initiate any new dispute resolution contracts or program subsidies, but will simply seek to maintain the level of programs and services that were being delivered in FY 2001.

The court also had planned to place a stronger emphasis on technological modernization in the FY 2002-2003 biennium. Computer technology consultants were to have been hired to assist in the development of a more standardized information technology system linking Ohio's courts, and approximately \$1 million in technology related subsidies were to have been distributed to courts around the state. These technology modernizations have been shelved for the moment, and it is unclear as to when and how they might move forward.

SENTENCING COMMISSION

The expenses of the Ohio Criminal Sentencing Council and an administrative staff of five, plus one intern, are also lodged in the JSC budget and are paid GRF line item 005-401. The council, created

pursuant to section 181.21 of the Revised Code, is charged with studying the state's sentencing laws, recommending comprehensive sentencing plans to the legislature, and advising legislative committees and members when bills that affect criminal sentencing are considered and enacted. Traditionally, the council has been referred to as the Ohio Criminal Sentencing Commission. The FY 2002-2003 biennial budget contains a level of annual GRF funding for the commission that is the range of three percent to six percent lower than its actual FY 2001 expenditures. As a result of this reduced level of GRF support, the commission has applied for several federal grants. If it is unsuccessful in this search for federal financial assistance, then the commission will be forced to cut at least one full-time staff position. 

FY 2002 - 2003 Final Appropriation Amounts

All Fund Groups

<i>Line Item Detail by Agency</i>			<i>FY 1999:</i>	<i>FY 2000:</i>	<i>FY 2001:</i>	<i>FY 2002 Appropriations:</i>	<i>% Change 2001 to 2002:</i>	<i>FY 2003 Appropriations:</i>	<i>% Change 2002 to 2003:</i>
Report For: Main Operating Appropriations Bill			Version: Enacted						
JSC Judiciary / Supreme Court									
GRF	005-321	Operating Expenses - Judiciary/Supre	\$ 74,689,488	\$ 81,262,208	\$84,585,866	\$ 97,046,785	14.73%	\$ 101,987,111	5.09%
GRF	005-401	State Criminal Sentencing Council	\$ 265,468	\$ 317,126	\$309,139	\$ 289,685	-6.29%	\$ 300,308	3.67%
GRF	005-402	Task Force On Family Law & Children	----	\$ 74,149	\$99,855	\$ 0	-100.00%	\$ 0	N/A
GRF	005-406	Law-Related Education	----	----		\$ 197,790	N/A	\$ 203,724	3.00%
GRF	005-502	Commission for Legal Education Oppor	----	----		\$ 0	N/A	\$ 647,736	N/A
GRF	010-321	Operating Expenses - Supreme Court	\$ 8,189,177	\$ 9,374,401	\$9,145,889	\$ 0	-100.00%	\$ 0	N/A
GRF	010-401	Law-Related Education	\$ 191,420	\$ 197,163	\$203,077	\$ 0	-100.00%	\$ 0	N/A
General Revenue Fund Total			\$ 83,335,553	\$ 91,225,047	\$ 94,343,825	\$ 97,534,260	3.38%	\$ 103,138,878	5.75%
672	005-601	Continuing Judicial Education	\$ 198,692	\$ 118,718	\$217,149	\$ 235,000	8.22%	\$ 265,000	12.77%
6A2	005-602	Dispute Resolution	\$ 2,320	\$ 0	\$30,107	\$ 0	-100.00%	\$ 0	N/A
General Services Fund Group Total			\$ 201,012	\$ 118,718	\$ 247,256	\$ 235,000	-4.96%	\$ 265,000	12.77%
3J0	005-603	Federal Grants	\$ 769,209	\$ 766,099	\$921,851	\$ 1,093,306	18.60%	\$ 964,484	-11.78%
Federal Special Revenue Fund Group Total			\$ 769,209	\$ 766,099	\$ 921,851	\$ 1,093,306	18.60%	\$ 964,484	-11.78%
4C8	005-605	Attorney Registration	----	----		\$ 1,971,100	N/A	\$ 2,030,233	3.00%
6A8	005-606	Supreme Court Admissions	----	----		\$ 1,042,536	N/A	\$ 1,089,111	4.47%
643	005-607	Commission on Continuing Legal Educa	----	----		\$ 573,268	N/A	\$ 590,016	2.92%
643	010-601	Commission on Continuing Legal Educa	\$ 211,779	\$ 501,067	\$491,260	\$ 0	-100.00%	\$ 0	N/A
6A8	010-602	Supreme Court Admissions	\$ 716,646	\$ 744,508	\$801,351	\$ 0	-100.00%	\$ 0	N/A
4C8	010-603	Attorney Registration	\$ 1,573,700	\$ 1,675,814	\$1,820,276	\$ 0	-100.00%	\$ 0	N/A
State Special Revenue Fund Group Total			\$ 2,502,125	\$ 2,921,389	\$ 3,112,887	\$ 3,586,904	15.23%	\$ 3,709,360	3.41%
Judiciary / Supreme Court Total			\$ 86,807,899	\$ 95,031,253	\$ 98,625,819	\$ 102,449,470	3.88%	\$ 108,077,722	5.49%