

- Judges' salaries consume a large portion of GRF budget
- Supreme Court will relocate to and operate the Ohio Courts Building in the Spring of 2004

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 12 district courts of appeals. The Court also:

- Hears appeals involving contested elections;
- Hears appeals from cases dealing with an interpretation of the United States Constitution or the Ohio Constitution, cases in which the death penalty was imposed, cases in which the courts of appeals have offered conflicting opinions, and appeals from the Board of Tax Appeals and the Public Utilities Commission;
- Has original jurisdiction for certain special remedies (writs of habeas corpus, mandamus, procedendo, prohibition, and quo warranto) that permit a person to file an action directly in the Supreme Court of Ohio;
- 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;
- Exercises general superintendence over all state courts through its rule-making authority;
- Admits attorneys to the practice of law in Ohio;
- Disciplines judges and attorneys for violation of their respective codes of conduct; and
- Responsible for addressing complaints alleging the unauthorized practice of law.

Agency In Brief					
Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2004	2005	2004	2005	
213	\$119.5 million	\$124.5 million	\$114.2 million	\$119.0 million	Am. Sub. H.B. 95

*Employee head count obtained from the Department of Administrative Services (DAS) payroll reports as of June 28, 2003.

On August 6, 2003, the Court reported that it had 207 full-time staff, 3 part-time staff, and 10 vacant staff positions. These numbers include staff positions that support the operations of the Supreme Court as well as the work of the justices of the Supreme Court. These staff numbers do not include any “Judiciary” positions paid in full or in part from the state treasury, which includes more than 700 local judges throughout the state, 88 county clerks of courts, and judges of the courts of appeals and their staff. These staff numbers are detailed in Table 1 below. It should also be the number of employees in the ‘Agency in Brief’ table above – 213; this most likely does not represent an accurate portrayal of the Court’s future staffing level. When the Court assumes management responsibilities of the Ohio Courts Building in the spring of 2004, it will need to hire a mix of roughly 30 security, building management, and maintenance personnel.

Table 1: Annual Salaries Payable from the State Treasury		
Office	Number of Positions	Portion of Annual Salary Payable from the State Treasury
Justices of the Supreme Court and Court staff	207 full-time/ 3 part-time	100% of salary
Judges of the courts of appeals and Section 2501.16 employees	251	100% of salary
Common pleas, municipal, and county court judges	721	Varies; Determined by statute
County clerks of courts	88	1/8 of salary for court of appeals-related service

OVERVIEW

GRF BUDGET

The Judiciary/Supreme Court’s (JSC) FY 2004-2005 biennial budget totals \$244 million, over 95% of which represents funding appropriated from the GRF. The Court’s GRF budget has the following three readily identifiable components:

1. **Judicial salaries.** This component of the GRF budget funds the state’s share of the salaries and benefits of judges of the courts of appeals, courts of common pleas, municipal courts, county courts, and county clerks of courts (projected FY 2004 cost of \$72.8 million).
2. **Courts of appeals support staff.** This component of the GRF budget funds the salaries for the support staff of the state’s 12 courts of appeals (projected FY 2004 cost of \$18 plus million).
3. **Supreme Court operations.** This component of the GRF budget funds the salaries of the justices and staff, the future operation and maintenance of the Ohio Courts Building, and the provision of programs that benefit the trial and appellate courts (projected FY 2004 cost of around \$25.0 million).

These components also suggest that, in any given year, of the spending from the Court’s budget, 75% to 80% pays for the state share of the salaries and fringe benefits of judges and certain court personnel and 20% to 25% pays for the operation of the Supreme Court.

FY 2004-2005 BIENNIAL BUDGET

The level of GRF support provided in the FY 2004-2005 biennial budget as enacted is around \$1.9 million less and \$2.7 million less than what the Court had requested in each of FYs 2004 and 2005, respectively. The Court has indicated that, despite receiving slightly less than their requested levels of annual GRF support, its operations should be largely unaffected due to the organizational review and reorganization actions that were undertaken over the course of the FY 2002-2003 biennium in order to reduce GRF expenditures. In the Court's view, these changes have made it a more efficient organization. As a result, the Court does not believe that receiving less than requested amounts of annual GRF funding will adversely impact it. That is, presuming there are no further GRF expenditure reductions and the actual annual costs to operate the newly restored Ohio Courts Building do not noticeably exceed the estimated annual operating costs.

