

# Judiciary/ Supreme Court

Jamie L. Dorskocil, Budget Analyst

- Relocated to the Ohio Judicial Center in March 2004
- Budget includes operations, maintenance, and security costs associated with managing the Ohio Judicial Center
- Majority of GRF budget covers state share of Ohio judges' salaries

## OVERVIEW

### Budgetary Structure

Prior to FY 1998, the Judiciary (JUD) and the Supreme Court of Ohio (SUP) operated under separate budget structures, although the reality was that the Court, in effect, had control of and managed The Judiciary 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 operating appropriations act covering FYs 1998 and 1999, merged the two separate budget structures into a single "agency" budget known as The Judiciary/Supreme Court (JSC). The merger was undertaken, at the Court's request, in order to ease its administrative burdens.

### Duties and Responsibilities of the Supreme Court

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.

### Relocation to Ohio Judicial Center

In the spring of 2004, the Supreme Court and other judicial agencies relocated to the Ohio Judicial Center at 65 South Front Street in downtown Columbus. The Ohio Judicial Center, formerly known as the Ohio Departments Building, underwent an \$85.6 million restoration that was completed at the beginning of calendar year 2004. The Supreme Court of Ohio manages all building operations and does not charge rent to the other judicial agencies occupying space in the building.

### Agency in Brief

The JSC GRF budget has the following three readily identifiable components.

- (1) Judicial salaries. This component, estimated at roughly two-thirds of the annual 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.
- (2) Courts of appeals support staff. This component, estimated at around 15% of the annual GRF budget, funds the salaries for the support staff of the state's 12 courts of appeals.

- (3) ***Supreme Court operations.*** This component, estimated at approximately 20% of the annual GRF budget, funds the salaries of the justices and staff, the operation and maintenance of the Ohio Judicial Center, and the provision of programs that benefit the trial and appellate courts.

Table 1 immediately below selectively summarizes JSC appropriations and staffing information.

Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2006	2007	2006	2007	
254 full time 9 part time	\$125.97 million	\$129.19 million	\$119.84 million	\$122.88 million	Am. Sub. H.B. 66

\*Employee count obtained from the Supreme Court's fiscal office as of August 2005. Number includes 3 full-time and 1 part-time staff positions dedicated to the Ohio Criminal Sentencing Commission.

On September 1, 2005, the Court reported that it had 254 full-time staff, 9 part-time staff, and approximately 8 vacant 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 600 local judges throughout the state, 88 county clerks of courts, and judges of the courts of appeals and their staff. The annual salaries paid from the state treasury by the Supreme Court are summarized in Table 2 immediately below.

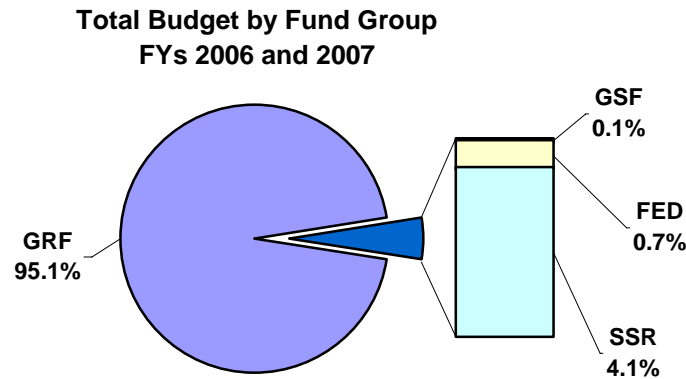
Office	Number of Positions	Portion of Annual Salary Payable from the State Treasury
Justices of the Supreme Court and Court staff	254 full-time employees 9 part-time employees 7 Justices	100% of salary
Judges of the courts of appeals and R.C. section 2501.16 employees	290 employees 68 judges	100% of salary in most cases (some R.C. section 2501.16 employees' salaries are split between the county and the state)
Common pleas, municipal, and county court judges	386 common pleas judges 208 municipal court judges 47 county judges	Varies; determined by statute
County clerks of courts	88 clerks	1/8 of salary for court of appeals-related services

### **Criminal Sentencing Commission**

The annual operating expenses of the Ohio Criminal Sentencing Council are also contained in the JSC budget and are paid almost entirely from a GRF special purpose account (line item 005-401). The Council, created pursuant to section 181.21 of the Revised Code, is charged with, among other duties and responsibilities, studying the state's criminal laws, sentencing patterns, and juvenile offender dispositions, 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.