That said, an interesting contrast to note is that, in comparison to the Court's total FY 2003 GRF expenditures, its GRF appropriations for each of FYs 2004 and 2005 are higher than total FY 2003 GRF expenditures by \$16.0 million, or 16.3%, in FY 2004, and by \$20.8 million, or 21.1%, in FY 2005, an increase of 4.2% from the FY 2004 requested amount. Those increased levels in FY 2004 and FY 2005 GRF funding, in part, reflect two significant fiscal issues.

1. ***Judges' salaries.*** Sub. H. B. 712 of the 123rd General Assembly established a schedule of increase in the annual compensation of various judicial personnel, including judges, through calendar year 2008. Thus, over the course of the next biennium, judges' salaries could increase by as much as 3% annually.
2. ***Ohio Courts Building.*** The Court, and related judicial entities, is scheduled to move into the newly restored Ohio Courts Building by March 2004. The Court will actually operate and maintain the building, which will require it to hire an estimated 30 or so security, management, and maintenance personnel. State agencies generally are not responsible for the management and operation of space occupied in state-owned buildings. However, in this case, apparently because the judicial branch of Ohio government will be the primary tenant of the building, the Court has been delegated to assume all responsibility for the building.

BUDGETARY STRUCTURE

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. Am. Sub. H. B. 215 of the 122nd General Assembly, the main appropriations act that covered FYs 1998 and 1999, merged the two separate budget structures into a single "agency" budget known as The Judiciary/Supreme Court. The merger was undertaken at the request of the Court in order to ease some of the associated administrative burden.

BUDGET ISSUES

COMMISSION FOR LEGAL EDUCATION OPPORTUNITY

The Court's original GRF funding request included \$685,000 in FY 2004 and \$1,270,000 in FY 2005 to support activities of the Commission for Legal Education Opportunity (GRF line item 005-502). The FY 2004-2005 biennial budget as enacted contained no GRF appropriations for the purpose of supporting the Commission and its activities. The Court believes the Commission for Legal Education Opportunity

to be a highly worthwhile investment and has indicated that it will continue to pursue funding in the hope that such a project will be considered in the future.

The Commission was first funded in FY 2003 with a GRF appropriation of \$657,600 to assist minority, lower income, and educationally disadvantaged college graduates in gaining access to and completing a legal education by sponsoring intensive preparatory courses, as well as to provide stipends for tuition and living expenses. In order to constrain FY 2003 GRF expenditures, the Court did not disburse any of the Commission's FY 2003 GRF appropriation, with the result being that those appropriated funds lapsed back into the GRF's unobligated and unappropriated FY 2003 ending cash balance.

RICHLAND COUNTY COURT OF COMMON PLEAS JUDGE

The enacted budget amends permanent law to create one additional judge for the Richland County Court of Common Pleas to be elected in 2004 as judge of the Juvenile Division of the court for a term to begin January 3, 2005.

Starting with FY 2006, the annual amount in GRF funding that the Supreme Court of Ohio will disburse in the form of state support for the new judge in Richland County is estimated at \$124,562, which consists of: (1) \$102,100 in salary, (2) \$13,590 in PERS contributions, and (3) \$8,872 in miscellaneous other contributions. Currently, the state has statutorily prescribed annual pay increases in the state share of the salary of common pleas court judges through calendar year 2008. Since this new judgeship begins at the halfway point in the state's FY 2005, the amount of state support in FY 2005 would total \$62,281, which represents only the last six months of that fiscal year.

The annual salary and benefits for the new judge to be added to the court of common pleas will cost Richland County \$15,897, which is comprised of \$14,000 in annual base salary, plus 13.55%, or \$1,897, in PERS benefits. As of this writing, the Richland County Board of Commissioners does not anticipate the need to hire any additional staff to support the new judgeship. In addition, the Board does not believe that any capital improvements (new construction or renovation projects) will have to be undertaken in order to house the new judge, but intends to reassess that need once the new judge takes office in January 2005. 

FY 2004 - 2005 Final Appropriation Amounts

All Fund Group

Line Item Detail by Agency

FY 2001: FY 2002: FY 2003: FY 2004 % Change FY 2005 % Change
Appropriations: Appropriations: Appropriations: Appropriations: 2003 to 2004: Appropriations: 2004 to 2005:

Report For: Main Operating Appropriations Bill

Version: Enacted

JSC Judiciary / Supreme Court

GRF	005-321	Operating Expenses - Judiciary/Supre	\$ 84,585,866	\$ 94,996,070	\$97,725,993	\$ 113,636,659	16.28%	\$ 118,401,294	4.19%
GRF	005-401	State Criminal Sentencing Council	\$ 309,139	\$ 289,530	\$280,145	\$ 346,194	23.58%	\$ 356,371	2.94%
GRF	005-402	Task Force on Family Law and Childre	\$ 99,855	\$ 2,405	\$0	\$ 0	N/A	\$ 0	N/A
GRF	005-406	Law-Related Education	---	\$ 197,790	\$203,724	\$ 209,836	3.00%	\$ 216,131	3.00%
GRF	010-321	Operating Expenses - Supreme Court	\$ 9,145,889	\$ 216,947	\$0	\$ 0	N/A	\$ 0	N/A
GRF	010-401	Law-Related Education	\$ 203,077	---	\$0	\$ 0	N/A	\$ 0	N/A
General Revenue Fund Total			\$ 94,343,825	\$ 95,702,741	\$ 98,209,862	\$ 114,192,689	16.27%	\$ 118,973,796	4.19%
672	005-601	Continuing Judicial Education	\$ 217,149	\$ 100,040	\$176,799	\$ 126,000	-28.73%	\$ 120,000	-4.76%
6A2	005-602	Dispute Resolution	\$ 30,107	---	\$0	\$ 0	N/A	\$ 0	N/A
5Q7	005-608	Court Security Operations Manual	---	\$ 30,764	\$0	\$ 0	N/A	\$ 0	N/A
General Services Fund Group Total			\$ 247,256	\$ 130,804	\$ 176,799	\$ 126,000	-28.73%	\$ 120,000	-4.76%
3J0	005-603	Federal Grants	\$ 921,851	\$ 516,075	\$572,252	\$ 1,030,061	80.00%	\$ 1,030,061	0.00%
Federal Special Revenue Fund Group Total			\$ 921,851	\$ 516,075	\$ 572,252	\$ 1,030,061	80.00%	\$ 1,030,061	0.00%
4C8	005-605	Attorney Registration	---	\$ 1,928,195	\$2,147,137	\$ 2,332,733	8.64%	\$ 2,495,171	6.96%
6A8	005-606	Supreme Court Admissions	---	\$ 851,199	\$925,238	\$ 1,230,514	32.99%	\$ 1,267,428	3.00%
643	005-607	Commission on Continuing Legal Educ	---	\$ 465,611	\$482,745	\$ 568,788	17.82%	\$ 587,210	3.24%
5T8	005-609	Grants and Awards	---	---	\$0	\$ 33,296	N/A	\$ 33,296	0.00%
643	010-601	Commission on Continuing Legal Educ	\$ 491,260	---	\$0	\$ 0	N/A	\$ 0	N/A
6A8	010-602	Supreme Court Admissions	\$ 801,351	---	\$0	\$ 0	N/A	\$ 0	N/A
4C8	010-603	Attorney Registration	\$ 1,820,276	---	\$0	\$ 0	N/A	\$ 0	N/A
State Special Revenue Fund Group Total			\$ 3,112,887	\$ 3,245,005	\$ 3,555,120	\$ 4,165,331	17.16%	\$ 4,383,105	5.23%
Judiciary / Supreme Court Total			\$ 98,625,819	\$ 99,594,626	\$ 102,514,033	\$ 119,514,081	16.58%	\$ 124,506,962	4.18%