### FYs 2006-2007 Expense by Fund Summary

The pie chart immediately below shows the total appropriations (FYs 2006 and 2007) by fund group. This information is shown for the GRF and for all funds.



### Vehicle Allowances (R.C. section 141.04)

The enacted budget amends section 141.04 of the Revised Code to provide a \$500 vehicle allowance per month for the Chief Justice and six Justices of the Supreme Court. According to the Court, for over 30 years the Justices of the Supreme Court have been assigned Court-owned vehicles for travel purposes. By transitioning to a vehicle allowance method, the Court anticipates a cost savings of approximately \$20,000 to \$25,000 per year based on eliminating the costs of buying, maintaining, and fueling vehicles, as well as staff time in performing those tasks.

### Vetoed Provisions

The Judiciary/Supreme Court is not directly affected by any of the items contained in Am. Sub. H.B. 66 that were vetoed by the Governor.

## ANALYSIS OF THE ENACTED BUDGET

For budget purposes, as detailed below, the Judiciary/Supreme Court (JSC) is considered a single program series agency and its activities are not subdivided into separate programs

### Program Series 1

### Operating Expenses

**Purpose:** To operate the state judicial system and to regulate the practice of law.

The following table displays the line items that are used to fund the operating expenses of the Judiciary/Supreme Court, as well as the enacted funding levels.

Fund	ALI	Title	FY 2006	FY 2007
<b>General Revenue Fund</b>				
GRF	005-321	Operating Expenses	\$118,855,655	\$121,441,259
GRF	005-401	State Criminal Sentencing Council	\$328,676	\$343,730
GRF	005-406	Law-Related Education	\$216,131	\$222,615
GRF	005-502	Legal Education Opportunity Commission	\$435,000	\$875,000
<b>General Revenue Fund Subtotal</b>			<b>\$119,835,462</b>	<b>\$122,882,604</b>
<b>State Special Revenue Fund</b>				
4C8	005-605	Attorney Registration	\$3,169,774	\$3,264,867
5T8	005-609	Grants and Awards	\$10,000	\$10,000
643	005-607	Commission on Continuing Legal Education	\$569,203	\$586,261
6A8	005-606	Supreme Court Admissions	\$1,410,718	\$1,453,042
<b>State Special Revenue Fund Subtotal</b>			<b>\$5,159,695</b>	<b>\$5,314,170</b>
<b>General Services Fund</b>				
GSF	005-601	Continuing Judicial Education	\$130,000	\$130,000
<b>General Services Fund Subtotal</b>			<b>\$130,000</b>	<b>\$130,000</b>
<b>Federal Special Revenue</b>				
FED	005-603	Federal Grants	\$848,070	\$861,382
<b>Federal Special Revenue Subtotal</b>			<b>\$848,070</b>	<b>\$861,382</b>
<b>Total Funding: Operating Expenses</b>			<b>\$125,973,227</b>	<b>\$129,188,156</b>

**Program Description:** The Supreme Court of Ohio: (1) adopts rules governing practice and procedure in Ohio's courts, (2) exercises superintendence over all state courts through its rule-making authority, (3) admits attorneys to the practice of law in Ohio, and (4) disciplines judges and attorneys for violation of their respective codes of conduct.

**Funding Sources:** (1) GRF, (2) admissions and registration fees, and (3) grants and awards.

**Implication of the Enacted Budget:** The enacted JSC annual operating budget, 95% of which is covered by moneys appropriated from the GRF, will essentially fund: (1) the salaries and fringe benefits of the judges of the Supreme Court of Ohio and the courts of appeals, (2) the state's share of the judge's salaries and fringe benefits in the courts of common pleas, municipal courts, and county courts, (3) the expenses of the state's judicial system, including supplements to the clerks of the courts of common pleas, (4) the operating expenses of the Supreme Court of Ohio, and (5) the operating expenses of the Ohio

Criminal Sentencing Commission. The GRF component of the JSC annual operating budget is increased: (1) by \$8.3 million, or 7.4%, in FY 2006 relative to the total amount of GRF expended in FY 2005, and (2) by \$3.0 million, or 2.5%, in FY 2007 relative to the amount of GRF appropriated for FY 2006. As of this writing, it appears that the total amount of funding appropriated in each of FYs 2006 and 2007 will be sufficient for JSC to maintain current service levels.